

103^D CONGRESS
2^D SESSION

H. R. 6

IN THE SENATE OF THE UNITED STATES

APRIL 15 (legislative day, APRIL 11), 1994

Received

APRIL 19 (legislative day, APRIL 11), 1994

Read twice and referred to the Committee on Labor and Human Resources

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.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Improving America’s Schools Act of 1994”.

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1 **SEC. 2. EFFECTIVE DATES; TRANSITION.**

2 (a) EFFECTIVE DATES.—(1)(A) Except as provided
3 in subparagraph (B), the provisions of title I of this Act
4 shall take effect July 1, 1995, except that those provisions
5 of title I that apply to programs under title VIII of the
6 Elementary and Secondary Education Act of 1965, as
7 amended by this Act, and to programs that are conducted
8 on a competitive basis, shall be effective with respect to
9 appropriations for use under such programs in fiscal year
10 1995 and in subsequent fiscal years.

11 (B) Title VIII of the Elementary and Secondary Edu-
12 cation Act of 1965, as amended by title I of this Act, shall
13 take effect on October 1, 1994.

14 (2) The provisions of title II of this Act shall be effec-
15 tive upon enactment, except that section 253 of such title
16 shall be effective—

17 (A) July 1, 1995, for noncompetitive programs
18 in which funds are allocated on the basis of a for-
19 mula; and

20 (B) for programs that are conducted on a com-
21 petitive basis, with respect to appropriations for use
22 under such programs in fiscal year 1995 and in sub-
23 sequent fiscal years.

24 (3)(A) Parts A and B of title III of this Act shall
25 take effect July 1, 1995.

1 (B) Part C of title III of this Act shall take effect
2 on October 1, 1994.

3 (b) TRANSITION.—Notwithstanding any other provi-
4 sion of law, a recipient of funds under the Elementary and
5 Secondary Education Act of 1965, as in effect prior to
6 amendment by this Act, may use funds available to it
7 under such predecessor authority to carry out necessary
8 and reasonable planning and transition activities in order
9 to ensure a smooth implementation of programs author-
10 ized by this Act.

11 **TITLE I—AMENDMENTS TO THE**
12 **ELEMENTARY AND SECOND-**
13 **ARY EDUCATION ACT OF 1965**

14 **SEC. 101. AMENDMENTS TO THE ELEMENTARY AND SEC-**
15 **ONDARY EDUCATION ACT OF 1965.**

16 The Elementary and Secondary Education Act of
17 1965 is amended to read as follows:

18 **“SECTION 1. SHORT TITLE.**

19 “This Act may be cited as the “Elementary and Sec-
20 ondary Education Act of 1965”.

1 **“TITLE I—IMPROVED EDU-**
2 **CATION FOR DISADVAN-**
3 **TAGED CHILDREN**

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

6 “(a) STATEMENT OF POLICY.—The Congress de-
7 clares it to be the policy of the United States that a high-
8 quality education for all persons and a fair and equal op-
9 portunity to obtain such education—

10 “(1) are a societal good necessary for creating
11 a vibrant future for our complex and diverse democ-
12 racy and for meeting the challenge of an internation-
13 ally competitive economy;

14 “(2) are a private good because individual op-
15 portunity is greatly enhanced by being well educated;

16 “(3) are a moral imperative in our society and
17 simple justice demands that the opportunity to ac-
18 quire skills and knowledge deemed necessary for
19 basic citizenship and economic opportunity be equal-
20 ly available to all; and

21 “(4) improve the life of every person, because
22 the quality of individual lives ultimately depends on
23 the quality of the lives of others.

24 “(b) RECOGNITION OF NEED.—The Congress recog-
25 nizes that—

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

6 “(2) the most urgent need for educational im-
7 provement is in schools with high concentrations of
8 children from low-income families and achieving the
9 National Education Goals will not be possible with-
10 out substantial improvement in these schools;

11 “(3) educational needs are particularly great for
12 low-achieving children in the highest-poverty schools,
13 children with limited English proficiency, children of
14 migrant workers, Indian children, children who are
15 neglected or delinquent, and young children and
16 their parents who are in need of family-literacy serv-
17 ices; and

18 “(4) while title I and other programs funded
19 under this Act contribute to narrowing the achieve-
20 ment gap between children in high-poverty and low-
21 poverty schools, such programs need to become even
22 more effective in improving schools in order to en-
23 able all children to achieve high standards.

1 “(c) WHAT HAS BEEN LEARNED.—To enable schools
2 to provide all children a high-quality education, this title
3 builds upon what has been learned:

4 “(1) All children can master challenging con-
5 tent and complex problem-solving skills and research
6 clearly shows that children, including low-achieving
7 children, can succeed when expectations are high
8 and they are given the opportunity to learn challeng-
9 ing material.

10 “(2) Conditions outside the classroom such as
11 hunger, unsafe living conditions, homelessness, un-
12 employment, violence, inadequate health care, child
13 abuse, and drug and alcohol abuse can adversely af-
14 fect children’s academic achievement and must be
15 addressed through the coordination of services, such
16 as health and social services, in order for the Nation
17 to meet the National Education Goals.

18 “(3) A better understanding of the principles of
19 good health can help children and adolescents suc-
20 ceed in school, become active, productive members of
21 society, and successfully compete in a rapidly chang-
22 ing global economy. Schools that provide quality
23 physical and health education contribute to enhanced
24 knowledge, behavior, and fitness of children and ado-
25 lescents.

1 “(4) Use of low-level tests that are not aligned
2 with schools’ curricula fails to provide adequate in-
3 formation about what children know and can do and
4 encourages curricula and instruction that focus on
5 the low-level skills measured by such tests.

6 “(5) Resources are more effective when they en-
7 sure that children have full access to effective regu-
8 lar school programs and receive supplemental help
9 through extended-time activities.

10 “(6) The disproven theory that children must
11 first learn basic skills before engaging in more com-
12 plex tasks continues to dominate strategies for class-
13 room instruction, resulting in emphasis on repetitive
14 drill and practice at the expense of content-rich in-
15 struction, accelerated curricula, and effective teach-
16 ing to high standards.

17 “(7) Intensive and sustained professional devel-
18 opment for teachers and other school staff (focused
19 on teaching and learning and on helping children at-
20 tain high standards) is too often not provided.

21 “(8) Insufficient attention and resources are di-
22 rected toward the effective use of technology in
23 schools and the role it can play in professional devel-
24 opment and improved teaching and learning.

1 “(9) All parents can contribute to their chil-
2 dren’s success by helping at home and becoming
3 partners with teachers so that children can achieve
4 high standards.

5 “(10) Decentralized decisionmaking is a key in-
6 gredient of systemic reform. Schools need the re-
7 sources, flexibility, and responsibility to design and
8 implement effective strategies for bringing children
9 to high levels of performance and should accept re-
10 sponsibility to do so.

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

15 “(12) Attention to academics alone cannot en-
16 sure that all children will reach high standards. The
17 health and other needs of children that affect learn-
18 ing are frequently unmet, particularly in high-pov-
19 erty schools, thereby necessitating coordination of
20 services to better meet children’s needs.

21 “(13) Resources provided under this title can
22 be better targeted on the highest-poverty local edu-
23 cational agencies and schools that have children
24 most in need.

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 knowledge and skills contained
4 in the rigorous State content standards and to meet the
5 challenging State performance standards developed for all
6 children under the Goals 2000: Educate America Act or,
7 in their absence, under this title. This purpose shall be
8 accomplished by—

9 “(1) ensuring high standards for all children
10 and aligning the efforts of States, local educational
11 agencies, and schools to help children served under
12 this title to reach such standards;

13 “(2) providing children an enriched and acceler-
14 ated educational program through schoolwide pro-
15 grams or through additional services that increase
16 the amount and quality of instructional time so that
17 children served under this title receive at least the
18 classroom instruction that other children receive;

19 “(3) promoting schoolwide reform and ensuring
20 access of children (from the earliest grades) to effec-
21 tive instructional strategies and challenging aca-
22 demic content that includes intensive complex think-
23 ing and problem-solving experiences;

24 “(4) significantly upgrading the quality of cur-
25 ricula and instruction by providing staff in partici-

1 pating schools with substantial opportunities for in-
2 tensive and sustained professional development;

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

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

10 “(7) distributing resources, in amounts suffi-
11 cient to make a difference, to schools where needs
12 are greatest;

13 “(8) improving accountability, as well as teach-
14 ing and learning, by using State assessment systems
15 designed to measure how well children are achieving
16 high State standards of performance expected of all
17 children; and

18 “(9) providing greater decisionmaking authority
19 and flexibility to schools and teachers in exchange
20 for greater responsibility for student performance.

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

22 “Appropriations are authorized for the following pro-
23 grams and activities under this title:

24 “(1) LOCAL EDUCATIONAL AGENCY GRANTS.—

25 For the purpose of carrying out part A of this title,

1 other than sections 1117, and 1120(d), there are au-
2 thorized to be appropriated \$7,400,000,000 for fis-
3 cal year 1995 and such sums as may be necessary
4 for each of the fiscal years 1996, 1997, 1998, and
5 1999.

6 “(2) EVEN START.—For the purpose of carry-
7 ing out part B of this title, there are authorized to
8 be appropriated \$118,000,000 for fiscal year 1995
9 and such sums as may be necessary for each of the
10 fiscal years 1996, 1997, 1998, and 1999.

11 “(3) EDUCATION OF MIGRATORY CHILDREN.—
12 For the purpose of carrying out part C of this title,
13 there are authorized to be appropriated
14 \$310,000,000 for fiscal year 1995 and such sums as
15 may be necessary for each of the fiscal years 1996,
16 1997, 1998, and 1999.

17 “(4) PREVENTION AND INTERVENTION SERV-
18 ICES FOR DELINQUENT YOUTH AND YOUTH AT RISK
19 OF DROPPING OUT.—For the purpose of carrying
20 out part D of this title, there are authorized to be
21 appropriated \$40,000,000 for fiscal year 1995 and
22 such sums as may be necessary for each of the fiscal
23 years 1996, 1997, 1998, and 1999.

24 “(5) CAPITAL EXPENSES.—For the purpose of
25 carrying out section 1120(d) of this title, there are

1 authorized to be appropriated \$41,434,000 for fiscal
2 year 1995 and such sums as may be necessary for
3 each of the fiscal years 1996, 1997, 1998, and 1999.

4 “(6) SCHOOL IMPROVEMENT.—For the purpose
5 of carrying out the activities authorized in section
6 1117 of this title, there are authorized to be appro-
7 priated \$30,000,000 for fiscal year 1995 and such
8 sums as may be necessary for each of the fiscal
9 years 1996, 1997, 1998, and 1999.

10 “(7) FEDERAL ACTIVITIES.—(A) For the pur-
11 pose of carrying out section 1501 of this title, there
12 are authorized to be appropriated \$9,000,000 for
13 fiscal year 1995 and such sums as may be necessary
14 for each of the fiscal years 1996, 1997, 1998, and
15 1999.

16 “(B) For the purpose of carrying out sections
17 1502 and 1503 of this title, there are authorized to
18 be appropriated \$20,000,000 for fiscal year 1995
19 and such sums as may be necessary for each of the
20 fiscal years 1996, 1997, 1998, and 1999.

1 **“PART A—BASIC PROGRAMS OPERATED BY**

2 **LOCAL EDUCATIONAL AGENCIES**

3 **“Subpart 1—Basic Program Requirements**

4 **“SEC. 1111. STATE PLANS.**

5 “(a) PLANS REQUIRED.—(1) Any State desiring to
6 receive a grant under this part shall submit to the Sec-
7 retary a plan, developed in consultation with local edu-
8 cational agencies, teachers, administrators, and parents,
9 that—

10 “(A)(i) is integrated with the State’s plan, ei-
11 ther approved or being developed, under title III of
12 the Goals 2000: Educate America Act, and satisfies
13 the requirements of this section that are not already
14 addressed by that State plan; and

15 “(ii) is integrated with other State plans, if
16 any, under the School-to-Work Opportunities Act of
17 1993 and the Carl D. Perkins Vocational and Ap-
18 plied Technology Education Act, to the extent that
19 these plans have not already been incorporated in
20 the State’s plan under title III of the Goals 2000:
21 Educate America Act; or

22 “(B) if the State does not have an approved
23 plan under title III of the Goals 2000: Educate
24 America Act and is not developing such a plan—

25 “(i) is integrated with other State plans
26 under this Act and other plans, including those

1 under the School-to-Work Opportunities Act of
2 1993 and the Carl D. Perkins Vocational and
3 Applied Technology Education Act, where such
4 plans exist; and

5 “(ii) satisfies the requirements of this sec-
6 tion.

7 “(2) The plan may be submitted as part of a consoli-
8 dated application under section 9302.

9 “(3) A State may satisfy all or part of the require-
10 ments of this section by referencing applicable sections of
11 its approved State plan under title III of the Goals 2000:
12 Educate America Act.

13 “(b) STANDARDS AND ASSESSMENT PROVISIONS.—

14 (1)(A) Each State plan shall demonstrate that the State
15 has developed or adopted high-quality standards for chil-
16 dren served under this title that will be used by the State,
17 its local educational agencies, and its schools to carry out
18 this Act and that these standards be as challenging and
19 of the same high-quality as they are for all children. These
20 standards shall include—

21 “(i) challenging content standards in the core
22 academic subjects that—

23 “(I) specify what children served under
24 this title are expected to know and be able to
25 do;

1 “(II) contain coherent and rigorous con-
2 tent; and

3 “(III) emphasize the teaching of advanced
4 skills;

5 “(ii) challenging performance standards that—

6 “(I) are aligned with the State’s content
7 standards;

8 “(II) describe two levels of high perform-
9 ance, ‘proficient’ and ‘advanced’, that determine
10 how well children served under this title are
11 mastering the material in the content stand-
12 ards; and

13 “(III) include a third benchmark below
14 proficient, if necessary, to provide complete in-
15 formation about the progress of the lower-per-
16 forming children toward achieving the high
17 ‘proficient’ and ‘advanced’ performance stand-
18 ards; and

19 “(iii) model opportunity to learn standards for
20 schools which receive assistance under this title that
21 address—

22 “(I) the alignment of curricula, instruc-
23 tional materials, and other school resources
24 with the content and performance standards
25 adopted by the State;

1 “(II) the capability of teachers to provide
2 high quality instruction within each subject
3 area for which the State has adopted content
4 and performance standards; and

5 “(III) such other factors that the State
6 deems appropriate to ensure that students
7 served under this title receive a fair opportunity
8 to achieve the knowledge and skills described in
9 content and performance standards adopted by
10 the State.

11 “(B) For those core academic subjects in which a
12 State has not adopted challenging content and perform-
13 ance standards, the State plan shall include a schedule
14 for their development that includes the completion of
15 standards in mathematics and reading/language arts by
16 the end of the interim period as described in paragraph
17 (8).

18 “(2)(A) Each State plan shall demonstrate, based on
19 assessments described under paragraph (3), what con-
20 stitutes adequate yearly progress of—

21 “(i) any school served under this part toward
22 enabling children to meet the State’s ‘proficient’ and
23 ‘advanced’ performance standards; and

24 “(ii) any local educational agency that received
25 funds under this part toward enabling children in

1 schools receiving assistance under this part to meet
2 the State’s ‘proficient’ and ‘advanced’ performance
3 standards.

4 “(B) Adequate yearly progress shall be defined in a
5 manner—

6 “(i) that is consistent with criteria of general
7 applicability established by the Secretary and results
8 in continuous and substantial yearly improvement
9 for economically disadvantaged, limited-English pro-
10 ficient, and all students under this title in each
11 school and local educational agency toward the goal
12 of all children under this title meeting the State’s
13 challenging ‘advanced’ performance standards; and

14 “(ii) links progress primarily to performance on
15 the assessments carried out under this section while
16 permitting progress to be established in part
17 through the use of other outcome-based measures
18 such as reductions in drop-out rates.

19 “(3) Each State plan shall demonstrate that the
20 State has developed or adopted a set of high-quality, year-
21 ly student assessments that will be used as the primary
22 means of determining the yearly performance of each local
23 educational agency and school receiving assistance under
24 this part in enabling children served under this title to
25 meet the State’s performance standards and that these as-

1 assessments be challenging and of the same high-quality as
2 they are for all children. These assessments shall—

3 “(A) be aligned with the State’s challenging
4 content and performance standards and provide co-
5 herent information about student attainment of such
6 standards;

7 “(B) be used for purposes for which they are
8 valid and reliable, and be consistent with relevant
9 nationally recognized professional and technical
10 standards of assessments;

11 “(C) shall measure the proficiency of students
12 in the core academic subjects in which a State has
13 adopted challenging content and performance stand-
14 ards and be administered at some time during—

15 “(i) grades 3 through 5;

16 “(ii) grades 6 through 9; and

17 “(iii) grades 10 through 12.

18 “(D) be comprised of multiple, up-to-date meas-
19 ures of student performance;

20 “(E)(i) include limited-English proficient stu-
21 dents who shall be assessed, to the extent prac-
22 ticable, in the language and form most likely to yield
23 accurate and reliable information on what these stu-
24 dents know and can do, to determine their mastery
25 of skills in subjects other than English;

1 “(ii) include students who have been resident in
2 a local educational agency for a full academic year
3 but have not attended a single school for a full year,
4 provided that the performance of students who have
5 attended more than one school in the local edu-
6 cational agency in any academic year shall be used
7 only in determining the progress of the local edu-
8 cational agency; and

9 “(iii) include students with disabilities who shall
10 be assessed, to the extent practicable, in a manner
11 and form most likely to yield accurate and reliable
12 information on what these students know and can
13 do, including assessment accommodations and modi-
14 fications necessary to make such determinations,
15 provided that those students who are determined,
16 through valid evaluation conducted by qualified per-
17 sonnel, to be so severely cognitively impaired as to
18 permanently lack the capacity to make any edu-
19 cational progress, with the provision of special edu-
20 cation and related services, in meeting the State
21 content and performance standards may be exempt-
22 ed from the assessment process;

23 “(F) provide individual student scores; and

24 “(G) provide for disaggregated results within
25 each State, local educational agency, and school by

1 gender, by each major racial and ethnic group, by
2 English proficiency status, and by economically dis-
3 advantaged students as compared to students who
4 are not economically disadvantaged.

5 “(4) Each State plan shall identify the languages
6 other than English that are present in the participating
7 student population and indicate the languages for which
8 yearly student assessments are not available and are need-
9 ed. The State shall make every effort to develop such as-
10 sessments and shall notify the Secretary if linguistically-
11 accessible assessment measures are needed. Upon notifica-
12 tion, the Secretary shall assist with the identification of
13 appropriate assessment measures in the needed languages
14 through the Office of Bilingual Education and Minority
15 Language Affairs.

16 “(5) If a State has developed or adopted challenging
17 content and performance standards and an aligned set of
18 assessments for all students such as those developed under
19 title III of the Goals 2000: Educate America Act, or an-
20 other process, the State shall use such standards and as-
21 sessments, modified, if necessary, to conform with the re-
22 quirements of paragraphs (1)(A)(ii), (2), and (3).

23 “(6) If, after 2 years, a State does not have challeng-
24 ing content and performance standards that meet the re-
25 quirements of paragraph (1) or after 3 years, a State does

1 not have assessments that meet the requirements of para-
2 graph (3), a State shall adopt a set of standards and
3 aligned assessments such as the standards and assess-
4 ments contained in other State plans that the Secretary
5 has approved.

6 “(7)(A) If a State does not have assessments that
7 meet the requirements of paragraph (3), the State may
8 propose to use an interim set of yearly statewide assess-
9 ments that will assess the performance of complex skills
10 and challenging subject matter.

11 “(B) For any year during which a State is using an
12 interim assessment system, the State shall devise a means
13 for identifying schools and local educational agencies in
14 need of improvement under section 1116.

15 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
16 AND LEARNING.—Each State plan shall also describe—

17 “(1)(A) the means by which the State edu-
18 cational agency will work with other agencies, in-
19 cluding educational service agencies or other local
20 consortia, and institutions to provide technical as-
21 sistance to local educational agencies and schools to
22 carry out the State educational agency’s responsibil-
23 ities under this part, including assistance in provid-
24 ing high quality professional development under sec-

1 tion 1119 and technical assistance under section
2 1117; and

3 “(B)(i) where educational service agencies exist,
4 the State educational agency shall consider providing
5 professional development and technical assistance
6 through such agencies; and

7 “(ii) where educational service agencies do not
8 exist, the State educational agency shall consider
9 providing professional development and technical as-
10 sistance through other cooperative agreements such
11 as a consortium of local educational agencies;

12 “(2) the measure of poverty that local edu-
13 cational agencies shall use which shall include such
14 measures as the number of children age 5 to 7 in
15 poverty counted in the most recent census data ap-
16 proved by the Secretary, the number of children eli-
17 gible to receive free and reduced price lunches under
18 the National School Lunch Act, the number of chil-
19 dren in families receiving assistance under Aid to
20 Families With Dependent Children or the number of
21 children eligible to receive medical assistance under
22 the Medicaid program; or a composite of such indi-
23 cators;

24 “(3) how the State educational agency will no-
25 tify local educational agencies and the public of the

1 standards and assessments developed under this sec-
2 tion, and of the authority to operate schoolwide pro-
3 grams, and fulfill its local educational agency and
4 school improvement responsibilities under section
5 1116, including the corrective actions it will take
6 under section 1116(d)(6);

7 “(4) how the State educational agency will en-
8 courage the use of funds from other Federal, State,
9 and local sources for schoolwide reform in
10 schoolwide programs under section 1114;

11 “(5) how the Committee of Practitioners estab-
12 lished under section 1603(b) was substantially in-
13 volved in the development of the plan and will con-
14 tinue to be involved in monitoring its implementation
15 by the State;

16 “(6) how the State educational agency will as-
17 sess the needs of local educational agencies serving
18 rural areas and the plans the State educational
19 agency has to meet those needs;

20 “(7) how the State educational agency will en-
21 courage the establishment and operation of coopera-
22 tive education, mentoring, and apprenticeship pro-
23 grams, involving business and industry; and

1 “(8) how the State will coordinate activities
2 funded under this part with school-to-work and voca-
3 tional education programs, as appropriate.

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

6 “(1) shall establish a peer review process to as-
7 sist in the review of State plans;

8 “(2) shall appoint individuals to the peer review
9 process who shall be representative of State edu-
10 cational agencies, local educational agencies, teach-
11 ers, and parents;

12 “(3) shall, following an initial peer review, ap-
13 prove a State plan the Secretary determines meets
14 the requirements of subsections (a), (b), and (c);
15 and

16 “(4)(A) shall, if the Secretary determines that
17 the State plan does not meet the requirements of
18 subsection (a), (b), or (c), immediately notify the
19 State of such determination and the reasons for it;

20 (B) shall not decline to approve a State’s plan
21 before offering the State an opportunity to revise its
22 plan or application, provide technical assistance in
23 order to assist the State to meet the requirements
24 under subsections (a), (b), and (c) and a hearing;
25 and

1 (C) may withhold funds until determining that
2 the plan meets the requirements of this section, pro-
3 vided, however, that the Secretary may not withhold
4 funds on the basis of the specific content of the op-
5 portunity-to-learn standards adopted by a State
6 under this section.

7 “(e) DURATION OF THE PLAN.—(1) Each State plan
8 shall—

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

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

14 “(2) If the State makes significant changes in its
15 plan, such as the adoption of new content and perform-
16 ance standards, new assessments, or a new definition of
17 adequate progress, the State shall submit this information
18 to the Secretary for approval.

19 “(f) Nothing in this title shall be construed to author-
20 ize an officer or employee of the Federal Government to
21 mandate, direct, or control a State, local educational agen-
22 cy, or school’s specific instructional content or pupil per-
23 formance standards and assessments, curriculum, or pro-
24 gram of instruction as a condition of eligibility to receive
25 funds under this title.

1 “(g) Notwithstanding any other provision of this Act,
2 the implementation of model opportunity-to-learn stand-
3 ards shall be voluntary on the part of the States, local
4 educational agencies, and schools.

5 “(h) Nothing in this title shall be construed to au-
6 thorize an officer, or employee of the Federal Government
7 to mandate, direct, or control a State, local educational
8 agency, or school’s specific opportunity-to-learn standards
9 as a condition of eligibility to receive funds under this title.

10 “(i) Nothing in this section shall be construed to cre-
11 ate a legally enforceable right for any person against a
12 State, local educational agency, or school based on oppor-
13 tunity-to-learn standards.

14 “(j) Nothing in this section shall be construed to
15 mandate equalized spending per pupil for State, local edu-
16 cational agency, or school.

17 “(k) Nothing in this section shall be construed to
18 mandate national school building standards for a State,
19 local educational agency, or school.

20 “(l) If aggregate State expenditure by the State edu-
21 cational agency for operation of elementary and secondary
22 education programs is less than the State educational
23 agency’s aggregate Federal allocation for State operation
24 of all Federal elementary and secondary education pro-
25 grams, then the State plan for title I must include assur-

1 ances and specific provisions for State expenditures for op-
2 eration of elementary and secondary education programs
3 to equal or exceed the level of Federal expenditures for
4 such operation by fiscal year 1999.

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

6 “(a) PLANS REQUIRED.—(1) A local educational
7 agency may receive a subgrant under this part for any
8 fiscal year only if it has on file with the State educational
9 agency a plan, approved by the State educational agency,
10 that—

11 “(A)(i) is integrated with the local educational
12 agency’s plan, either approved or being developed,
13 under title III of the Goals 2000: Educate America
14 Act, and satisfies the requirements of this section
15 that are not already addressed by that State plan;
16 and

17 “(ii) is integrated with local plans, if any, under
18 the School-to-Work Opportunities Act of 1993 and
19 the Carl D. Perkins Vocational and Applied Tech-
20 nology Education Act, to the extent that such plans
21 have not already been incorporated into the local
22 educational agency’s plan under title III of the Goals
23 2000: Educate America Act; or

24 “(B) if the local educational agency does not
25 have an approved plan under title III of the Goals

1 2000: Educate America Act and is not developing
2 such a plan—

3 “(i) is integrated with other local plans
4 under this Act and other plans, including those
5 under the School-to-Work Opportunities Act of
6 1993 and the Carl D. Perkins Vocational and
7 Applied Technology Education Act, where such
8 plans exist; and

9 “(ii) satisfies the requirements of this sec-
10 tion.

11 “(2) The plan may be submitted as part of a consoli-
12 dated application under section 9302.

13 “(3) A local educational agency may satisfy all or
14 part of the requirements of this section by referencing ap-
15 plicable sections of its approved plan under title III of the
16 Goals 2000: Educate America Act.

17 “(b) STANDARDS AND ASSESSMENT PROVISIONS.—
18 Each local educational agency plan shall include—

19 “(1) a description of its challenging content and
20 performance standards, if any, in the core subjects,
21 in addition to the content and performance stand-
22 ards adopted by the State under section 1111, that
23 the local educational agency expects children served
24 under this title to meet;

1 “(2) a description, based on the assessments
2 described under paragraph (3), of what constitutes
3 adequate yearly progress if a local educational agen-
4 cy elects to establish such measures that are more
5 stringent than the measures described in the State
6 plan under section 1111;

7 “(3) a description of additional high-quality
8 student assessments, if any, other than the assess-
9 ments described in the State plan under section
10 1111, that the local educational agency and schools
11 served under this part will use to—

12 “(A) determine the success of children
13 served under this title in meeting the State’s
14 performance standards;

15 “(B) assist in diagnosis, teaching, and
16 learning in the classroom in ways that best en-
17 able children served under this title to meet
18 State standards and do well in the local cur-
19 riculum; and

20 “(C) determine what revisions are needed
21 to projects under this part so that such children
22 will meet the State’s performance standards.

23 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
24 AND LEARNING.—(1) To ensure high-quality instruction
25 to enable participating children to meet the State’s chal-

1 lenging performance standards expected of all students,
2 each local educational agency plan shall describe a coher-
3 ent strategy for intensive and sustained professional devel-
4 opment for teachers, administrators, and other staff, in-
5 cluding staff of such agency, in accordance with section
6 1119.

7 “(2) Each local educational agency plan shall de-
8 scribe how the local educational agency will—

9 “(A) notify schools of the authority to operate
10 schoolwide programs;

11 “(B) work in consultation with schools as the
12 schools develop their plans pursuant to section 1114
13 or 1115 and assist schools as they implement such
14 plans so that each school can make adequate yearly
15 progress toward meeting the State’s standards; and

16 “(C) fulfill its school improvement responsibil-
17 ities under section 1116, including the corrective ac-
18 tions it will take under section 1116(c)(5).

19 “(3) To address the comprehensive needs of children
20 served under this title, each local educational agency plan
21 shall describe how the local educational agency will—

22 “(A) coordinate and integrate services provided
23 under this part with other educational services at
24 the local educational agency or individual school
25 level, including—

1 “(i) Even Start, Head Start, and other
2 preschool programs, including plans for the
3 transition of participants in such programs to
4 local elementary school programs, vocational
5 education programs, and school-to-work transi-
6 tion programs; and

7 “(ii) services for children with limited Eng-
8 lish proficiency or with disabilities, migratory
9 children served under part C of this title or who
10 were formerly eligible for services under part C
11 in the 2-year period preceding the date of the
12 enactment of this title, delinquent youth and
13 youth at risk of dropping out served under part
14 D of this title, homeless children, and immi-
15 grant children in order to increase program ef-
16 fectiveness, eliminate duplication, and reduce
17 fragmentation of the children’s instructional
18 program; and

19 “(B) coordinate and collaborate with other
20 agencies providing services to children, youth, and
21 families, including health and social services.

22 “(4) The local educational agency plan also shall in-
23 clude a description of—

24 “(A) the poverty criteria that will be used to se-
25 lect school attendance areas under section 1113;

1 “(B) the multiple criteria that will be used by
2 targeted assistance schools under section 1115 to
3 identify children eligible for services under this part;

4 “(C) the nature of the programs to be con-
5 ducted by its schools under sections 1114 and 1115
6 and services outside such schools for children in
7 local institutions for neglected or delinquent children
8 and eligible homeless children, in accordance in sec-
9 tion 1115(b)(2)(D);

10 “(D) how the local educational agency will en-
11 sure that migratory children and formerly migratory
12 children who are eligible to receive services under
13 this part are selected to receive such services on the
14 same basis as other children who are selected to re-
15 ceive services under this part;

16 “(E) how a school that plans to serve preschool
17 children through the Head Start or Even Start pro-
18 grams will use its funds to expand such programs to
19 serve preschool children from its attendance area
20 that otherwise would not have been served or in-
21 crease the level of service to children presently being
22 served;

23 “(F) how the local educational agency will pro-
24 vide services to eligible children attending private el-
25 ementary and secondary schools in accordance with

1 section 1120, and how timely and meaningful con-
2 sultation with private school officials regarding such
3 services will occur; and

4 “(G) the number of schoolwide programs that
5 will be operating in the local educational agency.

6 “(d) PLAN DEVELOPMENT AND DURATION.—Each
7 local educational agency plan shall—

8 “(1) be developed in consultation with teachers,
9 including vocational teachers, where appropriate,
10 and parents of children in schools served under this
11 part; and

12 “(2)(A) remain in effect for the duration of the
13 local educational agency’s participation under this
14 part; and

15 “(B) periodically be reviewed and revised, as
16 necessary, to reflect changes in the local educational
17 agency’s strategies and programs.

18 “(e)(1) STATE APPROVAL.—The State educational
19 agency shall approve a local educational agency’s plan only
20 if the State educational agency determines that the plan
21 will enable schools served under this part to substantially
22 help children served under this title to meet the State’s
23 challenging performance standards expected of all chil-
24 dren.

1 “(2) The State educational agency shall review the
2 local educational agency’s plan to determine if such agen-
3 cy’s professional development activities are in accordance
4 with section 1119.

5 “(f) PROGRAM RESPONSIBILITY.—The local edu-
6 cational agency plan shall reflect the shared responsibility
7 of schools, teachers, and the local educational agency in
8 making decisions required under sections 1114 and 1115.

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

10 “(a) IN GENERAL.—(1)(A)(i) A local educational
11 agency shall use funds received under this part only in
12 school attendance areas with high concentrations of chil-
13 dren from low-income families, hereafter in this section
14 referred to as ‘eligible school attendance areas’.

15 “(ii) For the purposes of this part—

16 “(I) ‘school attendance area’ means, in relation
17 to a particular school, the geographical area in
18 which the children who are normally served by such
19 school reside; and

20 “(II) ‘eligible school attendance area’ means a
21 school attendance area in which the percentage of
22 children from low-income families is at least as high
23 as the percentage of children from low-income fami-
24 lies in the local educational agency as a whole.

1 “(B) If funds allocated in accordance with subsection
2 (c) are insufficient to serve all eligible school attendance
3 areas, a local educational agency shall—

4 “(i) annually rank, without regard to grade
5 spans, its eligible school attendance areas in which
6 the concentration of children from low-income fami-
7 lies exceeds 75 percent from highest to lowest ac-
8 cording to the percentage of children from low-in-
9 come families; and

10 “(ii) serve such eligible school attendance areas
11 in rank order.

12 “(C) If funds remain after serving all eligible school
13 attendance areas under subparagraph (B), a local edu-
14 cational agency shall—

15 “(i) annually rank its remaining eligible school
16 attendance areas from highest to lowest either by
17 grade span or for the entire local educational agency
18 according to the percentage of children from low-in-
19 come families; and

20 “(ii) serve such eligible school attendance areas
21 in rank order either within each grade-span group-
22 ing or within the local educational agency as a
23 whole.

24 “(2) The local educational agency shall use as the
25 measure of poverty, the number of children ages 5–17 in

1 poverty counted in the most recent census data approved
2 by the Secretary, the number of children eligible for free
3 and reduced priced lunches under the National School
4 Lunch Act, the number of children in families receiving
5 assistance under Aid to Families with Dependent Children
6 or the number of children eligible to receive medical assist-
7 ance under the Medicaid program, or a composite of such
8 indicators, with respect to all school attendance areas in
9 the local educational agency—

10 “(A) to identify eligible school attendance areas;

11 “(B) to determine the ranking of each area;

12 and

13 “(C) to determine allocations under subsection

14 (c).

15 “(3) This subsection shall not apply to a local edu-
16 cational agency with a total enrollment of less than 1,000
17 children.

18 “(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—

19 Notwithstanding subsection (a)(1), a local educational
20 agency may—

21 “(1) designate as eligible any school attendance
22 area or school in which at least 50 percent of the
23 children are from low-income families;

24 “(2) use funds received under this part in a
25 school that is not in an eligible school attendance

1 area, if the percentage of children from low-income
2 families enrolled in the school is equal to or greater
3 than the percentage of such children in a participat-
4 ing school attendance area of such agency;

5 “(3)(A) elect not to serve an eligible school at-
6 tendance area or eligible school that has a higher
7 percentage of children from low-income families if—

8 “(i) the school meets the comparability re-
9 quirements of section 1121(c);

10 “(ii) the school is receiving supplemental
11 funds from other State or local sources that are
12 spent according to the requirements of section
13 1114 or 1115; and

14 “(iii) the funds expended from such other
15 sources equal or exceed the amount that would
16 be provided under this part; and

17 “(B) notwithstanding subparagraph (A), the
18 number of children attending private elementary and
19 secondary schools who are to receive services, and
20 the assistance they are to receive under this part,
21 shall be determined without regard to whether the
22 public school attendance area in which such children
23 reside is passed over under this paragraph;

24 “(4) use funds received under this part to serve
25 eligible children who reside in school attendance

1 areas served under the part and who attend schools
2 in other school attendance areas in accordance with
3 a court-ordered school desegregation plan or a plan
4 which continues to be implemented in accordance
5 with a district-wide, court-ordered desegregation
6 plan; and

7 “(5) in local educational agencies that have over
8 900,000 students, to the extent feasible, use funds
9 received under this part to serve educationally de-
10 prived children who reside in school attendance
11 areas having high concentrations of children from
12 low-income families and who otherwise meet the eli-
13 gibility requirements of this part and who attend
14 schools in noneligible attendance areas.

15 “(c) ALLOCATIONS.—(1) A local educational agency
16 shall allocate funds received under this part to eligible
17 school attendance areas or eligible schools, identified
18 under subsection (a) or (b), in rank order, on the basis
19 of the total number of children from low-income families
20 in each area or school.

21 “(2)(A) Except as provided in subparagraph (B), the
22 per-pupil amount of funds allocated to each school attend-
23 ance area or school under paragraph (1) shall be not less
24 than 80 percent of the per-pupil amount of funds the local

1 educational agency received for such year under sections
2 1124, 1124A, and 1125.

3 “(B) A local educational agency may reduce the
4 amount of funds allocated under subparagraph (A) for a
5 school attendance area or school by the amount of any
6 supplemental State and local funds expended in such
7 school attendance area or school for programs that meet
8 the requirements of section 1114 or 1115.

9 “(3) A local educational agency shall reserve such
10 funds as are necessary under this part to provide services
11 comparable to the services provided to children in schools
12 funded under this part to serve—

13 “(A) homeless children in accordance with sec-
14 tion 1115(b)(2)(D); and

15 “(B) children in local institutions for delinquent
16 children.

17 **“SEC. 1114. SCHOOLWIDE PROGRAMS.**

18 “(a) USE OF FUNDS FOR SCHOOLWIDE PRO-
19 GRAMS.—(1) A local educational agency may use funds
20 under this part, in combination with other Federal, State,
21 and local funds, to upgrade the entire educational program
22 in an eligible school if, for the initial year of the schoolwide
23 program, the school meets the following criteria:

24 “(A) For the school year 1995–96—

1 “(i) the school serves an eligible school at-
2 tendance area in which at least 65 percent of
3 the children are from low-income families; or

4 “(ii) at least 65 percent of the children en-
5 rolled in the school are from such families.

6 “(B) For school year 1996–97 and thereafter,
7 the percentage requirement of clauses (i) and (ii) of
8 subparagraph (A) shall be 60 percent.

9 “(2) The provisions of paragraph (1) notwithstand-
10 ing, a local educational agency may start new schoolwide
11 programs only after the State educational agency provides
12 written information to each local educational agency in the
13 State that—

14 “(A) demonstrates that such State agency has
15 established the statewide system of support and im-
16 provement required by section 1117 (c)(1) and (e);
17 and

18 “(B) describes how such statewide system, to-
19 gether with other providers of assistance with which
20 the State has made specific arrangements to assist
21 schoolwide programs, such as comprehensive tech-
22 nical assistance centers, regional laboratories, and
23 institutions of higher education, has the capability of
24 providing on-site assistance if necessary to each eli-
25 gible school.

1 “(3) A schoolwide program school shall use such
2 funds only to supplement the amount of funds that would,
3 in the absence of funds under this part, be made available
4 from non-Federal sources for the school, including funds
5 needed to provide services that are required by law for
6 children with disabilities and children with limited English
7 proficiency.

8 “(4) A school may use funds received under any non-
9 competitive, formula-grant program administered by the
10 Secretary, excluding programs under the Individuals With
11 Disabilities Education Act, and any discretionary program
12 contained on a list (updated as necessary) issued by the
13 Secretary to support a schoolwide program, notwithstand-
14 ing any provision of the statute or regulations governing
15 any such program.

16 “(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

17 (1) A schoolwide program shall include the following
18 components:

19 “(A) A comprehensive needs assessment of the
20 entire school that is based on information on the
21 performance of children in relation to the State’s
22 standards.

23 “(B) Schoolwide reform strategies that—

1 “(i) provide opportunities for all children
2 to meet the State’s ‘proficient’ and ‘advanced’
3 performance standards expected of all children;

4 “(ii) are based on research on effective
5 means of improving the achievement of chil-
6 dren;

7 “(iii) use effective instructional strategies
8 which may include the integration of vocational
9 and academic learning (including applied learn-
10 ing and team teaching strategies) that increase
11 the amount and quality of learning time, such
12 as providing an extended school year and
13 before- and after-school programs and opportu-
14 nities, and help provide an enriched and accel-
15 erated curriculum rather than remedial drill
16 and practice, and that incorporate gender-equi-
17 table methods and practices;

18 “(iv) address the needs of all children in
19 the school, but particularly the needs of low-
20 achieving children, children with limited-English
21 proficiency, children from migratory families,
22 and children who are members of the target
23 population of any program that is included in
24 the schoolwide program, address how the school
25 will determine if such needs have been met, de-

1 scribe the current program being offered to lim-
2 ited-English proficient students, and address
3 how the school will build upon, expand, or co-
4 ordinate the schoolwide program with the cur-
5 rent program; and

6 “(v) are consistent with, and are designed
7 to implement, the State and local reform plans,
8 if any, approved under title III of the Goals
9 2000: Educate America Act.

10 “(C) Instruction by highly qualified professional
11 staff.

12 “(D) Intensive and sustained professional devel-
13 opment for teachers, principals, and other staff, in-
14 cluding aides, in accordance with section 1120, to
15 enable all children in the school to meet the State’s
16 performance standards.

17 “(E) Strategies to increase parental involve-
18 ment, including family literary services.

19 “(F) Plans for assisting preschool children in
20 the transition from early childhood programs, such
21 as Head Start, Even Start, or a State-run preschool
22 program, to local elementary school programs.

23 “(G) Additionally, in schools serving children
24 beyond grade six, in coordination with funds avail-

1 able from other programs and, as appropriate, draw-
2 ing on private and public organizations—

3 “(i) counseling and mentoring services;

4 “(ii) college and career awareness, explo-
5 ration, and preparation, such as college and ca-
6 reer guidance, comprehensive career develop-
7 ment, occupational information, enhancement of
8 employability and occupational skills, personal
9 finance education, job placement services, and
10 innovative teaching methods which may include
11 applied learning and team teaching strategies;
12 and

13 “(iii) services to prepare students for the
14 transition from school to work, including the
15 formation of partnerships between elementary,
16 middle, and secondary schools and local busi-
17 nesses, and the integration of school-based and
18 work-based learning.

19 “(2)(A) Any eligible school that desires to operate a
20 schoolwide program shall first develop, in consultation
21 with the local educational agency and its school support
22 team or other technical assistance provider consistent with
23 the provisions in subsection (c)(1) and (e) of section 1117,
24 a comprehensive plan for reforming the total instructional
25 program in the school that—

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

3 “(ii) describes how the school will use resources
4 under this part and from other sources to implement
5 such components;

6 “(iii) includes a list of State and local edu-
7 cational agency programs and other Federal pro-
8 grams under paragraph (a)(3) that will be included
9 in the schoolwide program; and

10 “(iv) describes how the school will provide indi-
11 vidual student assessment results, including an in-
12 terpretation of those results, to the parents of a
13 child who participates in the assessment required by
14 section 1111(b)(3).

15 “(B) Plans developed before a State has adopted
16 standards and a set of assessments that meet the criteria
17 in section 1111(b) (1) and (3) shall be based on an analy-
18 sis of available data on the achievement of students in the
19 school and a review of the school’s instructional practices
20 in the context of available research on effective instruc-
21 tional and school improvement practices.

22 “(C) The comprehensive plan shall be—

23 “(i) developed during a one-year period, un-
24 less—

1 “(I) the local educational agency, based on
2 the recommendation of the technical assistance
3 providers under section 1117, determines that
4 less time is needed to develop and implement
5 the schoolwide program; or

6 “(II) the school is operating a schoolwide
7 program at the time this section takes effect, in
8 which case it may continue to operate such pro-
9 gram, but shall develop a new plan during the
10 first year to reflect the provisions of this
11 section;

12 “(ii) developed with the involvement of the com-
13 munity to be served and individuals who will carry
14 it out, including teachers, principals, other staff,
15 parents, and, if the plan relates to a secondary
16 school, students from the school;

17 “(iii) reviewed and revised, as necessary, by the
18 school;

19 “(iv) made available to parents and the public
20 with the information contained in such plan trans-
21 lated, to the extent feasible, into any language that
22 a significant percentage of the parents of participat-
23 ing children in the school speak as their primary
24 language; and

1 “(v) developed where appropriate in coordina-
2 tion with programs under the School-to-Work Op-
3 portunities Act, the Carl D. Perkins Vocational and
4 Applied Technology Education Act, and the National
5 and Community Service Trust Fund Act.

6 “(c) ACCOUNTABILITY.—

7 “(1) As provided in subsection (c) of section
8 1116, each schoolwide program shall be subject to
9 school improvement for failure to make adequate
10 progress for two consecutive years.

11 “(2) A schoolwide program identified for school
12 improvement under such subsection that has not
13 made adequate progress by the third year following
14 such identification shall be subject to corrective ac-
15 tions by the local educational agency, as well as,
16 where appropriate, termination of schoolwide pro-
17 gram status.

18 “(3) A school that has forfeited its schoolwide
19 status may not regain such status until the local
20 educational agency determines that the school has
21 adequately reformed its schoolwide program plan to
22 enable it to make adequate progress toward meeting
23 the State’s challenging performance standards.

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

2 “(a) IN GENERAL.—In all schools selected to partici-
3 pate under section 1113 that are ineligible for a
4 schoolwide program, or that choose not to operate a
5 schoolwide program, a local educational agency may use
6 funds received under this part only for programs that pro-
7 vide services to eligible children identified as having the
8 greatest need for special assistance.

9 “(b) ELIGIBLE CHILDREN.—(1)(A) The eligible pop-
10 ulation for services under this part is—

11 “(i) children up to age 21 who are entitled to
12 a free public education through grade 12; and

13 “(ii) children who are not yet at a grade level
14 where the local educational agency provides a free
15 public education, yet are of an age at which they can
16 benefit from an organized instructional program pro-
17 vided in a school or other educational setting.

18 “(B) From the population described in subparagraph
19 (A), eligible children are children identified by the school
20 as failing, or most at risk of failing, to meet the State’s
21 challenging performance standards on the basis of mul-
22 tiple, educationally related, objective criteria established
23 by the local educational agency and supplemented by the
24 school, except that children from preschool through grade
25 two shall be selected solely on the basis of such criteria

1 as teacher judgment, interviews with parents, and devel-
2 opmentally appropriate measures.

3 “(2)(A)(i) Children receiving services to overcome a
4 disability or limited English proficiency are eligible for
5 services under this part on the same basis as other chil-
6 dren selected to receive services under this part.

7 “(ii) Funds received under this part may not be used
8 to provide services that are otherwise required by law to
9 be made available to such children.

10 “(B) A child who, at any time in the previous two
11 years, participated in a Head Start, Even Start, or State-
12 run preschool program shall be automatically eligible for
13 services under this part.

14 “(C)(i) A child who, at any time in the previous two
15 years received services under the program for delinquent
16 youth and youth at risk of dropping out under part D
17 of this title (or its predecessor authority) may be eligible
18 for services under this part.

19 “(ii) Any child in a local institution for neglected or
20 delinquent children or attending a community day pro-
21 gram for such children is eligible for services under this
22 part.

23 “(D) A local educational agency shall use funds re-
24 ceived under this part to serve eligible homeless children
25 who attend a school in the local educational agency that

1 receives funds under this title. To the extent feasible, a
2 local educational agency shall use funds received under
3 this part to serve eligible homeless children who attend
4 schools in noneligible attendance areas, including provid-
5 ing educationally related support services to children in
6 shelters, where appropriate.

7 “(c) COMPONENTS OF A TARGETED ASSISTANCE
8 SCHOOL PROGRAM.—(1) To assist targeted assistance
9 schools and local educational agencies to meet their re-
10 sponsibility to provide all students with the opportunity
11 to meet the State’s challenging performance standards,
12 each targeted assistance program under this section
13 shall—

14 “(A) use its resources under this part to help
15 participating children meet the challenging perform-
16 ance standards expected for all children;

17 “(B) be based on research on effective means
18 for improving achievement of children;

19 “(C) use effective instructional strategies
20 that—

21 “(i) give primary consideration to provid-
22 ing extended learning time such as an extended
23 school year and before- and after-school pro-
24 grams and opportunities;

1 “(ii) involve an accelerated, high-quality
2 curriculum, including applied learning, rather
3 than remedial drill and practice; and

4 “(iii) minimize removing children from the
5 regular classroom for instruction provided
6 under this part;

7 “(D) be coordinated with and support the regu-
8 lar program in providing an enriched and acceler-
9 ated curriculum for eligible children;

10 “(E) provide instruction by highly qualified pro-
11 fessional staff;

12 “(F) provide opportunities for intensive and
13 sustained professional development in accordance
14 with section 1119 with resources under this part and
15 from other sources for administrators and for teach-
16 ers and other school staff who work with participat-
17 ing children in programs under this section or in the
18 regular education program;

19 “(G) provide strategies to increase parental in-
20 volvement, including family literary services;

21 “(H) provide plans for assisting preschool chil-
22 dren in the transition from early childhood pro-
23 grams, such as Head Start, Even Start, or a State-
24 run preschool program, to local elementary school
25 programs; and

1 “(I) include, additionally, in schools serving
2 children beyond grade six, in coordination with
3 funds available from other programs and, as appro-
4 priate, drawing on private and public organiza-
5 tions—

6 “(i) counseling and mentoring;

7 “(ii) college and career awareness and
8 preparation, such as college and career guid-
9 ance, comprehensive career development, en-
10 hancement of employability skills, personal fi-
11 nance education, and job placement services;
12 and

13 “(iii) services to prepare students for the
14 transition from school to work, including the
15 formation of partnerships between elementary,
16 middle, and secondary schools and local busi-
17 nesses.

18 “(2)(A) Each school conducting a program under this
19 section shall develop, in consultation with the local edu-
20 cational agency, a plan to assist participating children to
21 meet the State’s ‘proficient’ and ‘advanced’ performance
22 standards that describes—

23 “(i) the selection of children to participate in
24 accordance with subsection (b);

1 “(ii) the program to be conducted that incor-
2 porates the components described in paragraph (1)
3 and how the resources provided under this part will
4 be coordinated with other resources to enable the
5 children served to meet the State’s standards;

6 “(iii) how the school will review, on an ongoing
7 basis, the progress of participating children and re-
8 vise the program, if necessary, to provide additional
9 assistance to enable such children to meet the
10 State’s challenging performance standards such as
11 an extended school year and before- and after-school
12 programs and opportunities, training for teachers re-
13 garding how to identify students that require addi-
14 tional assistance, and training for teachers regarding
15 how to implement performance standards in the
16 classroom; and

17 “(iv) if the school is eligible to operate a
18 schoolwide program under section 1114, why it
19 chose not to do so.

20 “(B) Plans developed before a State has adopted
21 standards and a set of assessments that meet the criteria
22 of section 1111(b) (1) and (3) shall be based on an analy-
23 sis of available data on the achievement of participating
24 children and a review of the school’s instructional prac-

1 tices in the context of available research on effective in-
2 structional practices.

3 “(C) Each plan shall be—

4 “(i) developed with the involvement of the com-
5 munity to be served and the individuals who will
6 carry it out, including teachers, administrators,
7 other staff, parents, representatives from business
8 and industry, and, if the plan relates to a secondary
9 school, students from the school;

10 “(ii) approved by the local educational agency
11 and made available to parents and the information
12 contained therein translated, to the extent feasible,
13 into any language that a significant percentage of
14 the parents of participating children in the school
15 speak as their primary language; and

16 “(iii) reviewed and revised, as necessary, by the
17 school.

18 “(d) ASSIGNMENT OF PERSONNEL.—To promote the
19 integration of staff paid with funds under this part and
20 children served under this part into the regular school pro-
21 gram and overall school planning and improvement ef-
22 forts, public school personnel who are paid with funds re-
23 ceived under this part may—

24 “(1) assume limited duties that are assigned to
25 similar personnel who are not so paid, including du-

1 ties beyond classroom instruction or that do not ben-
2 efit participating children so long as the amount of
3 time spent on such duties is the same proportion of
4 total work time as prevails with respect to similar
5 personnel at the same school;

6 “(2) participate in general professional develop-
7 ment and school planning activities; and

8 “(3) collaboratively teach with regular class-
9 room teachers, so long as their efforts directly bene-
10 fit participating children.

11 **“SEC. 1115A. SCHOOL CHOICE.**

12 “(a) CHOICE PROGRAMS.—A local educational agen-
13 cy may use funds under this part, in combination with
14 other Federal, State, local, and private funds to develop
15 and implement choice programs, for children eligible for
16 assistance under this title, which permit parents to select
17 the public school that their children will attend.

18 “(b) CHOICE PLAN.—A local educational agency that
19 chooses to implement a school choice plan shall first de-
20 velop a comprehensive plan that includes assurances
21 that—

22 “(1) all eligible students across grade levels will
23 have equal access to the program;

24 “(2) the program does not include schools
25 which follow a racially discriminatory policy;

1 “(3) describe how the school will use resources
2 under this part and from other sources to implement
3 such components;

4 “(4) describe how the school will provide indi-
5 vidual student assessment results, including an in-
6 terpretation of such results, to the parents of a child
7 who participates in the assessment required by sec-
8 tion 1111(b)(3);

9 “(5) the plan will be developed with the involve-
10 ment of the community to be served and individuals
11 who will carry it out, including teachers, principals,
12 and other staff, parents, and, if the plan relates to
13 a secondary school, students from the school;

14 “(6) the plan will be made available to parents
15 and the public; and

16 “(7) the program shall not include schools that
17 do not receive funds under this title.

18 **“SEC. 1116. ASSESSMENT AND SCHOOL AND LOCAL EDU-**
19 **CATIONAL AGENCY 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 and any additional measures described in
24 the local educational agency’s plan to review annu-
25 ally the progress of each school served under this

1 part to determine whether the school is meeting, or
2 making adequate progress as defined in section
3 1111(b)(2)(A)(i) or section 1112(b)(2), as appro-
4 priate, toward enabling its students to meet, the
5 State’s performance standards;

6 “(2) publicize and disseminate to teachers, par-
7 ents, students, and the community the results of the
8 annual review under paragraphs (1) and (2) of all
9 schools served under this part in individual school
10 performance profiles that include disaggregated re-
11 sults as required by section 1111(b)(3)(G); and

12 “(3) provide the results of the local annual re-
13 view to schools so that they can continually refine
14 the program of instruction to help all children in
15 such schools to meet the State’s high performance
16 standards.

17 “(b) DESIGNATION OF DISTINGUISHED SCHOOLS.—
18 Each State educational agency and local educational agen-
19 cy receiving funds under this part shall designate distin-
20 guished schools in accordance with section 1117.

21 “(c) SCHOOL IMPROVEMENT.—(1) A local edu-
22 cational agency shall identify for school improvement any
23 school served under this part that—

24 “(A) has been in program improvement under
25 section 1021 of chapter 1 of title I of the Elemen-

1 tary and Secondary Education Act of 1965, as in ef-
2 fect before the effective date of the Improving Amer-
3 ica’s Schools Act of 1994, for at least two consecu-
4 tive school years prior to such date;

5 “(B) has not made adequate progress as de-
6 fined in the State’s plan under section
7 1111(b)(2)(A)(i) or section 1112(b)(2), as appro-
8 priate, for two consecutive school years; or

9 “(C) has failed to meet the criteria established
10 by the State through its interim procedure under
11 section 1111(b)(5)(C) for two consecutive years.

12 “(2) A school shall not be identified for school im-
13 provement if virtually all its students meet the State’s ad-
14 vanced performance standards.

15 “(3)(A) Each school identified under paragraph (1)
16 shall—

17 “(i) in consultation with parents, the local edu-
18 cational agency, and, for schoolwide programs, the
19 school support team, revise its school plan under
20 section 1114 or 1115 in ways that have the greatest
21 likelihood of improving the performance of partici-
22 pating children in meeting the State’s performance
23 standards including reviewing the school’s plan in
24 the context of the State’s model opportunity-to-learn
25 standards; and

1 “(ii) submit the revised plan to the local edu-
2 cational agency for approval.

3 “(B) Before identifying a school for program im-
4 provement under paragraph (1), the local educational
5 agency shall provide the school with an opportunity to re-
6 view the school-level data, including assessment data, on
7 which such identification would be based. If the school be-
8 lieves that its identification for school improvement would
9 be in error, it may provide evidence to the local edu-
10 cational agency to support such belief.

11 “(C) During the first year immediately following
12 identification under paragraph (1), the school shall imple-
13 ment its revised plan.

14 “(4) For each school identified under paragraph (1),
15 the local educational agency shall make technical assist-
16 ance available as the school determines why the school’s
17 plan failed to bring about increased achievement and de-
18 velop and implement its revised plan. Such technical as-
19 sistance may be provided directly by the local educational
20 agency, through mechanisms authorized under section
21 1117, or by an institution of higher education, a private
22 nonprofit organization, an educational service agency,
23 Federal technical assistance centers under part D of title
24 II of this Act, or other entities with experience in helping
25 schools improve achievement.

1 “(5)(A) After providing technical assistance pursuant
2 to paragraph (4) and other remediation measures, the
3 local educational agency may take corrective action at any
4 time against a school that has been identified under para-
5 graph (1), but, during the third year following identifica-
6 tion under paragraph (1), shall take such action against
7 any school that still fails to make adequate progress.

8 “(B) Corrective actions are those listed in the local
9 educational agency plan adopted in compliance with State
10 law, which may include implementing the State’s model
11 opportunity-to-learn standards, decreasing decisionmaking
12 authority at the school level, making alternative govern-
13 ance arrangements such as the creation of a charter
14 school, reconstituting the school staff, authorizing stu-
15 dents to transfer, including paying transportation costs to
16 other schools in the local educational agency, and in the
17 case of schoolwide programs, terminating schoolwide sta-
18 tus.

19 “(6) The State educational agency shall—

20 “(A) make technical assistance under section
21 1117 available to the schools furthest from meeting
22 the State’s standards, if requested by the school or
23 local educational agency; and

24 “(B) if it determines that a local educational
25 agency failed to carry out its responsibility under

1 paragraphs (4) and (5), take such corrective actions,
2 which may include actions in compliance with State
3 law to withhold or transfer funds and authority from
4 schools that are failing to make adequate progress
5 as defined in section 1111(b)(2), as will assure ade-
6 quate progress for all students.

7 “(7) Schools that for at least two of the three years
8 following identification under paragraph (1) make ade-
9 quate progress toward meeting the State’s ‘proficient’ and
10 ‘advanced’ performance standards no longer need to be
11 identified for school improvement.

12 “(d) STATE REVIEW AND LOCAL EDUCATIONAL
13 AGENCY IMPROVEMENT.—(1) A State educational agency
14 shall—

15 “(A) annually review the progress of each local
16 educational agency receiving funds under this part
17 to determine whether all students in schools receiv-
18 ing assistance under this part are making adequate
19 progress as defined in section 1111(b)(2)(A)(ii) or
20 section 1112(b)(2), as appropriate, toward meeting
21 the State’s performance standards; and

22 “(B) publicize and disseminate to teachers, par-
23 ents, students, and the community the results of the
24 State review, including disaggregated results, as re-
25 quired by section 1111(b)(3)(G).

1 “(2) In the case of a local educational agency that
2 for three consecutive years has a school or schools receiv-
3 ing assistance under this part which have exceeded the
4 State’s definition of adequate progress as defined in sec-
5 tion 1111(b)(2)(A)(ii) or section 1112(b)(2), as appro-
6 priate, the State may make institutional and individual re-
7 wards of the kinds described for individual schools in sub-
8 section 1117(c)(2)(B).

9 “(3) A State educational agency shall identify for im-
10 provement any local educational agency that—

11 “(A) for two consecutive years, has a school or
12 schools receiving assistance under this part that are
13 not making adequate progress as defined in section
14 1111(b)(2)(A)(ii) or section 1112(b)(2), as appro-
15 priate, toward meeting the State’s performance
16 standards; or

17 “(B) has failed to meet the criteria established
18 by the State through its interim procedure under
19 section 1111(b)(8)(A) for two consecutive years.

20 “(4) Each local educational agency identified under
21 paragraph (3) shall, in consultation with schools, parents,
22 and educational experts, revise its local educational agency
23 plan under section 1112 in ways that have the greatest
24 likelihood of improving the performance of its schools in
25 meeting the State’s performance standards, including re-

1 viewing the local educational agency’s plan in the context
2 of the State’s model opportunity-to-learn standards, and
3 submit such plan to the State educational agency for
4 approval.

5 “(5) For each local educational agency identified
6 under paragraph (3), the State educational agency shall—

7 “(A) determine why the local educational agen-
8 cy’s plan failed to bring about increased achieve-
9 ment;

10 “(B) provide technical assistance, if requested,
11 as authorized under section 1117 to better enable
12 the local educational agency to develop and imple-
13 ment its revised plan and work with schools needing
14 improvement; and

15 “(C) make available to the local educational
16 agencies furthest from meeting the State’s stand-
17 ards, if requested, assistance under section 1117.

18 Technical assistance under subparagraph (B) may be pro-
19 vided by the State educational agency directly, or by an
20 institution of higher education, a private nonprofit organi-
21 zation, an educational service agency or other local consor-
22 tium, a technical assistance center, or other entities with
23 experience in assisting local education agencies improve
24 achievement.

1 “(6)(A) After providing technical assistance pursuant
2 to paragraph (5) and other remediation measures, the
3 State educational agency may take corrective action at any
4 time against a local educational agency that has been iden-
5 tified under paragraph (3), but, during the fourth year
6 following identification under paragraph (3), shall take
7 such action against any local educational agency that still
8 fails to make adequate progress.

9 “(B) Corrective actions are those listed in the State
10 educational agency plan adopted in compliance with State
11 law, which may include implementing the State’s model
12 opportunity-to-learn standards, reconstitution of district
13 personnel, appointment by the State educational agency
14 of a receiver or trustee to administer the affairs of the
15 local educational agency in place of the superintendent
16 and school board, removal of particular schools from the
17 jurisdiction of the local educational agency and establish-
18 ment of alternative arrangements for governing and super-
19 vising such schools, the abolition or restructuring of the
20 local educational agency, and the authorizing of students
21 to transfer from 1 local educational agency to another.

22 “(7) Local educational agencies that for at least two
23 of the three years following identification under paragraph
24 (3) make adequate progress toward meeting the State’s

1 standards no longer need to be identified for local edu-
2 cational agency improvement.

3 “(e) STATE ALLOCATIONS FOR SCHOOL IMPROVE-
4 MENT.—From the amount appropriated under section
5 1002(6) for any fiscal year, each State shall be eligible
6 to receive an amount that bears the same ratio to the
7 amount appropriated as the amount allocated to the State
8 under sections 1124, 1124A, and 1125 bears to the total
9 amount allocated to all States under such sections, except
10 that each State shall receive at least \$180,000, or \$30,000
11 in the case of Guam, American Samoa, the Virgin Islands,
12 the Northern Marianas, and Palau (until the Compact of
13 Free Association goes into effect).

14 **“SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**
15 **IMPROVEMENT.**

16 “(a) SYSTEM FOR SUPPORT.—(1) Each State edu-
17 cational agency shall establish a statewide system of inten-
18 sive and sustained support and improvement for schools
19 receiving funds under this title, including all schoolwide
20 programs and all schools in need of program improvement,
21 in order to increase the opportunity for all students in
22 such schools to meet the State’s content and performance
23 standards.

24 “(2) Funds appropriated pursuant to section 1002(6)
25 shall be used to meet the requirements of this section. In

1 addition and notwithstanding section 1002(1), a State or
2 local educational agency may use funds made available
3 under section 1002(1) and other available funds to meet
4 such requirements.

5 “(b) REGIONAL CENTERS.—Such a statewide system
6 shall be linked to and receive support and assistance from
7 the regional technical assistance centers authorized under
8 part D of title II and the regional labs authorized under
9 section 205 of the General Education Provisions Act.

10 “(c) PROVISIONS.—The system shall include at a
11 minimum the following:

12 “(1) SCHOOL SUPPORT TEAMS.—

13 “(A) Each State, in consultation with local
14 educational agencies, shall establish a system of
15 school support teams to provide information
16 and assistance to each schoolwide program and
17 to assist such program in providing an oppor-
18 tunity to all students to meet the State’s per-
19 formance standards.

20 “(B) Each such team shall be composed of
21 individuals with experience in successfully im-
22 proving the educational opportunities for low
23 achieving students, especially individuals identi-
24 fied in paragraph (3), and individuals knowl-
25 edgeable about research and practice on teach-

1 ing and learning, including alternative and
2 applied learning, especially for low achieving
3 students.

4 “(C) A school support team shall work
5 with each school as it develops its schoolwide
6 program plan, review each plan, and make rec-
7 ommendations to the school and the local edu-
8 cational agency.

9 “(D) During the operation of the
10 schoolwide programs, a school support team
11 shall periodically review the progress of the
12 school in enabling children in the school to meet
13 the State’s performance standards, identify
14 problems in the design and operation of the in-
15 structional program, and make suggestions for
16 the improvement to the school and the local
17 educational agency.

18 “(2) DISTINGUISHED SCHOOLS.—

19 “(A) Each State shall designate as a dis-
20 tinguished school any school served under this
21 part which, for 3 consecutive years, has ex-
22 ceeded the State’s definition of adequate
23 progress as defined in section 1111(b)(2), and,
24 any school in which virtually all students have
25 met the State’s advanced performance stand-

1 ards and in which equity in participation and
2 achievement of students by sex has been
3 achieved or significantly improved.

4 “(B) Schools designated under this para-
5 graph may serve as models and provide support
6 to other schools, especially schoolwide programs
7 and schools in program improvement, to assist
8 such schools in meeting the State’s performance
9 standards.

10 “(C) States shall use funds available under
11 section 1002(6) to allow schools identified
12 under this paragraph to carry out the activities
13 described in subparagraph (B) and may use
14 such funds to provide awards to such schools to
15 further their education programs under this
16 part, provide additional incentives for continued
17 success, and reward individuals or groups in the
18 school for exemplary performance.

19 “(D) A local educational agency may also
20 recognize the success of a distinguished school
21 by providing additional institutional and indi-
22 vidual rewards, such as greater decisionmaking
23 authority at the school building level, increased
24 access to resources or supplemental services
25 such as summer programs that may be used to

1 sustain or increase success, additional profes-
2 sional development opportunities, opportunities
3 to participate in special projects, and individual
4 financial bonuses.

5 “(3) DISTINGUISHED EDUCATORS.—

6 “(A) In order to provide assistance to
7 schools and local educational agencies identified
8 as needing improvement or schoolwide pro-
9 grams, each State, in consultation with local
10 educational agencies and using funds available
11 under section 1002(6), shall establish a corps of
12 distinguished educators.

13 “(B) When possible, distinguished edu-
14 cators shall be chosen from schools served
15 under this part that have been especially suc-
16 cessful in enabling children to meet or make
17 outstanding progress toward meeting the
18 State’s performance standards, such as the
19 schools described in paragraph (2).

20 “(C) Distinguished educators shall provide,
21 as part of the statewide system, intensive and
22 sustained assistance to the schools and local
23 educational agencies furthest from meeting the
24 State’s standards and schoolwide programs as
25 they develop and implement their plans, includ-

1 ing participation in the support teams described
2 in paragraph (1).

3 “(d) In order to implement this section, funds under
4 section 1002(6) may be used by a State for release time
5 for teachers and administrators, travel, training, and
6 other related costs.

7 “(e) ALTERNATIVES.—If a State has devised alter-
8 native or additional approaches to providing the assistance
9 described in paragraphs (1) and (3) of subsection (c), such
10 as providing assistance through institutions of higher edu-
11 cation and educational service agencies or other local con-
12 sortia, the State may seek approval from the Secretary
13 to use funds authorized in section 1002(6) for such ap-
14 proaches as part of the State plan.

15 **“SEC. 1118. PARENTAL INVOLVEMENT.**

16 “(a) IN GENERAL.—A local educational agency may
17 receive funds under this part only if it implements pro-
18 grams, activities, and procedures for the involvement of
19 parents in programs assisted under this title. Such activi-
20 ties shall be planned and implemented with meaningful
21 consultation with parents of participating children.

22 “(b) LOCAL EDUCATIONAL AGENCY POLICY.—(1)
23 Each local educational agency that receives funds under
24 this part shall develop jointly with, and make available to,
25 parents of participating children a written parental in-

1 involvement policy that is incorporated into the local edu-
2 cational agency’s plan developed under section 1112, es-
3 tablishes the expectations for parental involvement, and
4 describes how the local educational agency will—

5 “(A) involve parents in the development of the
6 plan described under section 1112, and the process
7 of school review and improvement described under
8 section 1116;

9 “(B) provide the coordination, technical assist-
10 ance, and other support necessary to assist partici-
11 pating schools in planning and implementing effec-
12 tive parent involvement;

13 “(C) build the schools’ and parents’ capacity for
14 strong parent involvement as described in subsection
15 (f);

16 “(D) coordinate and integrate parental involve-
17 ment strategies in this part with parental involve-
18 ment strategies under other programs, including
19 Head Start, Even Start, Parents as Teachers, and
20 State-run preschool programs; and

21 “(E) conduct, with the involvement of parents,
22 an annual evaluation of the content and effectiveness
23 of the parental involvement policy developed under
24 this section in increasing the participation of parents
25 to identify barriers to greater participation by par-

1 ents in activities authorized by this section, giving
2 particular attention to parents who are economically
3 disadvantaged, are disabled, have limited-English
4 proficiency, have limited literacy, or are of any racial
5 or ethnic minority background and use the findings
6 of such reviews in designing strategies for school
7 improvement.

8 “(2) If the local educational agency has an agency-
9 wide parental involvement policy that applies to all par-
10 ents, it may amend such policy, if necessary, to meet the
11 requirements of this subsection.

12 “(3) Each local educational agency shall reserve not
13 less than 1 percent of its allocation under this part for
14 the purposes of carrying out this section, including family
15 literacy and parenting skills.

16 “(c) SCHOOL PARENTAL INVOLVEMENT PLAN.—(1)
17 Each school served under this part shall jointly develop
18 with, and make available to, parents of participating chil-
19 dren a written parental involvement plan that shall be in-
20 corporated into the school plan developed under section
21 1114 or 1115 and shall describe the means for carrying
22 out the requirements of subsections (c) through (f).

23 “(2) If the school has a parental involvement policy
24 that applies to all parents, it may amend such policy, if
25 necessary, to meet the requirements of this subsection.

1 “(d) POLICY INVOLVEMENT.—Each school served
2 under this part shall—

3 “(1) convene an annual meeting, at a conven-
4 ient time, to which all parents of participating chil-
5 dren shall be invited and encouraged to attend, to
6 inform parents of the school’s participation under
7 this part and to explain this part, its requirements,
8 and the parent’s right to be involved;

9 “(2) involve parents, in an organized, ongoing,
10 and timely way, in the planning, review, and im-
11 provement of programs under this part, including
12 the development of the school plan under section
13 1114 or 1115 or if a school has in place a process
14 for involving parents in the planning and design of
15 its programs, the school may use such process, pro-
16 vided that the process includes an adequate rep-
17 resentation of parents of participating children; and

18 “(3) provide parents of participating children—

19 “(A) timely information about programs
20 under this part;

21 “(B) school performance profiles required
22 under section 1116(a)(2) and individual student
23 assessment results, including an interpretation
24 of such results, required under section
25 1111(b)(3);

1 “(C) opportunities for regular meetings to
2 formulate suggestions, if such parents so desire;
3 and

4 “(D) timely responses to parents’ rec-
5 ommendations.

6 “(e) SHARED RESPONSIBILITIES FOR HIGH STU-
7 DENT PERFORMANCE.—As a component of the school-
8 level parental involvement plan developed under subsection
9 (b), each school served under this part shall jointly develop
10 with parents for all children a school-parent compact that
11 outlines how parents, the entire school staff, and students
12 will share the responsibility for improved student achieve-
13 ment and the means by which the school and parents will
14 build and develop a partnership to help children achieve
15 the State’s high standards. Such compact shall—

16 “(1) describe the school’s responsibility to pro-
17 vide high-quality curriculum and instruction in a
18 supportive and effective learning environment that
19 enable the children to meet the State’s challenging
20 performance standards, and the ways in which each
21 parent will be responsible for supporting his or her
22 children’s learning, including monitoring attendance,
23 homework completion, television watching, and posi-
24 tive use of extracurricular time; and

1 “(2) address the importance of communication
2 between teachers and parents on an ongoing basis
3 through at a minimum—

4 “(A) parent-teacher conferences in elemen-
5 tary schools, at least annually, during which the
6 compact shall be discussed as it relates to the
7 individual child’s achievement;

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

10 “(C) reasonable access to staff and obser-
11 vation of classroom activities.

12 “(f) BUILDING CAPACITY FOR INVOLVEMENT.—To
13 ensure effective involvement of parents and to support a
14 partnership among the school, parents, and the commu-
15 nity to improve student achievement, each school and local
16 educational agency—

17 “(1) shall provide assistance to participating
18 parents in such areas as understanding the National
19 Education Goals, the State’s content and perform-
20 ance standards, opportunity-to-learn standards,
21 State and local assessments, the requirements of this
22 part, and how to monitor a child’s progress and
23 work with educators to improve the performance of
24 their children;

1 “(2) shall provide materials and training, in-
2 cluding—

3 “(A) coordinating necessary literacy train-
4 ing from other sources to help parents work
5 with their children to improve their children’s
6 achievement;

7 “(B) training to enable parents to work
8 more effectively with teachers, schools, and
9 school systems; and

10 “(C) in the case of a school using funds
11 under this part to operate a preschool program,
12 opportunities for parents to learn about child
13 development and child rearing issues beginning
14 at birth;

15 “(3) shall educate teachers, principals, and
16 other staff in the value and utility of contributions
17 of parents, and in how to reach out to, communicate
18 with, and work with parents as equal partners, im-
19 plement and coordinate parent programs, and build
20 ties between home and school;

21 “(4) shall develop appropriate roles for commu-
22 nity-based organizations and businesses in parent in-
23 volvement activities, including providing information
24 about opportunities for them to work with parents
25 and schools, and encouraging the formation of part-

1 nerships between elementary, middle, and secondary
2 schools and local businesses that include a role for
3 parents;

4 “(5) shall ensure, to the extent possible, that
5 information related to school and parent programs,
6 meetings, and other activities is sent to the homes
7 of participating children in the language used in
8 such homes;

9 “(6) shall involve parents in the development of
10 training for teachers, principals, and other educators
11 for the purpose of improving the effectiveness of
12 such training in improving instruction and services
13 to the children of such parents;

14 “(7) may provide necessary literacy training
15 from funds received under this part if the local edu-
16 cational agency has exhausted all other reasonably
17 available sources of funding for such activities;

18 “(8) may pay reasonable and necessary ex-
19 penses associated with local parental involvement ac-
20 tivities, including transportation and child care costs
21 to enable parents to participate in school-related
22 meetings and training sessions;

23 “(9) may coordinate and integrate parent in-
24 volvement programs and activities with Head Start,

1 Even Start, Parents as Teachers, and State-run pre-
2 school programs;

3 “(10) may train and support parents to en-
4 hance the involvement of other parents;

5 “(11) may arrange meetings at a variety of
6 times, such as in the mornings and evenings in order
7 to maximize opportunities of parents to participate
8 in school related activities;

9 “(12) may arrange for teachers or other edu-
10 cators, who work directly with participating children,
11 to conduct in-home conferences with parents who are
12 unable to attend such conferences at school; and

13 “(13) may adopt and implement model ap-
14 proaches to improving parental involvement such as
15 Even Start.

16 “(g) ACCESSIBILITY.—In carrying out the parental
17 involvement requirements of this part, local educational
18 agencies and schools shall, to the extent practicable, en-
19 sure that parents of limited-English proficient children or
20 disabled children are afforded the same access to parental
21 involvement opportunities as their children are afforded to
22 other programs funded under this part, including the pro-
23 vision of information in a language and form that the par-
24 ents of such children can understand.

1 **“SEC. 1119. PROFESSIONAL DEVELOPMENT.**

2 “(a) PROGRAM REQUIREMENTS.—(1) Local edu-
3 cational agencies receiving assistance under this part shall
4 provide high-quality, sustained professional development
5 that will improve the teaching of the core academic sub-
6 jects, consistent with the State content standards, in order
7 to enable all children to meet the State’s performance
8 standards.

9 “(2) Professional development activities shall be de-
10 signed by teachers and other school staff in schools receiv-
11 ing assistance under this part.

12 “(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—

13 “(1) Professional development activities shall—

14 “(A) support instructional practices that
15 are geared to challenging State content stand-
16 ards and create a school environment conducive
17 to high achievement in the core academic sub-
18 jects;

19 “(B) support local educational agency
20 plans under section 1112 and school plans
21 under sections 1114 and 1115;

22 “(C) draw on resources available under
23 this part, title III of the Goals 2000: Educate
24 American Act, part A of title II of this Act, and
25 from other sources;

1 “(D) where appropriate, include strategies
2 for developing curricula and teaching methods
3 that integrate academic and vocational instruc-
4 tion (including applied learning and team teach-
5 ing strategies); and

6 “(E) include strategies for identifying and
7 eliminating gender and racial bias in instruc-
8 tional materials, methods, and practices.

9 “(2) Professional development activities may in-
10 clude—

11 “(A) instruction in the use of assessments;

12 “(B) instruction in ways that teachers,
13 principals, and school administrators may work
14 more effectively with parents;

15 “(C) the forming of partnerships with in-
16 stitutions of higher education to establish
17 school-based teacher training programs that
18 provide prospective teachers and novice teachers
19 with an opportunity to work under the guidance
20 of experienced teachers and college faculty;

21 “(D) instruction in the use of technology;

22 “(E) the creation of career ladder pro-
23 grams for paraprofessionals (assisting teachers
24 under this part) to obtain the education nec-

1 essary for them to become licensed and certified
2 teachers;

3 “(F) instruction in ways to teach special
4 needs children;

5 “(G) instruction in gender-equitable edu-
6 cation methods, techniques, and practices;

7 “(H) joint professional development activi-
8 ties involving programs under this part, Head
9 Start, Even Start, or State-run preschool pro-
10 gram personnel; and

11 “(I) instruction in experiential-based teach-
12 ing methods such as service learning.

13 “(c) PROGRAM REQUIREMENTS.—Programs should
14 be designed so that—

15 “(1) all school staff in schoolwide program
16 schools can participate in professional development
17 activities;

18 “(2) all school staff in targeted assistance
19 schools may participate in professional development
20 activities if such participation will result in better
21 addressing the needs of students served under this
22 part.

23 “(d) PARENTAL PARTICIPATION.—Parents may par-
24 ticipate in professional development activities under this

1 part if the school determines that parental participation
2 would be appropriate.

3 “(e) CONSORTIA.—In carrying out such professional
4 development programs, local educational agencies may
5 provide such services through consortia arrangements with
6 other local educational agencies, educational service agen-
7 cies or other local consortia, institutions of higher edu-
8 cation or other public or private institutions or organiza-
9 tions.

10 “(f) EFFECTIVE TEACHING STRATEGIES.—Knowl-
11 edge of effective teaching strategies that is gained through
12 professional development activities under this section may
13 be shared with teachers who are not participating in
14 schoolwide or targeted assistance programs under this
15 part.

16 “(g) COMBINATIONS OF FUNDS.—Funds provided
17 under this part that are used for professional development
18 purposes may be combined with funds provided under part
19 A of title II of this Act, title III of the Goals 2000: Edu-
20 cate America Act, and other sources.

21 “(h)(1) The State educational agency shall review the
22 local educational agency’s plan to determine if such agen-
23 cy’s professional development activities—

24 “(A) are tied to challenging State student con-
25 tent and performance standards;

1 “(B) reflect recent research on teaching and
2 learning;

3 “(C) are of sufficient intensity and duration to
4 have a positive impact on the teacher’s performance
5 in the classroom;

6 “(D) are part of the everyday activities of the
7 school and create an orientation toward continuous
8 improvement in the classroom or throughout the
9 school;

10 “(E) include methods to teach children with
11 special needs;

12 “(F) are developed with the extensive participa-
13 tion of teachers; and

14 “(G) include gender-equitable education meth-
15 ods, techniques, and practices.

16 “(2) If a local educational agency’s plan for profes-
17 sional development does not meet such criteria, the State
18 educational agency shall assist such local educational
19 agencies in making progress toward inclusion of such ele-
20 ments in the local educational agency’s professional devel-
21 opment activities.

22 “(i) INSTRUCTIONAL AIDES.—(1) If a local edu-
23 cational agency uses funds received under this part to em-
24 ploy instructional aides, the local educational agency shall
25 ensure that such aides—

1 “(A) possess the knowledge and skills sufficient
 2 to assist participating children in meeting the edu-
 3 cational goals of this part;

4 “(B)(i) have a high school diploma, a General
 5 Education Development certificate, or earn either
 6 within 2 years of employment, except that

7 “(ii) a local educational agency may employ an
 8 instructional aide that does not meet the require-
 9 ment in clause (i) if such aide possesses proficiency
 10 in a language other than English that is needed to
 11 enhance the participation of children in programs
 12 under this part; and

13 “(C) are under the direct supervision of a
 14 teacher who has primary responsibility for providing
 15 instructional services to eligible children.

16 “(2) Local educational agencies receiving funds under
 17 this part shall include instructional aides in professional
 18 development activities.

19 **“SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN**
 20 **PRIVATE SCHOOLS.**

21 “(a) GENERAL REQUIREMENT.—(1) To the extent
 22 consistent with the number of eligible children identified
 23 under section 1115(b) in a local educational agency who
 24 are enrolled in private elementary and secondary schools,
 25 a local educational agency shall, after timely and meaning-

1 ful consultation with appropriate private school officials,
2 provide such children, on an equitable basis, special edu-
3 cational services or other benefits under this part (such
4 as dual enrollment, educational radio and television, com-
5 puter equipment and materials, other technology, and mo-
6 bile educational services and equipment).

7 “(2) The educational services or other benefits, in-
8 cluding materials and equipment, must be secular, neutral,
9 and nonideological.

10 “(3) Educational services and other benefits for such
11 private school children shall be equitable in comparison to
12 services and other benefits for public school children par-
13 ticipating under this part.

14 “(4) Expenditures for educational services and other
15 benefits to eligible private school children shall be equal
16 to the proportion of funds allocated to participating school
17 attendance areas based on the number of children from
18 low-income families who attend private schools.

19 “(5) The local educational agency may provide such
20 services directly or through contracts with public and pri-
21 vate agencies, organizations, and institutions.

22 “(b) PUBLIC CONTROL OF FUNDS.—(1) The control
23 of funds provided under this part, and title to materials,
24 equipment, and property purchased with such funds, shall

1 be in a public agency, and a public agency shall administer
2 such funds and property.

3 “(2)(A) The provision of services under this section
4 shall be provided—

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

6 “(ii) through contract by such public agency
7 with an individual, association, agency, or organiza-
8 tion.

9 “(B) In the provision of such services, such employee,
10 person, association, agency, or organization shall be inde-
11 pendent of such private school and of any religious organi-
12 zation, and such employment or contract shall be under
13 the control and supervision of such public agency.

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

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

24 “(2) arrange for the provision of services to
25 such children through arrangements that shall be

1 subject to the requirements of this section and sec-
2 tions 9505 and 9506 of this Act.

3 “(d) CAPITAL EXPENSES.—(1)(A) From the amount
4 appropriated for this subsection under section 1002(5) for
5 any fiscal year, each State is eligible to receive an amount
6 that bears the same ratio to the amount so appropriated
7 as the number of private school children who received serv-
8 ices under this part in the State in the most recent year
9 for which data satisfactory to the Secretary are available
10 bears to the number of such children in all States in that
11 same year.

12 “(B) The Secretary shall reallocate any amounts allo-
13 cated under subparagraph (A) that are not used by a
14 State for the purpose of this subsection to other States
15 on the basis of their respective needs, as determined by
16 the Secretary.

17 “(2)(A) A local educational agency may apply to the
18 State educational agency for payments for capital ex-
19 penses consistent with this subsection.

20 “(B) State educational agencies shall distribute such
21 funds to local educational agencies based on the degree
22 of need set forth in their respective applications.

23 “(3) Any funds appropriated to carry out this sub-
24 section shall be used only for capital expenses incurred to

1 provide equitable services for private school children under
2 this section.

3 “(4) For the purpose of this subsection, the term
4 ‘capital expenses’ is limited to—

5 “(A) expenditures for noninstructional goods
6 and services, such as the purchase, lease, or renova-
7 tion of real and personal property, including, but not
8 limited to, mobile educational units and leasing of
9 neutral sites or spaces;

10 “(B) insurance and maintenance costs;

11 “(C) transportation; and

12 “(D) other comparable goods and services.

13 **“SEC. 1121. FISCAL REQUIREMENTS.**

14 “(a) MAINTENANCE OF EFFORT.—A local edu-
15 cational agency may receive funds under this part for any
16 fiscal year only if the State educational agency finds that
17 the local educational agency has maintained its fiscal ef-
18 fort in accordance with section 9501 of this Act, including
19 such effort for professional development activities.

20 “(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-
21 PLANT, NON-FEDERAL FUNDS.—(1)(A) Except as pro-
22 vided in subparagraph (B), a State or local educational
23 agency shall use funds received under this part only to
24 supplement the amount of funds that would, in the ab-
25 sence of such Federal funds, be made available from non-

1 Federal sources for the education of pupils participating
2 in programs assisted under this part, and not to supplant
3 such funds.

4 “(B) For the purpose of complying with subpara-
5 graph (A), a State or local educational agency may exclude
6 supplemental State and local funds expended in any eligi-
7 ble school attendance area or school for programs that
8 meet the requirements of section 1114 or 1115.

9 “(2) No local educational agency shall be required to
10 provide services under this part through a particular in-
11 structional method or in a particular instructional setting
12 in order to demonstrate its compliance with paragraph (1).

13 “(c) COMPARABILITY OF SERVICES.—(1)(A) Except
14 as provided in paragraphs (4) and (5), a local educational
15 agency may receive funds under this part only if State
16 and local funds will be used in schools served under this
17 part to provide services that, taken as a whole, are at least
18 comparable to services in schools that are not receiving
19 funds under this part.

20 “(B) If the local educational agency is serving all of
21 its schools under this part, such agency may receive funds
22 under this part only if it will use State and local funds
23 to provide services that, taken as a whole, are substantially
24 comparable in each school.

1 “(C) A local educational agency may meet the re-
2 quirements of subparagraphs (A) and (B) on a grade-span
3 by grade-span basis or a school-by-school basis.

4 “(2)(A) To meet the requirements of paragraph (1),
5 a local educational agency shall demonstrate that—

6 “(i) expenditures per pupil from State and local
7 funds in each school served under this part are equal
8 to or greater than the average expenditures per
9 pupil in schools not receiving services under this
10 part; or

11 “(ii) instructional basic salaries per pupil from
12 State and local funds in each school served under
13 this part are equal or greater than the average in-
14 structional salaries per pupil in schools not receiving
15 services.

16 “(B) For the purpose of subparagraph (A), in the
17 determination of expenditures per pupil from State and
18 local funds or instructional salaries per pupil from State
19 and local funds, staff salary differentials for years of em-
20 ployment shall not be included.

21 “(C) A local educational agency need not include un-
22 predictable changes in student enrollment or personnel as-
23 signments that occur after the beginning of a school year
24 in determining comparability of services under this sub-
25 section.

1 “(3) Each local educational agency shall—

2 “(A) develop procedures for compliance with
3 this subsection; and

4 “(B) maintain records that are updated bienni-
5 ally documenting its compliance.

6 “(4) This subsection shall not apply to a local edu-
7 cational agency that does not have more than one building
8 for each grade span.

9 “(5) For the purpose of determining compliance with
10 paragraph (1), a local educational agency may exclude
11 State and local funds expended for—

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

14 “(B) excess costs of providing services to chil-
15 dren with disabilities.

16 **“Subpart 2—Allocations**

17 **“SEC. 1122. GRANTS FOR THE OUTLYING AREAS AND THE**
18 **SECRETARY OF THE INTERIOR.**

19 “(a) RESERVATION OF FUNDS.—From the amount
20 appropriated for payments to States for any fiscal year
21 under section 1002(a), the Secretary shall reserve a total
22 of 1 percent 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 (b).

6 “(b) ALLOTMENT TO THE SECRETARY OF THE INTE-
7 RIOR.—

8 “(1) The amount allotted for payments to the
9 Secretary of the Interior under subsection (a)(2) for
10 any fiscal year shall be, as determined pursuant to
11 criteria established by the Secretary, the amount
12 necessary to meet the special educational needs of—

13 “(A) Indian children on reservations served
14 by elementary and secondary schools for Indian
15 children operated or supported by the Depart-
16 ment of the Interior; and

17 “(B) out-of-State Indian children in ele-
18 mentary and secondary schools in local edu-
19 cational agencies under special contracts with
20 the Department of the Interior.

21 “(2) From the amount allotted for payments to
22 the Secretary of the Interior under subsection
23 (a)(2), the Secretary of the Interior shall make pay-
24 ments to local educational agencies, upon such terms
25 as the Secretary of Education determines will best

1 carry out the purposes of this part, with respect to
2 out-of-State Indian children described in paragraph
3 (1). The amount of such payment may not exceed,
4 for each such child, the greater of—

5 “(A) 40 percent of the average per-pupil
6 expenditure in the State in which the agency is
7 located; or

8 “(B) 48 percent of such expenditure in the
9 United States.

10 **“SEC. 1123. ALLOCATIONS TO STATES.**

11 “(a) GENERAL.—For each fiscal year, an amount of
12 the appropriations for this part equal to the appropriation
13 for fiscal year 1994 for part A of chapter 1, title I, Ele-
14 mentary and Secondary Education Act, shall be allocated
15 in accordance with sections 1124 and 1124A. Any addi-
16 tional appropriations for this part for any fiscal year, after
17 application of the preceding sentence, shall be allocated
18 in accordance with section 1125.

19 “(b) ADJUSTMENTS WHERE NECESSITATED BY AP-
20 PROPRIATIONS.—

21 “(1) If the sums available under this part for
22 any fiscal year are insufficient to pay the full
23 amounts that all local educational agencies in States
24 are eligible to receive under sections 1124, 1124A,
25 and 1125 for such year, the Secretary shall ratably

1 reduce the allocations to such local educational agen-
2 cies, subject to subsections (c) and (d) of this sec-
3 tion.

4 “(2) If additional funds become available for
5 making payments under sections 1124, 1124A, and
6 1125 for such fiscal year, allocations that were re-
7 duced under paragraph (1) shall be increased on the
8 same basis as they were reduced.

9 “(c) **HOLD-HARMLESS AMOUNTS.**—Notwithstanding
10 subsection (b), the total amount made available to each
11 local educational agency under each of sections 1124 and
12 1125 for any fiscal year shall be at least 85 percent of
13 the total amount such local educational agency was allo-
14 cated under such sections (or, for fiscal year 1995, their
15 predecessor authorities) for the preceding fiscal year.

16 “(d) **DEFINITION.**—For the purpose of this section
17 and sections 1124 and 1125, the term State means each
18 of the 50 States, the District of Columbia, and the Com-
19 monwealth of Puerto Rico.

20 **“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
21 **CIES.**

22 “(a) **AMOUNT OF GRANTS.**—

23 “(1) **GRANTS FOR LOCAL EDUCATIONAL AGEN-**
24 **CIES AND PUERTO RICO.**—

1 “(A) The grant which a local educational
2 agency in a State is eligible to receive under
3 this subpart for a fiscal year shall (except as
4 provided in section 1126), be determined by
5 multiplying the number of children counted
6 under subsection (c) by 40 percent of the
7 amount determined under the next sentence.
8 The amount determined under this sentence
9 shall be the average per pupil expenditure in
10 the State except that (i) if the average per pupil
11 expenditure in the State is less than 80 percent
12 of the average per pupil expenditure in the
13 United States, such amount shall be 80 percent
14 of the average per pupil expenditure in the
15 United States, or (ii) if the average per pupil
16 expenditure in the State is more than 120 per-
17 cent of the average per pupil expenditure in the
18 United States, such amount shall be 120 per-
19 cent of the average per pupil expenditure in the
20 United States. For each local educational agen-
21 cy serving an area with a total population of at
22 least 20,000 persons, the grant under this sec-
23 tion shall be the amount determined by the Sec-
24 retary. For local educational agencies serving
25 areas with total population of fewer than

1 20,000 persons, the State education agency
2 may either (I) distribute to such local edu-
3 cational agencies grants under this section
4 equal to the amounts determined by the Sec-
5 retary; or (II) use an alternative method, ap-
6 proved by the Secretary, to distribute the share
7 of the State's total grants under this section
8 that is based on local educational agencies with
9 total populations of fewer than 20,000 persons.
10 Such an alternative method of distributing
11 grants under this section among a State's local
12 educational agencies serving areas with total
13 populations of fewer than 20,000 persons shall
14 be based upon population data that the State
15 education agency determines best reflect the
16 current distribution of children in poor families
17 among the State's local educational agencies
18 serving areas with total populations of fewer
19 than 20,000 persons. If a local educational
20 agency serving an area with total population of
21 less than 20,000 persons is dissatisfied with the
22 determination of its grant by the State edu-
23 cation agency, then it may appeal this deter-
24 mination to the Secretary. The Secretary must
25 respond to this appeal within 45 days of re-

1 ceipt. The Secretary shall consult with the Sec-
2 retary of Commerce regarding whether available
3 data on population for local educational agen-
4 cies serving areas with total populations of
5 fewer than 20,000 persons are sufficiently reli-
6 able to be used to determine final grants to
7 such areas.

8 “(B) If, and only if, there are portions of
9 any of the States for which the Department of
10 Commerce has not prepared data on the num-
11 ber of children, aged 5–17, from families below
12 the poverty level for local educational agencies,
13 then the Secretary shall use such data compiled
14 for counties in those portions of the States,
15 treating the counties as if they were local edu-
16 cational agencies. In such cases, subject to sec-
17 tion 1126, the grant for any local educational
18 agency in such an area of a State shall be de-
19 termined on the basis of the aggregate amount
20 of such grants for all such agencies in the coun-
21 ty or counties in which the school district of the
22 particular agency is located, which aggregate
23 amount shall be equal to the aggregate amount
24 determined under subparagraph (A) for such
25 county or counties, and shall be allocated

1 among those agencies upon such equitable basis
2 as may be determined by the State educational
3 agency in accordance with basic criteria pre-
4 scribed by the Secretary.

5 “(C) For each fiscal year, the Secretary
6 shall determine the percentage which the aver-
7 age per pupil expenditure in the Commonwealth
8 of Puerto Rico is of the lowest average per
9 pupil expenditure of any of the 50 States. The
10 grant which the Commonwealth of Puerto Rico
11 shall be eligible to receive under this subpart
12 for a fiscal year shall be the amount arrived at
13 by multiplying the number of children counted
14 under subsection (c) for the Commonwealth of
15 Puerto Rico by the product of—

16 “(i) the percentage determined under
17 the preceding sentence; and

18 “(ii) 32 percent of the average per
19 pupil expenditure in the United States.

20 “(2) DEFINITION.—For purposes of this sub-
21 section, the term ‘State’ does not include Guam,
22 American Samoa, the Virgin Islands, the Northern
23 Mariana Islands, and Palau.

24 “(b) MINIMUM NUMBER OF CHILDREN TO QUAL-
25 IFY.—A local educational agency shall be eligible for a

1 basic grant for a fiscal year under this subpart only if
2 the number of children counted under subsection (c) in
3 the school district of such local educational agency is at
4 least 10.

5 “(c) CHILDREN TO BE COUNTED.—

6 “(1) CATEGORIES OF CHILDREN.—The number
7 of children to be counted for purposes of this section
8 is the aggregate of—

9 “(A) the number of children aged 5 to 17,
10 inclusive, in the school district of the local edu-
11 cational agency from families below the poverty
12 level as determined under paragraph (2)(A),

13 “(B) the number of children aged 5 to 17,
14 inclusive, in the school district of such agency
15 from families above the poverty level as deter-
16 mined under paragraph (2)(B), and

17 “(C) the number of children aged 5 to 17,
18 inclusive, in the school district of such agency
19 in institutions for neglected and delinquent chil-
20 dren (other than such institutions operated by
21 the United States) or attending community day
22 programs for such children, but not counted
23 pursuant to subpart 3 of part D for the pur-
24 poses of a grant to a State agency, or being
25 supported in foster homes with public funds.

1 “(2) DETERMINATION OF NUMBER OF CHIL-
2 DREN.—

3 “(A) For the purposes of this section, the
4 Secretary shall determine the number of chil-
5 dren aged 5 to 17, inclusive, from families
6 below the poverty level on the basis of the most
7 recent satisfactory data available from the De-
8 partment of Commerce for local educational
9 agencies (as produced and published under sec-
10 tion 181a of title 13, United States Code). If,
11 and only if, there are portions of any of the
12 States for which the Department of Commerce
13 has not prepared data on the number of chil-
14 dren, aged 5–17, from families below the pov-
15 erty level for local educational agencies, then
16 the Secretary shall use such data compiled for
17 counties in those portions of the States, treat-
18 ing the counties as if they were local edu-
19 cational agencies. The District of Columbia and
20 the Commonwealth of Puerto Rico shall be
21 treated as individual local educational agencies.
22 If a local educational agency contains two or
23 more counties in their entirety, then each coun-
24 ty will be treated as if it were a separate local
25 educational agency for purposes of calculating

1 grants under this part. The total of grants for
2 such counties shall be allocated to such a local
3 educational agency, which shall distribute to
4 schools in each county within it a share of the
5 local educational agency's total grant that is no
6 less than the county's share of the population
7 counts used to calculate the local educational
8 agency's grant. If the Department of Commerce
9 has updated data on the number of children,
10 aged 5–17, from families below the poverty level
11 for local educational agencies, then the Sec-
12 retary shall use the updated data. In determin-
13 ing the families which are below the poverty
14 level, the Secretary shall utilize the criteria of
15 poverty used by the Bureau of the Census in
16 compiling the most recent decennial census, in
17 such form as those criteria have been updated
18 by increases in the Consumer Price Index for
19 all urban consumers, published by the Bureau
20 of Labor Statistics.

21 “(B) For purposes of this section, the Sec-
22 retary shall determine the number of children
23 aged 5 to 17, inclusive, from families above the
24 poverty level on the basis of the number of such
25 children from families receiving an annual in-

1 come, in excess of the current criteria of pov-
2 erty, from payments under the program of aid
3 to families with dependent children under a
4 State plan approved under title IV of the Social
5 Security Act; and in making such determina-
6 tions the Secretary shall utilize the criteria of
7 poverty used by the Bureau of the Census in
8 compiling the most recent decennial census for
9 a family of 4 in such form as those criteria
10 have been updated by increases in the
11 Consumer Price Index for all urban consumers,
12 published by the Bureau of Labor Statistics.
13 The Secretary shall determine the number of
14 such children and the number of children of
15 such ages living in institutions for neglected or
16 delinquent children, or being supported in foster
17 homes with public funds, on the basis of the
18 caseload data for the month of October of the
19 preceding fiscal year (using, in the case of chil-
20 dren described in the preceding sentence, the
21 criteria of poverty and the form of such criteria
22 required by such sentence which were deter-
23 mined for the calendar year preceding such
24 month of October) or, to the extent that such
25 data are not available to the Secretary before

1 January of the calendar year in which the Sec-
2 retary's determination is made, then on the
3 basis of the most recent reliable data available
4 to the Secretary at the time of such determina-
5 tion. The Secretary of Health and Human Serv-
6 ices shall collect and transmit the information
7 required by this subparagraph to the Secretary
8 not later than January 1 of each year.

9 “(C) When requested by the Secretary, the
10 Secretary of Commerce shall make a special up-
11 dated estimate of the number of children of
12 such ages who are from families below the pov-
13 erty level (as determined under subparagraph
14 (A) of this paragraph) in each school district,
15 and the Secretary is authorized to pay (either
16 in advance or by way of reimbursement) the
17 Secretary of Commerce the cost of making this
18 special estimate. The Secretary of Commerce
19 shall give consideration to any request of the
20 chief executive of a State for the collection of
21 additional census information. For purposes of
22 this section, the Secretary shall consider all
23 children who are in correctional institutions to
24 be living in institutions for delinquent children.

25 “(d) STATE MINIMUM.—

1 “(1) The aggregate amount allotted for all local
2 educational agencies within a State may not be less
3 than one-quarter of 1 percent of the total amount
4 available for such fiscal year under this section.

5 “(2)(A) No State shall, by reason of the appli-
6 cation of the provisions of paragraph (1) of this sub-
7 section, be allotted more than—

8 “(i) 150 percent of the amount that the
9 State received in the fiscal year preceding the
10 fiscal year for which the determination is made,
11 or

12 “(ii) the amount calculated under subpara-
13 graph (B), whichever is less.

14 “(B) For the purpose of subparagraph (A)(ii),
15 the amount for each State equals—

16 “(i) the number of children in such State
17 counted under subsection (c) in the fiscal year
18 specified in subparagraph (A), multiplied by

19 “(ii) 150 percent of the national average
20 per pupil payment made with funds available
21 under this section for that year.

22 “(3) However, no State may receive less under
23 this section for fiscal years 1995 and 1996 than it
24 received the preceding year, or fiscal year 1993,

1 whichever is greater, as a result of application of
2 paragraph (2).

3 **“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDU-**
4 **CATIONAL AGENCIES.**

5 “(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

6 “(1)(A) Except as otherwise provided in this
7 paragraph, each local educational agency, in a State
8 other than Guam, American Samoa, the Virgin Is-
9 lands, the Northern Mariana Islands, and Palau,
10 which is eligible for a grant under this part for any
11 fiscal year shall be entitled to an additional grant
12 under this section for that fiscal year if—

13 “(i) the number of children counted under
14 section 1124(c) of this part in the local edu-
15 cational agency for the preceding fiscal year ex-
16 ceeds 6,500, or

17 “(ii) the number of children counted under
18 section 1124(c) exceeds 15 percent of the total
19 number of children aged five to seventeen, in-
20 clusive, in the local educational agency in that
21 fiscal year.

22 “(B) Except as provided in subparagraph (C),
23 no State described in subparagraph (A) shall receive
24 less than—

1 “(i) one-quarter of 1 percent of the sums
2 appropriated under paragraph (6) of this sec-
3 tion for such fiscal year; or

4 “(ii) \$250,000, whichever is higher.

5 “(C) No State shall, by reason of the applica-
6 tion of the provisions of subparagraph (B)(i) of this
7 paragraph, be allotted more than—

8 “(i) 150 percent of the amount that the
9 State received in the fiscal year preceding the
10 fiscal year for which the determination is made,
11 or

12 “(ii) the amount calculated under subpara-
13 graph (D), whichever is less.

14 “(D) For the purpose of subparagraph (C), the
15 amount for each State equals—

16 “(i) the number of children in such State
17 counted for purposes of this section in the fiscal
18 year specified in subparagraph (B), multiplied
19 by

20 “(ii) 150 percent of the national average
21 per pupil payment made with funds available
22 under this section for that year.

23 “(2) For each local educational agency eligible
24 to receive an additional grant under this section for

1 any fiscal year the Secretary shall determine the
2 product of—

3 “(A) the greater of—

4 “(i) the number of children in excess
5 of 6,500 counted under section 1124(c) for
6 the preceding fiscal year, in a local edu-
7 cational agency which qualifies on the
8 basis of subparagraph (A)(i) of paragraph
9 (1); or

10 “(ii) the number of children counted
11 under section 1124(c) for the preceding
12 fiscal year in a local educational agency
13 which qualifies on the basis of subpara-
14 graph (A)(ii) of paragraph (1); and

15 “(B) the quotient resulting from the divi-
16 sion of the amount determined for those agen-
17 cies under section 1124(a)(1) for the fiscal year
18 for which the determination is being made di-
19 vided by the total number of children counted
20 under section 1124(c) for that agency for the
21 preceding fiscal year.

22 “(3) The amount of the additional grant to
23 which an eligible local educational agency is entitled
24 under this section for any fiscal year shall be an
25 amount which bears the same ratio to the amount

1 reserved under paragraph (6) for that fiscal year as
2 the product determined under paragraph (2) for
3 such local educational agency for that fiscal year
4 bears to the sum of such products for all local edu-
5 cational agencies in the United States for that fiscal
6 year.

7 “(4) For the purposes of this section, the Sec-
8 retary shall determine the number of children count-
9 ed under section 1124(c) for any local educational
10 agency, and the total number of children aged five
11 to seventeen, inclusive, in local educational agencies,
12 on the basis of the most recent satisfactory data
13 available at the time the payment for such local edu-
14 cational agency is determined under section 1124.

15 “(5)(A) For each local educational agency serv-
16 ing an area with a total population of at least
17 20,000 persons, the grant under this section shall be
18 the amount determined by the Secretary. For local
19 educational agencies serving areas with total popu-
20 lations of fewer than 20,000 persons, the State edu-
21 cation agency may either (i) distribute to such local
22 educational agencies grants under this section equal
23 to the amounts determined by the Secretary; or (ii)
24 use an alternative method, approved by the Sec-
25 retary, to distribute the share of the State’s total

1 grants under this section that is based on local edu-
2 cational agencies with total populations of fewer
3 than 20,000 persons. Such an alternative method of
4 distributing grants under this section among a
5 State's local educational agencies serving areas with
6 total populations of fewer than 20,000 persons shall
7 be based upon population data that the State edu-
8 cation agency determines best reflects the current
9 distribution of children in poor families among the
10 State's local educational agencies serving areas with
11 total populations of fewer than 20,000 persons and
12 meeting the eligibility criteria of paragraph (1)(A).
13 If a local educational agency serving an area with
14 total population of less than 20,000 persons is dis-
15 satisfied with the determination of its grant by the
16 State education agency, then it may appeal this de-
17 termination to the Secretary. The Secretary must re-
18 spond to this appeal within 45 days of receipt. The
19 Secretary shall consult with the Secretary of Com-
20 merce regarding whether available data on popu-
21 lation for local educational agencies serving areas
22 with total populations of fewer than 20,000 persons
23 are sufficiently reliable to be used to determine final
24 grants to such areas meeting the eligibility criteria
25 of paragraph (1)(A).

1 “(B) If, and only if, there are portions of any
2 of the States for which the Department of Com-
3 merce has not prepared data on the number of chil-
4 dren, aged 5–17, from families below the poverty
5 level for local educational agencies, then the Sec-
6 retary shall use such data compiled for counties in
7 those portions of the States, treating the counties as
8 if they were local educational agencies. In such
9 cases, subject to section 1126, the grant for any
10 local educational agency in such an area of a State
11 shall be determined on the basis of the aggregate
12 amount of such grants for all such agencies in the
13 county or counties in which the school district of the
14 particular agency is located, which aggregate
15 amount shall be equal to the aggregate amount de-
16 termined under subparagraph (A) for such county or
17 counties, and shall be allocated among those agen-
18 cies upon such equitable basis as may be determined
19 by the State educational agency in accordance with
20 the basic criteria prescribed by the Secretary.

21 “(b) RESERVATION OF FUNDS.—Of the total amount
22 of funds available for sections 1124 and 1125A, 10 per-
23 cent of the amount appropriated for that fiscal year shall
24 be available to carry out this section.

1 “(c) RATABLE REDUCTION RULE.—If the sums
2 available under subsection (b) for any fiscal year for mak-
3 ing payments under this section are not sufficient to pay
4 in full the total amounts which all States are entitled to
5 receive under subsection (a) for such fiscal year, the maxi-
6 mum amounts which all States are entitled to receive
7 under subsection (a) for such fiscal year shall be ratably
8 reduced. In case additional funds become available for
9 making such payments for any fiscal year during which
10 the preceding sentence is applicable, such reduced
11 amounts shall be increased on the same basis as they were
12 reduced.

13 **“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL**
14 **AGENCIES.**

15 “(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGEN-
16 CIES.—A local educational agency in a State is eligible to
17 receive a targeted grant under this section for any fiscal
18 year if the number of children in the local educational
19 agency under subsection 1124(c), before application of the
20 weighting factor, is at least 10.

21 “(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES,
22 THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—(1)
23 The amount of the grant that a local educational agency
24 in a State or that the District of Columbia is eligible to

1 receive under this section for any fiscal year shall be the
2 product of—

3 “(A) the number of children counted under sub-
4 section (c); and

5 “(B) the amount in the second sentence of sub-
6 paragraph 1124(a)(1)(A).

7 “(2) For each fiscal year, the amount of the grant
8 for which the Commonwealth of Puerto Rico is eligible
9 under this section shall be equal to the number of children
10 counted under subsection (c) for Puerto Rico, multiplied
11 by the amount determined in subparagraph
12 1124(a)(1)(C).

13 “(c) CHILDREN TO BE COUNTED.—

14 “(1) CATEGORIES OF CHILDREN.—The number
15 of children to be counted for purposes of this section
16 shall be the number counted in subsection 1124(c)
17 multiplied by the weighting factor for the local edu-
18 cational agency. The weighting factor shall be estab-
19 lished on the basis of the percentage that the num-
20 ber of children counted under section 1124(c) rep-
21 represents of the total population aged 5–17 years in
22 the local educational agency or the number of such
23 children. Weighted pupil counts will be calculated
24 based upon both percentage and number and the
25 larger of the two counts will be used in calculating

1 grants for each local educational agency. Weighting
2 factors shall be assigned according to the following
3 scale: if the percentage is greater than 0 but less
4 than 14.265, the weighting factor shall be 1.00 for
5 all children counted in section 1124(c); if the per-
6 centage is greater than 14.265 but less than 21.553,
7 the weighting factor shall be 1.00 for a number of
8 children counted in section 1124(c) equal to 14.265
9 percent of the total school age population and 1.50
10 for children counted under section 1124(c) in excess
11 of 14.265 percent of the total school age population;
12 if the percentage is greater than 21.553 percent but
13 less than 29.223 percent, then the weighting factor
14 shall be 1.00 for a number of children counted in
15 section 1124(c) equal to 14.265 percent of the total
16 school age population, 1.50 for a number of children
17 counted under section 1124(c) equal to 7.288 per-
18 cent of the total school age population, and 2.00 for
19 children counted under section 1124(c) in excess of
20 21.553 percent of the total school age population; if
21 the percentage is greater than 29.223 percent but
22 less than 36.538 percent, then the weighting factor
23 shall be 1.00 for a number of children counted in
24 section 1124(c) equal to 14.265 percent of the total
25 school age population, 1.50 for a number of children

1 counted under section 1124(c) equal to 7.288 per-
2 cent of the total school age population, 2.00 for a
3 number of children counted under section 1124(c)
4 equal to 7.67 percent of the total school age popu-
5 lation, and 2.50 for children counted under section
6 1124(c) in excess of 29.223 percent of the total
7 school age population; and if the percentage is great-
8 er than 36.538, then the weighting factor shall be
9 1.00 for a number of children counted in section
10 1124(c) equal to 14.265 percent of the total school
11 age population, 1.50 for a number of children count-
12 ed under section 1124(c) equal to 7.288 percent of
13 the total school age population, 2.00 for a number
14 of children counted under section 1124(c) equal to
15 7.67 percent of the total school age population, 2.50
16 for a number of children counted in section 1124(c)
17 equal to 7.315 percent of the total school age popu-
18 lation, and 3.00 for children counted in section
19 1124(c) in excess of 36.538 percent of the total
20 school age population. Separately, if the number of
21 children counted under section 1124(c) is greater
22 than 0 but less than 575, the weighting factor shall
23 be 1.00 for all children counted in section 1124(c);
24 if the number is greater than 575 but less than
25 1,870, the weighting factor shall be 1.00 for a num-

1 ber of children counted in section 1124(c) equal to
2 575, and 1.50 for children counted under section
3 1124(c) in excess of 575; if the number is greater
4 than 1,870 but less than 6,910, then the weighting
5 factor shall be 1.00 for a number of children count-
6 ed in section 1124(c) equal to 575, 1.50 for a num-
7 ber of children counted under section 1124(c) equal
8 to 1,295, and 2.00 for children counted under sec-
9 tion 1124(c) in excess of 1,870; if the number is
10 greater than 6,910 but less than 42,000 then the
11 weighting factor shall be 1.00 for a number of chil-
12 dren counted in section 1124(c) equal to 575, 1.50
13 for a number of children counted under section
14 1124(c) equal to 1,295, 2.00 for a number of chil-
15 dren counted under section 1124(c) equal to 5,040,
16 and 2.50 for children counted under section 1124(c)
17 in excess of 6,910; and if the number is greater than
18 42,000, then the weighting factor shall be 1.00 for
19 a number of children counted in section 1124(c)
20 equal to 575, 1.50 for a number of children counted
21 under section 1124(c) equal to 1,295, 2.00 for a
22 number of children counted under section 1124(c)
23 equal to 5,040, 2.50 for a number of children count-
24 ed in section 1124(c) equal to 35,090 and 3.00 for
25 children counted in section 1124(c) in excess of

1 42,000. For the Commonwealth of Puerto Rico, the
2 weighting factor shall be no greater than 1.62.

3 “(d) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—
4 For each local educational agency serving an area with
5 a total population of at least 20,000 persons, the grant
6 under this section shall be the amount determined by the
7 Secretary. For local educational agencies serving areas
8 with total populations of fewer than 20,000 persons, the
9 State education agency may either (1) distribute to such
10 local educational agencies grants under this section equal
11 to the amounts determined by the Secretary; or (2) use
12 an alternative method, approved by the Secretary, to dis-
13 tribute the share of the State’s total grants under this sec-
14 tion that is based on local educational agencies with total
15 populations of fewer than 20,000 persons. Such an alter-
16 native method of distributing grants under this section
17 among a State’s local educational agencies serving areas
18 with total populations of fewer than 20,000 persons shall
19 be based upon population data that the State education
20 agency determines best reflects the current distribution of
21 children in poor families among the State’s local edu-
22 cational agencies serving areas with total populations of
23 fewer than 20,000 persons. If a local educational agency
24 serving an area with total populations of less than 20,000
25 persons is dissatisfied with the determination of its grant

1 by the State education agency, then it may appeal this
2 determination to the Secretary. The Secretary must re-
3 spond to this appeal within 45 days of receipt. If, and only
4 if, there are portions of any of the States for which the
5 Department of Commerce has not prepared data on the
6 number of children, aged 5–17, from families below the
7 poverty level for local educational agencies, then the Sec-
8 retary shall use such data compiled for counties in those
9 portions of the States, treating the counties as if they were
10 local educational agencies. The Secretary shall consult
11 with the Secretary of Commerce regarding whether avail-
12 able data on population for local educational agencies serv-
13 ing areas with total populations of fewer than 20,000 per-
14 sons are sufficiently reliable to be used to determine final
15 grants to such areas.

16 “(e) STATE MINIMUM.—Notwithstanding any other
17 provision of this section, from the total amount available
18 for any fiscal year to carry out this section, each State
19 shall be allotted at least the lesser of—

20 “(1) one quarter of one percent of such
21 amount;

22 “(2) 150 percent of the national average grant
23 under this section per child described in section
24 1124(c), without application of a weighting factor,
25 multiplied by the State’s total number of children

1 described in section 1124(c), without application of
2 a weighting factor.

3 **“SEC. 1126. SPECIAL ALLOCATION PROCEDURES.**

4 “(a) ALLOCATIONS FOR NEGLECTED OR DELIN-
5 QUENT CHILDREN.—(1) If a State educational agency de-
6 termines that a local educational agency in the State is
7 unable or unwilling to provide for the special educational
8 needs of children who are living in institutions for ne-
9 glected or delinquent children as described in subpara-
10 graph 1124(c)(1)(C), the State educational agency shall,
11 if it assumes responsibility for the special educational
12 needs of such children, receive the portion of such local
13 educational agency’s allocation under sections 1124,
14 1124A, and 1125 that is attributable to such children.

15 “(2) If the State educational agency does not assume
16 such responsibility, any other State or local public agency
17 that does assume such responsibility shall receive that por-
18 tion of the local educational agency’s allocation.

19 “(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL
20 AGENCIES.—The State educational agency may allocate
21 the amounts of grants under sections 1124, 1124A, and
22 1125 between and among the affected local educational
23 agencies when—

1 “(1) two or more local educational agencies
2 serve, in whole or in part, the same geographical
3 area; or

4 “(2) a local educational agency provides free
5 public education for children who reside in the
6 school district of another local educational agency.

7 “(c) REALLOCATION.—If a State educational agency
8 determines that the amount of a grant a local educational
9 agency would receive under sections 1124, 1124A, and
10 1125 is more than such local agency will use, the State
11 educational agency shall make the excess amount available
12 to other local educational agencies in the State that need
13 additional funds in accordance with criteria established by
14 the State educational agency.

15 **“SEC. 1127. CARRYOVER AND WAIVER.**

16 “(a) LIMITATION ON CARRYOVER.—Notwithstanding
17 section 412 of the General Education Provisions Act or
18 any other provision of law, not more than 15 percent of
19 the funds allocated to a local educational agency for any
20 fiscal year under this subpart (but not including funds re-
21 ceived through any reallocation under this subpart) may
22 remain available for obligation by such agency for one ad-
23 ditional fiscal year.

1 “(b) WAIVER.—A State educational agency may,
2 once every three years, waive the percentage limitation in
3 subsection (a) if—

4 “(1) the agency determines that the request of
5 a local educational agency is reasonable and nec-
6 essary; or

7 “(2) supplemental appropriations for this sub-
8 part become available.

9 “(c) EXCLUSION.—The percentage limitation under
10 subsection (a) shall not apply to any local educational
11 agency that receives less than \$50,000 under this subpart
12 for any fiscal year.

13 **“Subpart 3—Presidential Awards Program**

14 **“SEC. 1131. PRESIDENTIAL AWARDS PROGRAM.**

15 “(a) DEVELOPMENT.—The Secretary may develop a
16 Presidential awards program that will recognize the per-
17 son or corporation producing the best education game of
18 the year.

19 “(b) NOMINATIONS.—Games recognized under this
20 program shall be selected by the Secretary from a list of
21 nominees or applicants submitted by a panel of experts
22 who convene annually at the request of the Secretary.

23 “(c) SELECTION.—The Secretary shall annually con-
24 vene a panel of experts who will review nominations and
25 applicants in selecting recipients who will receive awards

1 under this section. Games selected for awards under this
2 section may be eligible to receive other awards.

3 **“PART B—EVEN START FAMILY LITERACY**
4 **PROGRAMS**

5 **“SEC. 1201. STATEMENT OF PURPOSE.**

6 “It is the purpose of this part to help break the cycle
7 of poverty and illiteracy by improving the educational op-
8 portunities of the Nation’s low-income families by inte-
9 grating early childhood education, adult literacy or adult
10 basic education, and parenting education into a unified
11 family literacy program, to be referred to as ‘Even Start’,
12 that is implemented through cooperative projects that
13 build on existing community resources to create a new
14 range of services, that promotes achievement of the Na-
15 tional Education Goals, and that assists children and
16 adults from low-income families to achieve challenging
17 State standards.

18 **“SEC. 1202. PROGRAM AUTHORIZED.**

19 “(a) RESERVATION FOR MIGRANT PROGRAMS, OUT-
20 LYING AREAS, INDIAN TRIBES, AND OTHER PURPOSES.—
21 (1) In each fiscal year, the Secretary shall reserve not less
22 than 5 percent of the amount appropriated under section
23 1002(b) of this title for programs, under such terms and
24 conditions as the Secretary shall establish, that are con-

1 sistent with the purpose of this part, and according to
2 their relative needs, for—

3 “(A) children of migratory workers;

4 “(B) the outlying areas; and

5 “(C) Indian tribes and tribal organizations.

6 “(2) If the amount of funds made available under
7 subsection (a) exceeds \$4,600,000, the Secretary shall
8 make a grant of sufficient size and for a period of suffi-
9 cient duration to demonstrate the effectiveness of a family
10 literacy program in a prison that houses women and their
11 preschool age children and that has the capability of devel-
12 oping a program of high quality.

13 “(b) RESERVATION FOR FEDERAL ACTIVITIES.—
14 From amounts appropriated under section 1002(b), the
15 Secretary may reserve not more than three percent of such
16 amounts or the amount reserved for such purposes in the
17 fiscal year 1994, whichever is greater, for purposes of—

18 “(1) carrying out the evaluation required by
19 section 1209; and

20 “(2) providing, through grants or contracts,
21 technical assistance, program improvement, and rep-
22 lication activities through eligible organizations.

23 “(c) STATE ALLOCATION.—(1) After reserving funds
24 under subsections (a) and (b), the Secretary shall allocate

1 the remaining funds appropriated for this part to States,
2 to be used in accordance with section 1203.

3 “(2) Except as provided in paragraph (3), from the
4 total amount available for allocation to States in any fiscal
5 year, each State shall be eligible to receive a grant under
6 paragraph (1) in an amount that bears the same ratio to
7 such total amount as the amount allocated to such State
8 under section 1122 of this title bears to the total amount
9 allocated under that section to all the States.

10 “(3) No State shall receive less than \$250,000 under
11 paragraph (1) for any fiscal year.

12 “(d) DEFINITIONS.—For the purpose of this part—

13 “(1) the term ‘eligible entity’ means a partner-
14 ship composed of both—

15 “(A) a local educational agency; and

16 “(B) a nonprofit community-based organi-
17 zation, public agency, institution of higher edu-
18 cation, or other public or private nonprofit or-
19 ganization of demonstrated quality;

20 “(2) the terms ‘Indian tribe’ and ‘tribal organi-
21 zation’ have the meanings given such terms in sec-
22 tion 4 of the Indian Self-Determination and Edu-
23 cation Assistance Act;

1 “(3) the term ‘State’ includes each of the 50
2 States, the District of Columbia, and the Common-
3 wealth of Puerto Rico; and

4 “(4) the term ‘eligible organization’ means any
5 public or private nonprofit organization with a
6 record of providing effective services to family lit-
7 eracy providers, such as the National Center for
8 Family Literacy, Parents as Teachers, Inc., and the
9 Home Instruction Program for Preschool Young-
10 sters.

11 **“SEC. 1203. STATE PROGRAMS.**

12 “(a) STATE-LEVEL ACTIVITIES.—Each State that re-
13 ceives a grant under section 1202(c)(1) may use not more
14 than 5 percent for—

15 “(1) administrative costs; and

16 “(2) the provision, through one or more
17 subgrants or contracts, of access to technical assist-
18 ance for program improvement and replication to eli-
19 gible entities that receive subgrants under subsection
20 (b).

21 “(b) SUBGRANTS FOR LOCAL PROGRAMS.—(1) Each
22 State shall use the remainder of its grant to make
23 subgrants to eligible entities to carry out Even Start pro-
24 grams.

1 “(2) No State shall award a subgrant under para-
2 graph (1) for an amount less than \$75,000.

3 **“SEC. 1204. USES OF FUNDS.**

4 “(a) IN GENERAL.—In carrying out an Even Start
5 program under this part, a recipient of funds under this
6 part shall use such funds to pay the Federal share of the
7 cost of providing family-centered education programs that
8 involve parents and children, from birth through age 7,
9 in a cooperative effort to help parents become full partners
10 in the education of their children and to assist children
11 in reaching their full potential as learners.

12 “(b) FEDERAL SHARE LIMITATION.—(1)(A) Except
13 as provided in paragraph (2), the Federal share under this
14 part may not exceed—

15 “(i) 90 percent of the total cost of the program
16 in the first year that that program receives assist-
17 ance under this part or its predecessor authority;

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

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

20 “(iv) 60 percent in the fourth such year; and

21 “(v) 50 percent in any subsequent such year.

22 “(B) The remaining cost of a program under this
23 part may be provided in cash or in kind, fairly evaluated,
24 and may be obtained from any source other than funds
25 received under this title.

1 “(2) The State educational agency may waive, in
2 whole or in part, the cost-sharing requirement of para-
3 graph (1) if an eligible entity—

4 “(A) demonstrates that it otherwise would not
5 be able to participate in the program under this
6 part; and

7 “(B) negotiates an agreement with the State
8 educational agency with respect to the amount of the
9 remaining cost to which the waiver would be applica-
10 ble.

11 “(3) Federal funds under this part may not be used
12 for the indirect costs of an Even Start program, except
13 that the Secretary may waive this limitation if a recipient
14 of funds reserved under section 1202(a)(3) demonstrates
15 to the Secretary’s satisfaction that it otherwise would not
16 be able to participate in the program under this part.

17 **“SEC. 1205. PROGRAM ELEMENTS.**

18 “Each Even Start program assisted under this part
19 shall—

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

1 “(2) include screening and preparation of par-
2 ents and children to enable them to participate fully
3 in the activities and services provided under this
4 part, including testing, referral to necessary counsel-
5 ing, other developmental and support services, and
6 related services;

7 “(3) be designed to accommodate the partici-
8 pants’ work schedule and other responsibilities, in-
9 cluding the provision of support services, when un-
10 available from other sources, necessary for participa-
11 tion, such as—

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

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

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

21 “(4) include high-quality instructional programs
22 that promote adult literacy, empower parents to sup-
23 port the educational growth of their children, devel-
24 opmentally appropriate early childhood educational

1 services, and preparation of children for success in
2 regular school programs;

3 “(5) include special training of staff, including
4 child care staff, to develop the skills necessary to
5 work with parents and young children in the full
6 range of instructional services offered through this
7 part;

8 “(6) provide and monitor integrated instruc-
9 tional services to participating parents and children
10 through home-based programs;

11 “(7) operate on a year-round basis, including
12 the provision of some program services, either in-
13 structional or enrichment, or both, during the sum-
14 mer months;

15 “(8) be coordinated with—

16 “(A) programs assisted under other parts
17 of this title and this Act;

18 “(B) any relevant programs under the
19 Adult Education Act, the Individuals With Dis-
20 abilities Education Act, and the Job Training
21 Partnership Act; and

22 “(C) the Head Start program, volunteer
23 literacy programs, and other relevant programs;
24 and

1 “(9) provide for an independent evaluation of
2 the program.

3 **“SEC. 1206. ELIGIBLE PARTICIPANTS.**

4 “(a) IN GENERAL.—Except as provided in subsection
5 (b), eligible participants in an Even Start program are—

6 “(1) a parent or parents—

7 “(A) who are eligible for participation in
8 an adult basic education program under the
9 Adult Education Act; or

10 “(B) who are within the State’s compul-
11 sory school attendance age range, so long as a
12 local educational agency provides (or ensures
13 the availability of) the basic education compo-
14 nent required under this part; and

15 “(2) the child or children, from birth through
16 age seven, of any parent described in paragraph (1).

17 “(b) ELIGIBILITY FOR CERTAIN OTHER PARTICI-
18 PANTS.—(1) Family members other than those described
19 in subsection (a) may participate in program activities and
20 services, when deemed by the program to serve the pur-
21 pose of this part.

22 “(2) Any family participating in a program under
23 this part that becomes ineligible for such participation as
24 a result of one or more members of the family becoming
25 ineligible for such participation may continue to partici-

1 pate in the program until all members of the family be-
2 come ineligible for participation, which—

3 “(A) in the case of a family in which ineligibil-
4 ity was due to the child or children of such family
5 attaining the age of eight, shall be in two years or
6 when the parent or parents become ineligible due to
7 educational advancement, whichever occurs first; and

8 “(B) in the case of a family in which ineligibil-
9 ity was due to the educational advancement of the
10 parent or parents of such family, shall be when all
11 children in the family attain the age of eight.

12 **“SEC. 1207. APPLICATIONS.**

13 “(a) SUBMISSION.—To be eligible to receive a
14 subgrant under this part, an eligible entity shall submit
15 an application to the State educational agency in such
16 form and containing or accompanied by such information
17 as the State educational agency shall require.

18 “(b) REQUIRED DOCUMENTATION.—Each applica-
19 tion shall include documentation, satisfactory to the State
20 educational agency, that the eligible entity has the quali-
21 fied personnel needed—

22 “(1) to develop, administer, and implement an
23 Even Start program under this part; and

1 “(2) to provide access to the special training
2 necessary to prepare staff for the program, which
3 may be offered by an eligible organization.

4 “(c) PLAN.—Such application shall also include a
5 plan of operation for the program which shall include—

6 “(1) a description of the program goals;

7 “(2) a description of the activities and services
8 that will be provided under the program, including
9 a description of how the program will incorporate
10 the program elements required by section 1205;

11 “(3) a description of the population to be
12 served and an estimate of the number of partici-
13 pants;

14 “(4) as appropriate, a description of the appli-
15 cant’s collaborative efforts with institutions of higher
16 education, community-based organizations, the State
17 educational agency, private elementary schools, or
18 other eligible organizations in carrying out the pro-
19 gram for which assistance is sought;

20 “(5) a statement of the methods that will be
21 used—

22 “(A) to ensure that the programs will serve
23 families most in need of the activities and serv-
24 ices provided by this part;

1 “(B) to provide services under this part to
2 individuals with special needs, such as individ-
3 uals with limited English proficiency and indi-
4 viduals with disabilities; and

5 “(C) to encourage participants to remain
6 in the program for a time sufficient to meet the
7 program’s purpose; and

8 “(6) a description of how the plan—

9 “(A)(i) is consistent with and promotes the
10 goals of the State and local plans, either ap-
11 proved or being developed, under title III of the
12 Goals 2000: Educate America Act; and

13 “(ii) is consistent with the State and local
14 plans under sections 1111 and 1112; or

15 “(B) is consistent with the State and local
16 plans under sections 1111 and 1112 is the
17 State does not have an approved plan under
18 title III of the Goals 2000: Educate America
19 Act and is not developing such a plan.

20 “(d) The plan described in subsection (c)(6) may be
21 submitted as part of a consolidated application under sec-
22 tion 9302.

1 **“SEC. 1208. AWARD OF SUBGRANTS.**

2 “(a) SELECTION PROCESS.—(1) The State edu-
3 cational agency shall establish a review panel that will ap-
4 prove applications that—

5 “(A) are most likely to be successful in meeting
6 the purpose of this part, and in effectively imple-
7 menting the program elements required under sec-
8 tion 1205;

9 “(B) demonstrate that the area to be served by
10 such program has a high percentage or a large num-
11 ber of children and families who are in need of such
12 services as indicated by high levels of poverty, illit-
13 eracy, unemployment, or limited English proficiency;

14 “(C) provide services for at least a three-year
15 age range, which may begin at birth;

16 “(D) demonstrate the greatest possible coopera-
17 tion and coordination between a variety of relevant
18 service providers in all phases of the program;

19 “(E) include cost-effective budgets, given the
20 scope of the application;

21 “(F) demonstrate the applicant’s ability to pro-
22 vide the additional funding required by section
23 1204(b);

24 “(G) are representative of urban and rural re-
25 gions of the State; and

1 “(H) show the greatest promise for providing
2 models that may be adopted by other local edu-
3 cational agencies.

4 “(2) The State educational agency shall give priority
5 for subgrants under this subsection to proposals that ei-
6 ther—

7 “(A) target services primarily to families de-
8 scribed in paragraph (1)(B); or

9 “(B) are located in areas designated as
10 empowerment zones or enterprise communities.

11 “(b) REVIEW PANEL.—A review panel shall consist
12 of at least three members, including one early childhood
13 professional, one adult education professional, and one or
14 more of the following individuals:

15 “(1) A representative of a parent-child edu-
16 cation organization.

17 “(2) A representative of a community-based lit-
18 eracy organization.

19 “(3) A member of a local board of education.

20 “(4) A representative of business and industry
21 with a commitment to education.

22 “(5) An individual who has been involved in the
23 implementation of programs under this title in the
24 State.

1 “(c) DURATION.—(1) Subgrants may be awarded for
2 a period not to exceed four years.

3 “(2) The State educational agency may provide a
4 subgrantee, at the subgrantee’s request, a 3- to 6-month
5 start-up period during the first year of the four-year pe-
6 riod, which may include staff recruitment and training,
7 and the coordination of services, before requiring full im-
8 plementation of the program.

9 “(3)(A) In reviewing any application for a subgrant
10 to continue a program for the second, third, or fourth
11 year, the State educational agency shall review the
12 progress being made toward meeting the objectives of the
13 program after the conclusion of the start-up period, if any.

14 “(B) The State educational agency may refuse to
15 award a subgrant if such agency finds that sufficient
16 progress has not been made toward meeting such objec-
17 tives, but only after affording the applicant notice and an
18 opportunity for a hearing.

19 “(4)(A) An eligible entity that has previously received
20 a subgrant under this part may reapply under the terms
21 of this part for a second project period.

22 “(B) During the second project period, the Federal
23 share of the subgrant shall not exceed 50 percent in any
24 year.

1 **“SEC. 1209. EVALUATION.**

2 “From funds reserved under section 1202(b)(1), the
3 Secretary shall provide for an independent evaluation of
4 programs under this part—

5 “(1) to determine the performance and effec-
6 tiveness of programs; and

7 “(2) to identify effective Even Start projects
8 that can be replicated and used in providing tech-
9 nical assistance to national, State, and local pro-
10 grams.

11 **“PART C—EDUCATION OF MIGRATORY CHILDREN**

12 **“SEC. 1301. PROGRAM PURPOSE.**

13 “It is the purpose of this part to assist States to—

14 “(1) support high-quality and comprehensive
15 educational programs for migratory children to help
16 reduce the educational disruptions and other prob-
17 lems that result from repeated moves;

18 “(2) ensure that migratory children are pro-
19 vided with appropriate educational services (includ-
20 ing supportive services) that address their special
21 needs in a coordinated and efficient manner;

22 “(3) ensure that migratory children have the
23 opportunity to meet the same challenging perform-
24 ance standards that all children are expected to
25 meet;

1 “(4) design programs to help migratory chil-
2 dren overcome educational disruption, cultural and
3 language barriers, social isolation, various health-re-
4 lated problems, and other factors that inhibit their
5 ability to do well in school, and to prepare these chil-
6 dren to make a successful transition to postsecond-
7 ary education or employment; and

8 “(5) ensure that migratory children benefit
9 from State and local systemic reforms.

10 **“SEC. 1302. PROGRAM AUTHORIZED.**

11 “In order to carry out the purpose of this part, the
12 Secretary shall make grants to State educational agencies,
13 or combinations of such agencies, to establish or improve,
14 directly or through local operating agencies, programs of
15 education for migratory children in accordance with this
16 part.

17 **“SEC. 1303. STATE ALLOCATIONS.**

18 “(a) STATE ALLOCATIONS.—Each State (other than
19 the Commonwealth of Puerto Rico) is entitled to receive
20 under this part, for each fiscal year, an amount equal to—

21 “(1) the sum of the estimated number of migra-
22 tory children aged three through 21 who reside in
23 the State full time and the full-time equivalent of
24 the estimated number of migratory children aged
25 three through 21 who reside in the State part time,

1 as determined in accordance with subsection (e);
2 multiplied by

3 “(2) 40 percent of the average per-pupil ex-
4 penditure in the State, except that the amount de-
5 termined under this paragraph shall not be less than
6 32 percent, or more than 48 percent, of the average
7 expenditure per pupil in the United States.

8 “(b) ALLOCATION TO PUERTO RICO.—For each fiscal
9 year, the amount for which the Commonwealth of Puerto
10 Rico is eligible under this section shall be equal to—

11 “(1) the number of migratory children in Puer-
12 to Rico, determined under subsection (a)(1); multi-
13 plied by

14 “(2) the product of—

15 “(A) the percentage that the average ex-
16 penditure per pupil in Puerto Rico is of the low-
17 est average per-pupil expenditure of any of the
18 50 States; and

19 “(B) 32 percent of the average expenditure
20 per pupil in the United States.

21 “(c) RATABLE REDUCTIONS; REALLOCATIONS.—
22 (1)(A) If, after the Secretary reserves funds under section
23 1308(c), the amount appropriated to carry out this part
24 for any fiscal year is insufficient to pay in full the amounts

1 for which all States are eligible, the Secretary shall ratably
2 reduce each such amount.

3 “(B) If additional funds become available for making
4 such payments for any fiscal year, the Secretary shall allo-
5 cate such funds to States in amounts that the Secretary
6 finds would best carry out the purpose of this part.

7 “(2)(A) The Secretary shall further reduce the
8 amount of any grant to a State under this part for any
9 fiscal year if the Secretary determines, based on available
10 information on the numbers and needs of migratory chil-
11 dren in the State and the program proposed by the State
12 to address such needs, that such amount exceeds the
13 amount required under section 1304.

14 “(B) The Secretary shall reallocate such excess funds
15 to other States whose grants under this part would other-
16 wise be insufficient to provide an appropriate level of serv-
17 ices to migratory children, in such amounts as the Sec-
18 retary determines are appropriate.

19 “(d) CONSORTIUM ARRANGEMENTS.—(1) In the case
20 of a State that receives a grant of \$1,000,000 or less
21 under this section, the Secretary shall consult with the
22 State educational agency to determine whether consortium
23 arrangements with another State or other appropriate en-
24 tity would result in delivery of services in a more effective
25 and efficient manner.

1 “(2) A State, irrespective of the amount of its alloca-
2 tion, may propose a consortium arrangement.

3 “(3) The Secretary shall approve a consortium ar-
4 rangement under paragraph (1) or (2) if the proposal
5 demonstrates that the arrangement will—

6 “(A) reduce administrative costs or program
7 function costs for State programs; and

8 “(B) make more funds available for direct serv-
9 ices to add substantially to the welfare or edu-
10 cational attainment of children to be served under
11 this part.

12 “(e) DETERMINING NUMBERS OF ELIGIBLE CHIL-
13 DREN.—In order to determine the estimated number of
14 migratory children residing in each State for purposes of
15 this section, the Secretary shall—

16 “(1) use such information as the Secretary
17 finds most accurately reflects the actual number of
18 migratory children;

19 “(2) as soon as feasible develop and implement
20 a procedure for more accurately reflecting cost fac-
21 tors for different types of summer program designs
22 which will be used to adjust the estimated number
23 of children who reside in a State in order to reflect
24 the number of migratory children who are served in
25 summer programs (which may include intersession

1 programs) in the State and the additional costs of
2 operating such programs; and

3 “(3) conduct an analysis of the options for ad-
4 justing the formula so as to better direct services to
5 the child whose education has been interrupted.

6 **“SEC. 1304. 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 applica-
12 tion shall include—

13 “(1) a description of how, in planning, imple-
14 menting, and evaluating programs and projects
15 under this part, the State and its operating agencies
16 will ensure that the special educational needs of mi-
17 gratory children are identified and addressed
18 through a comprehensive plan for needs assessment
19 and service delivery that meets the requirements of
20 section 1306, including, when feasible, recording the
21 migratory status of such children and their average
22 daily attendance on State student collection data;

23 “(2) a description of the steps the State is tak-
24 ing to provide migratory students with the oppor-

1 tunity to meet the same challenging performance
2 standards that all children are expected to meet;

3 “(3) a description of how the State will use its
4 funds to promote interstate and intrastate coordina-
5 tion of services for migratory children, including
6 how, consistent with procedures the Secretary may
7 require, it will provide for educational continuity
8 through the timely transfer of pertinent school
9 records, including information on health, when chil-
10 dren move from one school to another, whether or
11 not during the regular school year;

12 “(4) a description of the State’s priorities for
13 the use of funds received under this part, and how
14 they relate to the State’s assessment of needs for
15 services in the State;

16 “(5) a description of how the State will deter-
17 mine the amount of any subgrants it will award to
18 local operating agencies, taking into account the re-
19 quirements of paragraph (1); and

20 “(6) such budgetary and other information as
21 the Secretary may require.

22 “(c) ASSURANCES.—Each such application shall also
23 include assurances, satisfactory to the Secretary, that—

24 “(1) funds received under this part will be used
25 only—

1 “(A) for programs and projects, including
2 the acquisition of equipment, in accordance
3 with section 1306(b)(1); and

4 “(B) to coordinate such programs and
5 projects with similar programs and projects
6 within the State and in other States, as well as
7 with other Federal programs that can benefit
8 migratory children and their families;

9 “(2) such programs and projects will be carried
10 out in a manner consistent with the objectives of
11 sections 1114, 1115(b) and (d), 1120, and 1121(b)
12 and (c), and part F of this title;

13 “(3) in the planning and operation of programs
14 and projects at both the State and local operating
15 agency level, there is appropriate consultation with
16 parent advisory councils for programs lasting a
17 school year, and that all such programs and projects
18 are carried out, to the extent feasible, in a manner
19 consistent with section 1118 of this title;

20 “(4) in planning and carrying out such pro-
21 grams and projects, there has been, and will be, ade-
22 quate provision for addressing the unmet education
23 needs of preschool migratory children;

24 “(5) the effectiveness of such programs and
25 projects will be determined, where feasible, using the

1 same approaches and standards that will be used to
2 assess the performance of students, schools, and
3 local educational agencies under part A of this title;
4 and

5 “(6) the State will assist the Secretary in deter-
6 mining the number of migratory children under sec-
7 tion 1303(e), through such procedures as the Sec-
8 retary may require.

9 “(d) PRIORITY FOR SERVICES.—In providing services
10 with funds received under this part, each recipient of such
11 funds shall give priority to migratory children who are fail-
12 ing, or most at risk of failing, to meet the State’s challeng-
13 ing performance standards, and whose education has been
14 interrupted during the regular school year.

15 “(e) CONTINUATION OF SERVICES.—Notwithstand-
16 ing any other provision of this part—

17 “(1) a child who ceases to be a migratory child
18 during a school term shall be eligible for services
19 until the end of such term;

20 “(2) a child who is no longer a migratory child
21 may continue to receive services for one additional
22 school year, but only if comparable services are not
23 available through other programs; and

24 “(3) secondary school students who were eligi-
25 ble for services in secondary school may continue to

1 be served through credit accrual programs until
2 graduation.

3 **“SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.**

4 “(a) SECRETARIAL APPROVAL.—The Secretary shall
5 approve each State application that meets the require-
6 ments of this part.

7 “(b) PEER REVIEW.—The Secretary may review any
8 such application with the assistance and advice of State
9 officials and other individuals with relevant expertise.

10 **“SEC. 1306. COMPREHENSIVE NEEDS ASSESSMENT AND**
11 **SERVICE-DELIVERY PLAN; AUTHORIZED AC-**
12 **TIVITIES.**

13 “(a) COMPREHENSIVE PLAN.—Each State that re-
14 ceives a grant under this part shall ensure that the State
15 and its local operating agencies identify and address the
16 special educational needs of migratory children in accord-
17 ance with a comprehensive State plan that—

18 “(1)(A) is integrated with the State’s plan, ei-
19 ther approved or being developed, under title III of
20 the Goals 2000: Educate America Act and satisfies
21 the requirements of this section that are not already
22 addressed by such State plan; and

23 “(B) is integrated with other State plans, if
24 any, under the School-To-Work Opportunities Act of
25 1993 and the Carl D. Perkins Vocational and Ap-

1 plied Technology Act to the extent that such plans
2 have not already been incorporated in the State’s
3 plan under title III of the Goals 2000: Educate
4 America Act;

5 “(2) if the State does not have an approved
6 plan under title III of the Goals 2000: Educate
7 America Act and is not developing such a plan—

8 “(A) is integrated with other State plans,
9 such as those under the School-To-Work Op-
10 portunities Act of 1993 and the Carl D. Per-
11 kins Vocational and Applied Technology Act,
12 where such plans exist; and

13 “(B) satisfies the requirements of this
14 section;

15 “(3) may be submitted as a part of a consoli-
16 dated application under section 9302;

17 “(4) provides that migratory children will have
18 an opportunity to meet the same challenging per-
19 formance standards, set out in those plans, that all
20 children are expected to meet;

21 “(5) specifies measurable program goals and
22 outcomes;

23 “(6) encompasses the full range of services that
24 are available for migratory children from appropriate
25 local, State and Federal educational programs;

1 “(7) is the product of joint planning among
2 such local, State, and Federal programs, including
3 those under part A of this title, early childhood pro-
4 grams, and bilingual education programs under title
5 VII of this Act;

6 “(8) provides for the integration of services
7 available under this part with services provided by
8 such other programs; and

9 “(9) to the extent feasible, provides for—

10 “(A) advocacy and outreach activities for
11 migratory children and their families, including
12 informing them of, or helping them gain access
13 to, other education, health, nutrition, and social
14 services;

15 “(B) professional development programs,
16 including mentoring, for teachers and other
17 program personnel;

18 “(C) parent involvement programs (as de-
19 fined under section 1118) and, when feasible,
20 the establishment of instructional programs
21 such as use of the model developed under the
22 Even Start Family Literacy Programs that pro-
23 mote adult literacy and train parents to support
24 the educational growth of their children;

1 “(D) the integration of communication and
2 information technology into educational and re-
3 lated programs; and

4 “(E) programs to facilitate the transition
5 of high school students to postsecondary edu-
6 cation or employment.

7 A State may satisfy all or part of the requirements of this
8 section by referencing applicable sections of its approved
9 plan under title III of the Goals 2000: Educate America
10 Act.

11 “(b) AUTHORIZED ACTIVITIES.—(1) In implementing
12 the comprehensive plan described in subsection (a), each
13 local operating agency shall have the flexibility to deter-
14 mine the activities to be provided with funds made avail-
15 able under this part, provided that—

16 “(A) before funds provided under this part are
17 used to provide services described in subparagraph
18 (B), those funds shall be used to meet the identified
19 needs of migratory children that—

20 “(i) result from the effects of their migra-
21 tory lifestyle, or are needed to permit migratory
22 children to participate effectively in school; and

23 “(ii) are not addressed by services provided
24 under other programs, including part A of this
25 title; and

1 “(B) all migratory children who are eligible to
2 receive services under part A of this title shall re-
3 ceive such services with funds provided under this
4 part or under part A of this title.

5 “(2) This subsection shall not apply to funds under
6 this part that are used for schoolwide programs under sec-
7 tion 1114 of this title.

8 **“SEC. 1307. BYPASS.**

9 “The Secretary may use all or part of any State’s
10 allocation under this part to make arrangements with any
11 public or private nonprofit agency to carry out the purpose
12 of this part in such State if the Secretary determines
13 that—

14 “(1) the State is unable or unwilling to conduct
15 educational programs for migratory children;

16 “(2) such arrangements would result in more
17 efficient and economic administration of such pro-
18 grams; or

19 “(3) such arrangements would add substantially
20 to the welfare or educational attainment of such
21 children.

22 **“SEC. 1308. COORDINATION OF MIGRANT EDUCATION AC-**
23 **TIVITIES.**

24 “(a) IMPROVEMENT OF COORDINATION.—The Sec-
25 retary, in consultation with the States, may make grants

1 to, or enter into contracts with, State educational agen-
2 cies, local educational agencies, institutions of higher edu-
3 cation, and other public and private nonprofit entities to
4 improve the interstate and intrastate coordination among
5 State and local educational agencies of their educational
6 programs, including the establishment or improvement of
7 programs for credit accrual and exchange, available to mi-
8 gratory students. Grants under this subpart may be made
9 for up to 5 years.

10 “(b) ASSISTANCE AND REPORTING.—(1) Within 60
11 days of enactment, the Secretary shall convene a panel of
12 Chief State School Officers and technical experts to assess
13 alternative methods by which student records may be
14 transferred from one school to another. Within 150 days
15 of having been convened, the panel shall make rec-
16 ommendations to the Secretary on how schools may adopt
17 the most cost-effective means of exchanging of school
18 records. The Secretary shall also develop the most cost-
19 effective and accurate method of determining the number
20 of students or full-time equivalent students in each State
21 on a yearly basis. The Secretary shall report to the Com-
22 mittee on Education and Labor of the House of Rep-
23 resentatives and the Committee on Labor and Human Re-
24 sources of the Senate the panel’s findings and the Sec-
25 retary’s recommendations.

1 “(2) The Secretary may contract for services for pur-
2 poses of this section.

3 “(c) AVAILABILITY OF FUNDS.—For the purpose of
4 carrying out this section, the Secretary shall reserve up
5 to \$6,000,000 from the amount appropriated under sec-
6 tion 1002(3) for each fiscal year to carry out this part.

7 “(d) COMPETITIVE GRANTS.—From the amounts
8 made available for this section, the Secretary shall reserve
9 not more than \$1,500,000 to award, on a competitive
10 basis, grants in the amount of up to \$100,000 each to
11 State educational agencies with consortium agreements
12 described under section 1303(d). Not less than 10 of such
13 grants shall be awarded to States which receive allocations
14 of less than \$1,000,000 if such States have approved
15 agreements.

16 **“SEC. 1309. DISTANCE LEARNING.**

17 “(a) PROGRAM.—The Secretary may establish a dis-
18 tance learning program to provide, through competitive
19 grants, continuity in the education of migrant children
20 using technology, interactive learning, computers, and
21 automated technology links achieved with modems and
22 telephone networks.

23 “(b) FUNDS.—Not more than \$3,000,000 may be
24 used to establish the program under subsection (a).

1 **“SEC. 1310. DEFINITIONS.**

2 “As used in this part, the following terms have the
3 following meanings:

4 “(1) The term ‘local operating agency’ means—

5 “(A) a local educational agency to which a
6 State educational agency makes a subgrant
7 under this part;

8 “(B) a public or nonprofit private agency
9 with which a State educational agency or the
10 Secretary makes an arrangement to carry out a
11 project under this part; or

12 “(C) a State educational agency, if the
13 State educational agency operates the State’s
14 migrant education program or projects directly.

15 “(2) The term ‘migratory child’ means—

16 “(A) for fiscal year 1996 and subsequent
17 years, a child who is, or whose parent or spouse
18 is, a migratory agricultural worker (including a
19 migratory dairy worker) or a migratory fisher,
20 and who, in the preceding 24 months, in order
21 to obtain, or accompany such parent or spouse
22 in order to obtain, temporary or seasonal em-
23 ployment in agricultural or fishing work—

24 “(i) has moved from one local edu-
25 cational agency to another; or

1 “(ii) in a State that is comprised of a
2 single local educational agency, has moved
3 from one administrative area to another
4 within such agency; or

5 “(B) for fiscal year 1995 only, a child ful-
6 filling the requirements of subparagraph (A) for
7 a period of 36 months instead of for 24
8 months.

9 **“PART D—PREVENTION AND INTERVENTION**
10 **SERVICES FOR DELINQUENT YOUTH AND**
11 **YOUTH AT RISK OF DROPPING OUT**

12 **“SEC. 1401. FINDINGS; PURPOSE; PROGRAM AUTHORIZED.**

13 “(a) FINDINGS.—Congress finds the following:

14 “(1) A large percentage of youth in the juvenile
15 justice system have poor academic achievement, are
16 a year or more behind grade level, and have dropped
17 out of school.

18 “(2) There is a strong correlation between aca-
19 demic failure and involvement in delinquent activi-
20 ties.

21 “(3) Preventing students from dropping out of
22 local schools and addressing the educational needs of
23 delinquent youth can help reduce the dropout rate
24 and involvement in delinquent activities at the same
25 time.

1 “(4) Many schools and correctional facilities fail
2 to communicate regarding a youth’s academic needs
3 and students often return to their home school ill-
4 prepared to meet current curriculum requirements.

5 “(5) Schools are often reluctant to deal with
6 youth returning from facilities and receive no funds
7 to deal with the unique educational and other needs
8 of such youth.

9 “(6) A continuing need exists for activities and
10 programs to reduce the incidence of youth dropping
11 out of school.

12 “(7) Federal dropout prevention programs have
13 demonstrated effectiveness in keeping children and
14 youth in school.

15 “(8) Pregnant and parenting teens are a high
16 at-risk group for dropping out of school and should
17 be targeted by dropout prevention programs.

18 “(9) Such youth need a strong dropout preven-
19 tion program which provides them with high level
20 skills and which provides supports to youth return-
21 ing from correctional facilities in order to keep them
22 in school.

23 “(b) PURPOSE.—It is the purpose of this part—

24 “(1) to improve educational services to children
25 in local and State institutions for delinquent children

1 so that they have the opportunity to meet the same
2 challenging State performance standards that all
3 children in the State will be expected to meet;

4 “(2) to provide such children the services they
5 need to make a successful transition from institu-
6 tionalization to further schooling or employment;
7 and

8 “(3) to prevent at-risk youth from dropping out
9 of school and to provide dropouts and youth return-
10 ing from institutions with a support system to en-
11 sure their continued education.

12 “(c) PROGRAM AUTHORIZED.—In order to carry out
13 the purpose of this part, the Secretary shall make grants
14 to State educational agencies, which shall make subgrants
15 to State agencies and local educational agencies to estab-
16 lish or improve programs of education for delinquent chil-
17 dren and youth at risk of dropping out of school before
18 graduation.

19 **“SEC. 1402. PAYMENTS FOR PROGRAMS UNDER THIS PART.**

20 “(a) AGENCY SUBGRANTS.—Based on the allocation
21 amount computed under section 1403, the Secretary shall
22 allocate to each State educational agency amounts nec-
23 essary to make subgrants to State agencies.

24 “(b) LOCAL SUBGRANTS.—Each State shall retain,
25 for purposes of subpart 2, funds generated throughout the

1 State under part A based on youth residing in local correc-
2 tional facilities, or attending community day programs for
3 delinquent children.

4 “(c) USE OF REMAINING FUNDS.—Each State shall
5 use any funds remaining after allocations are made under
6 subsection (a).

7 **“Subpart 1—State Agency Programs**

8 **“SEC. 1403. AMOUNT OF ALLOCATION TO STATE.**

9 “(a) STATE ALLOCATION.—Each State educational
10 agency is eligible to receive under this part, for each fiscal
11 year, an amount equal to the product of—

12 “(1) the number of delinquent children in State
13 correctional facilities serving youth under the age of
14 21 who are enrolled for at least 20 hours per week
15 in education programs operated or supported by fa-
16 cilities serving youth, and 10 hours a week in adult
17 facilities serving youth.

18 “(2) 40 percent of the average per-pupil ex-
19 penditure in the State, except that the amount de-
20 termined under this paragraph shall not be less than
21 32 percent or more than 48 percent of the average
22 per-pupil expenditure in the United States.

23 “(b) SUBGRANTS TO STATE AGENCIES IN PUERTO
24 RICO.—For each fiscal year, the amount of the grant for

1 which a State agency in the Commonwealth of Puerto Rico
2 is eligible under this part shall be equal to—

3 “(1) the number of children counted under sub-
4 section (a)(1) for Puerto Rico; multiplied by the
5 product of—

6 “(A) the percentage that the average per-
7 pupil expenditure in Puerto Rico is of the low-
8 est average per-pupil expenditure of any of the
9 50 States; and

10 “(B) 32 percent of the average per-pupil
11 expenditure in the United States.

12 **“SEC. 1404. STATE PLAN.**

13 “(a) STATE PLAN.—(1)(A) Each State educational
14 agency that desires to receive payments under this part
15 shall submit, for approval by the Secretary, a plan, which
16 shall be revised and updated as needed, for meeting the
17 needs of delinquent youth and children at risk of dropping
18 out that—

19 “(i) is integrated with the State’s plan, either
20 approved or being developed, under title III of the
21 Goals 2000: Educate America Act, and satisfies the
22 requirements of this section that are not already ad-
23 dressed by such State plan; or

24 “(ii) if the State does not have an approved
25 plan under title III of the Goals 2000: Educate

1 America Act or is not developing such a plan, is in-
2 tegrated with other State plans under this Act and
3 satisfies the requirements of this section.

4 “(B) A State plan submitted under paragraph
5 (1)(A)(i) may, if necessary, be submitted as an amend-
6 ment to the State’s plan under title III of the Goals 2000:
7 Educate America Act.

8 “(2) Each such plan shall also—

9 “(A) describe the State-established program
10 goals, objectives, and performance measures that will
11 be used to assess the effectiveness of the program in
12 improving academic and vocational skills of children
13 in the program;

14 “(B) provide that, to the extent feasible, such
15 children will have the same opportunities to learn as
16 they would have if they were in schools of local edu-
17 cational agencies in the State;

18 “(C) describe the manner in which such State
19 educational agency will make subgrants; and

20 “(D) contain assurances that the State edu-
21 cational agency will—

22 “(i) ensure that programs assisted under
23 this part will be carried out in accordance with
24 the State plan described in this subsection;

1 “(ii) carry out the evaluation requirements
2 of section 1408;

3 “(iii) ensure that its State agencies comply
4 with all applicable statutory and regulatory re-
5 quirements; and

6 “(iv) provide such other information as the
7 Secretary may reasonably require.

8 “(b) SECRETARIAL APPROVAL; PEER REVIEW.—(1)
9 The Secretary shall approve each State plan that meets
10 the requirements of this part.

11 “(2) The Secretary may review any such plan with
12 the assistance and advice of individuals with relevant
13 expertise.

14 “(c) SUBGRANTS TO STATE AGENCIES.—A State
15 agency is eligible for assistance under this part if it is re-
16 sponsible for providing free public education for children
17 in institutions for delinquent children.

18 “(d) STATE AGENCY APPLICATIONS.—A State
19 agency that desires to receive funds to carry out a pro-
20 gram under this part shall submit an application to the
21 State educational agency that—

22 “(1) describes the procedures to be used, con-
23 sistent with the State plan under part A of this title,
24 to assess the educational needs of the children to be
25 served;

1 “(2) provides assurances that in making serv-
2 ices available to youth in adult correctional facilities,
3 priority will be given to such youth who are likely to
4 complete incarceration within a 2-year period;

5 “(3) describes the program, including a budget
6 for the first year of the program, with annual up-
7 dates to be provided;

8 “(4) describes how the program will meet the
9 goals and objectives of the State plan under this
10 part;

11 “(5) describes how the State agency will consult
12 with experts and provide the necessary training for
13 appropriate staff, to ensure that the planning and
14 operation of institution-wide projects under section
15 1406 are of high quality;

16 “(6) describes how the agency will carry out the
17 evaluation requirements of section 1408 and how the
18 results of the most recent evaluation are used to
19 plan and improve the program;

20 “(7) includes data showing that the agency has
21 maintained fiscal effort required of a local edu-
22 cational agency, in accordance with section 9501 of
23 this title;

24 “(8) describes how the programs will be coordi-
25 nated with other appropriate State and Federal pro-

1 grams, including the Job Training Partnership Act,
2 vocational education, State and local dropout preven-
3 tion programs, and special education;

4 “(9) describes how appropriate professional de-
5 velopment will be provided to teachers and other in-
6 structional and administrative personnel;

7 “(10) designates an individual in each affected
8 institution to be responsible for issues relating to the
9 transition of children from an institution to locally
10 operated programs;

11 “(11) describes how the agency will, endeavor
12 to coordinate with businesses for training and
13 mentoring for participating youth;

14 “(12) describes how the agency will assist in lo-
15 cating alternative programs through which students
16 can continue their education if they are not return-
17 ing to school after leaving the correctional facility;

18 “(13) describes how the agency will work with
19 parents to secure their assistance in improving the
20 educational achievement of their children and pre-
21 venting their further involvement in delinquent
22 activities;

23 “(14) describes how the agency works with spe-
24 cial education youth in order to meet an existing in-
25 dividualized education program and an assurance

1 that the agency will notify the youth's local school
2 if such youth is identified as in need of special edu-
3 cation services while the youth is in the facility and
4 if the youth intends to return to the local school;

5 “(15) describes how the agency will work with
6 youth who dropped out of school before entering the
7 facility to encourage such youth to reenter school
8 once their term has been completed or provide the
9 youth with the skills necessary to gain employment,
10 continue their education, or achieve a high school
11 equivalency certificate if the youth does not intend
12 to return to school;

13 “(16) provides assurances that teachers and
14 other qualified staff are also trained to work with
15 children with disabilities and other students with
16 special needs taking into consideration the unique
17 needs of such students;

18 “(17) describes any additional services provided
19 to youth, including career counseling, assistance in
20 securing student loans, grants; and

21 “(18) describes how this program will be coordi-
22 nated with any programs operated under the Juve-
23 nile Justice and Delinquency Act, if applicable.

1 **“SEC. 1405. USE OF FUNDS.**

2 “(a) GENERAL.—(1) A State agency shall use funds
3 received under this part only for programs and projects
4 that—

5 “(A) are consistent with the State plan referred
6 to in section 1404(a); and

7 “(B) concentrate on providing participants with
8 the knowledge and skills needed to make a success-
9 ful transition to high school completion, further edu-
10 cation, or employment.

11 “(2) Such programs and projects—

12 “(A) may include the acquisition of equipment;

13 “(B) shall be designed to support educational
14 services that—

15 “(i) except for institution-wide projects
16 under section 1406, are provided to children
17 identified by the State agency as failing, or
18 most at risk of failing, to meet the State’s chal-
19 lenging performance standards;

20 “(ii) supplement and improve the quality
21 of the educational services provided to such
22 children by the State agency; and

23 “(iii) afford such children an opportunity
24 to learn to such challenging State standards;

25 “(C) shall be carried out in a manner consistent
26 with section 1119(b) and part F of this title; and

1 “(D) may include the costs of meeting the eval-
2 uation requirements of section 1408.

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
7 supplant’ requirement of section 1119(b) of this title with-
8 out regard to the subject areas in which instruction is
9 given during those hours.

10 **“SEC. 1406. INSTITUTION-WIDE PROJECTS.**

11 “A State agency that provides free public education
12 for children in an institution for delinquent children may
13 use funds received under this part to serve all children
14 in, and upgrade the entire educational effort of, such insti-
15 tution or program if the State agency has developed, and
16 the State educational agency has approved, a comprehen-
17 sive plan for such institution or program that—

18 “(1) provides for a comprehensive assessment
19 of the educational needs of all youth in the institu-
20 tion or program serving juveniles;

21 “(2) provides for a comprehensive assessment
22 of the educational needs of youth aged 20 and
23 younger in adult facilities who are expected to com-
24 plete incarceration within a 2-year period;

1 “(3) describes the steps the State agency has
2 taken, or will take, to provide all children under 21
3 with the opportunity to meet challenging academic
4 and vocational standards in order to improve the
5 likelihood that the students will complete high
6 school, attain high school equivalency, or find em-
7 ployment after leaving the institution;

8 “(4) describes the instructional program, pupil
9 services, and procedures that will be used to meet
10 the needs described in paragraph (1), including, to
11 the extent feasible, the provision of mentors for sec-
12 ondary school students;

13 “(5) specifically describes how such funds will
14 be used;

15 “(6) describes the measures and procedures
16 that will be used to assess student progress;

17 “(7) describes how the agency has planned, and
18 will implement and evaluate, the institution-wide or
19 program-wide project in consultation with personnel
20 providing direct instructional services and support
21 services in institutions for delinquent children and
22 personnel from the State educational agency; and

23 “(8) includes an assurance that the State agen-
24 cy has provided for appropriate training to teachers

1 and other instructional and administrative personnel
2 to enable them to carry out the project effectively.

3 **“SEC. 1407. THREE-YEAR PROJECTS.**

4 “If a State agency operates a program under this
5 part in which individual children are likely to participate
6 for more than one year, the State educational agency may
7 approve the State agency’s application for a subgrant
8 under this part for a period not to exceed 3 years.

9 **“SEC. 1408. TRANSITION SERVICES.**

10 “(a) TRANSITION SERVICES.—Each State agency
11 shall reserve not more than 10 percent of the amount it
12 receives under this part for any fiscal year to support
13 projects that facilitate the transition of children from
14 State-operated institutions to local educational agencies.

15 “(b) CONDUCT OF PROJECTS.—A project supported
16 under this section may be conducted directly by the State
17 agency, or through a contract or other arrangement with
18 one or more local educational agencies, other public agen-
19 cies, or private nonprofit organizations.

20 “(c) LIMITATION.—Any funds reserved under sub-
21 section (a) shall be used only to provide transitional edu-
22 cational services, which may include counseling and
23 mentoring, to delinquent children in schools other than
24 State-operated institutions.

1 **“Subpart 2—Local Agency Programs**

2 **“SEC. 1410. PROGRAMS OPERATED BY LOCAL EDU-**
3 **CATIONAL AGENCIES.**

4 “(a) LOCAL SUBGRANTS.—With funds retained
5 under section 1402(2), the State educational agency shall
6 make subgrants to local educational agencies with—

7 “(1) a high number or percentage of youth who
8 are residing in local (including county) correctional
9 facilities for youth (including those involved in day
10 programs); and

11 “(2) which have the highest numbers or per-
12 centage of youth in the State which have dropped
13 out of school in the preceding fiscal year.

14 “(b) NOTIFICATION.—A State educational agency
15 shall notify local educational agencies which meet the cri-
16 teria of subsection (a) of their eligibility for participation
17 in the program.

18 “(c) PURPOSE OF LOCAL EDUCATIONAL AGENCY
19 PROGRAMS.—The purpose of this section is the operation
20 of local educational agency programs which involve col-
21 laboration between local educational agencies and local
22 correctional facilities serving such youth to—

23 “(1) continue transition activities for youth re-
24 turning from such facilities;

1 “(2) to operate dropout prevention programs in
2 local schools for youth at risk of dropping out and
3 youth returning from correctional facilities; and

4 “(3) to prepare youth who have finished their
5 period of incarceration for employment, high school
6 completion, and further education.

7 “(d) LOCAL EDUCATIONAL AGENCY APPLICA-
8 TIONS.—(1) Eligible local educational agencies which
9 choose to take part in programs funded under this section
10 shall submit an application to the State educational agen-
11 cy, containing such information on programs to be oper-
12 ated under this section as the State educational agency
13 may require, and which shall include—

14 “(1) a description of formal agreements be-
15 tween the local educational agency and correctional
16 facilities and alternative school programs serving
17 youth involved with the juvenile justice system to op-
18 erate programs for delinquent youth;

19 “(2) a description of how participating schools
20 will coordinate with facilities working with delin-
21 quent youth to ensure that such youth are partici-
22 pating in an education program comparable to one
23 operating in the local school such youth would
24 attend;

1 “(3) a description of the dropout prevention
2 program operated by participating schools and the
3 types of services such schools will provide to at risk
4 youth in participating schools and youth returning
5 from correctional facilities;

6 “(4) a description of the youth expected to be
7 served by the dropout prevention program and how
8 the school will be coordinating existing educational
9 programs to meet unique education needs;

10 “(5) a description of how schools will coordinate
11 with existing social and health services to meet the
12 needs of students at risk of dropping out of school
13 and other participating students, including prenatal
14 health care and nutrition services related to the
15 health of the parent and child, parenting and child
16 development classes, child care, targeted re-entry
17 and outreach programs, referrals to community re-
18 sources, and scheduling flexibility;

19 “(6) a description of any partnerships with
20 local businesses to develop training and mentoring
21 services for participating students;

22 “(7) a description of how the program will in-
23 volve parents in efforts to improve the education
24 achievement of their children, assist in dropout pre-

1 vention activities, and prevent the involvement of
2 their children in delinquent activities;

3 “(8) a description of how this program will be
4 coordinated with other Federal, State, and local pro-
5 grams, including the Job Training and Partnership
6 Act and vocational education programs serving this
7 at risk population of youth;

8 “(9) a description of how the program will be
9 coordinated with programs operated under the Juve-
10 nile Justice and Delinquency Prevention Act, if ap-
11 plicable;

12 “(10) a description of how schools will work
13 with probation officers to assist in meeting the needs
14 of youth returning from correctional facilities;

15 “(11) a description of efforts participating
16 schools will make to ensure correctional facilities
17 working with youth are aware of a child’s existing
18 individualized education program; and

19 “(12) a description of the steps participating
20 schools will take to find alternative placements for
21 youth interested in continuing their education but
22 unable to participate in a regular public school pro-
23 gram.

24 “(e) USES OF FUNDS.—Funds provided to local edu-
25 cational agencies under this section may be used for—

1 “(1) dropout prevention programs which serve
2 youth at educational risk, including pregnant and
3 parent teens, youth who have come in contact with
4 the juvenile justice system, youth at least one year
5 behind their expected grade level, migrants, immi-
6 grants, students with limited-English proficiency and
7 gang members;

8 “(2) the coordination of health and social serv-
9 ices for such youth if there is a likelihood that the
10 provision of such services including day care and
11 drug and alcohol counseling, will improve the likeli-
12 hood such students will complete their education;
13 and

14 “(3) programs to meet the unique education
15 needs of youth at risk of dropping out, which may
16 include vocational education, special education, ca-
17 reer counseling, and assistance in securing student
18 loans or grants.

19 “(f) PROGRAM REQUIREMENTS FOR CORRECTIONAL
20 FACILITIES RECEIVING FUNDS UNDER THIS SECTION.—
21 Each facility entering into a partnership with a local edu-
22 cational agency to provide services to youth under this sec-
23 tion shall—

24 “(1) ensure educational programs in juvenile fa-
25 cilities are coordinated with the student’s home

1 school, particularly with respect to special education
2 students with an individualized education program;

3 “(2) notify the local school of a youth if the
4 youth is identified as in need of special education
5 services while in the facility;

6 “(3) provide transition assistance to help the
7 youth stay in school, including coordination of serv-
8 ices for the family, counseling, assistance in
9 accessing drug and alcohol abuse prevention pro-
10 grams, tutoring, and family counseling;

11 “(4) provide support programs which encourage
12 the youth who have dropped out to reenter school
13 once their term has been completed or provide such
14 youth with the skills necessary for them to gain em-
15 ployment or seek a high school equivalency certifi-
16 cate;

17 “(5) work to ensure facilities are staffed with
18 teachers and other qualified staff who are also
19 trained to work with children with disabilities and
20 other special needs students taking into consider-
21 ation such unique needs;

22 “(6) ensure educational programs in correc-
23 tional facilities are related to assisting students meet
24 high educational standards;

1 “(7) use, to the extent possible, technology to
2 assist coordinating educational programs between
3 the juvenile facility and community school;

4 “(8) involve parents in efforts to improve the
5 educational achievement of their children and pre-
6 vent the further involvement of such children in de-
7 linquent activities;

8 “(9) coordinate funds received under this pro-
9 gram with other available State, local, and Federal
10 funds to provide services to participating youth, in-
11 cluding the Job Training Partnership Act, and voca-
12 tional education;

13 “(10) coordinate programs operated under this
14 section with activities funded under the Juvenile
15 Justice and Delinquency Prevention Act, if applica-
16 ble; and

17 “(11) if appropriate, work with local businesses
18 to develop training and mentoring programs for par-
19 ticipating youth.

20 “(g) ACCOUNTABILITY.—The State educational agen-
21 cy may—

22 “(1) reduce or terminate funding for projects
23 funded under this section in local educational agen-
24 cies if such agencies do not show progress in reduc-

1 ing dropout rates for male students and for female
2 students over a 3-year period; and

3 “(2) require juvenile facilities to demonstrate,
4 after 3 years, that there has been an increase in the
5 number of youth returning to school, obtaining high
6 school equivalency certificates, or obtaining employ-
7 ment after such youth are released.

8 **“SEC. 1411. PROGRAM EVALUATIONS.**

9 “(a) SCOPE OF EVALUATION.—Each State agency or
10 local educational agency that conducts a program under
11 subpart 1 or 2 shall evaluate the program, disaggregating
12 data on participation by sex, and if feasible, by race, eth-
13 nicity, and age, not less than once every 3 years to deter-
14 mine its impact on the ability of participants to—

15 “(1) maintain and improve educational achieve-
16 ment;

17 “(2) accrue school credits that meet State re-
18 quirements for grade promotion and high school
19 graduation;

20 “(3) for delinquent youth, make the transition
21 to a regular program or other education program
22 operated by a local educational agency; and

23 “(4) complete high school (or high school
24 equivalency requirements) and obtain employment
25 after leaving the institution.

1 “(b) EVALUATION MEASURES.—In conducting each
2 such evaluation with respect to subsection (a)(1), a State
3 agency or local educational agency shall use multiple and
4 appropriate measures of student progress.

5 “(c) EVALUATION RESULTS.—Each State agency
6 and local educational agency shall—

7 “(1) submit evaluation results to the State edu-
8 cational agency; and

9 “(2) use the results of evaluations under this
10 section to plan and improve subsequent programs
11 for participating children.

12 **“SEC. 1412. DEFINITIONS.**

13 “For the purpose of this part, the following terms
14 have the following meanings:

15 “(1) The term ‘adult correctional institution’
16 means a facility in which persons are confined as a
17 result of a conviction for a criminal offense, includ-
18 ing persons under 21 years of age.

19 “(2) The term ‘at risk youth’ means school
20 aged youth who are at risk of academic failure, have
21 drug or alcohol problems, are pregnant or are par-
22 ents, have come into contact with the juvenile justice
23 system in the past, are at least one year behind the
24 expected grade level for such age, have limited-Eng-

1 lish proficiency, are gang members, have dropped
2 out in the past, or have high absenteeism rates.

3 “(3) The term ‘community-day program’ means
4 a regular program of instruction provided by a State
5 agency at a community-day school operated specifi-
6 cally for delinquent children.

7 “(4) The term ‘institution for delinquent chil-
8 dren’ means a public or private residential facility
9 for the care of children who have been adjudicated
10 to be delinquent or in need of supervision.

11 **“PART E—FEDERAL EVALUATIONS,**
12 **DEMONSTRATIONS, AND TRANSITION PROJECTS**
13 **“SEC. 1501. EVALUATIONS.**

14 “(a) NATIONAL ASSESSMENT.—(1) The Secretary
15 shall conduct a national assessment of programs under
16 this title, in coordination with the ongoing Chapter 1 Lon-
17 gitudinal Study under subsection (b) of this section, that
18 shall be planned, reviewed, and conducted in consultation
19 with an independent panel of researchers, State practition-
20 ers, local practitioners, and other appropriate individuals.

21 “(2) The assessment shall examine how well schools,
22 local educational agencies, and States—

23 “(A) are progressing toward the goal of all chil-
24 dren served under this title reaching the State’s con-
25 tent and performance standards; and

1 “(B) are accomplishing the specific purposes set
2 out in section 1001(d) of this title to achieve this
3 goal, including—

4 “(i) ensuring high standards for all chil-
5 dren and aligning the efforts of States, local
6 educational agencies, and schools to help chil-
7 dren reach them;

8 “(ii) providing children an enriched and
9 accelerated educational program through
10 schoolwide programs or through additional serv-
11 ices that increase the amount and quality of in-
12 structional time that children receive;

13 “(iii) promoting schoolwide reform and ac-
14 cess of all children to effective instructional
15 strategies and challenging academic content;

16 “(iv) significantly upgrading the quality of
17 the curriculum and instruction by providing
18 staff in participating schools with substantial
19 opportunities for professional development;

20 “(v) are using any of the voluntary model
21 State opportunity-to-learn standards that may
22 have been implemented and whether they are
23 useful in improving learning;

24 “(vi) coordinating services under all parts
25 of this title with each other, with other edu-

1 cational services, including preschool services,
2 and, to the extent feasible, with health and so-
3 cial service programs funded from other
4 sources;

5 “(vii) affording parents meaningful oppor-
6 tunities to participate in the education of their
7 children at home and at school, including the
8 provisions of family literacy services;

9 “(viii) distributing resources to areas
10 where needs are greatest;

11 “(ix) improving accountability, as well as
12 teaching and learning, by making assessments
13 under this title congruent with State assess-
14 ment systems; and

15 “(x) providing greater decisionmaking au-
16 thority and flexibility to schools in exchange for
17 greater responsibility for student performance.

18 “(3) Where feasible, the Secretary shall use informa-
19 tion gathered from a variety of sources, including the Na-
20 tional Assessment of Educational Progress, State evalua-
21 tions, and available research studies in carrying out this
22 subsection.

23 “(4) The Secretary shall submit a biennial report
24 summarizing the cumulative findings to date of the assess-

1 ment to the President and the appropriate committees of
2 the Congress.

3 “(b) STUDIES AND DATA COLLECTION.—The Sec-
4 retary may collect such data, as necessary, at the State,
5 local, and school levels and conduct studies and evalua-
6 tions, including national studies and evaluations, to assess
7 on an ongoing basis the effectiveness of programs under
8 this title and to report on such effectiveness on a periodic
9 basis. The Secretary shall report no later than December
10 31, 1997 to the House Committee on Education and
11 Labor and the Senate Committee on Labor and Human
12 Resources on how schoolwide programs are meeting the
13 needs of children from migratory families.

14 “(c) NATIONAL EVALUATION OF TITLE I.—The Sec-
15 retary shall carry out an ongoing evaluation of the pro-
16 gram under part A of this title in order to provide the
17 public, Congress, and educators involved in such program,
18 an accurate description of the effectiveness of such pro-
19 gram and provide information that can be used to improve
20 such program’s effectiveness. Such evaluation shall—

21 “(1) have a longitudinal design tracking cohorts
22 of students for at least 3 years which, when the co-
23 horts are taken as a whole, provides a picture of
24 such program’s effectiveness over the elementary
25 and secondary grades;

1 “(2) be separate and independent from State
2 and local assessments and evaluations as required
3 under this part;

4 “(3) utilize the highest available content stand-
5 ards that are generally accepted as national in
6 scope;

7 “(4) provide information on all students, stu-
8 dents served under this part, and, if funds are suffi-
9 cient, information on students from low-income fam-
10 ilies and limited English proficient students; and

11 “(5) when feasible, collect, cross-tabulate, and
12 report data by sex within race or ethnicity and socio-
13 economic status.

14 The Secretary shall use the information from this evalua-
15 tion as part of the national assessment required by sub-
16 section (a) and shall report the data from this evaluation
17 to the Congress and the public at least as frequently as
18 that assessment.

19 “(d)(1) In conducting the National Assessment under
20 subsection (a) and the National Evaluation under sub-
21 section (b), the Secretary shall not assess the progress of
22 students in grade 1, kindergarten, and pre-kindergarten
23 on the basis of outcome measures such as content and per-
24 formance standards.

1 “(2) Any assessments of children in grade 2 shall uti-
2 lize matrix sampling and be performance-based.

3 “(3) Any data collected regarding children in grade
4 2 shall—

5 “(A) be collected at multiple points in time;

6 “(B) not be used to stigmatize, label, or place
7 any child; and

8 “(C) be collected in multiple domains.

9 “(e) PARENTAL INVOLVEMENT, STUDY, REPORT AND
10 DISSEMINATION.—(1) The Secretary, through the Office
11 of Education Research and Improvement, shall conduct a
12 study to identify and describe—

13 “(A) common barriers to effective parental in-
14 volvement in the education of participating children;
15 and

16 “(B) successful local policies and programs
17 which improve parental involvement and the per-
18 formance of participating children.

19 “(2) The Secretary shall—

20 “(A) complete such study by December 31,
21 1995;

22 “(B) report the findings of such study to the
23 Committee on Education and Labor of the House of
24 Representatives and to the Committee on Labor and
25 Human Resources of the Senate; and

1 “(C) disseminate the findings, relating to the
2 successful local policies and programs which improve
3 parental involvement and the performance of partici-
4 pating children, to local educational agencies.

5 **“SEC. 1502. DEMONSTRATIONS OF INNOVATIVE PRACTICES.**

6 “(a) DEMONSTRATION PROGRAMS TO IMPROVE
7 ACHIEVEMENT.—(1) From the funds appropriated for any
8 fiscal year under section 1002(7)(B), the Secretary may
9 make grants to State educational agencies, local edu-
10 cational agencies, other public agencies, nonprofit organi-
11 zations, public/private partnerships involving business and
12 industry organizations, and consortia of such bodies to
13 carry out demonstration projects that show the most
14 promise of enabling children served under this title to
15 meet challenging State standards. Such projects shall in-
16 clude promising strategies such as—

17 “(A) accelerated curricula, the application of
18 new technologies to improve teaching and learning,
19 extended learning time, and a safe and enriched full-
20 day environment for children to provide them the op-
21 portunity to reach high standards;

22 “(B) integration of education services with each
23 other and with health, family, and other social serv-
24 ices such as mentoring programs, particularly in
25 empowerment zones and enterprise communities;

1 “(C) effective approaches to whole school re-
2 form;

3 “(D) programs that have been especially effec-
4 tive with limited English proficient children, migra-
5 tory children and other highly mobile students, chil-
6 dren leaving institutions for neglected or delinquent
7 children and returning to school, and homeless chil-
8 dren and youth; and

9 “(E) programs that are built upon partnerships
10 developed between elementary, middle schools, and
11 secondary schools, employers, and the community
12 which emphasize the integration of high quality aca-
13 demic and vocational learning, stress excellence and
14 high expectations for success in core academic sub-
15 jects, instill responsibility, decisionmaking, problem
16 solving, interpersonal skills, and other competencies
17 in students, and make school relevant to the work-
18 place and the community, through applied and inter-
19 active teaching methodologies, team teaching strate-
20 gies, learning opportunities connecting school, the
21 workplace, and the community, and career explo-
22 ration, awareness, and career guidance opportuni-
23 ties.

24 “(2) The Secretary shall evaluate the demonstration
25 projects supported under this title, using rigorous meth-

1 odological designs and techniques, including control
2 groups and random assignment, to the extent feasible, to
3 produce reliable evidence of effectiveness.

4 “(b) PARTNERSHIPS.—(1) From funds appropriated
5 under section 1002(7)(B) for any fiscal year, the Sec-
6 retary may, directly or through grants or contracts, work
7 in partnership with State educational agencies, local edu-
8 cational agencies, other public agencies, and non-profit or-
9 ganizations to disseminate and use the highest quality re-
10 search and knowledge about effective practices to improve
11 the quality of teaching and learning in schools supported
12 under this title.

13 **“SEC. 1503. INNOVATIVE ELEMENTARY SCHOOL TRANSI-**
14 **TION PROJECTS.**

15 “(a) IN GENERAL.—From not less than \$10,000,000
16 of the amount appropriated under section 1002(7)(B) the
17 Secretary shall provide financial assistance to support in-
18 novative transition projects in elementary schools.

19 “(b) GRANTS.—(1) From 70 percent of the amount
20 reserved under subsection (a) to carry out this section, the
21 Secretary shall make grants to local educational agencies
22 for the purpose of supporting projects, for children from
23 low-income families who previously attended Head Start,
24 Even Start, or similar preschool programs, which provide

1 educational and other services in kindergarten and early
2 elementary grades.

3 “(2) The purpose of such projects are to assist such
4 children to—

5 “(A) make a successful transition from pre-
6 school through the early elementary grades; and

7 “(B) achieve challenging academic standards.

8 “(3) A program assisted under this subsection
9 shall—

10 “(A) provide transition-to-elementary school ac-
11 tivities, such as—

12 “(i) development of a transition plan for
13 each child, which provides for support and as-
14 sistance through the third grade;

15 “(ii) transfer of each child’s preschool
16 records to the elementary school (with parental
17 consent);

18 “(iii) formal meetings between a child’s
19 parent, preschool teacher, and kindergarten or
20 first grade teacher; and

21 “(iv) kindergarten visits and other orienta-
22 tion activities for preschool children prior to en-
23 rollment in elementary school;

1 “(B) use a model instructional approach for
2 which financial assistance is provided under sub-
3 section (d);

4 “(C) provide directly or through referral com-
5 prehensive educational, health, nutritional, social,
6 and other services as will aid in the continued devel-
7 opment of eligible children to their full potential;
8 and

9 “(D) provide for the direct participation of the
10 parents of such children in the development, oper-
11 ation, and evaluation of such program.

12 “(c) APPLICATIONS AND GRANT PRIORITY.—(1) An
13 application for a grant under subsection (b) shall—

14 “(A) describe the transition-to-elementary
15 school activities which the applicant plans to admin-
16 ister;

17 “(B) describe the model instructional approach
18 the applicant will use, and the manner in which the
19 applicant will implement such approach;

20 “(C) provide evidence that the applicant has
21 made a formal arrangement to receive technical as-
22 sistance and training from the agency, organization,
23 or institution which sponsors such approach and re-
24 ceives funds under subsection (d);

1 “(D) describe the manner in which the appli-
2 cant will provide comprehensive services to the chil-
3 dren to be served;

4 “(E) describe how the applicant will provide for
5 direct participation by parents in the planning, oper-
6 ation, and evaluation of such program;

7 “(F) describe how such program will be coordi-
8 nated with title I, title VII, and other programs au-
9 thorized under this Act; and

10 “(G) provide evidence that—

11 “(i) the applicant has entered into formal
12 arrangements with local Head Start, Even
13 Start, and other preschool programs to ensure
14 that the transition activities supported by such
15 program are effective; and

16 “(ii) the transition activities, instruction,
17 and other services to be provided by the appli-
18 cant have been specifically designed to build
19 upon, and coordinate with, those services pro-
20 vided to eligible children and their parents in
21 local Head Start, Even Start and other similar
22 preschool programs.

23 “(2) An application for a grant under subsection (b)
24 may provide for the use of mentors who are high school
25 or college students trained to provide tutoring to elemen-

1 tary and secondary students formerly enrolled in Head
2 Start or Even Start programs.

3 “(3) In making grants under subsection (b), the Sec-
4 retary shall—

5 “(A) give priority to applicants that—

6 “(i) propose to administer a project in
7 schools designated as a schoolwide program
8 under section 1114 of this Act; and

9 “(ii) propose to use an innovative transi-
10 tion and instructional approach which has been
11 shown to be effective for the purpose described
12 in paragraph (2) of subsection (b); and

13 “(B) provide sufficient funds to enable pro-
14 grams to meet the purposes of paragraph (1) and
15 the requirements of paragraph (2).

16 “(d) TECHNICAL ASSISTANCE AND TRAINING.—
17 From 30 percent of the amount reserved under subsection
18 (a), the Secretary shall make grants to public and private
19 nonprofit agencies, institutions, and organizations to pro-
20 vide—

21 “(1) technical assistance in the implementation
22 and expanded use of model transition and instruc-
23 tional approaches; and

24 “(2) training in conjunction with the implemen-
25 tation and operation of such model approaches.

1 “(e) GENERAL PROVISIONS.—

2 “(1) An application for assistance under this
3 section may not be approved unless the Secretary is
4 satisfied that the services to be provided by the ap-
5 plicant will supplement, and not supplant, services
6 previously provided without Federal assistance.

7 “(2) A program which receives assistance under
8 subsection (b) must demonstrate that such program
9 achieved the purposes described in paragraph (2) of
10 such subsection in order to be eligible for a renewal
11 grant.

12 **“PART F—GENERAL PROVISIONS**

13 **“SEC. 1601. FEDERAL REGULATIONS.**

14 “(a) IN GENERAL.—The Secretary is authorized to
15 issue such regulations as are necessary to reasonably en-
16 sure that there is compliance with this title.

17 “(b) NEGOTIATED RULEMAKING PROCESS.—(1)
18 Prior to publishing proposed regulations in the Federal
19 Register to carry out this title, the Secretary shall obtain
20 the advice and recommendations of representatives of Fed-
21 eral, State, and local administrators, parents, teachers,
22 and members of local boards of education involved with
23 the implementation and operation of programs under this
24 title.

1 “(2) Such advice and recommendations may be ob-
2 tained through such mechanisms as regional meetings and
3 electronic exchanges of information.

4 “(3) After obtaining such advice and recommenda-
5 tions, and prior to publishing proposed regulations, the
6 Secretary shall—

7 “(A) establish a negotiated rulemaking process
8 on a minimum of 4 key issues, including—

9 “(i) schoolwide projects;

10 “(ii) standards and assessment;

11 “(iii) parental involvement; and

12 “(iv) professional development;

13 “(B) select individuals to participate in such
14 process from among individuals or groups which pro-
15 vided advice and recommendations, with representa-
16 tion from all geographic regions; and

17 “(C) prepare a draft of proposed policy options
18 that shall be provided to the individuals selected by
19 the Secretary under subparagraph (A) not less than
20 45 days prior to the first meeting under such
21 process.

22 “(4) Such process—

23 “(A) shall be conducted in a timely manner to
24 ensure that final regulations are issued by the Sec-
25 retary not later than the 240-day period required by

1 section 437 of the General Education Provisions
2 Act; and

3 “(B) shall not be subject to the Federal Advi-
4 sory Committee Act but shall otherwise follow the
5 provisions of the Negotiated Rulemaking Act of
6 1990 (5 U.S.C. 561 et seq.).

7 “(5) In an emergency situation in which regulations
8 to carry out this title must be issued with a very limited
9 time to assist State and local educational agencies with
10 the operation of the program, the Secretary may issue pro-
11 posed regulations without following such process but shall,
12 immediately thereafter and prior to issuing final regula-
13 tions, conduct regional meetings to review such proposed
14 regulations.

15 “(c) SPECIAL RULE.—Funds made available under
16 section 1002(7) may not be released by the Secretary for
17 expenditure until such time as final regulations to carry
18 out part A are published in the Federal Register.

19 “(d) LIMITATION.—Regulations to carry out this part
20 may not require local programs to follow a particular in-
21 structional model, such as the provision of services outside
22 the regular classroom or school program.

1 **“SEC. 1602. COORDINATION OF FEDERAL, STATE, AND**
2 **LOCAL ADMINISTRATION.**

3 “(a) PROGRAM ASSISTANCE MANUAL.—The Sec-
4 retary shall, not later than 6 months after the publication
5 of final regulations under this title, prepare and distribute
6 to State educational agencies, State agencies operating
7 programs under parts C and D, and local educational
8 agencies, and shall make available to parents and other
9 interested individuals, organizations, and agencies, a man-
10 ual for this title to—

11 “(1) assist such agencies in—

12 “(A) enhancing the quality, increasing the
13 depth, or broadening the scope of activities for
14 programs under this title;

15 “(B) applying for program funds under
16 this title; and

17 “(C) meeting the program objectives under
18 this title;

19 “(2) assist State educational agencies in achiev-
20 ing proper and efficient administration of programs
21 funded under this title;

22 “(3) assist parents to become involved in the
23 planning for, and implementation and evaluation of,
24 programs and projects under this title; and

25 “(4) ensure that officers and employees of the
26 Department of Education, including officers and em-

1 ployees of the Secretary and officers and employees
2 of such Department charged with auditing programs
3 carried on under this title, uniformly interpret,
4 apply, and enforce requirements under this title
5 throughout the United States.

6 “(b) CONTENTS OF POLICY MANUAL.—The policy
7 manual shall, with respect to programs carried out under
8 this title, contain descriptions, statements, procedural and
9 substantive rules, opinions, policy statements and inter-
10 pretations and indices to and amendments of the fore-
11 going, and in particular, whether or not such items are
12 required under section 552 of title 5, United States Code,
13 to be published or made available. The manual shall in-
14 clude—

15 “(1) a statement of the requirements applicable
16 to the programs carried out under this title, includ-
17 ing such requirements contained in this title, the
18 General Education Provisions Act, other applicable
19 statutes, and regulations issued under the authority
20 of such statutes;

21 “(2) an explanation of the purpose of each re-
22 quirement and its interrelationship with other appli-
23 cable requirements; and

24 “(3) model forms and instructions developed by
25 the Secretary for use by State and local educational

1 agencies, at their discretion, including, application
2 forms, application review checklists, and instruments
3 for monitoring programs under this title.

4 “(c) RESPONSE TO INQUIRIES.—The Secretary shall
5 respond with written guidance not more than 90 days
6 after any written request (return receipt requested) from
7 a State or local educational agency regarding a policy,
8 question, or interpretation under this title. In the case of
9 a request from a local educational agency, such agency
10 is required to address its request to the State educational
11 agency first.

12 **“SEC. 1603. STATE ADMINISTRATION.**

13 “(a) RULEMAKING.—(1) Each State that receives
14 funds under this title shall—

15 “(A) ensure that any State rules, regulations,
16 and policies relating to this title conform to the pur-
17 poses of this title and provide any such proposed
18 rules, regulations, and policies to the Committee of
19 Practitioners for their review and comment;

20 “(B) minimize such rules, regulations, and poli-
21 cies to which their local educational agencies and
22 schools are subject; and

23 “(C) identify any such rule, regulation, or pol-
24 icy as a State-imposed requirement.

1 “(2) State rules, regulations, and policies under this
2 title shall support and facilitate local educational agency
3 and school-level systemic reform designed to enable all
4 children to meet the State’s standards.

5 “(b) COMMITTEE OF PRACTITIONERS.—(1) Each
6 State educational agency shall create a State committee
7 of practitioners to advise the State in carrying out its re-
8 sponsibilities under this title.

9 “(2) Each such committee shall include—

10 “(A) as a majority of its members, representa-
11 tives from local educational agencies;

12 “(B) administrators;

13 “(C) teachers, including vocational educators;

14 “(D) parents;

15 “(E) members of local boards of education;

16 “(F) representatives of private school children;

17 and

18 “(G) counselors.

19 “(3) The duties of the committee shall include a re-
20 view, prior to publication, of any proposed or final State
21 rule or regulation pursuant to this title. In an emergency
22 situation where such rule or regulation must be issued
23 within a very limited time to assist local educational agen-
24 cies with the operation of the program, the State edu-
25 cational agency may issue a regulation without prior con-

1 sultation, but shall immediately thereafter convene the
2 State committee of practitioners to review the emergency
3 regulation prior to issuance in final form.

4 “(c) PAYMENT FOR STATE ADMINISTRATION.—Each
5 State may reserve for the proper and efficient performance
6 of its duties under this title the greater of—

7 “(1) one percent of the funds received under
8 section 1002(a) and (c) through (f); or

9 “(2) \$375,000, or \$50,000 in the case of
10 Guam, American Samoa, the Virgin Islands, the
11 Northern Mariana Islands, and Palau (until the
12 Compact of Free Association takes effect).

13 **“TITLE II—IMPROVING**
14 **TEACHING AND LEARNING**

15 **“PART A—DWIGHT D. EISENHOWER**
16 **PROFESSIONAL DEVELOPMENT PROGRAM**

17 **“SEC. 2101. FINDINGS.**

18 “The Congress finds that—

19 “(1) reaching the National Education Goals re-
20 quires a comprehensive educational reform strategy
21 that involves parents, schools, government, commu-
22 nities, and other public and private organizations at
23 all levels;

24 “(2) a crucial component of the strategy for
25 achieving these goals is ensuring, through sustained

1 and intensive high-quality professional development,
2 and through the development and adoption of high
3 quality curriculum, that all teachers are capable of
4 providing challenging learning experiences in the
5 core academic subjects for their students;

6 “(3) decisionmaking as to what activities a
7 State or local educational agency should undertake
8 to improve teaching and learning are best made by
9 individuals in the schools closest to the classroom
10 and most knowledgeable about the needs of schools
11 and students;

12 “(4) the potential positive impact of high-qual-
13 ity professional development is underscored by re-
14 cent research findings that—

15 “(A) professional development must be fo-
16 cused on teaching and learning in order to
17 change the opportunities of all students to
18 achieve higher standards; and

19 “(B) effective professional development fo-
20 cuses on discipline-based knowledge and sub-
21 ject-specific pedagogical skills, involves teams of
22 teachers and administrators in a school and,
23 through professional networks of teachers and
24 administrators, is interactive and collaborative,
25 motivates by its intrinsic content and relation-

1 ship to practice, builds on experience and learn-
2 ing-by-doing, and becomes incorporated into the
3 everyday life of the school;

4 “(5) engaging teachers in the development of
5 high quality curricula is a powerful professional
6 development activity that improves teaching and
7 learning;

8 “(6) special attention must be given in profes-
9 sional development activities to ensure that edu-
10 cation professionals are knowledgeable of, and make
11 use of, strategies for serving populations that his-
12 torically have lacked access to equal opportunities
13 for advanced learning and career advancement;

14 “(7) States and local educational agencies also
15 need to engage teachers in the development of high
16 quality curricula that are aligned with State or local
17 content and performance standards in order to im-
18 prove teaching and learning and ensure that stu-
19 dents achieve the State standards;

20 “(8) professional development is often a victim
21 of budget reductions in fiscally difficult times and
22 curricula development is almost nonexistent in many
23 State and local school systems; and

24 “(9) the Federal Government has a vital role in
25 helping States and local educational agencies to

1 make sustained and intensive high-quality profes-
2 sional development in the core academic subjects be-
3 come an integral part of the elementary and second-
4 ary education system and in providing assistance to
5 such agencies to engage teachers in the development
6 of high quality curricula that are aligned with State
7 or local content and performance standards.

8 **“SEC. 2102. PURPOSES.**

9 “The purposes of this part are to provide assistance
10 to States and local educational agencies and to institutions
11 of higher education with teacher education programs so
12 that such agencies can determine how best to improve the
13 teaching and learning of all students through—

14 “(1) helping to ensure that teachers, other
15 staff, and administrators have access to sustained
16 and intensive high-quality professional development
17 that is aligned to challenging State content and per-
18 formance standards in the care academic subjects
19 and that—

20 “(A) is tied to challenging State and local
21 curriculum content and student performance
22 standards;

23 “(B) reflects recent research on teaching
24 and learning;

1 “(C) incorporates effective strategies, tech-
2 niques, methods, and practices for meeting the
3 educational needs of diverse students, including
4 females, minorities, individuals with disabilities,
5 limited-English proficient individuals, and eco-
6 nomically disadvantaged individuals, in order to
7 ensure that all students have the opportunity to
8 achieve challenging performance standards;

9 “(D) includes strong academic content and
10 pedagogical components;

11 “(E) is of sufficient intensity and duration
12 to have a positive and lasting impact on the
13 teacher’s performance in the classroom; and

14 “(F) is part of the everyday life of the
15 school and creates an orientation toward contin-
16 uous improvement throughout the school; and

17 “(2) assisting States and local educational
18 agencies to engage teachers in the development of
19 high quality curriculum that is aligned with State or
20 local content and performance standards.

21 **“SEC. 2103. AUTHORIZATION OF APPROPRIATIONS; ALLO-**
22 **CATION BETWEEN SUBPARTS.**

23 “(a) AUTHORIZATION OF APPROPRIATIONS.—For the
24 purpose of carrying out this part, there are authorized to
25 be appropriated \$800,000,000 for fiscal year 1995 and

1 such sums as may be necessary for fiscal years 1996,
2 1997, 1998, and 1999.

3 “(b) ALLOCATION BETWEEN SUBPARTS.—Of the
4 funds appropriated to carry out this part for a fiscal year,
5 the Secretary shall use—

6 “(1) 5 percent to carry out subpart 1; and

7 “(2) 95 percent to carry out subpart 2.

8 **“Subpart 1—Federal Activities**

9 **“SEC. 2111. PROGRAM AUTHORIZED.**

10 “(a) PROGRAM AUTHORIZED.—The Secretary is au-
11 thorized to make grants to, and enter into contracts and
12 cooperative agreements with, local educational agencies,
13 State educational agencies, State agencies for higher edu-
14 cation, educational service agencies, institutions of higher
15 education, and other public and private agencies, other or-
16 ganizations, and institutions to—

17 “(1) support activities of national significance
18 that will contribute to the development and imple-
19 mentation of high-quality professional development
20 activities in the core academic subject areas;

21 “(2) support the development of challenging
22 curriculum that is aligned with State or local con-
23 tent and performance standards; and

24 “(3) evaluate activities carried out under this
25 subpart and under subpart 2.

1 “(b) COORDINATION WITH OTHER AGENCIES.—In
2 carrying out this program, the Secretary shall consult and
3 coordinate with the National Science Foundation, the Na-
4 tional Endowment for the Humanities, the National En-
5 dowment for the Arts, and other appropriate Federal
6 agencies and entities.

7 **“SEC. 2112. AUTHORIZED ACTIVITIES.**

8 “(a) The Secretary shall use funds available to carry
9 out this subpart—

10 “(1) to provide seed money to eligible entities to
11 develop their capacity to offer sustained and inten-
12 sive high-quality professional development;

13 “(2) for the development and maintenance of a
14 national clearinghouse for science, mathematics, and
15 technology education materials which shall be ad-
16 ministered as an adjunct clearinghouse of the ERIC
17 system of clearinghouses supported by the Office of
18 Educational Research and Improvement;

19 “(3) to support consortia of educational agen-
20 cies and organizations in disseminating information
21 and providing assistance regarding curricula, teach-
22 ing methods, and assessment tools that support na-
23 tional or State content standards in mathematics
24 and science; and

1 “(4) the evaluation of programs under this sub-
2 part and under subpart 2.

3 “(b) The Secretary may use funds available to carry
4 out this subpart—

5 “(1) for the development and maintenance of
6 national clearinghouses for core academic subjects as
7 the Secretary determines are needed and which shall
8 be administered as adjunct clearinghouses of the
9 ERIC system of clearinghouses supported by the Of-
10 fice of Educational Research and Improvement;

11 “(2) to provide grants to entities to develop
12 high quality curricula that are aligned with vol-
13 untary national or State content standards;

14 “(3) to sponsor institutes that provide teachers
15 and administrators with professional development
16 that is based on strong and integrated disciplinary
17 content and pedagogical components;

18 “(4) for efforts to train teachers in the innova-
19 tive uses and applications of technology to enhance
20 student learning;

21 “(5) to encourage the development of local and
22 national professional networks of educators;

23 “(6) to disseminate standards in the core aca-
24 demic subjects, including information on voluntary
25 national content and performance standards and re-

1 lated models of high-quality professional develop-
2 ment;

3 “(7) for efforts to train teachers in innovative
4 uses of applied learning strategies such as service
5 learning;

6 “(8) to disseminate models of high-quality pro-
7 fessional development activities that train educators
8 in strategies, techniques, methods, and practices for
9 meeting the educational needs of historically under-
10 served populations, including females, minorities, in-
11 dividuals with disabilities, limited-English proficient
12 individuals, and economically disadvantaged individ-
13 uals, in order to ensure that all students have the
14 opportunity to achieve challenging performance
15 standards;

16 “(9) to promote the transferability of licensure
17 and certification of teachers and administrators
18 among State and local jurisdictions; and

19 “(10) to support the National Board for Profes-
20 sional Teaching Standards.

21 “(c) In carrying out subsection (a), the Secretary
22 shall ensure that each program, project, and activity con-
23 tained in such subsection receives an allocation that is no
24 less than the amount that each such program, project, or
25 activity received in fiscal year 1994.

1 **“Subpart 2—State and Local Activities**

2 **“SEC. 2121. PROGRAM AUTHORIZED.**

3 “The Secretary is authorized to make grants to State
4 educational agencies for the improvement of teaching and
5 learning through sustained and intensive high-quality pro-
6 fessional development activities in the core academic sub-
7 jects at the State and local levels and the development by
8 teachers and others of high-quality curricula that are
9 aligned with State or local content and performance stand-
10 ards.

11 **“SEC. 2122. ALLOCATION OF FUNDS.**

12 “(a) RESERVATION OF FUNDS.—From the amount
13 made available to carry out this subpart for any fiscal
14 year, the Secretary shall—

15 “(1) reserve one half of one percent for the out-
16 lying areas, to be distributed among them on the
17 basis of relative need, as determined by the Sec-
18 retary in light of the purposes of this part; and

19 “(2) reserve one half of one percent for the Sec-
20 retary of the Interior for programs under this sub-
21 part for professional development activities for
22 teachers, other staff, and administrators in schools
23 operated or funded by the Bureau of Indian Affairs.

24 “(b) STATE ALLOTMENTS.—The Secretary shall allo-
25 cate the remaining amount to each of the 50 States, the
26 District of Columbia, and the Commonwealth of Puerto

1 Rico as follows, except that no State shall receive less than
2 one-half of one percent of such remaining amount:

3 “(1) 50 percent shall be allocated among such
4 jurisdictions on the basis of their relative popu-
5 lations of individuals aged 5 through 17, as deter-
6 mined by the Secretary on the basis of the most re-
7 cent satisfactory data.

8 “(2) 50 percent shall be allocated among such
9 jurisdictions in accordance with the relative amounts
10 such jurisdictions received under part A of title I of
11 this Act for the preceding fiscal year.

12 “(c) REALLOCATION.—If any jurisdiction does not
13 apply for its allotment under subsection (b) for any fiscal
14 year, the Secretary shall reallocate such amount to the re-
15 maining jurisdictions in accordance with such subsection.

16 **“SEC. 2123. WITHIN-STATE ALLOCATIONS.**

17 “(a) RESERVATIONS.—Of the amounts received by a
18 State under this subpart for a fiscal year—

19 “(1) not more than 5 percent shall be used for
20 the administrative costs of programs carried out by
21 the State educational agency and the State agency
22 for higher education;

23 “(2) not more than 5 percent may be used for
24 State-level activities, as described in section 2125;
25 and

1 “(3) of the remaining amount—

2 “(A) 87 percent shall be distributed to
3 local educational agencies, to be used in accord-
4 ance with section 2129, as follows:

5 “(i) 50 percent of such amount shall
6 be distributed in accordance with the rel-
7 ative enrollments in public and private
8 nonprofit schools within their boundaries.

9 “(ii) 50 percent of such amount shall
10 be distributed in accordance with the rel-
11 ative amount such agencies received under
12 part A of title I of this Act for the preced-
13 ing fiscal year; and

14 “(B) 13 percent shall be used for competi-
15 tive grants to institutions of higher education
16 as described in section 2129.

17 “(b) LIMITATION.—

18 “(1) GENERAL RULE.—Except as provided in
19 paragraph (2), any local educational agency that re-
20 ceives an allocation of less than \$10,000 under sub-
21 section (a) shall, for the purpose of providing serv-
22 ices under this subpart, form a consortium with at
23 least 1 other local educational agency or institution
24 of higher education receiving assistance under this
25 section.

1 “(2) WAIVER.—The State educational agency
2 shall waive the application of paragraph (1) in the
3 case of any local educational agency that dem-
4 onstrates that the amount of its allocation is suffi-
5 cient to provide a program of sufficient size, scope,
6 and quality to be effective. In granting waivers
7 under the preceding sentence, the State educational
8 agency shall—

9 “(A) give special consideration to local
10 educational agencies serving rural areas; and

11 “(B) consider cash or in-kind contributions
12 provided from State or local sources that may
13 be combined with the local educational agency’s
14 allocation for the purpose of providing services
15 under this part.

16 **“SEC. 2124. STATE APPLICATIONS.**

17 “(a) APPLICATIONS REQUIRED.—Each State edu-
18 cational agency that wishes to receive its allotment under
19 this subpart for any fiscal year shall submit an application
20 to the Secretary at such time and in such form as the
21 Secretary may require.

22 “(b) STATE PLAN TO IMPROVE TEACHING AND
23 LEARNING—(1) Each application under this section shall
24 include a State plan that—

1 “(A) is integrated with the State’s plan, either
2 approved or being developed, under title III of the
3 Goals 2000: Educate America Act, and satisfies the
4 requirements of this section that are not already ad-
5 dressed by that State plan; or

6 “(B) if the State does not have an approved
7 plan under title III of the Goals 2000: Educate
8 America Act and is not developing such a plan, is
9 integrated with other State plans under this Act and
10 satisfies the requirements of this section.

11 “(2) Each such plan shall also—

12 “(A) be developed in conjunction with the State
13 agency for higher education, institutions of higher
14 education, schools of education, and with the exten-
15 sive participation of teachers and administrators and
16 members of the public who are interested in improv-
17 ing education in the State and show the role of each
18 in implementation;

19 “(B) be designed to give teachers and adminis-
20 trators in the State the knowledge and skills to pro-
21 vide all students the opportunity to meet challenging
22 State performance standards;

23 “(C) include an assessment of State and local
24 needs for professional development and for the devel-

1 opment of curricula that are aligned with State or
2 local content and performance standards;

3 “(D) include a description of how the plan has
4 assessed the needs of local education agencies serv-
5 ing rural areas, and what actions are planned to
6 meet those needs;

7 “(E) include a description of how the plan has
8 maintained funding for professional development ac-
9 tivities in mathematics and science education;

10 “(F) include a description of how the activities
11 funded under this subpart will address the needs of
12 teachers in schools receiving assistance under part A
13 of title I of this Act;

14 “(G) a description of how programs in all core
15 academic subjects, but especially in mathematics and
16 science, will take into account the need for greater
17 access to, and participation in, such disciplines by
18 students from historically underrepresented groups,
19 including females, minorities, individuals with lim-
20 ited-English proficiency, the economically disadvan-
21 taged, and the disabled, by incorporating peda-
22 gogical strategies and techniques which meet their
23 educational need;

1 “(H) if the State’s needs assessment under sub-
2 section (C) demonstrates a need for professional de-
3 velopment, describe how the State will—

4 “(i) work with teachers, including teachers
5 in schools receiving assistance under part A of
6 title I of this Act, administrators, local edu-
7 cational agencies, schools, and institutions of
8 higher education to ensure that they develop
9 the capacity to support sustained and intensive,
10 high-quality professional development programs
11 in all the core academic subject areas, but espe-
12 cially in mathematics and science;

13 “(ii) take specific steps to review and, if
14 necessary, reform State requirements for licen-
15 sure of teachers and administrators, including
16 certification and recertification, to align such
17 requirements with challenging State content
18 and performance standards; and

19 “(iii) address the need for improving
20 teaching and learning through teacher develop-
21 ment beginning with recruitment, pre-service,
22 and induction, and continuing throughout the
23 professional teaching career; and

1 “(I) if the State’s needs assessment under sub-
2 paragraph (C) demonstrates a need for curricula de-
3 velopment, describe—

4 “(i) a strategy for engaging teachers in the
5 development of curricula that are aligned with
6 State or local content and performance stand-
7 ards; and

8 “(ii) how the State will also work with ad-
9 ministrators, parents, school board members,
10 and other members of the community in devel-
11 oping high quality curricula that are aligned
12 with State or local content and performance
13 standards.

14 “(c) ADDITIONAL MATERIAL.—Each State applica-
15 tion shall also include—

16 “(1) a description of how the activities funded
17 under this subpart will be coordinated, as appro-
18 priate, with—

19 “(A) other activities conducted with Fed-
20 eral funds, especially activities supported under
21 part A of title I of this Act;

22 “(B) State and local funds;

23 “(C) resources from business and industry;

24 and

1 “(D) funds from other Federal agencies,
2 such as the National Science Foundation, the
3 Departments of Commerce, Energy, and Health
4 and Human Services, the National Endowment
5 for the Arts, and the National Endowment for
6 the Humanities; and

7 “(2) a description of the activities to be spon-
8 sored under the State-level activities and the higher
9 education components of its program under this sub-
10 part.

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

12 (1) The Secretary shall approve the application of a State
13 educational agency if it meets the requirements of this sec-
14 tion and holds reasonable promise of achieving the pur-
15 poses of this part.

16 “(2) In reviewing applications, the Secretary shall ob-
17 tain the advice of non-Federal experts on education in the
18 core academic subjects and on teacher education, includ-
19 ing teachers and administrators.

20 “**SEC. 2125. STATE-LEVEL ACTIVITIES.**

21 “Each State may use funds reserved under section
22 2123(a)(2) to carry out activities referred to in section
23 2124(b), such as—

24 “(1) reviewing and reforming State require-
25 ments for teacher and administrator licensure, in-

1 including certification and recertification, to align such
2 requirements with the State's content standards and
3 ensure that teachers and administrators have the
4 knowledge and skills necessary to help students meet
5 challenging State performance standards;

6 “(2) developing performance assessments and
7 peer review procedures, as well as other methods, for
8 licensing teachers and administrators;

9 “(3) providing technical assistance to schools
10 and local educational agencies especially schools and
11 local educational agencies that receive assistance
12 under part A of title I of this Act, to help such
13 schools and agencies provide effective professional
14 development in the core academic subjects and de-
15 velop high quality curricula;

16 “(4) developing or supporting professional de-
17 velopment networks, either within a State or in a re-
18 gional consortium of States, that provide a forum
19 for interaction among teachers and that allow ex-
20 change of information on advances in content assess-
21 ment and pedagogy;

22 “(5) supporting partnerships between schools,
23 consortia of schools, or local education agencies and
24 institutions of higher education, including but not
25 limited to schools of education, which would encour-

1 age teachers to participate in intensive, ongoing pro-
2 fessional development programs, both academic and
3 pedagogical, at institutions of higher education, and
4 to encourage students at institutions of higher edu-
5 cation studying to become teachers to have direct,
6 practical experience at the schools;

7 “(6) enhancing the effective use of educational
8 technology as an instructional tool for increasing
9 student understanding of the core academic subject
10 areas including—

11 “(A) efforts to train teachers in the inno-
12 vative uses and application of instructional
13 technology;

14 “(B) utilizing and strengthening existing
15 telecommunications infrastructure dedicated to
16 educational purposes; and

17 “(C) efforts to train teachers in methods
18 for achieving gender equity both in access to
19 and teaching practices used in the application
20 of educational technology;

21 “(7) providing incentives for teachers to be in-
22 volved in curriculum development and technical as-
23 sistance processes for teachers and students;

24 “(8) professional development enabling teachers
25 and other school staff to ensure that girls, young

1 women, minorities, limited English proficient stu-
2 dents, individuals with disabilities, and economically
3 disadvantaged individuals have the opportunity to
4 achieve challenging State performance standards in
5 the core academic subjects by, for example, encour-
6 aging girls, young women, and minorities to pursue
7 advanced courses in mathematics and science;

8 “(9) designing professional development activi-
9 ties that increase the numbers of members of minor-
10 ity and other underrepresented groups in the teach-
11 ing force in the core subjects;

12 “(10) developing high quality curriculum that is
13 aligned with State or local content and performance
14 standards; and

15 “(11) providing financial or other incentives for
16 teachers to become certified by the National Board
17 for Professional Teaching Standards.

18 **“SEC. 2126. LOCAL PLAN AND APPLICATION FOR IMPROV-**
19 **ING TEACHING AND LEARNING.**

20 “(a) LOCAL APPLICATION.—(1) Each local edu-
21 cational agency that wishes to receive a subgrant under
22 this subpart shall submit an application (singly or as a
23 consortia as described in section 2123(b)) to the State
24 educational agency at such time as the State educational

1 agency shall require, but not less frequently than every
2 3rd year.

3 “(2) If the local educational agency has an applica-
4 tion approved by the State under title III of the Goals
5 2000: Educate America Act, the application required by
6 this section shall be a component of (or, if necessary, an
7 addendum to) its Goals 2000 application.

8 “(3) A local education agency shall set specific per-
9 formance indicators for improving teaching and learning
10 through professional development and curriculum develop-
11 ment.

12 “(4) A local educational agency shall submit, as part
13 of its application, the results of the needs assessment con-
14 ducted under subsection (b), and the local educational
15 agency plan developed in accordance with subsection (c).

16 “(b) NEEDS ASSESSMENT.—(1) A local educational
17 agency that wishes to receive a subgrant under this sub-
18 part shall include in its application an assessment of such
19 agency’s need for professional development, for the devel-
20 opment of high quality curricula that are aligned with
21 State or local content and performance standards.

22 “(2) Such needs assessment shall be carried out with
23 the involvement of teachers, including teachers in schools
24 receiving assistance under part A of title I of this Act,
25 and shall take into account what activities need to be con-

1 ducted in order to give teachers and administrators the
2 means, including the knowledge and skills, to provide stu-
3 dents with the opportunity to meet challenging State or
4 local performance standards.

5 “(c) PLAN DEVELOPMENT.—(1) The plan required
6 under this subsection shall be developed jointly by the local
7 educational agency and by teachers from the core aca-
8 demic disciplines.

9 “(2) Such teachers shall also be representative of the
10 grade spans within schools to be served and of schools
11 which receive assistance under part A of title I of this Act.

12 “(3) Based on the needs assessment required under
13 subsection (b), the local educational agency’s plan shall
14 include the following—

15 “(A) a description of the local educational agen-
16 cy’s strategy to improve teaching and learning in
17 every school;

18 “(B) a description of how the plan contributes
19 to the local educational agency’s overall efforts for
20 school reform and educational improvement;

21 “(C) a description of the activities the local
22 educational agency intends to undertake under this
23 subpart consistent with such agency’s needs assess-
24 ment conducted under subsection (b);

1 “(D) a description of how the plan has main-
2 tained funding for professional development activi-
3 ties in mathematics and science education;

4 “(E) a description of how the activities funded
5 under this section will address the needs of teachers
6 in schools receiving assistance under part A of title
7 I of this Act;

8 “(F) a description of how programs in all core
9 academic subjects, but especially in mathematics and
10 science, will take into account the need for greater
11 access to, and participation in, such disciplines by
12 students from historically underrepresented groups,
13 including females, minorities, individuals with lim-
14 ited-English proficiency, the economically disadvan-
15 taged, and the disabled, by incorporating peda-
16 gogical strategies and techniques which meet their
17 educational need;

18 “(G) an assurance that the activities conducted
19 with funds received under this program will be as-
20 sessed at least every 3 years using the performance
21 indicators; and

22 “(H) a description of how the program funded
23 under this subpart will be coordinated, as appro-
24 priate, with—

1 “(i) activities conducted under section
2 2130 and other services of institutions of higher
3 education;

4 “(ii) similar State and local activities;

5 “(iii) resources provided under part A of
6 title I and other parts of this Act, particularly
7 part B of title II;

8 “(iv) resources from business, industry,
9 private nonprofit organizations (including muse-
10 ums, libraries, educational television stations,
11 community-based organizations, professional or-
12 ganizations and associations specializing in, or
13 with a demonstrated expertise in the core aca-
14 demic disciplines);

15 “(v) funds or programming from other
16 Federal agencies, such as the National Science
17 Foundation, the Department of Energy, the
18 Department of Health and Human Services, the
19 National Endowment for the Humanities, and
20 the National Endowment for the Arts; and

21 “(vi) an identification of funding that will
22 provide the local educational agency’s contribu-
23 tion under section 2127.

1 **“SEC. 2127. LOCAL COST SHARING.**

2 “(a) IN GENERAL.—Each local educational agency
3 shall bear not less than 33 percent of the cost of any pro-
4 gram carried out under this subpart, but not including the
5 cost of services provided to private schoolteachers.

6 “(b) AVAILABLE RESOURCES FOR COST-SHARING.—
7 A local educational agency may meet the requirements of
8 subsection (a) through one or more of the following:

9 “(1) Cash expenditures from non-Federal
10 sources, including private contributions, directed to-
11 ward professional development and curriculum devel-
12 opment activities.

13 “(2) Release time for teachers participating in
14 professional development or curricula development
15 funded under this subpart.

16 “(3) Funds received under one or more of the
17 following programs, if used for professional develop-
18 ment or curricula development activities consistent
19 with this subpart and consistent with the statutes
20 under which such funds are provided, then such
21 funds must be used for the benefit of students and
22 teachers in the schools that would otherwise have
23 been served with such funds:

24 “(A) Part A of title I of this Act.

25 “(B) The Safe and Drug Free Schools pro-
26 gram under title IV of this Act.

1 “(C) The bilingual education program
2 under title VII of this Act.

3 “(D) The Women’s Educational Equity
4 Program under title III of this Act.

5 “(E) Title III of the Goals 2000: Educate
6 America Act.

7 “(F) Programs that are related to the pur-
8 poses of this Act that are administered by other
9 agencies, including the National Science Foun-
10 dation, the National Endowment for the Hu-
11 manities, the National Endowment for the Arts,
12 and the Department of Energy.

13 “(c) WAIVER.—The State educational agency may
14 approve an application which has not fully met the re-
15 quirements of subsection (a) and waive the requirements
16 of subsection (a) if a local educational agency can dem-
17 onstrate that it is unable to meet the requirements of sub-
18 section (a) due to economic hardship and that compliance
19 with such requirements would preclude its participation in
20 the program.

21 **“SEC. 2128. LOCAL ALLOCATION OF FUNDS AND ALLOW-**
22 **ABLE ACTIVITIES.**

23 “(a) LOCAL ALLOCATION OF FUNDS.—Each local
24 educational agency that receives funds under this subpart
25 for any fiscal year—

1 “(1) shall use not less than 80 percent of such
2 funds for—

3 “(A) professional development of teachers,
4 principals, and other instructional staff who
5 work directly with children; and

6 “(B) engaging teachers and other staff in
7 the development of high quality curricula
8 aligned with State and local content and per-
9 formance standards, in a manner that is deter-
10 mined by such teachers and staff and is consist-
11 ent with the provisions of such local educational
12 agency’s application under section 2126, any
13 school plan under part A of title I of this Act,
14 and any other plan for professional development
15 or curricula development carried out with Fed-
16 eral, State, or local funds; and

17 “(2) may use not more than 20 percent of such
18 funds for district-level professional or curricula de-
19 velopment activities, which may include the partici-
20 pation of administrators and policymakers if such
21 activities directly support instructional personnel.

22 “(b) AUTHORIZED ACTIVITIES.—Each local edu-
23 cational agency and school that receives funds under this
24 subpart shall use such funds for activities that give teach-
25 ers and administrators the knowledge and skills to provide

1 students with the opportunity to meet challenging State
2 or local content and performance standards. Funds re-
3 ceived by local educational agencies under this subpart
4 only shall be used for the activities specified under sub-
5 sections (c) and (d). No less than 80 percent of those
6 funds shall be used for activities under subsection (c) and
7 not more than 20 percent for activities under subsection
8 (d).

9 “(c) PROFESSIONAL DEVELOPMENT.—If a needs as-
10 sessment conducted under section 2126(b) determines
11 that funds under this subpart should be used to provide
12 professional development in the core academic subjects for
13 teachers and other school staff, the local educational agen-
14 cy shall use such funds for professional development for
15 teachers and other staff to support teaching consistent
16 with State, or local content standards, and shall, to the
17 extent practicable, coordinate such activities with institu-
18 tions of higher education and activities under section
19 2129:

20 “(1) Professional development activities funded
21 under this subpart shall—

22 “(A) be tied to challenging State or local
23 content and student performance standards;

24 “(B) reflect recent research on teaching
25 and learning;

1 “(C) incorporates effective strategies, tech-
2 niques, methods, and practices for meeting the
3 educational needs of diverse students, including
4 females, minorities, individuals with disabilities,
5 limited-English proficient individuals, and eco-
6 nomically disadvantaged individuals, in order to
7 ensure that all students have the opportunity to
8 achieve challenging performance standards;

9 “(D) include strong academic content and
10 pedagogical components;

11 “(E) be of sufficient intensity and duration
12 to have a positive and lasting impact on the
13 teacher’s performance in the classroom; and

14 “(F) be part of the everyday life of the
15 school and create an orientation toward contin-
16 uous improvement throughout the school.

17 “(2) Funds under this subpart may be used for
18 professional development activities such as—

19 “(A) professional development for teams of
20 teachers, administrators, or other staff from in-
21 dividual schools, to support teaching consistent
22 with State or local content standards;

23 “(B) support and time for teachers and
24 other school staff to participate in professional
25 development in the core subjects offered

1 through professional associations, universities,
2 community-based organizations, and other pro-
3 viders including museums and educational part-
4 nership organizations;

5 “(C) activities that provide followup for
6 teachers who have participated in professional
7 development activities that are designed to en-
8 sure that knowledge and skills learned by the
9 teacher are implemented in the classroom;

10 “(D) support for partnerships between
11 schools, consortia of schools, or local education
12 agencies and institutions of higher education,
13 including but not limited to schools of edu-
14 cation, which would encourage teachers to par-
15 ticipate in intensive, ongoing professional devel-
16 opment programs, both academic and peda-
17 gogical, at institutions of higher education, and
18 to encourage students at institutions of higher
19 education studying to become teachers to have
20 direct, practical experience at the schools;

21 “(E) the establishment and maintenance of
22 local professional networks that provide a forum
23 for interaction among teachers and that allow
24 exchange of information on advances in content
25 and pedagogy;

1 “(F) activities to prepare teachers in the
2 effective use of educational technology as an in-
3 structional tool for increasing student under-
4 standing of the core academic subject areas;

5 “(G) activities to enable teachers to ensure
6 that girls, young women, minorities, limited-
7 English proficient students, individuals with
8 disabilities, and economically disadvantaged in-
9 dividuals the opportunity to achieve the chal-
10 lenging State performance standards in the core
11 academic subjects;

12 “(H) professional development and recruit-
13 ment activities designed to increase the number
14 of minorities, individuals with disabilities, and
15 females teaching in the core academic subject in
16 which they are underrepresented;

17 “(I) the development of incentive strategies
18 for rewarding schools where a substantial por-
19 tion of the teachers achieve certification by the
20 National Board for Professional Teaching
21 Standards; and

22 “(J) other sustained and intensive high-
23 quality professional development activities in
24 the core academic subjects.

1 “(d) CURRICULUM DEVELOPMENT.—(1) If the needs
2 assessment of a local educational agency determines that
3 funds under this subpart should be used for curriculum
4 development, such agency shall use the funds provided to
5 develop high quality curricula that is aligned with State
6 or local content and performance standards.

7 “(2) Funds may be used to purchase the curriculum
8 materials to the extent such materials are essential compo-
9 nents of the local educational agency’s plan to improve
10 teaching and learning in the core academic subjects.

11 **“SEC. 2129. HIGHER EDUCATION ACTIVITIES.**

12 “(a) GENERAL.—(1) The State agency for higher
13 education, working in conjunction with the State edu-
14 cational agency (if it is a separate agency), shall make
15 grants to, or enter into contracts or cooperative agree-
16 ments with, institutions of higher education and nonprofit
17 organizations including museums and educational partner-
18 ship organizations, which demonstrate consultation and
19 cooperation with a local education agency, consortium of
20 local education agencies, or schools, for—

21 “(A) professional development activities in
22 the core academic subject areas that contribute
23 to the State plan for professional development;

24 “(B) engaging teachers in the development
25 of high-quality curricula that are aligned with

1 State or local content and performance stand-
2 ards;

3 “(C) developing and providing assistance
4 to local education agencies, and the teachers
5 and staff of each such agency, for sustained,
6 high-quality professional development activities;
7 and

8 “(D) improving teacher education pro-
9 grams in order to promote further innovation in
10 teacher education programs within an institu-
11 tion of higher education and to better meet the
12 needs of the local education agencies for well-
13 prepared teachers;

14 “(2) All such awards shall be made on a competitive
15 basis.

16 “(3) No institution of higher education may receive
17 assistance under subsection (a)(1) of this subsection un-
18 less the institution enters into an agreement with a local
19 education agency, or consortium of such agencies, to pro-
20 vide sustained, high-quality professional development for
21 the elementary and secondary school teachers in the
22 schools of each such agency.

23 “(4) Each project funded under this section shall in-
24 volve a joint effort of the recipient’s school or department

1 of education and the schools or departments in the specific
2 disciplines in which assistance may be provided.

3 “(b) ALLOWABLE ACTIVITIES.—A recipient of funds
4 under this section shall use those funds for—

5 “(1) sustained and intensive high-quality pro-
6 fessional development for teams of teachers, or
7 teachers and administrators from individual schools
8 or districts;

9 “(2) other sustained and intensive professional
10 development activities related to achievement of the
11 State plan for professional development such as—

12 “(A) establishment and maintenance of
13 professional networks of teachers that provide a
14 forum for interaction among teachers and that
15 allow exchange of information on advances in
16 content and pedagogy;

17 “(B) programs that prepare teachers to be
18 effective users of information technology, able
19 to integrate technology into their pedagogy and
20 their instructional practices, and able to en-
21 hance their curricular offerings by appropriate
22 applications of technology;

23 “(C) programs that utilize information
24 technology to deliver sustained and intensive

1 high quality professional development activities
2 for teachers;

3 “(D) activities to enable teachers to ensure
4 that girls, young women, minorities, limited-
5 English proficient students, individuals with
6 disabilities, and economically disadvantaged in-
7 dividuals have the opportunity to achieve the
8 challenging State performance standards in the
9 core academic subjects;

10 “(E) professional development and recruit-
11 ment activities designed to increase the number
12 of minorities, individuals with disabilities, and
13 other underrepresented groups teaching in the
14 core academic subjects, particularly in mathe-
15 matics and science;

16 “(F) establishment of professional develop-
17 ment academies operated as partnerships be-
18 tween one or more elementary or secondary
19 schools and one or more institutions of higher
20 education to provide school-based teacher train-
21 ing that provides prospective, novice, and expe-
22 rienced teachers with an opportunity to work
23 under the guidance of master teachers and col-
24 lege faculty members; and

1 “(G) technical assistance to local edu-
2 cational agencies in providing sustained and in-
3 tensive high quality professional development
4 activities for teachers.

5 **“Subpart 3—General Provisions**

6 **“SEC. 2131. REPORTING AND ACCOUNTABILITY.**

7 “(a) STATES.—Each State that receives funds under
8 this part shall submit a report to the Secretary every 3
9 years on the State’s progress toward the performance indi-
10 cator identified in its State plan, as well as on the effec-
11 tiveness of State and local activities under this part.

12 “(b) LOCAL EDUCATIONAL AGENCIES.—Each local
13 educational agency that receives funds under this part
14 shall submit a report to the State every 3 years on its
15 progress toward the outcome performance indicators in its
16 plan.

17 “(c) FEDERAL EVALUATION.—The Secretary shall
18 report to the President and Congress on the effectiveness
19 of programs and activities funded under this part.

20 “(d) PROHIBITION ON FUNDS BEING USED FOR
21 CONSTRUCTION OR RENOVATION.—Funds received under
22 this part shall not be used for construction or renovation
23 of buildings, rooms, or any other facilities.

1 **“SEC. 2132. DEFINITIONS.**

2 “As used in this part, the following terms have the
3 following meanings:

4 “(1) The term ‘core academic subjects’ means
5 those subjects listed in the State plan under title III
6 of the Goals 2000: Educate America Act or under
7 National Education Goal Three as set out in section
8 102(3) of such Act.

9 “(2) The term ‘performance indicators’ means
10 measures of specific outcomes that the State or local
11 educational agency identifies as assessing progress
12 toward the goal of ensuring that all teachers have
13 the knowledge and skills to assist their students to
14 meet challenging State standards in the core aca-
15 demic subject areas. Examples of such indicators in-
16 clude—

17 “(A) the degree to which licensure require-
18 ments are tied to State standards;

19 “(B) specific increases in the number of el-
20 ementary and secondary teachers with strong
21 content backgrounds in the core academic sub-
22 jects;

23 “(C) incorporates effective strategies, tech-
24 niques, methods, and practices for meeting the
25 educational needs of diverse students, including
26 females, minorities, individuals with disabilities,

1 limited-English proficient individuals, and eco-
2 nomically disadvantaged individuals, in order to
3 ensure that all students have the opportunity to
4 achieve challenging performance standards; and

5 “(D) specific increases in the number of
6 Board certified teachers licensed in each core
7 subject.

8 “(3) The term ‘sustained and intensive high-
9 quality professional development’ means professional
10 development activities that—

11 “(A) are tied to challenging State or vol-
12 untary national content and performance stand-
13 ards;

14 “(B) reflect up-to-date research in teach-
15 ing and learning and include integrated content
16 and pedagogical components;

17 “(C) incorporates effective strategies, tech-
18 niques, methods, and practices for meeting the
19 educational needs of diverse students, including
20 females, minorities, individuals with disabilities,
21 limited English proficient individuals, and eco-
22 nomically disadvantaged individuals, in order to
23 assure that all students have the opportunity to
24 achieve challenging performance standards;

1 “(D) are of sufficient intensity and dura-
2 tion to have a positive and lasting impact on
3 the teacher’s performance in the classroom or
4 the administrator’s performance on the job; and

5 “(E) recognize teachers as an important
6 source of knowledge that should inform and
7 help shape professional development.

8 “(4) The term ‘local standard’ means challeng-
9 ing content and performance standards in the core
10 subjects (in addition to State content and perform-
11 ance standards approved by the State for title I).

12 **“PART B—TECHNOLOGY EDUCATION**

13 **ASSISTANCE**

14 **“Subpart 1—Assistance to State and Local**

15 **Educational Agencies**

16 **“SEC. 2201. SHORT TITLE.**

17 “‘This title may be cited as the ‘Technology Education
18 Assistance Act of 1994’.

19 **“SEC. 2202. FINDINGS.**

20 “‘The Congress finds that—

21 “(1) technology can produce far greater oppor-
22 tunities for all students to learn to high standards
23 and promote efficiency and effectiveness in edu-
24 cation;

1 “(2) the use of technology as a tool in the
2 teaching and learning process is essential to the de-
3 velopment and maintenance of a technologically lit-
4 erate citizenry and an internationally competitive
5 workforce;

6 “(3) the acquisition and use of technology in
7 education throughout the United States has been in-
8 hibited by the absence of Federal leadership, the in-
9 ability of many State and local educational agencies
10 to invest in and support needed technologies, and
11 the limited availability of appropriate technology-en-
12 hanced curriculum, instruction, teacher training, and
13 administrative support resources and services in the
14 educational marketplace;

15 “(4) educational equalization concerns and
16 school restructuring needs can be addressed through
17 educational telecommunications and technology by
18 offering universal access to high-quality teaching
19 and programs, particularly in urban and rural areas;

20 “(5) in the absence of appropriate educational
21 technology policies, the disparity between rich and
22 poor students will become even greater in a world
23 where technology and telecommunications increas-
24 ingly have become an integral part of many house-
25 holds;

1 “(6) the increasing use of new technologies and
2 telecommunications systems in business and industry
3 has furthered the gap between schooling and work
4 force preparation;

5 “(7) telecommunications can be a conduit for
6 ongoing teacher training and improved professional
7 development by providing to teachers constant access
8 to updated research in teaching and learning;

9 “(8) research consistently shows that the
10 planned use of technology combined with teachers
11 who are adequately trained in its use can increase
12 opportunities for more students to develop higher
13 order thinking and technical skills than is possible
14 with traditional instruction;

15 “(9) technology can engage students in learning
16 through media with which they are comfortable, and
17 prove to be an effective learning tool, particularly
18 when correlated with State and national curriculum
19 standards;

20 “(10) schools need new ways of financing the
21 acquisition and maintenance of educational tech-
22 nology; and

23 “(11) the needs for educational technology dif-
24 fer from State to State.

1 **“SEC. 2203. STATEMENT OF PURPOSE.**

2 “The purpose of this Act is to support a comprehen-
3 sive system for the acquisition and use by elementary and
4 secondary schools in the United States of technology and
5 technology-enhanced curricula, instruction, and adminis-
6 trative support resources and services to improve the deliv-
7 ery of educational services, such system shall include—

8 “(1) national leadership with respect to the
9 need for, and the provision of, appropriate tech-
10 nology-enhanced curriculum, instruction and admin-
11 istrative programs to improve learning in the United
12 States;

13 “(2) funding mechanisms which will support the
14 development, interconnection, implementation, im-
15 provement and maintenance of an effective edu-
16 cational technology infrastructure;

17 “(3) information dissemination networks to fa-
18 cilitate access to information on effective learning
19 programs, assessment and evaluation of such pro-
20 grams, research findings, and supporting resources
21 (including instructionally based, technology-enhanced
22 programs, research and resources) by educators
23 throughout the United States;

24 “(4) an extensive variety of opportunities for
25 teacher, inservice training, and administrative train-

1 ing and technical assistance with respect to effective
2 uses of technologies in education;

3 “(5) utilizing and strengthening, not duplicat-
4 ing, existing telecommunications infrastructures
5 dedicated to educational purposes;

6 “(6) development and evaluation of new and
7 emerging educational technologies and telecommuni-
8 cations networks;

9 “(7) assessment data regarding state-of-the-art
10 uses of technologies in United States education upon
11 which commercial and noncommercial telecommuni-
12 cations entities, and governments can rely on for de-
13 cisionmaking about the need for, and provision of,
14 appropriate technologies for education in the United
15 States; and

16 “(8) authorize grants to States that—

17 “(A) improve the academic performance of
18 students through technology;

19 “(B) strengthen the skills of teachers in ef-
20 fectively utilizing technology for student learn-
21 ing;

22 “(C) promote the planned application of
23 technology in education by those who will use
24 the technology; and

1 “(D) encourage collaborative relationships
2 between the State agency for higher education,
3 the State library administrative agency and the
4 State telecommunications agency for education
5 and the State educational agency in the area of
6 technology support to strengthen the system of
7 education.

8 **“SEC. 2204. DEFINITIONS.**

9 “For purposes of this title—

10 “(1) the terms ‘library’ and ‘State library ad-
11 ministrative agency’ shall have the same meaning
12 given to such terms in section 3 of the Library Serv-
13 ices and Construction Act (Public Law 84-579);

14 “(2) the term ‘Regional Education Laboratory’
15 shall have the same meaning given to such term in
16 section 405 of the Department of Education Organi-
17 zation Act (Public Law 96-88);

18 “(3) the term ‘technology’ includes closed cir-
19 cuit television systems, public telecommunications
20 entities, cable television, satellite, copper and fiber
21 optic transmission, computer, video and audio laser
22 and CD ROM disc, video and audio tapes or other
23 technologies;

24 “(4) the term ‘credit enhancement’ means a fi-
25 nancial arrangement that enhances the credit quality

1 of the issuer or the financial instrument being used;
2 and

3 “(5) the term ‘interoperability’ means the abil-
4 ity to communicate with operating systems developed
5 nationally and internationally using multiple network
6 media.

7 **“SEC. 2205. IN-STATE APPORTIONMENT.**

8 “(a) AUTHORIZATIONS.—The Secretary is authorized
9 to make grants to States in accordance with the provisions
10 of this title to strengthen the skills of educators and im-
11 prove learning through the use of technology.

12 “(b) ELEMENTARY, SECONDARY EDUCATION PRO-
13 GRAMS.—(1) For each fiscal year, an amount equal to 70
14 percent of each State’s allotment under section 2212(a)(2)
15 shall be used for elementary and secondary education pro-
16 grams by the State educational agency in accordance with
17 section 2206.

18 “(2) Not less than 90 percent of a State’s allotment
19 under this subsection shall be available to local educational
20 agencies including services to adults and families of which
21 not more than 5 percent of the funds available to the local
22 educational agency for any fiscal year may be used for
23 local administration.

24 “(3) Not more than 10 percent of the amount allo-
25 cated under subsection (a) may be used by the State edu-

1 cational agency for technical assistance and administrative
2 costs of which not less than 50 percent shall be used for
3 technical assistance.

4 “(c) HIGHER EDUCATION PROGRAMS.—(1) For each
5 fiscal year 20 percent of each State’s allotment under sec-
6 tion 2212(a)(2) shall be used by the State higher edu-
7 cation agency designated in the State plan for partnership
8 programs between local educational agencies, including
9 educational services to adults and families and higher edu-
10 cation institutions in accordance with section 2207.

11 “(2) Not less than 90 percent of the amount available
12 for this subsection shall be used by the State for grants
13 to institutions of higher education for partnership pro-
14 grams in accordance with the provisions of section 2207.

15 “(3) Not more than 10 percent of the amount allo-
16 cated to the State’s higher education partnership program
17 under this section, may be used for the costs incurred for
18 the evaluation of programs assisted under section 2207;
19 and for administrative costs of the State’s higher edu-
20 cation agency designated in the State plan.

21 “(d) LIBRARY AND LITERACY PROGRAMS.—(1) For
22 each fiscal year 10 percent of each State’s allocation under
23 section 2212(a)(2) shall be used by the State library ad-
24 ministrative agency to support collaborative activities

1 among libraries, literacy programs, and local educational
2 agencies in accordance with section 2208.

3 “(2) Not less than 90 percent of the amount available
4 for this section shall be used by the State for grants to
5 local public libraries and literacy programs in accordance
6 with the provisions of section 2208.

7 “(3) Not more than 10 percent of the amount avail-
8 able under this section may be used by the State for the
9 costs incurred for evaluation of programs assisted under
10 section 2208 and for administrative costs of the State li-
11 brary administrative agency.

12 **“SEC. 2206. ELEMENTARY AND SECONDARY EDUCATION**
13 **PROGRAMS.**

14 “(a) IN GENERAL.—The amount apportioned under
15 section 2205(b) from each State’s allotment shall be used
16 by the State educational agency to strengthen elementary
17 and secondary education programs in accordance with the
18 provisions of this section.

19 “(b) LOCAL EDUCATIONAL AGENCIES.—(1) Each
20 local educational agency, including educational services for
21 adults and families, shall use the educational technology
22 funds available under section 2205(b)(2) for—

23 “(A) developing, adapting, or expanding exist-
24 ing and new applications of technology to support
25 the school reform effort; and

1 “(B) funding projects of sufficient size and
2 scope to improve student learning and, as appro-
3 priate, support professional development, and pro-
4 vide administrative support.

5 “(2) To be eligible to receive educational technology
6 funds under this section for school or other school man-
7 aged alternative learning environment, a local educational
8 agency must submit an application to the State edu-
9 cational agency. If the local educational agency has an ap-
10 plication approved by the State under title III of the Goals
11 2000: Educate America Act, the application required by
12 this section shall be a component of (or if necessary an
13 addendum to) its Goals 2000 application. The local edu-
14 cational agency must also receive State approval of a tech-
15 nology use plan which includes—

16 “(A) a description of how the local educational
17 agency plans to use the financial assistance received
18 under section 2205(b)(2) to improve the use of tech-
19 nology in instruction, professional development and
20 administration;

21 “(B) a description of how funds under section
22 2205(b)(2) will be coordinated with other State,
23 local and Federal resources;

24 “(C) a description of how the school programs
25 will use other resources of the community and in-

1 involve public agencies, private industry, institutions
2 of higher education, public and private nonprofit or-
3 ganizations, and other appropriate institutions;

4 “(D) assurances that the programs will be eval-
5 uated and outcomes reported in terms of the level of
6 implementation of the technology-based resources
7 funded by this title, the impact on teaching and
8 learning, the changes in the school program, and the
9 extent to which the school will sustain the project
10 after funding is terminated;

11 “(E) a description of how the plan will support
12 State and local content and performance standards;

13 “(F) provisions to support, as needed, individ-
14 ual teachers to develop and implement technology-
15 based intervention projects, including those which
16 respond to the needs of students with disabilities;

17 “(G) a description of how the financial assist-
18 ance will be used as appropriate for the expansion
19 and improvement of professional development of
20 teachers and other appropriate personnel regarding
21 the use of technology, including the educational use
22 of computers, videos, and telecommunications to en-
23 hance learning such training and instruction may be
24 carried out through agreements with public agencies,
25 private industry, institutions of higher education, re-

1 regional educational laboratories and national research
2 centers, nonprofit organizations, (including muse-
3 ums) libraries, educational television stations;

4 “(H) a description of a strategy for the en-
5 hanced involvement of parents through the use of
6 technology; and

7 “(I) a description of how the plan will address
8 the needs of students with disabilities.

9 “(3) A local educational agency for any fiscal year
10 may apply for financial assistance as part of a consortium
11 with other local educational agencies, institutions of high-
12 er education, intermediate educational units, libraries, or
13 other appropriate educational entities to provide local pro-
14 grams. The State educational agency may assist in the
15 formation of consortia between local educational agencies,
16 providers of educational services for adults and families,
17 institutions of higher education, intermediate educational
18 units, libraries, or other appropriate educational entities
19 to provide services for the teachers and students in a local
20 educational agency at the request of such local educational
21 agency.

22 **“SEC. 2207. HIGHER EDUCATION PROGRAMS.**

23 “(a) IN GENERAL.—The amount apportioned under
24 section 2205(c) from each State’s allotment shall be used

1 by the State for education programs in accordance with
2 the provisions of this section.

3 “(b) GRANTS TO INSTITUTIONS OF HIGHER EDU-
4 CATION.—(1) The State agency for higher education, in
5 accordance with the State educational technology plan
6 filed under section 2209, shall make grants available on
7 a competitive basis to institutions of higher education in
8 the State which form partnerships with one or more local
9 educational agencies.

10 “(2) The amount available under section 2205(c)(2)
11 shall be used for—

12 “(A) professional development for new teachers
13 in the use of technology as an educational tool;

14 “(B) professional development for elementary,
15 secondary, adult and family, and vocational school
16 teachers and training for other appropriate school
17 personnel to improve their ability to use educational
18 technology in their teaching; and

19 “(C) programs to improve student performance
20 in academic and work skill areas through the use of
21 technology.

22 “(3) No institution of higher education may receive
23 assistance under paragraph (2)(A), (B), and (C) unless
24 the institution enters into an agreement with a local edu-
25 cational agency, or consortium of such agencies, to provide

1 professional development for the elementary and second-
2 ary school teachers in the public and private schools of
3 the school district of each agency.

4 “(c) COOPERATIVE PROGRAM.—The State higher
5 education agency may use funds described in section
6 2205(c)(2) to achieve the objectives of section 2207 by es-
7 tablishing cooperative programs among institutions of
8 higher education, private industry, and non-profit organi-
9 zations, that include one or more local education agencies,
10 for the development and dissemination of projects to im-
11 prove student performance in academic or work skill
12 areas.

13 “(d) REPORTING.—In accordance with section
14 2205(c), 5 percent of the funding available for higher edu-
15 cation partnerships may be used by the agency for higher
16 education for evaluating the programs funded under this
17 section. Reports on the progress of programs shall be pro-
18 vided to the State educational agency annually.

19 **“SEC. 2208. LIBRARY AND LITERACY PROGRAMS.**

20 “(a) IN GENERAL.—Except as provided in paragraph
21 (2), the amount apportioned under section 2205(d) from
22 each State’s allotment under this section shall be used by
23 the State to assist literacy and education programs in ac-
24 cordance with the provisions of this section.

1 “(b) GRANTS TO LOCAL PUBLIC LIBRARIES.—(1) In
2 accordance with the State education technology plan filed
3 under section 2209, the State library administrative agen-
4 cy shall make grants available on a competitive basis to
5 local public libraries in the State which demonstrate in-
6 volvement of one or more local educational agencies and
7 literacy programs or organizations in their activities.

8 “(2) The amount available under section 2205(d)(2)
9 shall be used for—

10 “(A) developing programs that help libraries,
11 local educational agencies, and literacy programs use
12 technology to share services and resources and de-
13 velop collaborative activities that improve their per-
14 formance and that of the students in academic and
15 work skill areas; and

16 “(B) professional development for library, lit-
17 eracy, and other appropriate personnel to improve
18 their skills in the use of educational technology and
19 telecommunications.

20 “(c) COOPERATIVE PROGRAM.—The State library ad-
21 ministration agency may use funds described in section
22 2205(d)(2) to achieve the objectives of section 2208 by
23 establishing cooperative programs among public libraries,
24 literacy organizations, private industries, and nonprofit

1 education organizations, if such programs include one or
2 more local educational agencies.

3 “(d) REPORTING.—In accordance with section
4 2205(d), funding available for library and literacy pro-
5 grams may be used by the library administrative agency
6 for reporting and evaluating the programs funded under
7 this section. Reports on the progress of programs shall
8 be provided to the State educational agency annually.

9 **“SEC. 2209. STATE EDUCATIONAL TECHNOLOGY PLAN.**

10 “(a) APPLICATION.—(1) Each State educational
11 agency which desires to receive a grant under this title
12 shall, in consultation with the State agency for higher edu-
13 cation and the State library administrative agency, file a
14 single educational technology plan with the Secretary of
15 Education which covers a period of 5 fiscal years. The
16 State educational agency shall be responsible for funding,
17 supervising, and coordinating programs described under
18 this title and shall file the educational technology plan at
19 such time, in such manner, and containing or accompanied
20 by such financial, educational and technological informa-
21 tion as this section requires or as the Secretary may rea-
22 sonably require.

23 “(2) Such plan shall be—

24 “(A) integrated with the State’s plan either ap-
25 proved or being developed under the Goals 2000:

1 Educate America Act, and shall satisfy the require-
2 ments of this section that are not already addressed
3 by that State plan; or

4 “(B) if the State does not have an approved
5 plan under the Goals 2000: Educate America Act
6 and is not developing such a plan, integrated with
7 other State plans under this Act and satisfy the re-
8 quirements of this section.

9 “(b) CONTENTS OF THE PLAN.—Each such plan
10 shall—

11 “(1) designate the State agency or agencies re-
12 sponsible for administering the elementary and sec-
13 ondary adult and family programs under section
14 2206, and the higher education programs under sec-
15 tion 2207 and designate the State library adminis-
16 trative agency to administer the library and literacy
17 programs under section 2208 in support of improved
18 student learning;

19 “(2) describe a financial plan developed by the
20 State educational agency, which shall describe—

21 “(A) financial assistance mechanisms to
22 best fit the technology needs of the State. Such
23 mechanisms, which must be included in the
24 plan, may include, but not be limited to—

25 “(i) grants;

1 “(ii) matching grants;

2 “(iii) loans;

3 “(iv) loan guarantees; and

4 “(v) other credit enhancements.

5 “(B) describe criteria and approving proce-
6 dures for submitting applications for programs
7 described in sections 2206, 2207, and 2208 for
8 funding assistance under section 2205 within
9 the State;

10 “(C) delineate processes for auditing and
11 monitoring the use of funds by recipients;

12 “(D) describe priorities for awarding funds
13 under various funding mechanisms; and

14 “(E) construe nothing in subsection (b)(2)
15 to implicitly or explicitly imply that the funds
16 made available under this subsection, through
17 whatever mechanism is chosen by the State
18 agency, and recommended for approval to the
19 Secretary are backed by the full faith and credit
20 of the Federal Government;

21 “(3) designate the State education agency or
22 another single agency to carry out the financial plan
23 developed by the State education agency and to allo-
24 cate funds received under sections 2205 and

1 2212(a)(2). Such designated agency shall be respon-
2 sible for—

3 “(A) maintaining appropriate records of al-
4 location of funds, and, in the case of loans, ade-
5 quate collection procedures and records;

6 “(B) reporting annually to the Secretary
7 on the use of funds received under section
8 2212(a)(2);

9 “(4) describe an implementation strategy to co-
10 ordinate the expenditure of financial assistance paid
11 under sections 2205 and 2212(a)(2) with other
12 State and local funds, other Federal funds and re-
13 sources;

14 “(5) provide assurances that financial assist-
15 ance provided under section 2205 shall supplement,
16 not supplant, State and local funds;

17 “(6) describe how business, industry, and other
18 public and private agencies, including libraries, lit-
19 eracy programs, and institutions of higher education,
20 can participate in the implementation, ongoing plan-
21 ning, and support of the plan;

22 “(7) delineate educational problems and needs
23 in the State, describe all learning environments sup-
24 ported by the State plan, and specify how the appli-
25 cation of technology will address those and other

1 needs including but not limited to the special needs
2 of—

3 “(A) urban and rural schools;

4 “(B) students with disabilities; and

5 “(C) disadvantaged students;

6 “(8) provide assurances that—

7 “(A) during the 5-year period of the plan,
8 the State shall evaluate its standards for teach-
9 er preparation in the use of technology; and

10 “(B) programs conducted with State funds
11 available under this title shall be evaluated and
12 an evaluation report shall be submitted to the
13 Secretary at the close of the third year of fund-
14 ing;

15 “(9) describe how the State educational agency
16 will promote the purchase of equipment by local
17 school districts and schools that, when placed in op-
18 eration, will provide the greatest accessibility and eq-
19 uity for students and meet the highest level of inter-
20 operability and open system design within the
21 emerging broad-based electronic information high-
22 way that includes schools within the State;

23 “(10) describe the State’s strategy for ensuring
24 that teachers, administrators and other education
25 personnel have access to the necessary staff develop-

1 ment and technical assistance to improve teaching
2 and learning, school administration, and the elec-
3 tronic transfer of, and access to, information;

4 “(11) establish a method for continuously gath-
5 ering and disseminating current and emerging infor-
6 mation on all aspects of educational technology to all
7 educators within the State;

8 “(12) describe how the State’s planned use of
9 technology is supportive of the national education
10 goals;

11 “(13) provide performance indicators and an
12 evaluation method for the State plan; and

13 “(14) create a planning process through which
14 such plan is reviewed and updated periodically.

15 “(c) APPROVAL OF PLANS.—(1) The State edu-
16 cational agency shall submit a plan for approval to the
17 Secretary who shall expeditiously review such State plan.

18 “(2) Any State that submits a plan that is not
19 approved shall receive assistance from the Secretary to im-
20 prove its plan.

21 **“SEC. 2210. LOCAL EDUCATIONAL TECHNOLOGY PLAN.**

22 “(a) APPLICATION.—A local educational agency that
23 desires to receive financial assistance under section 2205,
24 shall submit to the State educational agency (singly or in
25 conjunction with other local educational agencies, institu-

1 tions of higher education, or an intermediate educational
2 unit) a plan which covers a 3-year period.

3 “(b) CONTENTS OF THE PLAN.—A local educational
4 agency plan shall—

5 “(1) assure that the programs will be evaluated,
6 and outcomes reported in terms of —

7 “(A) the level of implementation of the
8 technology-based resources funded by this title;

9 “(B) the impact on teaching and learning;
10 and

11 “(C) the extent to which the school or
12 other appropriate learning environments will
13 sustain the project after funding is terminated;

14 “(2) be consistent with district level planning
15 for educational technology, and shall support the
16 local and State’s curriculum frameworks;

17 “(3) make provision for technical support and
18 professional development as needed for individual
19 teachers to develop and implement technology-
20 assisted instruction; and

21 “(4) provide a strategy for the enhanced in-
22 volvement of parents through the use of technology.

23 **“SEC. 2211. FEDERAL ADMINISTRATION.**

24 “(a) EVALUATION PROCEDURES.—The Secretary
25 shall, with State and local representatives, develop proce-

1 dures for State and local evaluations of the programs
2 under this title.

3 “(b) EVALUATION SUMMARY.—The Secretary shall
4 submit to the Congress 4 years after the enactment of this
5 bill a summary of the State evaluations of programs under
6 this subpart.

7 **“SEC. 2212. ALLOCATION OF FUNDS.**

8 “(a) IN GENERAL.—(1) From the amount appro-
9 priated under section 2213 for any fiscal year, the Sec-
10 retary shall reserve—

11 “(A) not more than one half of one percent for
12 allocation among Guam, American Samoa, the Vir-
13 gin Islands, the Northern Mariana Islands, and the
14 Trust Territory of the Pacific Islands according to
15 their respective needs for assistance under this sub-
16 part; and

17 “(B) one half of 1 percent for programs for In-
18 dian students served by schools funded by the Sec-
19 retary of the Interior consistent with the purposes of
20 this subpart;

21 “(2) The remainder of the amount so appropriated
22 after meeting the requirements of paragraph (1) shall be
23 allocated among the States (for purposes of this section,
24 the District of Columbia and Puerto Rico shall be consid-

1 ered as States) with approved State plans under section
2 2209 as follows—

3 “(A) $\frac{1}{2}$ of such remainder shall be allocated
4 among the States by allocating to each State an
5 amount which bears the same ratio to such $\frac{1}{2}$ of
6 such remainder as the number of children aged 5 to
7 17, inclusive, in the State bears to the number of
8 such children in all States;

9 “(B) $\frac{1}{2}$ of such remainder shall be allocated
10 among the States according to each State’s share of
11 allocations under part A of title I of the Elementary
12 and Secondary Education Act of 1965, except that
13 no State shall receive less than $\frac{1}{2}$ of 1 percent of
14 the amount available under this subsection in any
15 fiscal year or less than the amount allotted to such
16 State for fiscal year 1988 under title II of the Edu-
17 cation for Economic Security Act;

18 “(C) for the purposes of this subsection, the
19 term “State” does not include Guam, American
20 Samoa, the Virgin Islands, the Northern Mariana
21 Islands, or the Trust Territory of the Pacific Is-
22 lands; and

23 “(D) the number of children aged 5 to 17, in-
24 clusive, in the State and in all States shall be deter-

1 mined by the Secretary on the basis of the most re-
2 cent satisfactory data available to the Secretary.

3 “(3) The Secretary shall make payments under para-
4 graphs (1)(A) and (1)(B) on whatever terms the Secretary
5 determines will best carry out the purposes of title I of
6 this Act.

7 “(b) REALLOTMENT OF UNUSED FUNDS.—(1) The
8 amount of any State’s allotment under subsection (a) for
9 any fiscal year which the Secretary determines will not
10 be required for such fiscal year to carry out part B of
11 title II shall be available for reallocation from time to time,
12 on such dates during such year as the Secretary may de-
13 termine, to other States in proportion to the original allot-
14 ments to such States under subsection (a) for such year,
15 but with such proportionate amount for any of such other
16 States being reduced to the extent it exceeds the sum the
17 Secretary estimates such State needs and will be able to
18 use for such year.

19 “(2) The total of reductions under paragraph (1)
20 shall be similarly reallocated among the States whose pro-
21 portionate amounts were not so reduced. Any amounts re-
22 allotted to a State under this subsection during a year
23 shall be deemed a subpart of its allotment under sub-
24 section (a) for such year.

1 **“SEC. 2213. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated
3 \$300,000,000 for this subpart for 1995 and such sums
4 as may be necessary for each of the fiscal years 1996
5 through 1999.

6 **“Subpart 2—Research, Development, and**
7 **Demonstration of Educational Technology**

8 **“SEC. 2214. FINDINGS AND PURPOSES.**

9 “(a) FINDINGS.—The Congress finds that—

10 “(1) technology has the potential to assist and
11 support the improvement of teaching and learning in
12 schools and other settings;

13 “(2) technology can provide students, parents,
14 teachers, and other education professionals with in-
15 creased access to information, instruction, and edu-
16 cational services in schools and other settings, in-
17 cluding homes, libraries, preschool and child-care fa-
18 cilities, adult and family education programs, and
19 postsecondary institutions;

20 “(3) technology can produce far greater oppor-
21 tunities for all students to learn to high standards
22 and to promote efficiency and effectiveness in edu-
23 cation; and

24 “(4) the rapidly changing nature of technology
25 requires coordination and flexibility in Federal
26 leadership.

1 “(b) PURPOSES.—The purposes of this subpart are
2 to promote achievement of the National Education Goals
3 and to increase the opportunity for all students to achieve
4 to challenging State standards by—

5 “(1) promoting awareness of the potential of
6 technology for improving teaching and learning;

7 “(2) supporting State and local efforts to in-
8 crease the effective use of technology for education;

9 “(3) demonstrating ways in which technology
10 can be used to improve teaching and learning, and
11 to help ensure that all students have an equal oppor-
12 tunity to meet challenging State education stand-
13 ards;

14 “(4) ensuring the availability of knowledge
15 drawn from research and experience that can form
16 the basis for sound State and local decisions about
17 investment in, and effective uses of, educational
18 technology;

19 “(5) promoting high-quality professional devel-
20 opment opportunities for teachers and administra-
21 tors on the integration of technology into instruction
22 and administration;

23 “(6) ensuring that Federal technology-related
24 policies and programs facilitate the use of technology
25 in education; and

1 “(7) ensuring that, as technological advances
2 are made, the educational uses of these advances are
3 considered and their applications are developed.

4 **“SEC. 2215. OFFICE OF EDUCATIONAL TECHNOLOGY.**

5 “There is established in the Department an Office of
6 Educational Technology, which shall be administered by
7 a Director of Educational Technology appointed by the
8 Secretary. The Office of Educational Technology, in con-
9 sultation with other appropriate agencies, shall provide
10 leadership to the Nation in the use of technology to pro-
11 mote achievement of the National Education Goals and
12 to increase opportunities for all students to achieve to
13 challenging State standards, and shall perform such addi-
14 tional functions as the Secretary may require.

15 **“SEC. 2216. NATIONAL LONG-RANGE PLAN.**

16 “(a) IN GENERAL.—(1) The Secretary shall develop
17 and publish by September 30, 1995, and update when ap-
18 propriate, a national long-range plan to carry out the pur-
19 poses of this subpart.

20 “(2) The Secretary shall—

21 “(A) develop the plan in consultation with other
22 Federal agencies, State and local education practi-
23 tioners and policy-makers, experts in technology and
24 the educational applications of technology, and pro-
25 viders of technology services and products;

1 “(B) transmit the plan to the President and to
2 the appropriate committees of the Congress; and

3 “(C) publish the plan in a form that is readily
4 accessible to the public.

5 “(b) CONTENTS OF THE PLAN.—The national long-
6 range plan shall describe the Secretary’s activities to pro-
7 mote the purposes of this subpart, including—

8 “(1) how the Secretary will encourage the effec-
9 tive use of technology to provide all students the op-
10 portunity to achieve to challenging State standards,
11 especially through programs administered by the De-
12 partment;

13 “(2) joint activities with other Federal agencies,
14 such as the National Endowment for the Human-
15 ities, the National Endowment for the Arts, the Na-
16 tional Aeronautics and Space Administration, the
17 National Science Foundation, and the Departments
18 of Commerce, Energy, Health and Human Services,
19 and Labor, the National Institute for Literacy, to
20 promote the use of technology in education, and
21 training and lifelong learning, including plans for
22 the educational uses of a national information infra-
23 structure, and to ensure that the policies and pro-
24 grams of such agencies facilitate the use of tech-

1 nology for educational purposes to the extent fea-
2 sible;

3 “(3) how the Secretary will work with edu-
4 cators, State and local educational agencies, and ap-
5 propriate representatives of the private sector to fa-
6 cilitate the effective use of technology in education;

7 “(4) how the Secretary will promote—

8 “(A) increased access to the benefits of
9 technology for teaching and learning for schools
10 with high concentrations of children from low-
11 income families;

12 “(B) the use of technology to assist in the
13 implementation of State systemic reform strate-
14 gies;

15 “(C) the application of technological ad-
16 vances to use in education;

17 “(D) increased opportunities for the pro-
18 fessional development of teachers in the use of
19 new technologies; and

20 “(E) increased access to high quality adult
21 and family education services through the use
22 of technology for instruction and professional
23 development;

24 “(5) how the Secretary will determine, in con-
25 sultation with appropriate individuals, organizations,

1 and agencies, the feasibility and desirability of estab-
2 lishing guidelines and protocols to facilitate effective
3 use of technology in education; and

4 “(6) the Secretary’s long-range measurable
5 goals and objectives relating to the purposes of this
6 subpart.

7 **“SEC. 2217. FEDERAL LEADERSHIP.**

8 “(a) PROGRAM AUTHORIZED.—(1) In order to pro-
9 vide Federal leadership in promoting the use of technology
10 in education, the Secretary, in consultation with the Na-
11 tional Science Foundation, the Department of Commerce,
12 and other appropriate Federal agencies, may carry out ac-
13 tivities designed to achieve the purposes of this subpart
14 directly or by awarding grants (pursuant to a peer review
15 process) to, or entering into contracts with, State edu-
16 cational agencies, local educational agencies, institutions
17 of higher education, or other public and private nonprofit
18 or for-profit agencies and organizations.

19 “(2) For the purpose of carrying out coordinated or
20 joint activities consistent with the purposes of this sub-
21 part, the Secretary may accept funds from, and transfer
22 funds to, other Federal agencies.

23 “(b) USES OF FUNDS.—The Secretary may use funds
24 appropriated under this subpart for activities designed to
25 carry out the purpose of this subpart, and to meet the

1 goals and objectives of the national long-range plan under
2 section 2216, including—

3 “(1) planning grants to States and local edu-
4 cation agencies, to enable such entities to examine
5 and develop strategies for the effective use of tech-
6 nology to help achieve the objectives of the Goals
7 2000: Educate America Act, the School-to-Work Op-
8 portunities Act of 1994, and the National Literacy
9 Act;

10 “(2) development grants to technical assistance
11 providers, to enable them to improve substantially
12 the services they offer to educators on the edu-
13 cational uses of technology, including professional
14 development;

15 “(3) consulting with representatives of industry,
16 elementary and secondary education, higher edu-
17 cation, adult and family education, and appropriate
18 experts in technology and its educational applica-
19 tions in carrying out activities under this subpart;

20 “(4) research on, and the development of,
21 guidelines and protocols to facilitate efficient and ef-
22 fective use of technology in education;

23 “(5) research on, and the development of, edu-
24 cational applications of the most advanced and newly
25 emerging technologies;

1 “(6) the development, demonstration, and eval-
2 uation of applications of existing technology in pre-
3 school education, elementary and secondary edu-
4 cation, training and lifelong learning, and profes-
5 sional development of educational personnel;

6 “(7) the development and evaluation of software
7 and other products, including television program-
8 ming, that incorporate advances in technology and
9 help achieve the National Education Goals and chal-
10 lenging State standards;

11 “(8) the development, demonstration, and eval-
12 uation of model strategies for preparing teachers
13 and other personnel to use technology effectively to
14 improve teaching and learning;

15 “(9) the development of model programs to
16 demonstrate the educational effectiveness of tech-
17 nology in urban and rural areas and economically-
18 distressed communities;

19 “(10) research on, and the evaluation of, the ef-
20 fectiveness and benefits of technology in education;

21 “(11) conferences on, and dissemination of in-
22 formation about, the uses of technology in education;

23 “(12) the development of model strategies to
24 promote gender equity concerning access to, and the
25 use of, technology in the classroom;

1 “(13) the development, demonstration and eval-
2 uation of a Buddy System Computer Education
3 grant to each of three States having demonstrated
4 ability or commitment to computer-based technology
5 education to establish an education program for stu-
6 dents in 6th through 8th grades in which computers
7 are placed and linked in students’ classrooms and
8 homes; and

9 “(14) such other activities as the Secretary de-
10 termines would meet the purposes of this subpart.

11 “(c) NON-FEDERAL SHARE.—(1) Subject to para-
12 graph (2), the Secretary is authorized to require any recip-
13 ient of a grant or contract under this subpart to share
14 in the cost of its project, which share shall be announced
15 through a notice in the Federal Register and may be in
16 the form of cash or in-kind contributions, fairly valued.

17 “(2) The Secretary may increase the non-Federal
18 share required of such recipient after the first year of the
19 recipient’s project, except that such share may not exceed
20 50 percent at any time during the recipient’s project.

21 **“SEC. 2218. AUTHORIZATION OF APPROPRIATIONS.**

22 “For the purpose of carrying out this subpart, there
23 are authorized to be appropriated such sums as may be
24 necessary for each of the fiscal years 1995 through 1999.

1 **“Subpart 3—Star Schools Program**

2 **“SEC. 2219. FINDINGS.**

3 The Congress finds that—

4 “(1) the Star Schools program has helped to
5 encourage the use of distance learning strategies to
6 serve multi-State regions primarily by means of sat-
7 ellite and broadcast television;

8 “(2) in general, distance learning programs
9 have been used effectively to provide students in
10 small, rural, and isolated schools with courses and
11 instruction, such as science and foreign language in-
12 struction, that the local educational agency would
13 not otherwise have been able to provide; and

14 “(3) distance learning programs could also be
15 used to—

16 “(A) provide students of all ages in all
17 types of schools and educational settings with
18 greater access to high-quality instruction in the
19 full range of core academic subjects that would
20 enable them to meet challenging, internationally
21 competitive, educational standards;

22 “(B) expand professional development op-
23 portunities for teachers;

24 “(C) contribute to achievement of the Na-
25 tional Education Goals; and

1 “(D) expand learning opportunities for
2 everyone.

3 **“SEC. 2220. STATEMENT OF PURPOSE.**

4 “The purpose of this subpart is to encourage the ex-
5 pansion and use of distance learning programs and tech-
6 nologies to help—

7 “(1) improve teaching and learning;

8 “(2) achieve the National Education Goals;

9 “(3) all students learn to challenging State con-
10 tent standards; and

11 “(4) increase participation in State and local
12 educational reform.

13 **“SEC. 2221. PROGRAM AUTHORIZED.**

14 “(a) STAR SCHOOL AWARDS.—The Secretary is au-
15 thorized, in accordance with this subpart, to make grants
16 to eligible entities for the Federal share of the cost of pro-
17 viding distance learning programs, including—

18 “(1) developing, constructing, and acquiring
19 telecommunications facilities and equipment;

20 “(2) developing and acquiring instructional pro-
21 gramming; and

22 “(3) providing technical assistance regarding
23 the use of such facilities and instructional program-
24 ming.

1 “(b) AUTHORIZATION OF APPROPRIATIONS.—For the
2 purpose of carrying out this subpart, there are authorized
3 to be appropriated such sums as may be necessary for
4 each of the fiscal years 1995 through 1999.

5 “(c) LIMITATIONS.—(1) A grant under this section
6 shall not exceed—

7 “(A) five years in duration; and

8 “(B) \$10,000,000 in any one fiscal year.

9 “(2) Not less than 25 percent of the funds available
10 to the Secretary for any fiscal year under this subpart
11 shall be used for the cost of instructional programming.

12 “(3) Not less than 50 percent of the funds available
13 to the Secretary for any fiscal year under this subpart
14 shall be used for the cost of facilities, equipment, teacher
15 training or retraining, technical assistance, or program-
16 ming, for local educational agencies that are eligible to re-
17 ceive assistance under part A of title I of this Act.

18 “(d) FEDERAL SHARE.—(1) The Federal share of
19 the cost of projects funded under this section shall not
20 exceed 75 percent for the first and second years of the
21 award, 60 percent for the third and fourth years, and 50
22 percent for the fifth year.

23 “(2) The Secretary may reduce or waive the require-
24 ment of the non-Federal share under paragraph (1) upon
25 a showing of financial hardship.

1 “(e) AUTHORITY TO ACCEPT FUNDS FROM OTHER
2 AGENCIES.—The Secretary is authorized to accept funds
3 from other agencies to carry out the purposes of this sec-
4 tion, including funds for the purchase of equipment.

5 **“SEC. 2222. ELIGIBLE ENTITIES.**

6 “(a) ELIGIBLE ENTITIES.—(1) The Secretary may
7 make a grant under section 2221 to any eligible entity,
8 provided that at least one local educational agency is par-
9 ticipating in the proposed project.

10 “(2) An eligible entity may include—

11 “(A) a public agency or corporation established
12 for the purpose of developing and operating tele-
13 communications networks to enhance educational op-
14 portunities provided by educational institutions,
15 teacher training centers, and other entities, except
16 that any such agency or corporation shall represent
17 the interests of elementary and secondary schools
18 that are eligible to participate in the program under
19 part A of title I of this Act; or

20 “(B) any two or more of the following, which
21 will provide a telecommunications network:

22 “(i) a local educational agency that has a
23 significant number of elementary and secondary
24 schools that are eligible for assistance under
25 part A of title I of this Act, or elementary and

1 secondary schools operated or funded for Indian
2 children by the Department of the Interior eli-
3 gible under section 1121(b)(1) of this Act;

4 “(ii) a State educational agency;

5 “(iii) adult and family education programs;

6 “(iv) an institution of higher education or
7 a State higher education agency;

8 “(v) a teacher training center or academy
9 that—

10 “(I) provides teacher pre-service and
11 in-service training; and

12 “(II) receives Federal financial assist-
13 ance or has been approved by a State
14 agency;

15 “(vi)(I) a public or private entity with ex-
16 perience and expertise in the planning and op-
17 eration of a telecommunications network, in-
18 cluding entities involved in telecommunications
19 through satellite, cable, telephone, or computer;
20 or

21 “(II) a public broadcasting entity with
22 such experience; or

23 “(vii) a public or private elementary or sec-
24 ondary school.

1 **“SEC. 2223. APPLICATIONS.**

2 “(a) GENERAL REQUIREMENT.—Each eligible entity
3 that desires to receive a grant under this subpart shall
4 submit an application to the Secretary in such form, at
5 such time, and containing such information and assur-
6 ances as the Secretary may require.

7 “(b) STAR SCHOOL AWARD APPLICATIONS.—Each
8 application for a grant authorized under section 2221
9 shall—

10 “(1) describe—

11 “(A) how the proposed project will assist
12 in achieving the National Education Goals set
13 out in title I of the Goals 2000: Educate Amer-
14 ica Act, how it will assist all students to have
15 an opportunity to learn to challenging State
16 standards, how it will assist State and local
17 educational reform efforts, and how it will con-
18 tribute to creating a high quality system of life-
19 long learning;

20 “(B) the telecommunications facilities and
21 equipment and technical assistance for which
22 assistance is sought, which may include—

23 “(i) the design, development, con-
24 struction, and acquisition of district,
25 multidistrict, State, or multistate edu-

1 cational telecommunications networks and
2 technology resource centers;

3 “(ii) microwave, fiber optics, cable,
4 and satellite transmission equipment, or
5 any combination thereof;

6 “(iii) reception facilities, satellite time,
7 production facilities, and other tele-
8 communications equipment capable of serv-
9 ing the intended geographic area;

10 “(iv) the provision of training services
11 to instructors who will be using the facili-
12 ties and equipment for which assistance is
13 sought in using such facilities and equip-
14 ment, and in integrating programs into the
15 class curriculum; and

16 “(v) the development of educational
17 and related programming for use on a tele-
18 communications network;

19 “(C) the types of programming that will be
20 developed to enhance instruction and training,
21 including an assurance that such programming
22 will be designed in consultation with profes-
23 sionals who are experts in the applicable subject
24 matter and grade level;

1 “(D) how the eligible entity has engaged in
2 sufficient survey and analysis of the area to be
3 served to ensure that the services offered by the
4 eligible entity will increase the availability of
5 courses of instruction in English, mathematics,
6 science, foreign languages, arts, history, geog-
7 raphy, or other disciplines;

8 “(E) the professional development policies
9 for teachers and other school personnel to be
10 implemented to ensure the effective use of the
11 telecommunications facilities and equipment for
12 which assistance is sought;

13 “(F) the manner in which historically un-
14 derserved students (such as students from low-
15 income families, limited English proficient stu-
16 dents, disabled students, or students who have
17 low literacy skills) and their families will par-
18 ticipate in the benefits of the telecommuni-
19 cations facilities, equipment, technical assist-
20 ance, and programming assisted under this sub-
21 part;

22 “(G) how existing telecommunications
23 equipment, facilities, and services, where avail-
24 able, will be used;

1 “(H) the activities or services for which as-
2 sistance is sought, such as—

3 “(i) providing facilities, equipment,
4 training services, and technical assistance;

5 “(ii) making programs accessible to
6 individuals with disabilities through mecha-
7 nisms such as closed captioning and de-
8 scriptive video services;

9 “(iii) linking networks around issues
10 of national importance (such as elections)
11 or to provide information about employ-
12 ment opportunities, job training, or stu-
13 dent and other social service programs;

14 “(iv) sharing curriculum materials be-
15 tween networks;

16 “(v) providing teacher and student
17 support services;

18 “(vi) incorporating community re-
19 sources such as libraries and museums into
20 instructional programs;

21 “(vii) providing professional develop-
22 ment for teachers, including, as appro-
23 priate, training to early childhood develop-
24 ment and Head Start teachers and staff

1 and vocational education teachers and
2 staff, and adult and family educators; and

3 “(viii) providing programs for adults
4 at times other than the regular school day
5 in order to maximize the use of tele-
6 communications facilities and equipment;
7 and

8 “(I) how the proposed project as a whole
9 will be financed and how arrangements for fu-
10 ture financing will be developed before the
11 project expires;

12 “(2) provide an assurance that a significant
13 portion of any facilities, equipment, technical assist-
14 ance, and programming for which assistance is
15 sought for elementary and secondary schools will be
16 made available to schools in local educational agen-
17 cies that have a high percentage of children counted
18 for the purpose of part A of title I of this Act; and

19 “(3) provide an assurance that the applicant
20 will provide such information and cooperate in any
21 evaluation that the Secretary may conduct under
22 this subpart.

23 “(c) PRIORITIES.—The Secretary shall, in approving
24 applications for grants authorized under section 2221,
25 give priority to applications that—

1 “(1) propose high-quality plans to assist in
2 achieving one or more of the National Education
3 Goals as set out in title I of the Goals 2000: Edu-
4 cate America Act, would provide instruction consist-
5 ent with State content standards, or would otherwise
6 provide significant and specific assistance to States
7 and local educational agencies undertaking systemic
8 education reform under title III of the Goals 2000:
9 Educate America Act;

10 “(2) would provide services to programs serving
11 adults, especially parents, with low levels of literacy;
12 and

13 “(3) would serve schools with significant num-
14 bers of children counted for the purposes of part A
15 of title I of this Act.

16 “(d) GEOGRAPHIC DISTRIBUTION.—In approving ap-
17 plications for grants authorized under section 2221, the
18 Secretary shall, to the extent feasible, ensure an equitable
19 geographic distribution of services.

20 **“SEC. 2224. LEADERSHIP AND EVALUATION ACTIVITIES.**

21 “(a) SET-ASIDE.—From amounts appropriated
22 under section 2221(b), the Secretary may reserve up to
23 10 percent for national leadership, evaluation, and peer
24 review activities.

1 “(b) METHOD OF FUNDING.—The Secretary may
2 fund the activities described in subsection (a) directly or
3 through grants, contracts, and cooperative agreements.

4 “(c) USES OF FUNDS.—(1) Funds reserved for lead-
5 ership activities may be used for—

6 “(A) disseminating information, including lists
7 and descriptions of services available from recipients;
8 and

9 “(B) other activities designed to enhance the
10 quality of distance learning activities nationwide.

11 “(2) Funds reserved for evaluation activities shall be
12 used to conduct independent evaluations of the Star
13 Schools program under this subpart and of distance learn-
14 ing in general, including—

15 “(A) analyses of distance learning efforts, in-
16 cluding both Star Schools projects and efforts not
17 funded by the program under this subpart; and

18 “(B) comparisons of the effects, including stu-
19 dent outcomes, of different technologies in distance
20 learning efforts.

21 “(3) Funds reserved for peer review activities may
22 be used for peer review of both proposals and funded
23 projects.

1 **“SEC. 2225. DEFINITIONS.**

2 “For the purpose of this subpart, the following terms
3 have the following meanings:

4 “(1) The term ‘educational institution’ means
5 an institution of higher education, a local edu-
6 cational agency, or a State educational agency.

7 “(2) The term ‘instructional programming’
8 means courses of instruction and training courses
9 for elementary and secondary students, teachers,
10 and others, and materials for use in such instruction
11 and training that have been prepared in audio and
12 visual form on tape, disc, film, or live, and presented
13 by means of telecommunications devices.

14 “(3) The term ‘public broadcasting entity’ has
15 the same meaning given that term in section 397 of
16 the Communications Act of 1934.

17 **“Subpart 4—Development of Educational Technology**
18 **Products**

19 **“SEC. 2226. EDUCATIONAL TECHNOLOGY PRODUCT DEVEL-**
20 **OPMENT.**

21 “(a) PURPOSE.—It is the purpose of this section to
22 support the development of curriculum-based learning re-
23 sources and systems using state-of-the-art technologies
24 and techniques designed to improve student learning.

25 “(b) FEDERAL ASSISTANCE AUTHORIZED.—

1 “(1) IN GENERAL.—The Secretary shall provide
2 assistance, on a competitive basis, to eligible consor-
3 tia to enable such entities to develop, produce, and
4 distribute state-of-the-art technology-enhanced in-
5 structional resources and programming for use in
6 the classroom or to support professional development
7 for teachers.

8 “(2) GRANTS AND LOANS AUTHORIZED.—In
9 carrying out the purposes of this section, the Sec-
10 retary is authorized to pay the Federal share of the
11 cost of the development, production, and distribution
12 of state-of-the-art technology enhanced instructional
13 resources and programming—

14 “(A) by awarding grants to, or entering
15 into contracts or cooperative agreements with
16 eligible consortia; or

17 “(B) by awarding loans to eligible consor-
18 tia which—

19 “(i) shall be secured in such manner
20 and be repaid within such period, not ex-
21 ceeding 20 years, as may be determined by
22 the Secretary;

23 “(ii) shall bear interest at a rate de-
24 termined by the Secretary which shall be
25 not more than the total of one-quarter of

1 1 percent per annum added to the rate of
2 interest paid by the Secretary on funds ob-
3 tained from the Secretary of the Treasury;
4 and

5 “(iii) may be forgiven by the Sec-
6 retary, in an amount not to exceed 25 per-
7 cent of the total loan, under such terms
8 and conditions as the Secretary may con-
9 sider appropriate.

10 “(3) FEDERAL SHARE.—The Secretary shall re-
11 quire any recipient of a grant, contract, or loan
12 under this section to share in the cost of the activi-
13 ties supported with such assistance.

14 “(4) ELIGIBLE CONSORTIUM.—For the purpose
15 of this section, the term ‘eligible consortium’ means
16 a consortium consisting of—

17 “(A) State or local educational agencies in
18 partnership with business, industry, or tele-
19 communications entity;

20 “(B) a business, industry, or telecommuni-
21 cations entity;

22 “(C) a public or private nonprofit organi-
23 zation; or

24 “(D) an institution of higher education.

1 “(5) PRIVATE SECTOR ADVISORY BOARD.—The
2 Secretary shall establish an advisory board which
3 shall provide advice and counsel to the Secretary
4 concerning the most effective means of implementing
5 the provisions of this section. Such board shall—

6 “(A) include educators, school administra-
7 tors, and policymakers knowledgeable about the
8 technology and curriculum needs of State and
9 local education agencies, and adult and family
10 educators;

11 “(B) include representatives of private for-
12 profit and nonprofit entities engaged in the pro-
13 duction and development of educational soft-
14 ware and other technology-based learning re-
15 sources;

16 “(C) make recommendations to the Sec-
17 retary concerning the types and terms of Fed-
18 eral financial assistance which promise to be
19 most effective in advancing the purposes of this
20 section; and

21 “(D) regularly evaluate the implementation
22 of this section.

23 “(6) PRIORITIES.—In awarding assistance
24 under this section, the Secretary shall give priority

1 to applications describing programs or systems
2 that—

3 “(A) promote the acquisition of higher-
4 order thinking skills and promise to raise the
5 achievement levels of all students, particularly
6 disadvantaged students who are not realizing
7 their potential;

8 “(B) are aligned with challenging content
9 standards and State and local curriculum
10 frameworks;

11 “(C) may be adapted and applied nation-
12 ally at a reasonable cost;

13 “(D) covert technology resources developed
14 with support from the Department of Defense
15 and other Federal agencies for effective use in
16 the classroom;

17 “(E) promise to reduce the costs of provid-
18 ing high-quality instruction; and

19 “(F) promise to expand access to high-
20 quality instruction in content areas which would
21 otherwise not be available to students in rural
22 and urban communities or who attend other
23 educational agencies with limited financial re-
24 sources.

1 “(7) REQUIREMENTS FOR FEDERAL ASSIST-
2 ANCE.—Each eligible consortium desiring Federal
3 assistance under this section shall submit an appli-
4 cation to the Secretary at such time and in such
5 manner as the Secretary may prescribe. Each appli-
6 cation shall include—

7 “(A) a description of how the program or
8 system shall improve the achievement levels of
9 students of all ages;

10 “(B) a description of how teachers associ-
11 ated with the program will be trained to inte-
12 grate technology in the classroom;

13 “(C) a description of how the design, de-
14 velopment, piloting, field testing, and distribu-
15 tion of the program or system will be carried
16 out;

17 “(D) an assurance that the program or
18 system shall effectively serve a large number or
19 percentage of economically disadvantaged stu-
20 dents;

21 “(E) plans for dissemination to a wide au-
22 dience of learners; and

23 “(F) provisions for closed captioning or de-
24 scriptive video where appropriate.

1 “(c) EVALUATION.—The Secretary shall provide for
2 the independent evaluation of programs or systems devel-
3 oped with assistance under this section and shall regularly
4 collect and disseminate to State and local educational
5 agencies and to the public information about the useful-
6 ness and effectiveness of such programs or systems.

7 “(d) ROYALTIES.—Notwithstanding any other provi-
8 sion of law, the Secretary is authorized to require that
9 a portion of any royalty paid as a result of assistance pro-
10 vided under this section be deposited in a central fund for
11 the purposes of—

12 “(1) recovering all or part of the Federal share
13 of the costs of developing, producing, and distribut-
14 ing the product for which such royalty is paid; and

15 “(2) carrying out the provisions of this section.

16 “(e) AUTHORIZATION OF APPROPRIATIONS.—For the
17 purpose of carrying out this section, there are authorized
18 to be appropriated \$50,000,000 for fiscal year 1995 and
19 such sums as may be necessary for fiscal years 1996,
20 1997, 1998, and 1999.

21 **“PART C—LIBRARY MEDIA PROGRAM**

22 **“SEC. 2231. ESTABLISHMENT OF PROGRAM.**

23 “The Secretary shall award grants from allocations
24 under section 2232 to States for the acquisition of school
25 library media resources for the use of students, library

1 media specialists, and teachers in elementary and second-
2 ary schools.

3 **“SEC. 2232. ALLOCATION TO STATES.**

4 “From the amount appropriated pursuant to section
5 2205 in each fiscal year, the Secretary shall allocate to
6 each State having an approved plan under section 2233
7 as follows:

8 “(1) For appropriations below \$50,000,000, at
9 the discretion of the Secretary, taking into account
10 such factors as the age and condition of the State’s
11 existing library media collections.

12 “(2) For appropriations of \$50,000,000 and
13 above to each State an amount which bears the
14 same ratio to such funds as the amount such State
15 received under section 1122 of title I bears to the
16 amount all States received under section 1122 in
17 such year; except that no State shall receive less
18 than one-half of one percent of such funds.

19 **“SEC. 2233. STATE PLANS.**

20 “(a) IN GENERAL.—In order for a State to receive
21 an allocation of funds under section 2232 for any fiscal
22 year, such State shall have in effect for such fiscal year
23 a State plan. Such plan shall—

1 “(1) designate the State educational agency as
2 the State agency responsible for the administration
3 of the program described in this part;

4 “(2) set forth a program under which funds
5 paid to the State from its allocation under section
6 2202 will be expended solely for—

7 “(A) acquisition of school library media re-
8 sources, including foreign language resources,
9 for the use of students, school library media
10 specialists, and teachers in elementary and sec-
11 ondary schools in the United States; and

12 “(B) administration of the State plan, in-
13 cluding development and revision of standards,
14 relating to school library media resources; ex-
15 cept that the amount used for administration of
16 the State plan in any fiscal year shall not ex-
17 ceed 5 percent of the amount allocated to such
18 State under section 2232 for such fiscal year;
19 and

20 “(3) set forth the criteria to be used in allotting
21 funds for school library media resources among the
22 local educational agencies of the State, which allot-
23 ment shall take into consideration the relative need
24 of the students, school media specialists, and teach-
25 ers to be served.

1 “(b) PLAN SUBMISSION.—The State plan may be
2 submitted as part of a consolidated application under sec-
3 tion 9302.

4 **“SEC. 2234. DISTRIBUTION OF ALLOCATION TO LOCAL EDU-
5 CATIONAL AGENCIES.**

6 “From the funds allocated to a State under section
7 2202 in each fiscal year, such State shall distribute not
8 less than 99 percent of such funds in such year to local
9 educational agencies within such State according to the
10 relative enrollment of students in elementary and second-
11 ary schools within the school districts of such State, ad-
12 justed to provide higher per-pupil allotments to local edu-
13 cational agencies that have the greatest number or per-
14 centages of students whose education imposes a higher
15 than average cost per child, such as those students—

16 “(1) living in areas with high concentrations of
17 low-income families;

18 “(2) from low-income families; and

19 “(3) living in sparsely populated areas.

20 **“SEC. 2235. AUTHORIZATION OF APPROPRIATIONS.**

21 “There are authorized to be appropriated to carry out
22 this part \$200,000,000 for fiscal year 1995 and such sums
23 as may be necessary for each of the fiscal years 1996,
24 1997, 1998, and 1999.

1 **“PART D—SUPPORT AND ASSISTANCE FOR ESEA**
2 **PROGRAMS**

3 **“SEC. 2341. FINDINGS.**

4 “The Congress finds that—

5 “(1) high-quality technical assistance can en-
6 hance the improvements in teaching and learning
7 achieved through the implementation of programs
8 under this Act;

9 “(2) comprehensive technical assistance and ef-
10 fective program dissemination are essential ingredi-
11 ents of the overall strategy of the reauthorization of
12 this Act to improve programs and to provide all chil-
13 dren opportunities to meet challenging State per-
14 formance standards;

15 “(3) States, local educational agencies, tribes,
16 and schools serving students with special needs, such
17 as students with limited English proficiency, have
18 great need for comprehensive technical assistance in
19 order to use funds under this Act to provide such
20 students with opportunities to learn to challenging
21 State standards;

22 “(4) current technical assistance and dissemina-
23 tion efforts are fragmented and categorical in na-
24 ture, and thus fail to address adequately the needs
25 of States and local educational agencies and tribes
26 for help in integrating into a coherent strategy for

1 improving teaching and learning the various pro-
2 grams under this Act with State and local programs
3 and other education reform efforts;

4 “(5) too little creative use is made of technology
5 as a means of providing information and assistance
6 in a cost-effective way;

7 “(6) comprehensive technical assistance can
8 help schools and school systems focus on improving
9 opportunities for all children to reach challenging
10 State performance standards, as they implement
11 programs under this Act;

12 “(7) comprehensive technical assistance would
13 provide coordinated assistance to help States, local
14 educational agencies, tribes, participating colleges
15 and universities, and schools integrate Federal,
16 State, and local education programs in ways that
17 contribute to improving schools and entire school
18 systems;

19 “(8) technical assistance in support of pro-
20 grams under this Act should be coordinated with the
21 Department’s regional offices, the regional edu-
22 cational laboratories, State Literacy Resource Cen-
23 ters, vocational resource centers, and other technical
24 assistance efforts supported by the Department;

1 “(9) technical assistance providers should
2 prioritize assistance to local educational agencies
3 and schools; and

4 “(10) technical assistance should both encour-
5 age the integration of categorical programs and en-
6 sure that students with special needs, such as lim-
7 ited English proficiency students, are served fully.

8 **“SEC. 2342. PURPOSE.**

9 “The purpose of this part is to create a national tech-
10 nical assistance and dissemination system to make avail-
11 able to States, local educational agencies, tribes, schools,
12 and other recipients of funds under this Act technical as-
13 sistance in—

14 “(1) implementing programs authorized by this
15 Act in a manner that improves teaching and learn-
16 ing for all students;

17 “(2) coordinating those programs with other
18 Federal, State, and local education plans and activi-
19 ties, so that all students are provided opportunities
20 to meet challenging State performance standards, in
21 particular students at risk of educational failure;
22 and

23 “(3) adopting, adapting, and implementing
24 promising and proven practices for improving teach-
25 ing and learning.

1 **“SEC. 2343. PROGRAMS AUTHORIZED.**

2 “(a) COMPREHENSIVE ASSISTANCE CENTERS.—The
3 Secretary is authorized to award grants or enter into con-
4 tracts with public or private nonprofit entities or consortia
5 to establish a networked system of 15 centers to provide
6 comprehensive research-based training and technical as-
7 sistance to States, local educational agencies, schools,
8 tribes, community-based organizations, and other recipi-
9 ents of funds under this Act in their administration and
10 implementation of programs authorized by this Act. In es-
11 tablishing centers and allocating resources among the cen-
12 ters, the Secretary shall consider the geographic distribu-
13 tion of title I students; the geographic and linguistic dis-
14 tribution of students of limited English proficiency; the
15 geographic distribution of Indian students; the special
16 needs of students living in rural areas; and the special
17 needs of States and territories in geographic isolation.

18 “(b) STATE-BASED ASSISTANCE.—The Secretary is
19 authorized to award grants or enter into contracts with
20 public and private nonprofit entities to establish an assist-
21 ance agency in each State and territory and in the Bureau
22 of Indian Affairs. This program shall be called the Na-
23 tional Diffusion Network and will assist States, local edu-
24 cational agencies, schools, and other appropriate edu-
25 cational entities in identifying and securing appropriate,
26 high-quality technical assistance, provide information on

1 and assistance in adopting effective programs and prac-
2 tices, and work cooperatively with the Comprehensive As-
3 sistance Centers to improve teaching and learning and
4 raise standards for all students.

5 “(c) ACCOUNTABILITY.—To ensure the quality and
6 effectiveness of the technical assistance system supported
7 under this part, the Secretary shall—

8 “(1) provide for an external peer review (includ-
9 ing representatives of the populations served under
10 this Act) of the centers under this part every 2
11 years;

12 “(2) develop, in consultation with the Assistant
13 Secretary for Elementary and Secondary Education,
14 the Director of Bilingual Education and Minority
15 Languages Affairs, and the Assistant Secretary for
16 Educational Research and Improvement, a set of
17 performance indicators, for use during the peer re-
18 views required by paragraph (1), that assesses
19 whether the work of the centers assists in improving
20 teaching and learning under this Act for all children,
21 in particular children at risk of educational failure;

22 “(3) require each center to publish, and dis-
23 seminate widely throughout its region, an annual re-
24 port on its services and accomplishments and how
25 those services and accomplishments relate to the

1 performance indicators developed under paragraph
2 (2);

3 “(4) conduct periodic surveys of users of the
4 centers’ services to determine if users are satisfied
5 with the access to and quality of such services;

6 “(5) collect, as part of the Department’s re-
7 views of programs under this Act, information about
8 the availability and quality of services provided by
9 the centers, and share that information with the
10 centers;

11 “(6) take whatever steps are reasonable and
12 necessary to ensure that each center performs its re-
13 sponsibilities in a satisfactory manner, which may
14 include termination of an award under this part (if
15 the Secretary concludes that performance has been
16 unsatisfactory) and the selection of a new center, as
17 well as whatever interim arrangements the Secretary
18 determines are necessary to ensure the satisfactory
19 delivery of services under this part to the affected
20 region; and

21 “(7) provide for an independent evaluation of
22 the comprehensive assistance centers and the Na-
23 tional Diffusion Network authorized by this part and
24 report the results of that evaluation to Congress
25 prior to the next reauthorization of this Act.

1 “(d) CONTRACT PERIOD.—Grants or contracts
2 awarded under this section shall be awarded for a period
3 of 5 years following the extension of contracts and grants
4 under section 2346(d).

5 **“SEC. 2344. REQUIREMENTS OF COMPREHENSIVE ASSIST-**
6 **ANCE CENTERS.**

7 “Each comprehensive assistance center established
8 under section 2343(a)—

9 “(1) shall maintain staff expertise in at least all
10 of the following areas:

11 “(A) Instruction, curriculum improvement,
12 assessment, school reform, and other aspects of
13 title I of this Act.

14 “(B) Meeting the needs of children served
15 under this Act, including children in high-pov-
16 erty areas, migratory children, immigrant chil-
17 dren, children with limited English proficiency,
18 neglected or delinquent children, homeless chil-
19 dren and youth, Indian children, and children
20 with disabilities and where applicable, Alaskan
21 Native children and Native Hawaiian children.

22 “(C) Professional development for teach-
23 ers, other school staff, and administrators to
24 help students meet challenging State perform-
25 ance standards.

1 “(D) Bilingual education, including pro-
2 grams that emphasize English and native lan-
3 guage proficiency and promote multicultural
4 understanding.

5 “(E) Safe and drug-free schools.

6 “(F) Educational applications of tech-
7 nology.

8 “(G) Parent involvement and participation.

9 “(H) The reform of schools and school sys-
10 tems.

11 “(I) Program evaluation.

12 “(J) Coordination of services.

13 “(K) School governance and management.

14 “(L) Partnerships between the public and
15 private sector, including the formation of part-
16 nerships between schools and businesses;

17 “(2) shall ensure, where appropriate, staff ex-
18 pertise in the special needs of students living in
19 rural areas and in the special needs of local edu-
20 cation agencies serving rural areas;

21 “(3) shall ensure that technical assistance staff
22 have sufficient training, knowledge, and expertise in
23 how to integrate and coordinate programs under this
24 Act with each other, as well as with other Federal,
25 State, and local programs and reforms, and reflect

1 the diverse linguistic and cultural expertise appro-
2 priate to the region served;

3 “(4) shall provide technical assistance using the
4 highest quality and most cost-effective strategies
5 possible;

6 “(5) shall coordinate services, work coopera-
7 tively, and regularly share information with the re-
8 gional education laboratories, the Eisenhower Re-
9 gional Math and Science consortia, research and de-
10 velopment centers, State literacy centers, and other
11 entities engaged in research, development, dissemi-
12 nation, and technical assistance activities which are
13 supported by the Department of Education as part
14 of a Federal technical assistance system, to provide
15 a broad range of support services to schools in the
16 region while minimizing the duplication of such serv-
17 ices; and

18 “(6) shall provide services to States, local edu-
19 cational agencies, tribes, and schools through or in
20 coordination with the State Facilitators of the Na-
21 tional Diffusion Network as authorized in section
22 2343(b) in order to better implement the purposes
23 of this section and provide the support and assist-
24 ance diffusion agents need to carry out their mission
25 effectively.

1 **“SEC. 2345. DUTIES OF COMPREHENSIVE ASSISTANCE CEN-**
2 **TERS.**

3 “(a) IN GENERAL.—Each center established under
4 section 2343(a) shall provide comprehensive, integrated
5 technical assistance services focused on improving teach-
6 ing and learning.

7 “(b) SUPPORT AND ASSISTANCE.—Comprehensive
8 centers shall provide support and assistance to State edu-
9 cational agencies, tribal divisions of education, local edu-
10 cational agencies, schools, and other grant recipients
11 under this Act in—

12 “(1) the development of plans for integrating
13 programs under this Act with other Federal pro-
14 grams and with State, local and tribal reform
15 efforts;

16 “(2) the development, selection, and use of
17 challenging, high-quality curricula aligned with high
18 standards and assessments;

19 “(3) the identification, adaptation, or develop-
20 ment of instructional strategies and materials which
21 meet the needs of children receiving assistance under
22 this Act;

23 “(4) the development of valid, reliable, and non-
24 discriminatory systems of assessment which reflect
25 recent advances in the field of education assessment;

1 “(5) the development, selection, and implemen-
2 tation of effective schoolwide projects;

3 “(6) improving the capacity of educators, school
4 administrators, counselors, and other school person-
5 nel to assist students to reach challenging standards,
6 especially those students furthest from such stand-
7 ards, through the expansion and strengthening of
8 professional development activities;

9 “(7) expanding and improving opportunities for
10 parents to participate in the education of their chil-
11 dren at home and at school;

12 “(8) creating safe and drug-free environments,
13 especially in areas experiencing high levels of drug
14 use and violence in the community and schools;

15 “(9) the coordination of services and programs
16 to meet the needs of students so that they can fully
17 participate in the educational program of the school;

18 “(10) the evaluation of educational programs;

19 “(11) educational applications of technology,
20 when appropriate, in coordination with the regional
21 mathematics and science education consortia;

22 “(12) reforming the governance and manage-
23 ment of schools; and

24 “(13) establishing public/private education part-
25 nerships, including school/business partnerships.

1 “(c) ADDITIONAL DUTIES.—Additional duties in-
2 clude—

3 “(1) assisting States, local educational agencies,
4 tribal divisions of education, and schools in replicat-
5 ing and adapting exemplary and promising edu-
6 cational programs, policies, and practices through or
7 in coordination with the National Diffusion Network
8 State Facilitator;

9 “(2) assisting State educational agencies and
10 local educational agencies to develop school support
11 teams to work with schoolwide programs under title
12 I of this Act; and

13 “(3) assisting State educational agencies, local
14 educational agencies, and the National Diffusion
15 Network State Facilitators to increase their capacity
16 to provide high-quality technical assistance in sup-
17 port of programs under this Act.

18 **“SEC. 2346. SERVICE AND APPLICATION REQUIREMENTS.**

19 “(a) MAINTENANCE OF SERVICE.—The Secretary
20 shall ensure that the comprehensive assistance centers
21 funded under this part provide technical assistance serv-
22 ices that address the needs of bilingual, migrant, immi-
23 grant, and Indian students that are at least comparable
24 to the level of such technical assistance services provided
25 under programs administered by the Secretary prior to the

1 date of the enactment of the Improving America's Schools
2 Act of 1994.

3 “(b) MINIMUM FUNDS.—

4 “(1) MAINTENANCE OF EFFORT.—In awarding
5 grants or contracts for comprehensive assistance
6 centers, the Secretary shall ensure that the propor-
7 tion of funds used to provide services that address
8 the needs of limited-English-proficient, immigrant,
9 and migrant students shall be no less than the pro-
10 portion of funds expended under grants or contracts
11 expiring in fiscal year 1995 for categorical technical
12 assistance centers serving limited-English-proficient
13 and migrant students.

14 “(2) INDIAN STUDENTS.—In awarding grants
15 or contracts for comprehensive assistance centers,
16 the Secretary shall ensure that the proportion of
17 funds used to provide services that address the need
18 of Indian students through the comprehensive cen-
19 ters established in section 2343(a) shall be no less
20 than the proportion of funds expended under grants
21 or contracts expiring in fiscal year 1995 for tech-
22 nical assistance centers serving Indian students.

23 “(c) APPLICATION.—Applications for funds under
24 subsection (a)(2) shall include how centers will—

1 “(1) provide expertise in the areas listed in sec-
2 tion 2344(l);

3 “(2) work with the National Diffusion Network
4 authorized in section 2343(b) to conduct outreach to
5 local educational agencies prioritized in section
6 2348;

7 “(3) demonstrate support from States and local
8 educational agencies and tribes in the area to be
9 served;

10 “(4) ensure a fair distribution of services to
11 urban and rural areas;

12 “(5) utilize technology to provide technical as-
13 sistance; and

14 “(6) provide other information the Secretary
15 may require.

16 In approving applications to comprehensive centers serv-
17 ing Indian students, the Secretary shall give priority to
18 applications from consortia that include Indian edu-
19 cational agencies, organizations, or institutions.

20 “(d) TRANSITION.—The Secretary shall, notwith-
21 standing any other provision of law, use funds appro-
22 priated under section 2351 to extend or continue existing
23 contracts and grants for categorical technical assistance
24 centers and for National Diffusion Network State
25 Facilitator and Developer Demonstrators through fiscal

1 year 1995 and take other necessary steps to ensure a
2 smooth transition of this part.

3 **“SEC. 2347. STATE-BASED ACTIVITIES.**

4 “(a) PURPOSES.—The Secretary shall establish a
5 State-based outreach, dissemination, training, and con-
6 sultation component of the National Technical Assistance
7 and Dissemination System through the National Diffusion
8 Network and its State Facilitators.

9 “(b) IN GENERAL.—The Department of Education,
10 through the Office of Educational Research and Improve-
11 ment shall award grants or enter into contracts with pub-
12 lic or private nonprofit educational organizations or insti-
13 tutions in each State with demonstrated experience, exper-
14 tise, and commitment in the areas of applied education
15 research and program dissemination to carry out activities
16 described in subsection (c).

17 “(c) NATIONAL DIFFUSION NETWORK STATE
18 FACILITATORS.—National Diffusion Network State
19 Facilitators shall work in coordination with the com-
20 prehensive assistance centers to assist State educational
21 agencies, local educational agencies, tribal divisions of
22 education, schools, family and adult literacy programs,
23 and other appropriate educational entities to—

1 “(1) define their technical assistance needs and
2 align them with school reform, professional develop-
3 ment, and technology plans;

4 “(2) secure the technical assistance services
5 that can best fulfill their needs by utilizing Depart-
6 ment of Education technical assistance centers, re-
7 gional education laboratories, Eisenhower Regional
8 consortia, State Literacy Resource Centers, and
9 other technical assistance providers including local
10 providers of professional development services;

11 “(3) identify educational technology needs and
12 secure the necessary technical assistance to address
13 them;

14 “(4) prepare for on-site, intensive technical as-
15 sistance provided by the comprehensive centers, labs,
16 or other service providers;

17 “(5) utilize technology, including regional and
18 national electronic networks, to increase their access
19 to technical assistance, professional development
20 services, and dissemination of exemplary practices
21 and materials;

22 “(6) deliver high-quality professional develop-
23 ment services to their school-based educators; and

24 “(7) provide organizational development serv-
25 ices to facilitate school-based change.

1 “(d) ADDITIONAL DUTIES.—In addition, National
2 Diffusion Network State Facilitators shall—

3 “(1) disseminate information about school re-
4 form and effective and promising practices and help
5 local educational agencies and schools adapt them to
6 their needs;

7 “(2) facilitate communications between edu-
8 cators to assist the sharing of promising practices
9 and to foster school reform and professional develop-
10 ment;

11 “(3) coordinate their activities with school sup-
12 port teams and distinguished educators in their
13 State;

14 “(4) coordinate, work cooperatively with, and
15 regularly share information with the comprehensive
16 centers, the Regional Education Laboratories, and
17 other entities engaged in research, development, dis-
18 semination, and technical assistance activities which
19 are supported by the Department of Education;

20 “(5) develop and implement an aggressive out-
21 reach plan for reaching the local educational agen-
22 cies and schools identified as priorities in section
23 2308; and

24 “(6) provide technical, dissemination, and sup-
25 port assistance to States, local educational agencies,

1 and schools using the highest quality and most cost-
2 effective methods available.

3 “(e) NATIONAL DIFFUSION NETWORK EFFECTIVE
4 PRACTICES.—The Secretary shall develop a system of vali-
5 dating effective programs and promising practices for dis-
6 semination through the National Diffusion Network. Such
7 programs may include exemplary programs funded
8 through any office of the Department of Education, the
9 National Science Foundation, or other Federal agencies.
10 Such a system should be coordinated, aligned with, and
11 administered by the Office of Educational Research and
12 Improvement Office of Reform Assistance and Dissemina-
13 tion. The Secretary shall give priority to identifying, vali-
14 dating, and disseminating effective schoolwide projects,
15 programs addressing the needs of high poverty schools,
16 and programs with the capacity to offer high-quality, sus-
17 tained technical assistance. The Office of Educational Re-
18 search and Improvement Office of Reform Assistance and
19 Dissemination shall also administer a grants program to
20 such validated Effective Practices for the purpose of dis-
21 semination and the provision of technical assistance.

22 **“SEC. 2348. PROGRAM PRIORITIES.**

23 “Both the comprehensive centers and the National
24 Diffusion Network shall give priority service to schoolwide
25 projects and to local educational agencies, and Bureau of

1 Indian Affairs schools with the highest percentage or num-
2 bers of poor children.

3 **“SEC. 2349. TECHNOLOGY-BASED TECHNICAL ASSISTANCE.**

4 “The Secretary is also authorized to provide a tech-
5 nology-based technical assistance service that will—

6 “(1) support the administration and implemen-
7 tation of programs authorized by this Act by provid-
8 ing information, including legal and regulatory infor-
9 mation, and technical guidance and information
10 about best practices; and

11 “(2) be accessible to all States, local edu-
12 cational agencies, schools, and others who are recipi-
13 ents of funds under this Act.

14 **“SEC. 2350. ADMINISTRATION.**

15 “The program authorized by this part shall be jointly
16 administered by the Assistant Secretary for Elementary
17 and Secondary Education, the Director of Bilingual Edu-
18 cation and Minority Languages Affairs, and the Assistant
19 Secretary for Educational Research and Improvement.

20 **“SEC. 2351. AUTHORIZATION OF APPROPRIATIONS.**

21 “For the purposes of carrying out this part, there are
22 authorized to be appropriated \$70,000,000 for fiscal year
23 1995 and such sums as may be necessary for each of the
24 fiscal years 1996, 1997, 1998, and 1999. Of the funds
25 appropriated under this part, not less than \$25,000,000

1 shall be made available to support activities of the Na-
2 tional Diffusion Network authorized in section 2343(b).

3 **“PART E—INNOVATIVE EDUCATION PROGRAM**
4 **STRATEGIES**

5 **“SEC. 2401. FINDINGS AND STATEMENT OF PURPOSE.**

6 “(a) FINDINGS.—The Congress finds that chapter 2
7 of the Education Consolidation and Improvement Act of
8 1981 has been successful in achieving the goals of increas-
9 ing local flexibility, reducing administrative burden, pro-
10 viding services for private school students, encouraging in-
11 novation, and contributing to the improvement of elemen-
12 tary and secondary educational programs.

13 “(b) STATEMENT OF PURPOSE.—It is the purpose of
14 programs under this part:

15 “(1) To support local education reform efforts
16 which are consistent with and support statewide re-
17 form efforts under Goals 2000: Educate America
18 Act.

19 “(2) To support State and local efforts to ac-
20 complish the National Education Goals.

21 “(3) To provide funding to enable State and
22 local educational agencies to implement promising
23 educational reform programs that can be supported
24 by State and local sources of funding after such pro-
25 grams are demonstrated to be effective.

1 “(b) DURATION OF ASSISTANCE.—During the period
2 beginning October 1, 1994, and ending September 30,
3 1999, the Secretary shall, in accordance with the provi-
4 sions of this part, make payments to State educational
5 agencies for the purpose of this section.

6 **“SEC. 2403. DEFINITION.**

7 “For the purposes of this part the term ‘effective
8 schools programs’ means school-based programs that may
9 encompass preschool through secondary school levels and
10 that have the objectives of (1) promoting school-level plan-
11 ning, instructional improvement, and staff development,
12 (2) increasing the academic achievement levels of all chil-
13 dren and particularly educationally deprived children, and
14 (3) achieving as ongoing conditions in the school the fol-
15 lowing factors identified through effective schools research
16 as distinguishing effective from ineffective schools:

17 “(A) Strong and effective administrative and
18 instructional leadership that creates consensus on in-
19 structional goals and organizational capacity for in-
20 structional problem solving.

21 “(B) Emphasis on the acquisition of basic and
22 higher order skills.

23 “(C) A safe and orderly school environment
24 that allows teachers and pupils to focus their ener-
25 gies on academic achievement.

1 “(D) A climate of expectation that virtually all
2 children can learn under appropriate conditions.

3 “(E) Continuous assessment of students and
4 programs to evaluate the effects of instruction.

5 **“Subpart 1—State and Local Programs**

6 **“SEC. 2411. ALLOTMENT TO STATES.**

7 “(a) RESERVATIONS.—From the sums appropriated
8 to carry out this subpart in any fiscal year, the Secretary
9 shall reserve not to exceed 1 percent for payments to
10 Guam, American Samoa, the Virgin Islands, the Northern
11 Mariana Islands, and Palau (until the effective date of the
12 Compact of Free Association with the Government of
13 Palau), to be allotted in accordance with their respective
14 needs.

15 “(b) ALLOTMENT.—From the remainder of such
16 sums the Secretary shall allot to each State an amount
17 which bears the same ratio to the amount of such remain-
18 der as the school-age population of the State bears to the
19 school-age population of all States, except that no State
20 shall receive less than an amount equal to one-half of 1
21 percent of such remainder.

22 “(c) DEFINITIONS.—For purposes of this subpart—

23 “(1) The term ‘school-age population’ means
24 the population aged 5 through 17.

1 “(2) The term ‘States’ includes the 50 States,
2 the District of Columbia, and the Commonwealth of
3 Puerto Rico.

4 **“SEC. 2412. ALLOCATION TO LOCAL EDUCATIONAL AGEN-**
5 **CIES.**

6 “(a) DISTRIBUTION RULE.—From the sums made
7 available each year to carry out this part, the State edu-
8 cational agency shall distribute not less than 85 percent
9 to local educational agencies within such State according
10 to the relative enrollments in public and private, nonprofit
11 schools within the school districts of such agencies, ad-
12 justed, in accordance with criteria approved by the Sec-
13 retary, to provide higher per pupil allocations to local edu-
14 cational agencies which have the greatest numbers or per-
15 centages of children whose education imposes a higher
16 than average cost per child, such as—

17 “(1) children living in areas with high con-
18 centrations of low-income families,

19 “(2) children from low-income families, and

20 “(3) children living in sparsely populated areas.

21 “(b) CALCULATION OF ENROLLMENTS.—(1) The cal-
22 culation of relative enrollments under subsection (a) shall
23 be on the basis of the total of—

24 “(A) the number of children enrolled in public
25 schools, and

1 “(B) the number of children enrolled in private
2 nonprofit schools that desire that their children par-
3 ticipate in programs or projects assisted under this
4 part, for the fiscal year preceding the fiscal year in
5 which the determination is made. Nothing in this
6 subsection shall diminish the responsibility of local
7 educational agencies to contact, on an annual basis,
8 appropriate officials from private nonprofit schools
9 within the areas served by such agencies in order to
10 determine whether such schools desire that their
11 children participate in programs assisted under this
12 part.

13 “(2)(A) Relative enrollments under subsection
14 (a) shall be adjusted, in accordance with criteria ap-
15 proved by the Secretary under subparagraph (B), to
16 provide higher per pupil allocations only to local edu-
17 cational agencies which serve the greatest numbers
18 or percentages of—

19 “(i) children living in areas with high con-
20 centrations of low-income families,

21 “(ii) children from low-income families, or

22 “(iii) children living in sparsely populated
23 areas.

24 “(B) The Secretary shall review criteria submit-
25 ted by a State educational agency for adjusting allo-

1 cations under paragraph (1) and shall approve such
2 criteria only if the Secretary determines that such
3 criteria are reasonably calculated to produce an ad-
4 justed allocation that reflects the relative needs with-
5 in the State’s local educational agencies based on the
6 factors set forth in subparagraph (A).

7 “(c) PAYMENT OF ALLOCATIONS.—

8 “(1) From the funds paid to it pursuant to sec-
9 tion 2402 for a fiscal year, a State educational agen-
10 cy shall distribute to each eligible local educational
11 agency which has submitted an application as re-
12 quired in section 2423 the amount of its allocation
13 as determined under subsection (a).

14 “(2)(A) Additional funds resulting from higher
15 per pupil allocations provided to a local educational
16 agency on the basis of adjusted enrollments of chil-
17 dren described in subsection (a), may, at the discre-
18 tion of the local educational agency, be allocated for
19 expenditures to provide services for children enrolled
20 in public and private nonprofit schools in direct pro-
21 portion to the number of children described in sub-
22 section (a) and enrolled in such schools within the
23 local educational agency.

24 “(B) In any fiscal year, any local educational
25 agency that elects to allocate such additional funds

1 in the manner described in subparagraph (A) shall
2 allocate all additional funds to schools within the
3 local educational agency in such manner.

4 “(C) The provisions of subparagraphs (A) and
5 (B) may not be construed to require any school to
6 limit the use of such additional funds to the provi-
7 sion of services to specific students or categories of
8 students.

9 **“Subpart 2—State Programs**

10 **“SEC. 2421. STATE USES OF FUNDS.**

11 “(a) AUTHORIZED ACTIVITIES.—A State educational
12 agency may use funds reserved for State use under this
13 section only for—

14 “(1) State administration of programs under
15 this section including—

16 “(A) supervision of the allocation of funds
17 to local educational agencies;

18 “(B) planning, supervision, and processing
19 of State funds; and

20 “(C) monitoring and evaluation of pro-
21 grams and activities under this part; and

22 “(2) technical assistance and direct grants to
23 local educational agencies and statewide education
24 reform activities including effective schools programs

1 which assist local educational agencies to provide
2 targeted assistance.

3 “(b) LIMITATIONS AND REQUIREMENTS.—Not more
4 than 25 percent of funds available for State programs
5 under this part in any fiscal year may be used for State
6 administration under subsection (a)(1).

7 **“SEC. 2423. STATE APPLICATIONS.**

8 “(a) APPLICATION REQUIREMENTS.—Any State
9 which desires to receive a grant under this subpart shall
10 submit to the Secretary an application which—

11 “(1) designates the State educational agency as
12 the State agency responsible for administration and
13 supervision of programs assisted under this part;

14 “(2)(A) provides for an annual submission of
15 data on the use of funds, the types of services fur-
16 nished, and the students served under this section;
17 and

18 “(B) in fiscal year 1998 provides for an evalua-
19 tion of the effectiveness of programs assisted under
20 this subpart;

21 “(3) sets forth the allocation of such funds re-
22 quired to implement section 2452;

23 “(4) provides that the State educational agency
24 will keep such records and provide such information
25 to the Secretary as may be required for fiscal audit

1 and program evaluation (consistent with the respon-
2 sibilities of the Secretary under this section);

3 “(5) provides assurance that, apart from tech-
4 nical and advisory assistance and monitoring compli-
5 ance with this part, the State educational agency
6 has not exercised and will not exercise any influence
7 in the decision making processes of local educational
8 agencies as to the expenditure made pursuant to an
9 application under section 2433; and

10 “(6) contain assurances that there is compli-
11 ance with the specific requirements of this part.

12 “(b) PERIOD OF APPLICATION.—An application filed
13 by the State under subsection (a) shall be for a period
14 not to exceed 3 years, and may be amended annually as
15 may be necessary to reflect changes without filing a new
16 application.

17 “(c) AUDIT RULE.—Notwithstanding section 1745 of
18 the Omnibus Budget Reconciliation Act of 1981, local
19 educational agencies receiving less than an average of
20 \$5,000 each under this section need not be audited more
21 frequently than once every 5 years.

1 **“Subpart 3—Local Targeted Assistance Programs**

2 **“SEC. 2431. TARGETED USE OF FUNDS.**

3 “(a) GENERAL RULE.—Funds allocated for use
4 under this subpart shall be used by local educational agen-
5 cies for targeted assistance described in subsection (b).

6 “(b) TARGETED ASSISTANCE.—The targeted assist-
7 ance programs referred to in subsection (a) include—

8 “(1) technology related to the implementation
9 of school-based reform programs, including profes-
10 sional development to assist teachers and other
11 school officials regarding how to use effectively such
12 equipment and software;

13 “(2) instructional and educational materials, as-
14 sements, and library services and materials (in-
15 cluding media materials) tied to high academic
16 standards and which are part of an overall education
17 reform program;

18 “(3) promising education reform projects, in-
19 cluding effective schools and 21st Century Learning
20 Center school projects in accordance with subpart 4;
21 and

22 “(4) computer hardware and software pur-
23 chased under this section should be used only for in-
24 structional purposes.

1 **“SEC. 2432. ADMINISTRATIVE AUTHORITY.**

2 “In order to conduct the activities authorized by this
3 part, each State or local educational agency may use funds
4 reserved for this part to make grants to and to enter into
5 contracts with local educational agencies, institutions of
6 higher education, libraries, museums, and other public and
7 private nonprofit agencies, organizations, and institutions.

8 **“SEC. 2433. LOCAL APPLICATIONS.**

9 “(a) CONTENTS OF APPLICATION.—A local edu-
10 cational agency or consortia of local educational agencies
11 may receive an allocation of funds under this subpart for
12 any year for which an application is submitted to the State
13 educational agency and such application is certified to
14 meet the requirements of this section. The State edu-
15 cational agency shall certify any such application if such
16 application—

17 “(1)(A) sets forth the planned allocation of
18 funds among targeted assistance programs described
19 in section 2431 of this part and describes the pro-
20 grams, projects and activities designed to carry out
21 such targeted assistance which it intends to support,
22 together with the reasons for selection of such pro-
23 grams, projects and activities; and

24 “(B) sets forth the allocation of such funds re-
25 quired to implement section 2452;

1 “(2) describes how assistance under this section
2 will contribute to meeting the National Education
3 Goals and improving student achievement or improv-
4 ing the quality of education for students;

5 “(3) provide assurances of compliance with the
6 provisions of this part, including the participation of
7 children enrolled in private, nonprofit schools in ac-
8 cordance with section 2452;

9 “(4) agrees to keep such records, and provide
10 such information to the State educational agency as
11 may reasonably be required for fiscal audit and pro-
12 gram evaluation, concession with the responsibilities
13 of the State agency under this part; and

14 “(5) provides in the allocation of funds for the
15 assistance authorized by this part, and in the design,
16 planning and implementation of such programs, for
17 systematic consultation with parents of children at-
18 tending elementary and secondary schools in the
19 area served by the local educational agency, with
20 teachers and administrative personnel in such
21 schools, and with other groups involved in the imple-
22 mentation of this section (such as librarians, school
23 counselors, and other pupil services personnel) as
24 may be considered appropriate by the local edu-
25 cational agency.

1 “(b) PERIOD OF APPLICATION.—An application filed
2 by a local educational agency under subsection (a) shall
3 be for a period not to exceed 3 fiscal years, may provide
4 for the allocation of funds to programs for a period of
5 3 years, and may be amended annually as may be nec-
6 essary to reflect changes without filing a new application.

7 “(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—
8 Subject to the limitations and requirements of this part,
9 a local educational agency shall have complete discretion
10 in determining how funds under this subpart shall be di-
11 vided among the areas of targeted assistance. In exercising
12 such discretion, a local educational agency shall ensure
13 that expenditures under this subpart carry out the pur-
14 poses of this subpart and are used to meet the educational
15 needs within the schools of such local educational agency.

16 **“Subpart 4—General Administrative Provisions**

17 **“SEC. 2441. MAINTENANCE OF EFFORT; FEDERAL FUNDS**
18 **SUPPLEMENTARY.**

19 “(a) MAINTENANCE OF EFFORT.—(1) Except as pro-
20 vided in paragraph (2), a State is entitled to receive its
21 full allocation of funds under this part for any fiscal year
22 if the Secretary finds that either the combined fiscal effort
23 per student or the aggregate expenditures within the State
24 with respect to the provision of free public education for
25 the preceding fiscal year was not less than 90 percent of

1 such combined fiscal effort or aggregate expenditures for
2 the second preceding fiscal year.

3 “(2) The Secretary shall reduce the amount of the
4 allocation of funds under this part in any fiscal year in
5 the exact proportion to which the State fails to meet the
6 requirements of paragraph (1) by falling below 90 percent
7 of both the fiscal effort per student and aggregate expend-
8 itures (using the measure most favorable to the State),
9 and no such lesser amount shall be used for computing
10 the effort required under paragraph (1) for subsequent
11 years.

12 “(3) The Secretary may waive, for 1 fiscal year only,
13 the requirements of this subsection if the Secretary deter-
14 mines that such a waiver would be equitable due to excep-
15 tional or uncontrollable circumstances such as a natural
16 disaster or a precipitous and unforeseen decline in the fi-
17 nancial resources of the State.

18 “(b) FEDERAL FUNDS SUPPLEMENTARY.—A State
19 or local educational agency may use and allocate funds
20 received under this part only so as to supplement and, to
21 the extent practical, increase the level of funds that would,
22 in the absence of Federal funds made available under this
23 part, be made available from non-Federal sources, and in
24 no case may such funds be used so as to supplant funds
25 from non-Federal sources.

1 **“SEC. 2442. PARTICIPATION OF CHILDREN ENROLLED IN**
2 **PRIVATE SCHOOLS.**

3 “(a) PARTICIPATION ON EQUITABLE BASIS.—(1) To
4 the extent consistent with the number of children in the
5 school district of a local educational agency which is eligi-
6 ble to receive funds under this part or which serves the
7 area in which a program or project assisted under this
8 part is located who are enrolled in private nonprofit ele-
9 mentary and secondary schools, or with respect to instruc-
10 tional or personnel training programs funded by the State
11 educational agency from funds reserved for State use,
12 such agency, after consultation with appropriate private
13 school officials, shall provide for the benefit of such chil-
14 dren in such schools secular, neutral, and nonideological
15 services, materials, and equipment, including the partici-
16 pation of the teachers of such children (and other edu-
17 cational personnel serving such children) in training pro-
18 grams, and the repair, minor remodeling, or construction
19 of public facilities as may be necessary for their provision
20 (consistent with subsection (c) of this section), or, if such
21 services, materials, and equipment are not feasible or nec-
22 essary in one or more such private schools as determined
23 by the local educational agency after consultation with the
24 appropriate private school officials, shall provide such
25 other arrangements as will assure equitable participation
26 of such children in the purposes and benefits of this part.

1 “(2) If no program or project is carried out under
2 subsection (a)(1) of this section in the school district of
3 a local educational agency, the State educational agency
4 shall make arrangements, such as through contracts with
5 nonprofit agencies or organizations, under which children
6 in private schools in that district are provided with serv-
7 ices and materials to the extent that would have occurred
8 if the local educational agency had received funds under
9 this part.

10 “(3) The requirements of this section relating to the
11 participation of children, teachers, and other personnel
12 serving such children shall apply to programs and projects
13 carried out under this part by a State or local educational
14 agency, whether directly or through grants to or contracts
15 with other public or private agencies, institutions, or orga-
16 nizations.

17 “(b) EQUAL EXPENDITURES.—Expenditures for pro-
18 grams pursuant to subsection (a) shall be equal (consist-
19 ent with the number of children to be served) to expendi-
20 tures for programs under this part for children enrolled
21 in the public schools of the local educational agency, tak-
22 ing into account the needs of the individual children and
23 other factors which relate to such expenditures, and when
24 funds available to a local educational agency under this
25 part are used to concentrate programs or projects on a

1 particular group, attendance area, or grade or age level,
2 children enrolled in private schools who are included with-
3 in the group, attendance area, or grade or age level se-
4 lected for such concentration shall, after consultation with
5 the appropriate private school officials, be assured equi-
6 table participation in the purposes and benefits of such
7 programs or projects.

8 “(c) FUNDS.—(1) The control of funds provided
9 under this part, and title to materials, equipment, and
10 property repaired, remodeled, or constructed therewith,
11 shall be in a public agency for the uses and purposes pro-
12 vided in this part, and a public agency shall administer
13 such funds and property.

14 “(2) The provision of services pursuant to this section
15 shall be provided by employees of a public agency or
16 through contract by such public agency with a person, an
17 association, agency, or corporation who or which, in the
18 provision of such services, is independent of such private
19 school and of any religious organizations, and such em-
20 ployment or contract shall be under the control and super-
21 vision of such public agency, and the funds provided under
22 this part shall not be commingled with State or local
23 funds.

24 “(d) STATE PROHIBITION WAIVER.—If by reason of
25 any provision of law a State or local educational agency

1 is prohibited from providing for the participation in pro-
2 grams of children enrolled in private elementary and sec-
3 ondary schools, as required by this section, the Secretary
4 shall waive such requirements and shall arrange for the
5 provision of services to such children through arrange-
6 ments which shall be subject to the requirements of this
7 section.

8 “(e) WAIVER AND PROVISION OF SERVICES.—(1) If
9 the Secretary determines that a State or a local edu-
10 cational agency has substantially failed or is unwilling to
11 provide for the participation on an equitable basis of chil-
12 dren enrolled in private elementary and secondary schools
13 as required by this section, the Secretary may waive such
14 requirements and shall arrange for the provision of serv-
15 ices to such children through arrangements which shall be
16 subject to the requirements of this section.

17 “(2) Pending final resolution of any investigation or
18 complaint that could result in a determination under this
19 subsection or subsection (d), the Secretary may withhold
20 from the allocation of the affected State or local edu-
21 cational agency the amount estimated by the Secretary to
22 be necessary to pay the cost of those services.

23 “(f) DETERMINATION.—Any determination by the
24 Secretary under this section shall continue in effect until
25 the Secretary determines that there will no longer be any

1 failure or inability on the part of the State or local edu-
2 cational agency to meet the requirements of subsections
3 (a) and (b).

4 “(g) PAYMENT FROM STATE ALLOTMENT.—When
5 the Secretary arranges for services pursuant to this sec-
6 tion, the Secretary shall, after consultation with the ap-
7 propriate public and private school officials, pay the cost
8 of such services, including the administrative costs of ar-
9 ranging for those services, from the appropriate allotment
10 of the State under this part.

11 “(h) REVIEW.—(1) The Secretary shall not take any
12 final action under this section until the State educational
13 agency and the local educational agency affected by such
14 action have had an opportunity, for at least 45 days after
15 receiving written notice thereof, to submit written objec-
16 tions and to appear before the Secretary or the Secretary’s
17 designee to show cause why that action should not be
18 taken.

19 “(2) If a State or local educational agency is dissatis-
20 fied with the Secretary’s final action after a proceeding
21 under paragraph (1) of this subsection, it may, within 60
22 days after notice of such action, file with the United States
23 court of appeals for the circuit in which such State is lo-
24 cated a petition for review of that action. A copy of the
25 petition shall be forthwith transmitted by the clerk of the

1 court to the Secretary. The Secretary thereupon shall file
2 in the court the record of the proceedings on which the
3 Secretary based this action, as provided in section 2112
4 of title 28, United States Code.

5 “(3) The findings of fact by the Secretary, if sup-
6 ported by substantial evidence, shall be conclusive; but the
7 court, for good cause shown, may remand the case to the
8 Secretary to take further evidence and the Secretary may
9 thereupon make new or modified findings of fact and may
10 modify the Secretary’s previous action, and shall file in
11 the court the record of the further proceedings. Such new
12 or modified findings of fact shall likewise be conclusive if
13 supported by substantial evidence.

14 “(4) Upon the filing of such petition, the court shall
15 have jurisdiction to affirm the action of the Secretary or
16 to set it aside, in whole or in part. The judgment of the
17 court shall be subject to review by the Supreme Court of
18 the United States upon certiorari or certification as pro-
19 vided in section 1254 of title 28, United States Code.

20 “(i) PRIOR DETERMINATION.—Any bypass deter-
21 mination by the Secretary under chapter 2 of the Edu-
22 cation Consolidation and Improvement Act of 1981 shall,
23 to the extent consistent with the purposes of this chapter,
24 apply to programs under this chapter.

1 **“SEC. 2443. EVALUATIONS AND REPORTING.**

2 “(a) LOCAL EDUCATIONAL AGENCIES.—A local edu-
3 cational agency which receives financial assistance under
4 this part shall report annually to the State educational
5 agency on the use of funds under section 2431. Such re-
6 porting shall be carried out in a manner which minimizes
7 the amount of paperwork required while providing the
8 State educational agency with the necessary information
9 under the preceding sentence. Such report shall be made
10 available to the public.

11 “(b) STATE EDUCATIONAL AGENCIES.—A State edu-
12 cational agency which receives financial assistance under
13 this part shall evaluate the effectiveness of State and local
14 programs under this part in accordance with section
15 2423(a)(2)(B). That evaluation shall be submitted for re-
16 view and comment by the State advisory committee and
17 shall be made available to the public. The State edu-
18 cational agency shall submit to the Secretary a copy of
19 the evaluation and a summary of the reports under sub-
20 section (a).

21 “(c) REPORTS.—(1) The Secretary, in consultation
22 with State and local educational agency representatives,
23 shall develop a model system which State educational
24 agencies may use for data collection and reporting under
25 this part.

1 “(2)(A) The Secretary shall submit annually a report
2 to the Congress for the use of funds, the types of services
3 furnished, and the students served under this part.

4 “(B) The Secretary shall not later than October 1,
5 1998, submit a report to the Congress summarizing eval-
6 uations under subsection (b) in order to provide a national
7 overview of the uses of funds and effectiveness of pro-
8 grams under this part.

9 **“SEC. 2444. FEDERAL ADMINISTRATION.**

10 “(a) TECHNICAL ASSISTANCE.—The Secretary, upon
11 request, shall provide technical assistance to State and
12 local educational agencies under this part.

13 “(b) RULEMAKING.—The Secretary shall issue regu-
14 lations under this part only to the extent that such regula-
15 tions are necessary to ensure that there is compliance with
16 the specific requirements and assurances required by this
17 part.

18 “(c) AVAILABILITY OF APPROPRIATIONS.—Notwith-
19 standing any other provision of law, unless expressly in
20 limitation of this subsection, funds appropriated in any
21 fiscal year to carry out activities under this part shall be-
22 come available for obligation on July 1 of such fiscal year
23 and shall remain available for obligation until the end of
24 the subsequent fiscal year.

1 **“SEC. 2445. APPLICATION OF GENERAL EDUCATION PROVI-**
2 **SIONS ACT.**

3 “(a) GENERAL RULE.—Except as otherwise specifi-
4 cally provided by this section, the General Education Pro-
5 visions Act shall apply to the programs authorized by this
6 part.

7 “(b) APPLICABILITY.—The following provisions of
8 the General Education Provisions Act shall be superseded
9 by the specified provisions of this part with respect to the
10 programs authorized by this part:

11 “(1) Section 410(a)(1) of the General Edu-
12 cation Provisions Act is superseded by section
13 2254(b) of this part.

14 “(2) Section 433(a) of such Act is superseded
15 by section 2454(a) of this part.

16 “(3) Section 436 of such Act is superseded by
17 sections 2223 and 2233 of this part.

18 “(c) SPECIAL RULE.—Sections 440, 441, and 442 of
19 the General Education Provisions Act, except to the extent
20 that such sections relate to fiscal control and fund ac-
21 counting procedures, may not apply to the programs au-
22 thorized by this part and shall not be construed to author-
23 ize the Secretary to require any reports or take any ac-
24 tions not specifically authorized by this part.

1 **“PART F—21ST CENTURY COMMUNITY LEARNING**

2 **CENTERS**

3 **“SEC. 2451. FINDINGS.**

4 “The Congress finds that—

5 “(1) a local public school often serves as a cen-
6 ter for the delivery of education and human re-
7 sources for all members of a community;

8 “(2) public schools, primarily in rural and inner
9 city communities, should collaborate with other pub-
10 lic and nonprofit agencies and organizations, local
11 businesses, educational entities (such as vocational
12 and adult education programs, school to work pro-
13 grams, community colleges, and universities), rec-
14 reational, cultural, and other community and human
15 service entities for the purpose of meeting the needs
16 and expanding the opportunities available to the
17 residents of the communities served by such schools;
18 and

19 “(3) by using school facilities, equipment, and
20 resources, communities can promote a more efficient
21 use of public education facilities, especially in rural
22 and inner city areas where limited financial re-
23 sources have enhanced the necessity for local public
24 schools to become social service centers.

1 **“SEC. 2452. PROGRAM AUTHORIZATION AND DISTRIBUTION.**

2 “(a) GRANTS BY THE SECRETARY.—The Secretary is
3 authorized in accordance with the provisions of this sub-
4 section to make grants to rural and inner city schools or
5 consortia thereof to plan, implement, or expand projects
6 that benefit the educational, health, social service, cul-
7 tural, and recreational needs of a rural or inner city
8 community. No school or consortia thereof shall receive
9 a grant award of less than \$50,000 in each fiscal year,
10 and such grant projects shall not exceed a 3-year period.

11 “(b) APPLICATION.—To be eligible to receive funds
12 under this section, a school or consortia thereof shall sub-
13 mit an application to the Secretary of Education at such
14 time and in such manner as the Secretary may reasonably
15 prescribe, that shall include—

16 “(1) a comprehensive local plan that enables
17 such school to serve as a center for the delivery of
18 education and human resources for members of a
19 community; and

20 “(2) an initial evaluation of needs, available re-
21 sources, and goals and objectives for the proposed
22 community education program to determine pro-
23 grams that will be developed to address these needs:

24 “(A) A mechanism to disseminate informa-
25 tion in a manner that is understandable and ac-
26 cessible to the community.

1 “(B) Identification of Federal, State, and
2 local programs to be merged or coordinated so
3 that public resources may be maximized.

4 “(C) A description of the collaborative ef-
5 ferts of community-based organizations, related
6 public agencies, businesses, or other appropriate
7 organizations.

8 “(D) A description of how the school will
9 assist as a delivery center for existing and new
10 services, especially interactive telecommuni-
11 cation used for education and professional
12 training.

13 “(E) The establishment of a facility utili-
14 zation policy that specifically states rules and
15 regulations for building and equipment use and
16 supervision guidelines;

17 “(3) the high technology, global economy of the
18 21st century will require lifelong learning to keep
19 America’s workforce competitive and successful, local
20 public schools should provide centers for lifelong
21 learning and educational opportunities for individ-
22 uals of all ages; and

23 “(4) 21st Century Community Learning Cen-
24 ters enable the entire community to develop an edu-

1 cation strategy that addresses the educational needs
2 of all members of local communities.

3 “(c) PRIORITY.—The Secretary shall give priority to
4 applications that offer a broad selection of services that
5 address the needs of the community.

6 **“SEC. 2453. USES OF FUNDS.**

7 “(a) AUTHORIZED PROGRAMS.—Grants awarded
8 under this section may be used to plan, implement, or ex-
9 pand community learning centers which shall include not
10 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 in
17 conjunction with recreation programs.

18 “(6) Nutrition, health, and/or physical therapy.

19 “(7) Expanded library service hours to serve
20 community needs.

21 “(8) Telecommunications and technology edu-
22 cation programs for 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 students who withdraw from
4 school before graduating high school, regardless of
5 age.

6 “(13) Services for individuals who are either
7 physically or mentally challenged.

8 **“SEC. 2454. AWARD OF GRANTS.**

9 “(a) IN GENERAL.—In approving grants under this
10 section, the Secretary shall assure an equitable distribu-
11 tion of assistance among the States, among urban and
12 rural areas of the United States, and among urban and
13 rural areas of a State.

14 “(b) GRANT PERIOD.—Grants may be awarded for
15 a period not to exceed 3 years.

16 **“SEC. 2455. DEFINITIONS.**

17 “(a) The term ‘Community Learning Center’ means
18 the provision of educational, recreational, health, and so-
19 cial service programs for residents of all ages of a local
20 community in public school buildings, primarily in rural
21 and inner city areas, operated by the local educational
22 agency in conjunction with local governmental agencies,
23 businesses, vocational education programs, community col-
24 leges, universities, and cultural, recreational, and other
25 community and human service entities.

1 “(b) The term ‘Secretary’ means the Secretary of
2 Education.

3 **“SEC. 2456. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated
5 \$25,000,000 for fiscal year 1995 and such sums as may
6 be necessary for each of the fiscal years 1996–1999.

7 **“TITLE III—EXPANDING**
8 **OPPORTUNITIES FOR LEARNING**

9 **“PART A—FUND FOR THE IMPROVEMENT OF**
10 **EDUCATION**

11 **“SEC. 3201. FUND FOR THE IMPROVEMENT OF EDUCATION.**

12 “(a) FUND AUTHORIZED.—From funds appropriated
13 under subsection (d), the Secretary is authorized to sup-
14 port nationally significant programs and projects to im-
15 prove the quality of education, assist all students to meet
16 challenging standards, and contribute to the achievement
17 of the National Education Goals. The Secretary is author-
18 ized to carry out such programs and projects directly or
19 through grants to, or contracts with, State and local edu-
20 cational agencies, institutions of higher education, and
21 other public and private agencies, organizations, and
22 institutions.

23 “(b) USES OF FUNDS.—(1) Funds under this section
24 may be used for—

1 “(A) activities that will promote systemic edu-
2 cational reform at the State and local levels, such
3 as—

4 “(i) research and development related to
5 content and performance standards and oppor-
6 tunity-to-learn standards for student learning;
7 and

8 “(ii) the development and evaluation of
9 model strategies for assessment of student
10 learning, professional development for teachers
11 and administrators, parent and community in-
12 volvement, and other aspects of systemic re-
13 form;

14 “(B) demonstrations at the State and local lev-
15 els that are designed to yield nationally significant
16 results, including approaches to public school choice
17 in accordance with the requirements of part C and
18 school-based decisionmaking;

19 “(C) joint activities with other agencies to as-
20 sist the effort to achieve the National Education
21 Goals, including activities related to improving the
22 transition from preschool to school and from school
23 to work, as well as activities related to the integra-
24 tion of education and health and social services;

1 “(D) activities to promote and evaluate counsel-
2 ing and mentoring for students, including
3 intergenerational mentoring;

4 “(E) activities to promote comprehensive health
5 education;

6 “(F) activities to promote environmental edu-
7 cation;

8 “(G) activities to promote consumer, economic,
9 and personal finance education;

10 “(H) activities to assist students to dem-
11 onstrate competence in foreign languages;

12 “(I) studies and evaluation of various edu-
13 cational reform strategies and innovations being pur-
14 sued by the Federal Government, States, and local
15 educational agencies;

16 “(J) the identification and recognition of exem-
17 plary schools and programs, such as Blue Ribbon
18 Schools;

19 “(K) programs designed to promote gender eq-
20 uity in education by evaluating and eliminating gen-
21 der bias in instruction and educational materials,
22 identifying, and analyzing gender inequities in edu-
23 cational practices, and implementing and evaluating
24 educational policies and practices designed to
25 achieve gender equity;

1 “(L) programs designed to reduce excessive stu-
2 dent mobility, retain students who move within a
3 school district at the same school, educate parents
4 about the effect of mobility on a child’s education
5 and encourage parents to participate in school activi-
6 ties;

7 “(M) experiential-based learning, such as serv-
8 ice-learning;

9 “(N) the development and expansion of public-
10 private partnership programs which extend the
11 learning experience, via computers, beyond the class-
12 room environment into student homes; and

13 “(O) other programs and projects that meet the
14 purposes of this section.

15 “(2) (A) Funds may also be used to establish a Na-
16 tional Center for Second Language Development.

17 “(B) COMPOSITION.—The Center may include rep-
18 resentation from—

19 “(i) a principle Federal language training insti-
20 tution that has expertise in translation and interpre-
21 tation with responsibility for foreign language in-
22 struction of military, foreign service officers and
23 other Federal personnel; and

24 “(ii) other public, government and private enti-
25 ties with expertise in the education and training of

1 second language curricula, as determined necessary
2 by the Secretary.

3 “(C) MISSION.—The Center may—

4 “(i) assess the economic and social benefits of
5 second language capabilities for the population of
6 the United States;

7 “(ii) make recommendations to the Secretary of
8 the most appropriate means of increasing wide-
9 spread second language capabilities in the United
10 States; and

11 “(iii) effectuate a greater second language capa-
12 bility within the United States through activities
13 that include: developing and implementing model
14 programs for children, college students and adults;
15 conducting research on effective ways to teach sec-
16 ond languages; developing teacher training pro-
17 grams; and developing teaching materials.

18 “(3) The Secretary may also use funds under this
19 section to complete the project periods for direct grants
20 or contracts awarded under the provisions of the Elemen-
21 tary and Secondary Education Act of 1965, part B of title
22 III of the Augustus F. Hawkins-Robert T. Stafford Ele-
23 mentary and Secondary School Improvement Amendments
24 of 1988, or title III of the Education for Economic Secu-
25 rity Act, as these Acts were in effect on the day before

1 enactment of the Improving America's Schools Act of
2 1994.

3 “(c) AWARDS.—(1) The Secretary may make awards
4 under this section on the basis of competitions announced
5 by the Secretary and may also support meritorious unso-
6 licited proposals.

7 “(2) The Secretary shall ensure that projects and ac-
8 tivities supported under this section are designed in such
9 a way that their effectiveness may be readily determined.

10 “(3) The Secretary shall use a peer review process
11 in reviewing applications for grants under this section and
12 may use funds appropriated under subsection (d) for this
13 purpose.

14 “(d) AUTHORIZATION.—For the purpose of carrying
15 out this section, there are authorized to be appropriated
16 \$35,000,000 for fiscal year 1995 and such sums as may
17 be necessary for each of the fiscal years 1996, 1997, 1998,
18 and 1999.

19 **“PART B—GIFTED AND TALENTED CHILDREN**

20 **“SEC. 3301. SHORT TITLE.**

21 “This part may be cited as the ‘Jacob K. Javits Gift-
22 ed and Talented Students Education Act of 1994’.

23 **“SEC. 3302. FINDINGS AND PURPOSES.**

24 “(a) FINDINGS.—The Congress finds and declares
25 that—

1 “(1) all students can learn to high standards
2 and must develop their talents and realize their po-
3 tential if the United States is to prosper;

4 “(2) gifted and talented students are a national
5 resource vital to the future of the Nation and its se-
6 curity and well-being;

7 “(3) too often schools fail to challenge students
8 to do their best work, and students who are not
9 challenged will not learn to high standards, fully de-
10 velop their talents, and realize their potential;

11 “(4) unless the special abilities of gifted and
12 talented students are recognized and developed dur-
13 ing their elementary and secondary school years,
14 much of their special potential for contributing to
15 the national interest is likely to be lost;

16 “(5) gifted and talented students from economi-
17 cally disadvantaged families and areas, and students
18 of limited English proficiency are at greatest risk of
19 being unrecognized and of not being provided ade-
20 quate or appropriate educational services;

21 “(6) State and local educational agencies and
22 private nonprofit schools often lack the necessary
23 specialized resources to plan and implement effective

1 programs for the early identification of gifted and
2 talented students for the provision of educational
3 services and programs appropriate to their special
4 needs;

5 “(7) the Federal Government can best carry out
6 the limited but essential role of stimulating research
7 and development and personnel training and provid-
8 ing a national focal point of information and tech-
9 nical assistance that is necessary to ensure that the
10 Nation’s schools are able to meet the special edu-
11 cational needs of gifted and talented students, and
12 thereby serve a profound national interest; and

13 “(8) the experience and knowledge gained in
14 developing and implementing programs for gifted
15 and talented students can and should be used as a
16 basis to develop a rich and challenging curriculum
17 for all students.

18 “(b) STATEMENT OF PURPOSE.—

19 “(1) It is the purpose of this part to provide fi-
20 nancial assistance to State and local educational
21 agencies, institutions of higher education, and other
22 public and private agencies and organizations, to ini-
23 tiate a coordinated program of research, demonstra-
24 tion projects, personnel training, and similar activi-
25 ties designed to build a nationwide capability in ele-

1 mentary and secondary schools to meet the special
2 educational needs of gifted and talented students. In
3 addition, the purpose of this part is to encourage the
4 development of rich and challenging curricula for all
5 students through the appropriate application and ad-
6 aptation of materials and instructional methods de-
7 veloped under this part.

8 “(2) It is also the purpose of this part to sup-
9 plement and make more effective the expenditure of
10 State and local funds, for the education of gifted
11 and talented students.

12 **“SEC. 3303. DEFINITIONS.**

13 “For purposes of this part, the term ‘gifted and tal-
14 ented students’ means children and youth who give evi-
15 dence of high performance capability in areas such as in-
16 tellectual, creative, artistic, or leadership capacity, or in
17 specific academic fields, and who require services or activi-
18 ties not ordinarily provided by the school in order to fully
19 develop such capabilities.

20 **“SEC. 3304. AUTHORIZED PROGRAMS.**

21 “(a) ESTABLISHMENT OF PROGRAM.—

22 “(1) From the sums appropriated under section
23 3308 in any fiscal year the Secretary (after con-
24 sultation with experts in the field of the education
25 of gifted and talented students) shall make grants to

1 or enter into contracts with State educational agen-
2 cies, local educational agencies, institutions of higher
3 education, or other public agencies and private agen-
4 cies and organizations (including Indian tribes and
5 organizations as defined by the Indian Self-Deter-
6 mination and Education Assistance Act and Hawai-
7 ian native organizations) to assist such agencies, in-
8 stitutions, and organizations which submit applica-
9 tions in carrying out programs or projects author-
10 ized by this Act that are designed to meet the edu-
11 cational needs of gifted and talented students, in-
12 cluding the training of personnel in the education of
13 gifted and talented students and in the use, where
14 appropriate, of gifted and talented services, mate-
15 rials, and methods for all students.

16 “(2) Applications for funds must include a sec-
17 tion on how the proposed gifted and talented serv-
18 ices, materials, and methods could be adapted, if ap-
19 propriate, for use by all students and a section on
20 how the proposed programs can be evaluated.

21 “(b) USES OF FUNDS.—Programs and projects as-
22 sisted under this section may include—

23 “(1) professional development (including fellow-
24 ships) for personnel (including leadership personnel)

1 involved in the education of gifted and talented
2 students;

3 “(2) establishment and operation of model
4 projects and exemplary programs for serving gifted
5 and talented students, including innovative methods
6 for identifying and educating students who may not
7 be served by traditional gifted and talented pro-
8 grams, summer programs, mentoring programs,
9 service learning programs, and cooperative programs
10 involving business, industry, and education;

11 “(3) training of personnel involved in gifted and
12 talented programs with respect to the impact of gen-
13 der role socialization on the educational needs of
14 gifted and talented children and in gender equitable
15 education methods, techniques, and practices;

16 “(4) strengthening the capability of State edu-
17 cational agencies and institutions of higher edu-
18 cation to provide leadership and assistance to local
19 educational agencies and nonprofit private schools in
20 the planning, operation, and improvement of pro-
21 grams for the identification and education of gifted
22 and talented students and the appropriate use of
23 gifted and talented programs and methods to serve
24 all students;

1 “(5) programs of technical assistance and infor-
2 mation dissemination which would include how gift-
3 ed and talented programs and methods, where ap-
4 propriate, could be adapted for use by all students;
5 and

6 “(6) carrying out—

7 “(A) research on methods and techniques
8 for identifying and teaching gifted and talented
9 students, and for using gifted and talented pro-
10 grams and methods to serve all students; and

11 “(B) program evaluations, surveys, and the
12 collection, analysis, and development of infor-
13 mation needed to accomplish the purposes of
14 this part.

15 “(c) ESTABLISHMENT OF NATIONAL CENTER.—

16 “(1) The Secretary (after consultation with ex-
17 perts in the field of the education of gifted and tal-
18 ented students) shall establish a National Center for
19 Research and Development in the Education of Gift-
20 ed and Talented Children and Youth through grants
21 to or contracts with one or more institutions of high-
22 er education or State educational agencies, or a com-
23 bination or consortium of such institutions and
24 agencies, for the purpose of carrying out activities
25 described in paragraph (5) of subsection (b).

1 “(2) Such National Center shall have a Direc-
2 tor. The Secretary may authorize the Director to
3 carry out such functions of the National Center as
4 may be agreed upon through arrangements with
5 other institutions of higher education, State or local
6 educational agencies, or other public or private agen-
7 cies and organizations.

8 “(d) LIMITATION.—Not more than 30 percent of the
9 funds available in any fiscal year to carry out the pro-
10 grams and projects authorized by this section may be used
11 to conduct activities pursuant to subsections (b)(5) or (c).

12 “(e) COORDINATION.—Research activities supported
13 under this section—

14 “(1) shall be carried out in consultation with
15 the Office of Educational Research and Improve-
16 ment to ensure that such activities are coordinated
17 with and enhance the research and development ac-
18 tivities supported by the Office; and

19 “(2) may include collaborative research activi-
20 ties which are jointly funded and carried out with
21 the Office of Education Research and Improvement.

22 **“SEC. 3305. PROGRAM PRIORITIES.**

23 “(a) GENERAL PRIORITY.—In the administration of
24 this part the Secretary shall give highest priority—

1 “(1) to the identification of and services to gift-
2 ed and talented students who may not be identified
3 and served through traditional assessment methods
4 (including economically disadvantaged individuals,
5 individuals of limited-English proficiency, and indi-
6 viduals with disabilities; and

7 “(2) to programs and projects designed to de-
8 velop or improve the capability of schools in an en-
9 tire State or region of the Nation through coopera-
10 tive efforts and participation of State and local edu-
11 cational agencies, institutions of higher education,
12 and other public and private agencies and organiza-
13 tions (including business, industry, and labor), to
14 plan, conduct, and improve programs for the identi-
15 fication of and service to gifted and talented stu-
16 dents, such as mentoring and apprenticeship pro-
17 grams.

18 “(b) SERVICE PRIORITY.—In approving applications
19 under section 3304(a) of this part, the Secretary shall as-
20 sure that in each fiscal year at least one-half of the appli-
21 cations approved address the priority in section
22 3305(a)(1).

23 **“SEC. 3306. GENERAL PROVISIONS.**

24 “(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN
25 AND TEACHERS.—In making grants and entering into

1 contracts under this part, the Secretary shall ensure,
2 where appropriate, that provision is made for the equitable
3 participation of students and teachers in private nonprofit
4 elementary and secondary schools, including the participa-
5 tion of teachers and other personnel in professional devel-
6 opment programs for serving such children.

7 “(b) REVIEW, DISSEMINATION, AND EVALUATION.—
8 The Secretary shall—

9 “(1) use a peer review process in reviewing ap-
10 plications under this part;

11 “(2) ensure that information on the activities
12 and results of projects funded under this part is dis-
13 seminated to appropriate State and local agencies
14 and other appropriate organizations, including non-
15 profit private organizations; and

16 “(3) evaluate the effectiveness of programs
17 under this part, both in terms of the impact on stu-
18 dents traditionally served in separate gifted and tal-
19 ented programs and on other students, and submit
20 the results of such evaluation to Congress not later
21 than January 1, 1998.

22 **“SEC. 3307. ADMINISTRATION.**

23 “The Secretary shall establish or designate an admin-
24 istrative unit within the Department of Education—

1 “(1) to administer the programs authorized by
2 this part;

3 “(2) to coordinate all programs for gifted and
4 talented students administered by the Department;

5 “(3) to serve as a focal point of national leader-
6 ship and information on the educational needs of
7 gifted and talented students and the availability of
8 educational services and programs designed to meet
9 such needs; and

10 “(4) to assist the Assistant Secretary of the Of-
11 fice of Educational Research and Improvement in
12 identifying research priorities which reflect the needs
13 of gifted and talented students.

14 The administrative unit established or designated pursu-
15 ant to this section shall be headed by a person of recog-
16 nized professional qualifications and experience in the field
17 of the education of gifted and talented students.

18 **“SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.**

19 “There are authorized to be appropriated
20 \$10,000,000 for fiscal year 1995 and such sums as may
21 be necessary for each of the fiscal years 1996, 1997, 1998,
22 and 1999 to carry out the provisions of this part.

1 **“PART C—PUBLIC CHARTER SCHOOLS**

2 **“SEC. 3401. PURPOSE.**

3 “It is the purpose of this part to increase national
4 understanding of the charter schools model by—

5 “(1) providing financial assistance for the de-
6 sign and initial implementation of charter schools;
7 and

8 “(2) evaluating the effects of those schools on
9 improving student achievement, including their ef-
10 fects on students, staff, and parents.

11 **“SEC. 3402. PROGRAM AUTHORIZED.**

12 “(a) GENERAL.—The Secretary may make grants to
13 eligible applicants for the design and initial operation of
14 charter schools.

15 “(b) PROJECT PERIODS.—Each such grant shall be
16 for a period of not more than three years, of which the
17 grantee may use—

18 “(1) no more than 18 months for planning and
19 program design; and

20 “(2) no more than two years for the initial im-
21 plementation of the charter school.

22 “(c) LIMITATION.—The Secretary shall not make
23 more than one grant to support a particular charter
24 school.

1 **“SEC. 3403. APPLICATIONS.**

2 “(a) APPLICATIONS REQUIRED.—Any eligible appli-
3 cant that desires to receive a grant under this part shall
4 submit an application to the Secretary at such time and
5 in such manner as the Secretary may require.

6 “(b) SCOPE OF APPLICATION.—Each such applica-
7 tion may request assistance for a single charter school or
8 for a cluster of schools, which may include a high school
9 and its feeder elementary and middle schools, within a
10 community.

11 “(c) APPLICATION CONTENTS.—Each such applica-
12 tion shall include, for each charter school for which assist-
13 ance is sought—

14 “(1) a description of the educational program
15 to be implemented by the proposed charter school,
16 including—

17 “(A) how the program will enable all stu-
18 dents to meet challenging State performance
19 standards;

20 “(B) the grade levels or ages of children to
21 be served; and

22 “(C) the curriculum and instructional
23 practices to be used;

24 “(2) a description of how the school will be
25 managed;

26 “(3) a description of—

1 “(A) the objectives of the school; and

2 “(B) the methods by which the school will
3 determine its progress toward achieving those
4 objectives;

5 “(4) a description of the administrative rela-
6 tionship between the charter school and the local
7 educational agency that will authorize or approve the
8 school’s charter and act as the grantee under this
9 part;

10 “(5) a description of how parents and other
11 members of the community will be involved in the
12 design and implementation of the charter school;

13 “(6) a description of how the local educational
14 agency will provide for continued operation of the
15 school once the Federal grant has expired, if such
16 agency determines that the school is successful;

17 “(7) a request and justification for waivers of
18 any Federal statutory or regulatory provisions that
19 the applicant believes are necessary for the success-
20 ful operation of the charter school, and a description
21 of any State or local rules, generally applicable to
22 public schools, that will be waived for, or otherwise
23 not apply to, the school;

24 “(8) a description of how the grant funds would
25 be used;

1 “(9) a description of how grant funds would be
2 used in conjunction with other Federal programs ad-
3 ministered by the Secretary;

4 “(10) a description of how students in the com-
5 munity will be—

6 “(A) informed about the school; and

7 “(B) given an equal opportunity to attend
8 the school;

9 “(11) an assurance that the applicant will an-
10 nually provide the Secretary such information as the
11 Secretary may require to determine if the charter
12 school is making satisfactory progress toward achiev-
13 ing the objectives described under paragraph (3);

14 “(12) an assurance that the applicant will co-
15 operate with the Secretary in evaluating the pro-
16 gram authorized by this part; and

17 “(13) such other information and assurances as
18 the Secretary may require.

19 “(d) STATE EDUCATIONAL AGENCY APPROVAL RE-
20 QUIRED.—(1) A local educational agency that desires to
21 receive a grant under this part shall obtain the State edu-
22 cational agency’s approval of its application before submit-
23 ting it to the Secretary.

24 “(2) A State educational agency that approves an ap-
25 plication of a local educational agency shall provide the

1 local educational agency, and such local agency shall in-
2 clude in its application to the Secretary, a statement that
3 the State has granted, or will grant, the waivers and ex-
4 emptions from State requirements described in such local
5 agency's application.

6 **“SEC. 3404. SELECTION OF GRANTEES; WAIVERS.**

7 “(a) CRITERIA.—The Secretary shall select projects
8 to be funded on the basis of the quality of the applications,
9 taking into consideration such factors as—

10 “(1) the quality of the proposed curriculum and
11 instructional practices;

12 “(2) the degree of flexibility afforded by the
13 State and, if applicable, the local educational agency
14 to the school;

15 “(3) the extent of community support for the
16 application;

17 “(4) the ambitiousness of the objectives for the
18 school;

19 “(5) the quality of the plan for assessing
20 achievement of those objectives; and

21 “(6) the likelihood that the school will meet
22 those objectives and improve educational results for
23 students.

1 “(b) PEER REVIEW.—The Secretary shall use a peer
2 review process to review applications for grants under this
3 section.

4 “(c) DIVERSITY OF PROJECTS.—The Secretary may
5 approve projects in a manner that ensures, to the extent
6 possible, that they—

7 “(1) are distributed throughout different areas
8 of the Nation, including in urban and rural areas;
9 and

10 “(2) represent a variety of educational ap-
11 proaches.

12 “(d) WAIVERS.—The Secretary may waive any statu-
13 tory or regulatory requirement that the Secretary is re-
14 sponsible for enforcing, except for any such requirement
15 relating to the elements of a charter school described in
16 section 3407(1), if—

17 “(1) the waiver is requested in an approved ap-
18 plication or by a grantee under this part; and

19 “(2) the Secretary determines that granting
20 such a waiver would promote the purpose of this
21 part.

22 **“SEC. 3405. USES OF FUNDS.**

23 “A recipient of a grant under this part may use the
24 grant funds only for—

1 “(1) post-award planning and design of the
2 educational program, which may include—

3 “(A) refinement of the desired educational
4 results and of the methods for measuring
5 progress toward achieving those results; and

6 “(B) professional development of teachers
7 and other staff who will work in the charter
8 school; and

9 “(2) initial implementation of the charter
10 school, which may include—

11 “(A) informing the community about the
12 school;

13 “(B) acquiring necessary equipment;

14 “(C) acquiring or developing curriculum
15 materials; and

16 “(D) other operational costs that cannot
17 be met from State or local sources.

18 **“SEC. 3406. NATIONAL ACTIVITIES.**

19 “The Secretary may reserve up to 10 percent of the
20 funds appropriated for this part for any fiscal year for—

21 “(1) peer review of applications under section
22 3404(b); and

23 “(2) an evaluation of the impact of charter
24 schools on student achievement, including those as-
25 sisted under this part.

1 **“SEC. 3407. DEFINITIONS.**

2 “As used in this part, the following terms have the
3 following meanings:

4 “(1) The term ‘charter school’ means a school
5 that—

6 “(A) in accordance with an enabling State
7 statute, is exempted from significant State or
8 local rules that inhibit the flexible operation
9 and management of public schools, but not
10 from any rules relating to the other require-
11 ments of this paragraph;

12 “(B) is created by a developer as a public
13 school, or is adapted by a developer from an ex-
14 isting public school;

15 “(C) operates in pursuit of a specific set of
16 educational objectives determined by the
17 school’s developer and agreed to by the local
18 educational agency applying for a grant on be-
19 half of the school;

20 “(D) provides a program of elementary or
21 secondary education, or both;

22 “(E) is nonsectarian in its programs, ad-
23 missions policies, employment practices, and all
24 other operations, and is not affiliated with a
25 sectarian school or religious institution;

26 “(F) does not charge tuition;

1 “(G) complies with the Age Discrimination
2 Act, title VI of the Civil Rights Act of 1964,
3 title IX of the Education Amendments of 1972,
4 section 504 of the Rehabilitation Act of 1973,
5 and part B of the Individuals with Disabilities
6 Education Act;

7 “(H) admits students on the basis of a lot-
8 tery, if more students apply for admission than
9 can be accommodated;

10 “(I) agrees to comply with the same Fed-
11 eral and State audit requirements as do other
12 public schools in the State, unless such require-
13 ments are specifically waived for the purpose of
14 this program;

15 “(J) meets all applicable Federal, State,
16 and local health and safety requirements; and

17 “(K) operates in accordance with State
18 law.

19 “(2) The term ‘developer’ means an individual
20 or group of individuals (including a public or private
21 nonprofit organization), which may include teachers,
22 administrators and other school staff, parents, or
23 other members of the local community in which a
24 charter school project will be carried out.

1 “(3) The term ‘eligible applicant’ means a local
2 educational agency, in partnership with a developer
3 with an application approved under section 3403(d).

4 **“SEC. 3408. AUTHORIZATION OF APPROPRIATIONS.**

5 “For the purpose of carrying out this part, there are
6 authorized to be appropriated \$15,000,000 for fiscal year
7 1995 and such sums as may be necessary for each of the
8 fiscal years 1996, 1997, 1998, and 1999.

9 **“PART D—ARTS IN EDUCATION**

10 **“Subpart 1—Support for Arts Education**

11 **“SEC. 3501. SUPPORT FOR ARTS EDUCATION.**

12 “(a) FINDINGS.—The Congress finds that—

13 “(1) the arts are forms of understanding and
14 ways of knowing that are fundamentally important
15 to education;

16 “(2) the arts are important to excellent edu-
17 cation and to effective school reform;

18 “(3) the most significant contribution of the
19 arts to education reform is the transformation of
20 teaching and learning;

21 “(4) this transformation is best realized in the
22 context of comprehensive, systemic education reform;

23 “(5) demonstrated competency in the arts for
24 American students is among the National Education
25 Goals;

1 “(6) the arts can motivate at-risk students to
2 stay in school and become active participants in the
3 educational process; and

4 “(7) arts education should be an integral part
5 of the elementary and secondary school curriculum.

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 op-
11 portunity to learn to challenging standards in the
12 arts; and

13 “(3) support the national effort to enable all
14 students to demonstrate competence in the arts in
15 accordance with the National Education Goals.

16 “(c) ELIGIBLE RECIPIENTS.—In order to carry out
17 the purposes of this part, the Secretary is authorized to
18 make grants to, or enter into contracts or cooperative
19 agreements with—

20 “(1) State educational agencies;

21 “(2) local educational agencies;

22 “(3) institutions of higher education; and

23 “(4) other public and private agencies, institu-
24 tions, and organizations.

1 “(d) AUTHORIZED ACTIVITIES.—Funds under this
2 part may be used for—

3 “(1) research on arts education;

4 “(2) the development of, and dissemination of
5 information about, model arts education programs;

6 “(3) the development of model arts education
7 assessments based on high standards;

8 “(4) the development and implementation of
9 curriculum frameworks for arts education;

10 “(5) the development of model preservice and
11 inservice professional development programs for arts
12 educators and other instructional staff;

13 “(6) supporting collaborative activities with
14 other Federal agencies or institutions involved in
15 arts education, such as the National Endowment for
16 the Arts, the Institute of Museum Services, the John
17 F. Kennedy Center for the Performing Arts, and the
18 National Gallery of Art;

19 “(7) supporting model projects and programs in
20 the performing arts for children and youth through
21 arrangements made with the John F. Kennedy Cen-
22 ter for the Performing Arts;

23 “(8) supporting model projects and programs in
24 the arts for individuals with disabilities through ar-

1 rangements with the organization, Very Special
2 Arts;

3 “(9) supporting model projects and programs to
4 integrate arts education into the regular elementary
5 and secondary school curriculum; and

6 “(10) other activities that further the purposes
7 of this part.

8 “(e) COORDINATION.—(1) A recipient of funds under
9 this part shall, to the extent possible, coordinate its project
10 with appropriate activities of public and private cultural
11 agencies, institutions, and organizations, including muse-
12 ums, arts education associations, libraries, and theaters.

13 “(2) In carrying out this part, the Secretary shall co-
14 ordinate with the National Endowment for the Arts, the
15 Institute of Museum Services, the John F. Kennedy Cen-
16 ter for the Performing Arts, and the National Gallery of
17 Art.

18 “(f) AUTHORIZATION OF APPROPRIATIONS.—For the
19 purpose of carrying out this subpart, there are authorized
20 to be appropriated \$11,000,000 for fiscal year 1995 and
21 such sums as may be necessary for each of the fiscal years
22 1996, 1997, 1998, and 1999.

1 **“Subpart 2—Community Arts**

2 **“SEC. 3502. SHORT TITLE.**

3 “‘This subpart may be cited as the ‘Community Arts
4 Partnership Act of 1994’”.

5 “(a) FINDINGS.—Congress finds that—

6 “(1) with local school budgets cut there are in-
7 adequate arts programs available for children in
8 schools, especially at the elementary level;

9 “(2) the arts promote progress in academic sub-
10 jects as shown by research conducted by the Na-
11 tional Endowment for the Arts;

12 “(3) the arts access multiple human
13 intelligences and develop higher-order thinking skills;

14 “(4) the arts generate self-esteem and positive
15 emotional responses to learning; and

16 “(5) children who receive instruction in the arts
17 remain in school longer and are more successful
18 than children who do not receive such instruction.

19 “(b) PURPOSE.—The purpose of this part is to make
20 demonstration grants to eligible entities to improve the
21 educational performance and future potential of at-risk
22 children and youth by providing comprehensive and co-
23 ordinated educational and cultural services.

24 “(c) GRANTS AUTHORIZED.—

25 “(1) IN GENERAL.—The Secretary is authorized
26 to award grants to eligible entities to pay the Fed-

1 eral share of the costs of the activities described in
2 subsection (f).

3 “(2) SPECIAL REQUIREMENTS.—The Secretary
4 shall award grants under this Act only to programs
5 designed to—

6 “(A) promote educational and cultural
7 services;

8 “(B) provide multi-year services to at-risk
9 children and youth;

10 “(C) serve the target population described
11 in subsection (e);

12 “(D) provide integration of community cul-
13 tural resources in the regular curriculum;

14 “(E) focus school and cultural resources in
15 the community on coordinated cultural services
16 to address the needs of at-risk children and
17 youth;

18 “(F) provide effective cultural linkages
19 from preschool programs, including the Head
20 Start Act and preschool grants under the Indi-
21 viduals with Disabilities Education Act, to ele-
22 mentary schools;

23 “(G) facilitate school-to-work transition
24 from secondary schools and alternative schools

1 to job training, higher education, and employ-
2 ment;

3 “(H) increase parental and community in-
4 volvement in the educational, social, and cul-
5 tural development of at-risk youth; or

6 “(I) replicate programs and strategies that
7 provide high quality coordinated educational
8 and cultural services and that are designed to
9 integrate such coordination into the regular
10 curriculum.

11 “(3) REQUIREMENT OF COORDINATION.—
12 Grants may only be awarded under this part to eligi-
13 ble entities that agree to coordinate activities carried
14 out under other Federal, State, and local grants, re-
15 ceived by the members of the partnership for pur-
16 poses and target populations described in this part,
17 into an integrated service delivery system located at
18 a school, cultural, or other community-based site ac-
19 cessible to and utilized by at-risk youth.

20 “(4) DURATION.—Grants made under this part
21 may be renewable for a maximum of 5 years if the
22 Secretary determines that the eligible recipient has
23 made satisfactory progress toward the achievement
24 of the program objectives described in application.

1 “(5) GEOGRAPHIC DISTRIBUTION.—In awarding
2 grants under this part, the Secretary shall ensure—

3 “(A) an equitable geographic distribution;

4 and

5 “(B) an equitable distribution to both
6 urban and rural areas with a high proportion of
7 at-risk youth as defined in subsection (e).

8 “(d) ELIGIBILITY.—

9 “(1) SERVICES FOR IN-SCHOOL YOUTH.—For
10 the purpose of providing a grant under this part to
11 serve in-school children and youth, the term ‘eligible
12 entity’ means a partnership between a local edu-
13 cation agency that is eligible for funds under title I
14 of this Act, and at least 1 institution of higher edu-
15 cation or cultural entity located within or accessible
16 to the geographical boundaries of the local education
17 agency with a history of providing quality services to
18 the community, and which may include—

19 “(A) nonprofit institutions of higher edu-
20 cation; museums; libraries; performing, present-
21 ing and exhibiting arts organizations; literary
22 arts organizations; local arts organizations; and
23 zoological and botanical organizations; and

24 “(B) private for-profit entities with a his-
25 tory of training children and youth in the arts.

1 “(2) SERVICES FOR OUT-OF-SCHOOL YOUTH.—

2 For purposes of providing a grant under this part to
3 serve out-of-school youth, the term ‘eligible entity’
4 means a partnership between at least 1 entity of the
5 type described in paragraph (A) or (B) of subsection
6 (1), or a local education agency eligible for funds
7 under title I of this Act and at least 1 cultural entity
8 described in subsection (1).

9 “(e) TARGET POPULATION.—In order to receive a
10 grant under this part, an eligible entity shall serve—

11 “(1) students enrolled in schools in participat-
12 ing schoolwide projects assisted under title I of this
13 Act and the families of such students; or

14 “(2) out-of-school youth at risk of having lim-
15 ited future options as a result of teenage pregnancy
16 and parenting, substance abuse, recent migration,
17 disability, limited English proficiency, family migra-
18 tion, illiteracy, being the child of a teen parent, liv-
19 ing in a single parent household, or being a high
20 school dropout; or

21 “(3) any combination of in school and out-of-
22 school at-risk youth.

23 “(f) AUTHORIZED ACTIVITIES.—

24 “(1) IN GENERAL.—Funds made under this
25 part may be used—

1 “(A) to plan, develop, acquire, expand, and
2 improve school-based or community-based co-
3 ordinated educational and cultural programs to
4 strengthen the educational performance and fu-
5 ture potential of in-school and out-of-school at-
6 risk youth through cooperative agreements, con-
7 tracts for services, or administrative coordina-
8 tion;

9 “(B) to provide at-risk students with inte-
10 grated cultural activities designed to develop a
11 love of learning to ensure the smooth transition
12 of preschool children to elementary school;

13 “(C) to design collaborative cultural activi-
14 ties for students in secondary or alternative
15 schools that ensure the smooth transition to job
16 training, higher education, or full employment;

17 “(D) to provide child care for children of
18 at-risk students who would not otherwise be
19 able to participate in the program;

20 “(E) to provide transportation necessary
21 for participation in the program;

22 “(F) to work with existing school personnel
23 to develop curriculum materials and programs
24 in the arts;

1 “(G) to work with existing school person-
2 nel on staff development activities that encour-
3 age the integration of the arts into the curricu-
4 lum;

5 “(H) for stipends that allow local artists to
6 work with at-risk children and youth in the
7 schools;

8 “(I) for cultural programs that encourage
9 the active participation of parents in their chil-
10 dren’s education;

11 “(J) for programs that use the art reform
12 current school practices, including lengthening
13 the school day or academic year;

14 “(K) for appropriate equipment and nec-
15 essary supplies; and

16 “(L) for evaluation, administration, and
17 supervision.

18 “(2) PRIORITY.—In providing assistance under
19 this part, the Secretary shall give priority to eligible
20 entities that provide comprehensive services that ex-
21 tend beyond traditional school or service hour, that
22 may include year round programs that provide serv-
23 ices in the evenings and on weekends.

24 “(3) PLANNING GRANTS.—

1 “(A) APPLICATION.—An eligible entity
2 may submit an application to the Secretary for
3 a planning grant for an amount not to exceed
4 \$50,000. Such grants shall be for periods of not
5 more than 1 year.

6 “(B) LIMIT ON PLANNING GRANTS.—Not
7 more than 10 percent of the amounts appro-
8 priated in each fiscal year under this part shall
9 be used for grants under this subsection, and
10 an eligible entity may receive not more than 1
11 such planning grant.

12 “(g) GENERAL PROVISIONS.—

13 “(1) IN GENERAL.—Each eligible entity desir-
14 ing a grant under this part shall submit an applica-
15 tion to the Secretary at such time, in such manner,
16 and accompanied by such information as the Sec-
17 retary may reasonably require.

18 “(2) CONTENTS.—Each application submitted
19 pursuant to subsection (a) shall—

20 “(A) describe the cultural entity or entities
21 that will participate in the partnership;

22 “(B) describe the target population to be
23 served;

24 “(C) describe the services to be provided;

1 “(D) describe a plan for evaluating the
2 success of the program;

3 “(E) describe, for a local educational agen-
4 cy participant, how services will be perpetuated
5 beyond the length of the grant;

6 “(F) describe the manner in which the eli-
7 gible entity will improve the educational
8 achievement or future potential of at-risk youth
9 through more effective coordination of cultural
10 services in the community;

11 “(G) describe the overall and operational
12 goals of the program; and

13 “(H) describe the nature and location of
14 all planned sites where services will be delivered
15 and a description of services which will be pro-
16 vided at each site.

17 “(h) PAYMENTS—FEDERAL SHARE.—

18 “(1) PAYMENTS.—The Secretary shall pay to
19 each eligible entity having an application approved
20 under subsection (g) the Federal share of the cost
21 of the activities described in the application.

22 “(2) AMOUNTS OF GRANTS.—The amount of a
23 grant made under this part may not be less than
24 \$100,000 or exceed \$500,000 in the first year of
25 such grant.

1 “(3) FEDERAL SHARE.—The Federal share
2 shall be 80 percent.

3 “(4) NON-FEDERAL SHARE.—The non-Federal
4 share shall be equal to 20 percent and may be in
5 cash or in kind, fairly evaluated, including facilities
6 or services.

7 “(5) LIMITATION.—Not more than 25 percent
8 of any grant under this part may be used for
9 noninstructional services such as those described in
10 paragraphs D, E, and L of subsection (f).

11 “(6) SUPPLEMENT AND NOT SUPPLANT.—
12 Grant funds awarded under this part shall be used
13 to supplement not supplant the amount of funds
14 made available from non-Federal sources, for the ac-
15 tivities assisted under this part, in amounts that ex-
16 ceed the amounts expended for such activities in the
17 year preceding the year for which the grant is
18 awarded.

19 “(7) DISSEMINATION OF MODELS.—The Sec-
20 retary shall disseminate information concerning suc-
21 cessful models under this part through the National
22 Diffusion Network.

23 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this sub-
25 part, \$75,000,000 for fiscal year 1995 and such sums as

1 may be necessary for each of the fiscal years 1996, 1997,
2 1998, and 1999.

3 **“PART E—INEXPENSIVE BOOK DISTRIBUTION**
4 **PROGRAM**

5 **“SEC. 3601. INEXPENSIVE BOOK DISTRIBUTION PROGRAM**
6 **FOR READING MOTIVATION.**

7 “(a) AUTHORIZATION.—The Secretary is authorized
8 to enter into a contract with Reading Is Fundamental
9 (hereinafter in this section referred to as ‘the contractor’)
10 to support and promote programs, which include the dis-
11 tribution of inexpensive books to students, that motivate
12 children to read.

13 “(b) REQUIREMENTS OF CONTRACT.—Any contract
14 entered into under subsection (a) shall—

15 “(1) provide that the contractor will enter into
16 subcontracts with local private nonprofit groups or
17 organizations or with public agencies under which
18 each subcontractor will agree to establish, operate,
19 and provide the non-Federal share of the cost of
20 reading motivation programs that include the dis-
21 tribution of books, by gift, to the extent feasible, or
22 by loan, to children up through high school age, in-
23 cluding those in family literacy programs;

1 “(2) provide that funds made available to sub-
2 contractors will be used only to pay the Federal
3 share of the cost of such programs;

4 “(3) provide that in selecting subcontractors for
5 initial funding, the contractor will give priority to
6 programs that will serve a substantial number or
7 percentage of children with special needs, such as—

8 “(A) low-income children, particularly in
9 high-poverty areas;

10 “(B) children at risk of school failure;

11 “(C) children with disabilities, including
12 children with serious emotional disturbance;

13 “(D) foster children;

14 “(E) homeless children;

15 “(F) migrant children;

16 “(G) children without access to libraries;

17 “(H) institutionalized or incarcerated chil-
18 dren; and

19 “(I) children whose parents are institu-
20 tionalized or incarcerated;

21 “(4) provide that the contractor will provide
22 such technical assistance to subcontractors as may
23 be necessary to carry out the purpose of this section;

1 “(5) provide that the contractor will annually
2 report to the Secretary the number of, and describe,
3 programs funded under paragraph (3); and

4 “(6) include such other terms and conditions as
5 the Secretary determines to be appropriate to ensure
6 the effectiveness of such programs.

7 “(c) RESTRICTION ON PAYMENTS.—The Secretary
8 shall make no payment of the Federal share of the cost
9 of acquiring and distributing books under any contract
10 under this section unless the Secretary determines that
11 the contractor or subcontractor, as the case may be, has
12 made arrangements with book publishers or distributors
13 to obtain books at discounts at least as favorable as dis-
14 counts that are customarily given by such publisher or dis-
15 tributor for book purchases made under similar cir-
16 cumstances in the absence of Federal assistance.

17 “(d) DEFINITION OF ‘FEDERAL SHARE’.—For the
18 purpose of this section, the term ‘Federal share’ means
19 the portion of the cost to a subcontractor of purchasing
20 books to be paid with funds made available under this sec-
21 tion. The Federal share shall be established by the Sec-
22 retary, and shall not exceed 75 percent, except that the
23 Federal share for programs serving children of migrant
24 or seasonal farmworkers shall be 100 percent.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—For the
2 purpose of carrying out this section, there are authorized
3 to be appropriated \$10,300,000 for fiscal year 1995 and
4 such sums as may be necessary for each of the fiscal years
5 1996, 1997, 1998, and 1999.

6 **“PART F—CIVIC EDUCATION**

7 **“SEC. 3701. INSTRUCTION ON THE HISTORY AND PRIN-**
8 **CIPLES OF DEMOCRACY IN THE UNITED**
9 **STATES.**

10 “(a) GENERAL AUTHORITY.—

11 “(1) PROGRAM ESTABLISHED.—(A) The Sec-
12 retary shall carry out a program to enhance the at-
13 tainment of Goals Three and Six of the National
14 Education Goals by educating students about the
15 history and principles of the Constitution of the
16 United States, including the Bill of Rights, and to
17 foster civic competence and responsibility.

18 “(B) Such program shall be known as ‘We the
19 People . . . The Citizen and the Constitution’.

20 “(2) EDUCATIONAL ACTIVITIES.—The program
21 required by paragraph (1) shall—

22 “(A) continue and expand the educational
23 activities of the We the People . . . The Citizen
24 and the Constitution program administered by
25 the Center for Civic Education; and

1 “(B) enhance student attainment of chal-
2 lenging content standards in civics and govern-
3 ment.

4 “(3) CONTRACT OR GRANT AUTHORIZED.—The
5 Secretary is authorized to enter into a contract or
6 grant with the Center for Civic Education to carry
7 out the program required by paragraph (1).

8 “(b) PROGRAM CONTENT.—The education program
9 authorized by this section shall provide—

10 “(1) a course of instruction on the basic prin-
11 ciples of our constitutional democracy and the his-
12 tory of the Constitution and the Bill of Rights;

13 “(2) school and community simulated congress-
14 sional hearings following the course of study at the
15 request of participating schools; and

16 “(3) an annual national competition of simu-
17 lated congressional hearings for secondary students
18 who wish to participate in such program.

19 “(c) PROGRAM PARTICIPANTS.—The education pro-
20 gram authorized by this section shall be made available
21 to public and private elementary and secondary schools in
22 the 435 congressional districts, the Commonwealth of
23 Puerto Rico, the Virgin Islands, Guam, American Samoa,
24 and the District of Columbia.

1 “(d) SPECIAL RULE.—Funds provided under this
2 section may be used for the advanced training of teachers
3 in civics and government after the provisions of subsection
4 (b) have been implemented.

5 **“SEC. 3702. INSTRUCTION IN CIVICS, GOVERNMENT, AND**
6 **THE LAW.**

7 “(a) PROGRAM ESTABLISHED.—The Secretary shall
8 carry out a program of grants and contracts to assist
9 State and local educational agencies and other public and
10 private nonprofit agencies, organizations and institutions
11 to enhance—

12 “(1) attainment by students of challenging con-
13 tent standards in civics, government, and the law;
14 and

15 “(2) attainment by the Nation of Goals Three
16 and Six of the National Education Goals.

17 “(b) AUTHORIZED ACTIVITIES.—Assistance under
18 this section may support new and ongoing programs in
19 elementary and secondary schools that provide for—

20 “(1) the development and implementation of
21 curricular programs that enhance student under-
22 standing of—

23 “(A) the values and principles which un-
24 derlie, and the institutions and processes which
25 comprise, our system of government;

1 “(B) the role of law in our constitutional
2 democracy, including activities to promote—

3 “(i) legal literacy; and

4 “(ii) a dedication by students to the
5 use of non-violent means of conflict resolu-
6 tion such as arbitration, mediation, nego-
7 tiation, trials, and appellate hearings; and

8 “(C) the rights and responsibilities of citi-
9 zenship;

10 “(2) professional development for teachers, in-
11 cluding pre-service and in-service training;

12 “(3) outside-the-classroom learning experiences
13 for students, including community service activities;

14 “(4) the active participation of community lead-
15 ers, from the public and private sectors, in the
16 schools; and

17 “(5) the provision of technical assistance to
18 State and local educational agencies and other insti-
19 tutions and organizations working to further the
20 progress of the Nation in attaining the Goals Three
21 and Six of the National Education Goals in civics
22 and government.

23 “(c) APPLICATIONS, PEER REVIEW AND PRIORITY.—

24 “(1) SUBMISSION OF APPLICATIONS.—A State
25 or local educational agency, other public or private

1 nonprofit agency, organization or institution that de-
2 sires to receive a grant or enter into a contract
3 under this section shall submit an application to the
4 Secretary at such time, in such manner, and con-
5 taining or accompanied by such information as the
6 Secretary may reasonably require.

7 “(2) PEER REVIEW.—(A) The Secretary shall
8 convene a panel of individuals for purpose of review-
9 ing and rating applications submitted under para-
10 graph (1).

11 “(B) Such individuals shall have experience
12 with education programs in civics, government, and
13 the law.

14 “(3) PRIORITY.—In making grants or awarding
15 contracts under this section, the Secretary shall give
16 priority consideration to applications which propose
17 the operation of statewide programs.

18 “(d) DURATION OF GRANTS AND EXCEPTION.—

19 “(1) DURATION.—Except as provided in para-
20 graph (2), the Secretary shall make grants and
21 enter into contracts under this section for periods of
22 2 or 3 years.

23 “(2) EXCEPTION.—The Secretary may make a
24 grant or enter into a contract under this section for
25 a period of less than 2 years if the Secretary deter-

1 mines that special circumstances exist which warrant
2 a one year grant or contract award.

3 **“SEC. 3703. REPORT; AUTHORIZATION OF APPROPRIA-**
4 **TIONS.**

5 “(a) REPORT.—The Secretary shall report, on a bien-
6 nial basis, to the Committee on Education and Labor of
7 the House of Representatives and to the Committee on
8 Labor and Human Resources of the Senate related to the
9 distribution and use of funds authorized under this part.

10 “(b) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) GENERAL.—To carry out this part, there
12 are authorized to be appropriated \$15,000,000 for
13 fiscal year 1995 and such sums as may be necessary
14 for each of the fiscal years 1996, 1997, 1998, and
15 1999.

16 “(2) ALLOCATION.—From the amount appro-
17 priated under subsection (a), the Secretary shall al-
18 locate—

19 “(A) 40 percent of such amount to carry
20 out section 3701; and

21 “(B) 60 percent of such amount to carry
22 out section 3702.

1 **“PART G—NATIVE HAWAIIAN EDUCATION**

2 **“SEC. 3801. SHORT TITLE.**

3 “‘This part may be cited as the ‘Native Hawaiian
4 Education Act’.

5 **“SEC. 3802. FINDINGS.**

6 “‘The Congress finds that:

7 “(1) Native Hawaiians comprise a distinct and
8 unique indigenous people with a historical continuity
9 to the original inhabitants of the Hawaiian archipel-
10 ago whose society was organized as a Nation prior
11 to the arrival of the first non-indigenous people in
12 1778.

13 “(2) The Native Hawaiian people are entitled to
14 preserve, develop and transmit to future generations
15 their ancestral territory, and their cultural identity
16 in accordance with their own spiritual and tradi-
17 tional beliefs, customs, practices, languages, and so-
18 cial institutions.

19 “(3) The constitution and statutes of the State
20 of Hawaii:

21 “(A) acknowledge the distinct land rights
22 of the Native Hawaiian people as beneficiaries
23 of the public lands trust; and

24 “(B) reaffirm and protect the unique right
25 of the Native Hawaiian people to practice and

1 perpetuate their cultural and religious customs,
2 beliefs, practices, and language.

3 “(4) At the time of the arrival of the first non-
4 indigenous people in Hawaii in 1778, the Native Ha-
5 waiian people lived in a highly organized, self-suffi-
6 cient, subsistence social system based on communal
7 land tenure with a sophisticated language, culture,
8 and religion.

9 “(5) A unified monarchical government of the
10 Hawaiian Islands was established in 1810 under
11 Kamehameha I, the first King of Hawaii.

12 “(6) Throughout the 19th century and until
13 1893, the United States: (a) recognized the inde-
14 pendence of the Hawaiian Nation; (b) extended full
15 and complete diplomatic recognition to the Hawaiian
16 government; and (c) entered into treaties and con-
17 ventions with the Hawaiian monarchs to govern
18 commerce and navigation in 1826, 1842, 1849, 1875
19 and 1887.

20 “(7) In the year 1893, the United States Min-
21 ister assigned to the sovereign and independent
22 Kingdom of Hawaii, John L. Stevens, conspired with
23 a small group of non-Hawaiian residents of the
24 Kingdom, including citizens of the United States, to

1 overthrow the indigenous and lawful Government of
2 Hawaii.

3 “(8) In pursuance of that conspiracy, the Unit-
4 ed States Minister and the naval representative of
5 the United States caused armed naval forces of the
6 United States to invade the sovereign Hawaiian Na-
7 tion in support of the overthrow of the indigenous
8 and lawful Government of Hawaii and the United
9 States Minister thereupon extended diplomatic rec-
10 ognition of a provisional government formed by the
11 conspirators without the consent of the native people
12 of Hawaii or the lawful Government of Hawaii in
13 violation of treaties between the two nations and of
14 international law.

15 “(9) In a message to Congress on December
16 18, 1893, then President Grover Cleveland reported
17 fully and accurately on these illegal actions, and ac-
18 knowledged that by these acts, described by the
19 President as acts of war, the government of a peace-
20 ful and friendly people was overthrown, and the
21 President concluded that a ‘substantial wrong has
22 thus been done which a due regard for our national
23 character as well as the rights of the injured people
24 require that we should endeavor to repair.’

1 “(10) Queen Lili’uokalani, the lawful monarch
2 of Hawaii, and the Hawaiian Patriotic League, rep-
3 resenting the aboriginal citizens of Hawaii, promptly
4 petitioned the United States for redress of these
5 wrongs and for restoration of the indigenous govern-
6 ment of the Hawaiian nation, but this petition was
7 not acted upon.

8 “(11) In 1898, the United States annexed Ha-
9 waii through the Newlands Resolution, without the
10 consent of or compensation to the indigenous people
11 of Hawaii or their sovereign government, who were
12 denied their land, ocean resources, and the mecha-
13 nism for expression of their inherent sovereignty
14 through self-government and self-determination.

15 “(12) Through the Newlands Resolution and
16 the 1900 Organic Act, the United States Congress
17 received 1.75 million acres of lands formerly owned
18 by the Crown and Government of the Hawaiian
19 Kingdom and exempted the lands from then existing
20 public land laws of the United States by mandating
21 that the revenue and proceeds from these lands be
22 ‘used solely for the benefit of the inhabitants of the
23 Hawaiian Islands for education and other public
24 purposes,’ thereby establishing a special trust rela-

1 tionship between the United States and the indige-
2 nous native inhabitants of Hawaii.

3 “(13) Congress enacted the Hawaiian Homes
4 Commission Act of 1920 designating 200,000 acres
5 of the ceded public lands for exclusive homesteading
6 by Native Hawaiians, affirming the trust relation-
7 ship between the United States and the Native Ha-
8 waiians, as expressed by then Secretary of the Inte-
9 rior Franklin K. Lane, who was cited in the Com-
10 mittee Report of the United States House of Rep-
11 resentatives Committee on Territories as stating:
12 ‘One thing that impressed me . . . was the fact that
13 the natives of these islands who are our wards, I
14 should say, and for whom in a sense we are trustees,
15 are falling off rapidly in numbers and many of them
16 are in poverty.’

17 “(14) In 1938, the United States Congress
18 again acknowledged the unique status of the Hawai-
19 ian people by including in the Act of June 20, 1938
20 (52 Stat. 781 et seq.), a provision to lease lands
21 within the National Parks extension to Native Ha-
22 waiians and to permit fishing in the area ‘only by
23 native Hawaiian residents of said area or of adjacent
24 villages and by visitors under their guidance.’

1 “(15) Under the Act entitled ‘An Act to provide
2 for the admission of the State of Hawaii into the
3 Union’ Approved March 18, 1959 (73 Stat. 4), the
4 United States transferred responsibility for the ad-
5 ministration of the Hawaiian Home Lands to the
6 State of Hawaii but reaffirmed the trust relationship
7 which existed between the United States and the
8 Hawaiian people by retaining the exclusive power to
9 enforce the trust, including the power to approve
10 land exchanges and legislative amendments affecting
11 the rights of beneficiaries under such Act.

12 “(16) Under the Act entitled ‘An Act to provide
13 for the admission of the State of Hawaii into the
14 Union’, approved March 18, 1959 (73 Stat. 4), the
15 United States transferred responsibility for adminis-
16 tration over portions of the ceded public lands trust
17 not retained by the United States to the State of
18 Hawaii but reaffirmed the trust responsibility which
19 existed between the United States and the Hawaiian
20 people by retaining the legal responsibility to enforce
21 the administration of the public trust responsibility
22 of the State of Hawaii for the betterment of the con-
23 ditions of Native Hawaiians under section 5(f) of the
24 Act entitled ‘An Act to provide for the admission of
25 the State of Hawaii into the Union.’.

1 “(17) The authority of the Congress under the
2 United States Constitution to legislate in matters af-
3 fecting the aboriginal or indigenous peoples of the
4 United States includes the authority to legislate in
5 matters affecting the native peoples of Alaska and
6 Hawaii.

7 “(18) In furtherance to the trust responsibility
8 for the betterment of the conditions of native Hawai-
9 ians, the United States has established educational
10 programs to benefit Native Hawaiians and has ac-
11 knowledged that special educational efforts are re-
12 quired recognizing the unique cultural and historical
13 circumstances of Native Hawaiians.

14 “(19) This historical and legal relationship has
15 been consistently recognized and affirmed by the
16 Congress through the enactment of Federal laws
17 which extend to the Hawaiian people the same rights
18 and privileges accorded to American Indian, Alaska
19 Native, Eskimo, and Aleut communities, including
20 the Native American Programs Act of 1974; the Na-
21 tive American Programs Act of 1992, as amended;
22 the National Historic Act Amendments of 1992; the
23 American Indian Religious Freedom Act; the Native
24 American Graves Protection and Repatriation Act.

1 “(20) The United States has also recognized
2 and reaffirmed the trust relationship to the Hawai-
3 ian people through legislation which authorizes the
4 provision of services to Native Hawaiians, specifi-
5 cally, the Older Americans Act of 1965, the Devel-
6 opmental Disabilities Assistance and Bill of Rights
7 Act Amendments of 1987, the Veterans’ Benefits
8 and Services Act of 1988, the Rehabilitation Act of
9 1973, the Native Hawaiian Health Care Act of
10 1988, the Health Professions Reauthorization Act of
11 1988, the Nursing Shortage Reduction and Edu-
12 cation Extension Act of 1988, the Handicapped Pro-
13 grams Technical Amendments Act of 1988, the In-
14 dian Health Care Amendments of 1988, and the
15 Disadvantaged Minority Health Improvements Act
16 of 1990.

17 “(21) Despite the success of the programs es-
18 tablished under the Native Hawaiian Education Act
19 of 1988, the education needs of Native Hawaiians
20 continue to be severe:

21 “(A) Native Hawaiian students continue to
22 score below national norms on standardized
23 education achievement tests.

24 “(B) Both public and private schools con-
25 tinue to show a pattern of low percentages of

1 Native Hawaiian students in the uppermost
2 achievement levels and in gifted and talented
3 programs.

4 “(C) Native Hawaiian students continue to
5 be overrepresented among those qualifying for
6 special education programs provided to learning
7 disabled, educable mentally retarded, handi-
8 capped, and other such students.

9 “(D) Native Hawaiians continue to be dis-
10 proportionately represented in many negative
11 social and physical statistics, indicative of spe-
12 cial educational needs—

13 “(i) lower educational attainment
14 among Native Hawaiians has been found
15 to relate to lower socioeconomic outcomes;

16 “(ii) Native Hawaiian students con-
17 tinue to be disproportionately under-
18 represented in Institutions of Higher Edu-
19 cation;

20 “(iii) Native Hawaiians continue to be
21 underrepresented in traditional white collar
22 professions, health care professions, and
23 the newly emerging technology based pro-
24 fessions and are overrepresented in service
25 occupations;

1 “(iv) Native Hawaiian children con-
2 tinue to be disproportionately victimized by
3 child abuse and neglect, a signal of family
4 stress; and

5 “(v) there are and will continue to be
6 geographically rural, isolated areas with a
7 high Native Hawaiian population density.

8 “(22) Special efforts in education recognizing
9 the unique cultural and historical circumstances of
10 Native Hawaiians are required.

11 **“SEC. 3803. PURPOSE.**

12 “‘It is the purpose of this part to—

13 “(1) authorize and develop supplemental edu-
14 cational programs to assist Native Hawaiians in
15 reaching the National Education Goals;

16 “(2) provide direction and guidance to appro-
17 priate Federal, State, and local agencies to focus re-
18 sources, including those made available by the title
19 on the problem of Native Hawaiian Education;

20 “(3) supplement and expand existing programs
21 and authorities in the area of education to further
22 the purposes of the title; and

23 “(4) encourage the maximum participation of
24 Native Hawaiians in planning and management of
25 Native Hawaiian Education Programs.

1 **“SEC. 3804. NATIVE HAWAIIAN EDUCATION COUNCIL.**

2 “(a) ESTABLISHMENT.—In order to better effectuate
3 the purposes of this part through assistance in the coordi-
4 nation of services and programs provided for under this
5 part, the Secretary shall establish a Native Hawaiian Edu-
6 cation Council.

7 “(b) COMPOSITION.—Such Council shall consist of,
8 but not be limited to:

9 “(1) representatives of each of the programs
10 which receive Federal funding under this part;

11 “(2) a representative from the Office of the
12 Governor;

13 “(3) a representative from the Office of Hawai-
14 ian Affairs;

15 “(4) representatives of other Native Hawaiian
16 Educational organizations and Native Hawaiian or-
17 ganizations which receive Federal or state education
18 funds; and

19 “(5) parent, student, educator and community
20 organizations.

21 “(c) CONDITIONS AND TERMS.—All members of the
22 Council shall be residents of the State of Hawaii, and at
23 least half of the members shall be Native Hawaiian. Mem-
24 bers of the Council shall be appointed for five year terms.

25 “(d) DUTIES AND RESPONSIBILITIES.—(1) The
26 Council shall provide direction and guidance to appro-

1 piate Federal, State, and local agencies to focus re-
2 sources, including those made available by this title on Na-
3 tive Hawaiian Education.

4 “(2) The Council is authorized to make available to
5 Congress any information, advice, and recommendations
6 that the Council is authorized to give to the Secretary.

7 “(3) The Secretary shall, whenever practicable, con-
8 sult with the Council before taking any significant action
9 related to the education of Native Hawaiians. Any advice
10 or recommendation made by the Council to the Secretary
11 shall reflect the independent judgment of the Council on
12 the matter concerned.

13 “(e) ADMINISTRATIVE PROVISIONS.—The Council
14 shall meet at the call of the Chair, or upon the request
15 of the majority of the Council, but in any event not less
16 than twice during each calendar year. All matters relating
17 to, or proceedings of, the Council need not comply with
18 the Federal Advisory Committee Act.

19 “(f) COMPENSATION.—A member of the Native Ha-
20 waiian Council shall not receive any compensation for
21 service on the Council.

22 “(g) ANNUAL REPORT.—The Council shall present to
23 the Secretary an annual report on its activities.

24 “(h) REPORT TO CONGRESS.—Not later than 4 years
25 after the date of the enactment of the Improving Ameri-

1 ca's Schools Act, the Secretary shall prepare and submit
2 to the Senate Committee on Indian Affairs and the House
3 Committee on Education and Labor, a report which sum-
4 marizes the annual reports of the Native Hawaiian Coun-
5 cil, describes the allocation and utilization of monies under
6 this part, and contains recommendations for changes in
7 Federal, State, and local policy to advance the purposes
8 of this part.

9 **"SEC. 3805. NATIVE HAWAIIAN LANGUAGE IMMERSION**
10 **PROJECT.**

11 "(a) NATIVE HAWAIIAN LANGUAGE IMMERSION AU-
12 THORITY.—In order to continue the state-wide effort at
13 revitalizing the Native Hawaiian Language through the
14 Punana Leo Project and the State of Hawaii's immersion
15 project, the Secretary shall make direct grants to—

16 "(1) Aha Punana Leo for the continued mainte-
17 nance of the Punana Leo Project, a family-based
18 Hawaiian Immersion pre-school program;

19 "(2) the State of Hawaii for education support
20 services for the State of Hawaii's Hawaiian Immer-
21 sion Program; and

22 "(3) the State of Hawaii to establish a center
23 for Native Hawaiian curriculum development and
24 teacher training.

1 “(b) ADMINISTRATIVE COSTS.—No 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 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated \$1,500,000 for fiscal year
7 1995 and such sums as may be necessary for fiscal years
8 1996 through 1999. Such funds shall remain available
9 until expended.

10 **“SEC. 3806. NATIVE HAWAIIAN FAMILY-BASED EDUCATION**
11 **CENTERS.**

12 “(a) GENERAL AUTHORITY.—The Secretary shall
13 make direct grants to Native Hawaiian Organizations (in-
14 cluding Native Hawaiian Educational Organizations) to
15 develop and operate a minimum of eleven Family-Based
16 Education Centers throughout the Hawaiian Islands. Such
17 centers shall include—

18 “(1) Parent-Infant programs (prenatal through
19 age 3);

20 “(2) Preschool programs for four and five year-
21 olds;

22 “(3) continued research and development; and

23 “(4) long term followup and assessment pro-
24 gram.

1 “(b) ADMINISTRATIVE COSTS.—No 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 “(c) AUTHORIZATION OF APPROPRIATIONS.—In ad-
6 dition to any other amount authorized for the centers de-
7 scribed in subsection (a), there is authorized to be appro-
8 priated \$6,000,000 for fiscal year 1995 and such sums
9 as may be necessary for fiscal years 1996 through 1999.
10 Such funds shall remain available until expended.

11 **“SEC. 3807. NATIVE HAWAIIAN HIGHER EDUCATION DEM-**
12 **ONSTRATION PROGRAM.**

13 “(a) HIGHER EDUCATION GENERAL AUTHORITY.—
14 The Secretary shall make grants to the Kamehameha
15 Schools/Bernice Pauahi Bishop Estate for a demonstra-
16 tion program to provide Higher Education fellowship as-
17 sistance to Native Hawaiian students. The demonstration
18 program under this program may include—

19 “(1) full or partial fellowship support for Native
20 Hawaiian students enrolled at an accredited two or
21 four year degree granting institution of higher edu-
22 cation with awards to be based on academic poten-
23 tial and financial need;

1 “(2) counseling and support services for such
2 students receiving fellowship assistance pursuant to
3 subsection (a)(1) of this section;

4 “(3) college preparation and guidance counsel-
5 ing at the secondary school level for students who
6 may be eligible for fellowship assistance pursuant to
7 subsection (a)(1) of this section;

8 “(4) appropriate research and evaluation of the
9 activities authorized by this section; and

10 “(5) implementation of faculty development
11 programs for the improvement and matriculation of
12 Native Hawaiian students.

13 “(b) GRANTS AUTHORIZED.—The Secretary shall
14 make grants to Kamehameha Schools/Bernice Pauahi
15 Bishop Estate for a demonstration project of fellowship
16 assistance for Native Hawaiian students in post-bachelor
17 degree programs. Such project may include—

18 “(1) full or partial fellowship support for Native
19 Hawaiian students enrolled at an accredited post-
20 bachelor degree granting institution of higher edu-
21 cation, with priority given to professions in which
22 Native Hawaiians are under-represented and with
23 awards to be based on academic potential and finan-
24 cial need;

1 “(2) counseling and support services for such
2 students receiving fellowship assistance pursuant to
3 subsection (b)(1) of this section; and

4 “(3) appropriate research and evaluation of the
5 activities authorized by this section.

6 “(c) SPECIAL CONDITION REQUIRED.—For the pur-
7 pose of subsection (b) fellowship conditions shall be estab-
8 lished whereby recipients obtain an enforceable contract
9 obligation to provide their professional services, either dur-
10 ing their fellowship or upon completion of post-bachelor
11 degree program, to the Native Hawaiian community with-
12 in the State of Hawaii.

13 “(d) SPECIAL RULE.—No policy shall be made in im-
14 plementing this Section to prevent a Native Hawaiian stu-
15 dent enrolled at an accredited two or four year degree
16 granting institution of higher education outside of the
17 State of Hawaii from receiving a fellowship pursuant to
18 paragraphs (a) and (b) of this section.

19 “(e) ADMINISTRATIVE COSTS.—No more than 7 per-
20 cent of the funds appropriated to carry out the provisions
21 of this section for any fiscal year may be used for adminis-
22 trative purposes.

23 “(f) AUTHORIZATION OF APPROPRIATIONS.—

24 “(1) There are authorized to be appropriated
25 \$2,000,000 for fiscal year 1995 and such sums as

1 may be necessary for fiscal years 1996 through 1999
2 for the purpose of funding the fellowship assistance
3 demonstration project under subsection (a).

4 “(2) There are authorized to be appropriated
5 \$1,500,000 for fiscal year 1995 and such sums as
6 may be necessary for fiscal years 1996 through 1999
7 for the purpose of funding the fellowship assistance
8 demonstration project provided under subsection (b).

9 “(3) Funds appropriated under the authority of
10 this subsection shall remain available until expended.

11 **“SEC. 3808. NATIVE HAWAIIAN GIFTED AND TALENTED**
12 **DEMONSTRATION PROGRAM.**

13 “(a) GIFTED AND TALENTED DEMONSTRATION AU-
14 THORITY.—

15 “(1) The Secretary shall provide a grant to, or
16 enter into a contract with, the University of Hawaii
17 at Hilo for—

18 “(A) the establishment of a Native Hawai-
19 ian Gifted and Talented Center at the Univer-
20 sity of Hawaii at Hilo, and

21 “(B) for demonstration projects designed
22 to—

23 (i) address the special needs of Native
24 Hawaiian elementary and secondary school

1 students who are gifted and talented stu-
2 dents, and

3 (ii) provide those support services to
4 their families that are needed to enable
5 such students to benefit from the project.

6 Such grant or contract shall be subject to the availability
7 of appropriated funds and, contingent on satisfactory per-
8 formance by the grantee, shall be provided for a term of
9 3 years.

10 “(2) After the term of the grant or contract
11 provided, or entered into, under paragraph (1) has
12 expired, the Secretary shall, for the purposes de-
13 scribed in subparagraphs (A) and (B) of paragraph
14 (1), provide a grant to, or enter into a contract with,
15 the public, 4-year, fully accredited institution of
16 higher education located in the State of Hawaii
17 which has made the greatest contribution to Native
18 Hawaiian students. Such grant or contract shall be
19 provided on an annual basis. The grantees shall be
20 authorized to subcontract when appropriate, includ-
21 ing with the Children’s Television Workshop.

22 “(b) USES OF FUNDS.—Demonstration projects
23 funded under this section may include—

1 “(1) the identification of the special needs of
2 gifted and talented students, particularly at the ele-
3 mentary school level, with attention to—

4 “(A) the emotional and psychosocial needs
5 of these students, and

6 “(B) the provision of those support serv-
7 ices to their families that are needed to enable
8 these students to benefit from the projects;

9 “(2) the conduct of educational, psychosocial,
10 and developmental activities which hold reasonable
11 promise of resulting in substantial progress toward
12 meeting the educational needs of such gifted and tal-
13 ented children, including, but not limited to, dem-
14 onstrating and exploring the use of the Native Ha-
15 waiian language and exposure to Native Hawaiian
16 cultural traditions;

17 “(3) the use of public television in meeting the
18 special educational needs of such gifted and talented
19 children;

20 “(4) leadership programs designed to replicate
21 programs for such children throughout the State of
22 Hawaii and to other Native American peoples, in-
23 cluding the dissemination of information derived
24 from demonstration projects conducted under this
25 section; and

1 “(5) appropriate research, evaluation, and relat-
2 ed activities pertaining to—

3 “(A) the needs of such children, and

4 “(B) the provision of those support serv-
5 ices to their families that are needed to enable
6 such children to benefit from the projects.

7 “(c) INFORMATION PROVISION.—The Secretary shall
8 facilitate the establishment of a national network of Na-
9 tive Hawaiian and American Indian Gifted and Talented
10 Centers, and ensure that the information developed by
11 these centers shall be readily available to the educational
12 community at large.

13 “(d) ADMINISTRATIVE COSTS.—No more than 7 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.—In ad-
18 dition to any other amount authorized for projects de-
19 scribed in this section there are authorized to be appro-
20 priated \$2,000,000 for fiscal year 1995 and such sums
21 as may be necessary for fiscal years 1996 through 1999.
22 Such funds shall remain available until expended.

1 **“SEC. 3809. NATIVE HAWAIIAN SPECIAL EDUCATION PRO-**
2 **GRAM.**

3 “(a) SPECIAL EDUCATION AUTHORITY.—The Sec-
4 retary shall make grants to, and enter into contracts with,
5 Pihana Na Mamo, to operate projects to address the spe-
6 cial education needs of Native Hawaiian students. Such
7 projects assisted under this section may include—

8 “(1) the identification of Native Hawaiian chil-
9 dren who are learning disabled, mentally or phys-
10 ically handicapped, educable mentally retarded, or
11 otherwise in need of special educational services;

12 “(2) the identification of special education
13 needs of such children, particularly at the elemen-
14 tary school level, with attention to—

15 “(A) the emotional and psychosocial needs
16 of these students, and

17 “(B) the provision of those support serv-
18 ices to their families that are needed to enable
19 such children to benefit from the projects.

20 “(b) ADMINISTRATIVE COSTS.—No more than 7 per-
21 cent of the funds appropriated to carry out the provisions
22 of this section for any fiscal year may be used for adminis-
23 trative purposes.

24 “(c) MATCHING FUNDS.—(1) The Secretary may not
25 make a grant or provide funds pursuant to a contract
26 under this subsection—

1 “(A) in an amount exceeding 83.3 percent of
2 the costs of providing health services under the
3 grant or contract; and

4 “(B) unless Pihana Na Mamo agrees that the
5 State of Hawaii, the Office of Hawaiian Affairs, or
6 any other non-Federal entity will make available, di-
7 rectly or through donations to the Native Hawaiian
8 Special Education Project, non-Federal contribu-
9 tions toward such costs in an amount equal to not
10 less than \$1 (in cash or in kind under paragraph
11 (2)) for each \$5 of Federal funds provided in such
12 grant or contract.

13 “(2) Non-Federal contributions required in para-
14 graph (1) may be in cash or in kind, fairly evaluated, in-
15 cluding plant, equipment, or services. Amounts provided
16 by the Federal Government or services assisted or sub-
17 sidized to any significant extent by the Federal Govern-
18 ment may not be included in determining the amount of
19 non-Federal contributions.

20 “(d) AUTHORIZATION OF APPROPRIATIONS.—In ad-
21 dition to any other amount authorized for such project,
22 there is authorized to be appropriated \$2,000,000 for fis-
23 cal year 1995 and such sums as may be necessary for fis-
24 cal years 1996 through 1999. Such funds shall remain
25 available until expended.

1 **“SEC. 3810. ADMINISTRATIVE PROVISIONS.**

2 “(a) APPLICATION REQUIRED.—No grant may be
3 made under this part, nor any contract be entered into
4 under this part, unless an application is submitted to the
5 Secretary in such form, in such manner, and containing
6 such information as the Secretary may determine nec-
7 essary to carry out the provisions of this title.

8 “(b) SPECIAL RULE.—Each application submitted
9 under this title shall be accompanied by the comments of
10 each local educational agency serving students who will
11 participate in the project for which assistance is sought.

12 **“SEC. 3811. DEFINITIONS.**

13 “For the purposes of this part—

14 “(1) The term ‘Native Hawaiian’ means any in-
15 dividual who is—

16 “(A) a citizen of the United States,

17 “(B) a resident of the State of Hawaii,

18 and

19 “(C) a descendant of the aboriginal people,
20 who prior to 1778, occupied and exercised sov-
21 ereignty in the area that now comprises the
22 State of Hawaii, as evidenced by—

23 “(i) genealogical records,

24 “(ii) Kupuna (elders) or Kama’aina
25 (long-term community residents) verifica-
26 tion, or

1 “(iii) birth records of the State of
2 Hawaii.

3 “(2) The term ‘Secretary’ means the Secretary
4 of Education.

5 “(3) The term ‘Native Hawaiian Educational
6 Organization’ means a private nonprofit organiza-
7 tion that—

8 “(A) serves the interests of Native Hawai-
9 ians,

10 “(B) has Native Hawaiians in substantive
11 and policy-making positions within the organi-
12 zations,

13 “(C) has a demonstrated expertise in the
14 education of Native Hawaiian youth, and

15 “(D) has demonstrated expertise in re-
16 search and program development.

17 “(4) The term ‘Native Hawaiian Organization’
18 means a private nonprofit organization that—

19 “(A) serves the interests of Native Hawai-
20 ians,

21 “(B) has Native Hawaiians in substantive
22 and policy-making positions within the organi-
23 zations, and

24 “(C) is recognized by the Governor of Ha-
25 waii for the purpose of planning, conducting, or

1 administering programs (or portions of pro-
2 grams) for the benefit of Native Hawaiians.

3 “(5) The term ‘elementary school’ has the same
4 meaning given that term under section 9101 of this
5 Act.

6 “(6) The term ‘local educational agency’ has
7 the same meaning given that term under section
8 9101 of this Act.

9 “(7) The term ‘secondary school’ has the same
10 meaning given that term under section 9101 of this
11 Act.

12 **“PART H—ALLEN J. ELLENDER FELLOWSHIP**
13 **PROGRAM**

14 **“SEC. 3901. FINDINGS.**

15 “The Congress makes the following findings:

16 “(1) It is a worthwhile goal to ensure that all
17 students in America are prepared for responsible
18 citizenship and that all students should have the op-
19 portunity to be involved in activities that promote
20 and demonstrate good citizenship.

21 “(2) It is a worthwhile goal to ensure that
22 America’s educators have access to programs for the
23 continued improvement of their professional skills.

24 “(3) Allen J. Ellender, a Senator from Louisi-
25 ana and President pro tempore of the United States

1 Senate, had a distinguished career in public service
2 characterized by extraordinary energy and real con-
3 cern for young people. Senator Ellender provided
4 valuable support and encouragement to the Close Up
5 Foundation, a nonpartisan, nonprofit foundation
6 promoting knowledge and understanding of the Fed-
7 eral Government among young people and educators.
8 Therefore, it is a fitting and appropriate tribute to
9 Senator Ellender to provide fellowships in his name
10 to students of limited economic means, the teachers
11 who work with them and older Americans so that
12 they may participate in the programs supported by
13 the Close Up Foundation.

14 **“Subpart 1—Program for Middle and Secondary**
15 **School Students**

16 **“SEC. 3911. ESTABLISHMENT.**

17 “(a) GENERAL AUTHORITY.—The Secretary is au-
18 thorized to make grants in accordance with the provisions
19 of this title to the Close Up Foundation of Washington,
20 District of Columbia, a nonpartisan, nonprofit foundation,
21 for the purpose of assisting the Close Up Foundation in
22 carrying out its programs of increasing understanding of
23 the Federal Government among middle and secondary
24 school students.

1 “(b) USE OF FUNDS.—Grants under this title shall
2 be used only for financial assistance to economically dis-
3 advantaged students who participate in the program de-
4 scribed in subsection (a) of this section. Financial assist-
5 ance received pursuant to this title by such students shall
6 be known as Allen J. Ellender fellowships.

7 **“SEC. 3912. APPLICATIONS.**

8 “(a) APPLICATION REQUIRED.—No grant under this
9 title may be made except upon an application at such time,
10 in such manner, and accompanied by such information as
11 the Secretary may reasonably require.

12 “(b) CONTENTS OF APPLICATION.—Each such appli-
13 cation shall contain provisions to assure—

14 “(1) that fellowship grants are made to eco-
15 nomically disadvantaged middle and secondary
16 school students;

17 “(2) that every effort will be made to ensure
18 the participation of students from rural and small
19 town areas, as well as from urban areas, and that
20 in awarding fellowships to economically disadvan-
21 taged students, special consideration will be given to
22 the participation of students with special educational
23 needs, including physically challenged students,
24 visually- and hearing-impaired students, ethnic mi-

1 “(b) CONTENTS OF APPLICATION.—Each such appli-
2 cation 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 his or her school who participates in the pro-
6 grams described in section 101(a);

7 “(2) that not more than one teacher in each
8 school participating in the programs provided for in
9 section 101(a) may receive a fellowship in any fiscal
10 year; and

11 “(3) the proper disbursement of the funds of
12 the United States received under this title.

13 **“Subpart 3—Programs for Recent Immigrants,
14 Students of Migrant Parents and Older Americans**

15 **“SEC. 3921. ESTABLISHMENT.**

16 “(a) GENERAL AUTHORITY.—(1) The Secretary is
17 authorized to make grants in accordance with the provi-
18 sions of this title to the Close Up Foundation of Washing-
19 ton, District of Columbia, a nonpartisan, nonprofit foun-
20 dation, for the purpose of assisting the Close Up Founda-
21 tion in carrying out its programs of increasing under-
22 standing of the Federal Government among economically
23 disadvantaged older Americans, recent immigrants and
24 students of migrant parents.

1 “(2) For the purpose of this subpart, the term ‘older
2 American’ means an individual who has attained 55 years
3 of age.

4 “(b) USE OF FUNDS.—Grants under this subpart
5 shall be used only for financial assistance to economically
6 disadvantaged older Americans, recent immigrants and
7 students of migrant parents who participate in the pro-
8 gram described in subsection (a) of this section. Financial
9 assistance received pursuant to this subpart by such indi-
10 viduals shall be known as Allen J. Ellender fellowships.

11 **“SEC. 3922. APPLICATIONS.**

12 “(a) APPLICATION REQUIRED.—No grant under this
13 subpart may be made except upon application at such
14 time, in such manner, and accompanied by such informa-
15 tion as the Secretary may reasonably require.

16 “(b) CONTENTS OF APPLICATION.—Each such appli-
17 cation shall contain provisions to assure—

18 “(1) that fellowship grants are made to eco-
19 nomically disadvantaged older Americans, recent im-
20 migrants and students of migrant parents;

21 “(2) that every effort will be made to ensure
22 the participation of older Americans, recent immi-
23 grants and students of migrant parents from rural
24 and small town areas, as well as from urban areas,
25 and that in awarding fellowships, special consider-

1 ation will be given to the participation of older
2 Americans, recent immigrants and students of mi-
3 grant parents with special needs, including phys-
4 ically challenged individuals, visually- and hearing-
5 impaired individuals, ethnic minorities, and gifted
6 and talented students;

7 “(3) that activities permitted by section 301(a)
8 are fully described; and

9 “(4) the proper disbursement of the funds of
10 the United States received under this title.

11 **“Subpart 4—General Provisions**

12 **“SEC. 3925. ADMINISTRATIVE PROVISIONS.**

13 “(a) GENERAL RULE.—Payments under this part
14 may be made in installments, in advance, or by way of
15 reimbursement, with necessary adjustments on account of
16 underpayment or overpayment.

17 “(b) AUDIT RULE.—The Comptroller General of the
18 United States or any of the Comptroller General’s duly
19 authorized representatives shall have access for the pur-
20 pose of audit and examination to any books, documents,
21 papers, and records that are pertinent to any grant under
22 this part.

23 **“SEC. 3926. AUTHORIZATION OF APPROPRIATIONS.**

24 “(a) There are authorized to be appropriated to carry
25 out the provisions of subparts 1, 2, and 3 of this part

1 \$4,400,000 for fiscal year 1995 and such sums as may
2 be necessary for each of the fiscal years 1996, 1997, 1998,
3 and 1999.

4 “(b) Of the funds appropriated pursuant to sub-
5 section (a), not more than 30 percent may be used for
6 teachers associated with students participating in the pro-
7 grams described in section 3911(a).

8 **“PART I—TERRITORIAL EDUCATION**

9 **IMPROVEMENT PROGRAM**

10 **“SEC. 3931. FINDINGS AND PURPOSES.**

11 “(a) FINDINGS.—The Congress finds that—

12 “(1) the attainment of a high quality education
13 is important to a society and to each individual;

14 “(2) it is the policy of the United States that
15 all citizens have a fair opportunity to receive a high
16 quality education;

17 “(3) such opportunity should extend to United
18 States citizens and nationals residing in the outlying
19 areas;

20 “(4) reports show that the outlying areas have
21 repeatedly placed last in national education tests
22 which measure knowledge in core subject areas;

23 “(5) all students must realize their potential if
24 the United States is to prosper; and

1 “(6) students in the outlying areas require ad-
2 ditional assistance if they are to obtain the high
3 standards established for all students in the United
4 States.

5 “(b) PURPOSES.—The purpose of this part is to au-
6 thorize an education improvement program for the United
7 States Virgin Islands, Guam, American Samoa, the North-
8 ern Mariana Islands, and Palau which will assist in devel-
9 oping programs which will enhance student learning, in-
10 crease the standard of education, and improve the per-
11 formance levels of all students.

12 **“SEC. 3932. GRANT AUTHORIZATION.**

13 “The Secretary is authorized to make grants to the
14 Virgin Islands, Guam, American Samoa, the Northern
15 Mariana Islands and Palau, until the effective date of the
16 Compact of Free Association with the Government of
17 Palau, to fund innovative education improvement pro-
18 grams which will increase student learning.

19 **“SEC. 3933. RESTRICTIONS.**

20 “(a) CONSTRUCTION.—No funds from a grant under
21 section 3922 may be used for construction.

22 “(b) FULL USE.—If funds authorized under section
23 3922 are not fully committed within the period of the
24 grant, the grant for the next period shall be reduced by
25 the amount of funds not fully committed.

1 **“SEC. 3934. AUTHORIZATION.**

2 “There are authorized to be appropriated for grants
3 under section 3922 \$5,000,000 for each of the fiscal years
4 1994 through 1999.

5 **“TITLE IV—SAFE AND DRUG-**
6 **FREE SCHOOLS AND COMMU-**
7 **NITIES**

8 **“SEC. 4001. SHORT TITLE.**

9 “This title may be cited as the ‘Safe and Drug-Free
10 Schools and Communities Act of 1994’.

11 **“SEC. 4002. FINDINGS.**

12 “The Congress finds as follows:

13 “(1) National Education Goal Six provides that
14 by the year 2000, all schools in America will be free
15 of drugs and violence and offer a disciplined environ-
16 ment that is conducive to learning.

17 “(2) The widespread illegal use of alcohol and
18 other drugs among the Nation’s secondary school
19 students, and increasingly by students in elementary
20 schools as well, constitutes a grave threat to their
21 physical and mental well-being, and significantly im-
22 pedes the learning process. For example, data show
23 that students who drink tend to receive lower grades
24 and are more likely to miss school because of illness
25 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 three million thefts and violent crimes occur
4 in or near our Nation’s schools every year, the
5 equivalent of more than 16,000 incidents per school
6 day. Approximately one of every five high school stu-
7 dents now carries a firearm, knife, or club on a reg-
8 ular basis.

9 “(4) The tragic consequences of violence and
10 the illegal use of alcohol and drugs by students are
11 felt not only by students and their families, but by
12 their communities and the Nation, which can ill af-
13 ford to lose their skills, talents, and vitality.

14 “(5) While use of illegal drugs is a serious
15 problem among a minority of teenagers, alcohol use
16 is far more widespread. The proportion of high
17 school students using alcohol, though lower than a
18 decade ago, remains unacceptably high. By the 8th
19 grade, 70 percent of youth report having tried alco-
20 hol and by the 12th grade, about 88 percent have
21 used alcohol. Alcohol use by young people can and
22 does have adverse consequences for users, their fam-
23 ilies, communities, schools, and colleges.

24 “(6) Every day approximately 3,000 children
25 start smoking for the first time and 30 percent of

1 all high school seniors are smokers. Half of all new
2 smokers begin before the age of 14, 90 percent be-
3 fore the age of 21, and the average age of the first
4 use of smokeless tobacco products is under the age
5 of 10. Use of tobacco products has been linked to se-
6 rious health problems. However, because the nicotine
7 in tobacco is an addictive substance, many tobacco
8 users find it difficult to stop using tobacco once they
9 have started. Drug education and prevention pro-
10 grams that include tobacco have been effective in re-
11 ducing teenage use of tobacco. Drug prevention pro-
12 grams for youth that address only controlled drugs
13 send an erroneous message that the use of tobacco
14 does not have adverse consequences. To be credible,
15 messages opposing illegal drug use by youth should
16 also address other harmful substances.

17 “(7) Drug and violence prevention programs
18 are essential components of a comprehensive strat-
19 egy to promote school safety and to reduce the de-
20 mand for and use of drugs throughout the Nation.
21 Schools and local organizations in communities
22 throughout the Nation have a special responsibility
23 to work together to combat the growing epidemic of
24 violence and illegal drug use and should measure the

1 success of their programs against clearly defined
2 goals and objectives.

3 “(8) Students must take greater responsibility
4 for their own well-being, health, and safety if schools
5 and communities are to achieve their goals of provid-
6 ing a safe, disciplined, and drug-free learning envi-
7 ronment.

8 **“SEC. 4003. PURPOSE.**

9 “The purpose of this title is to support programs to
10 meet Goal Six of the National Educational Goals by pre-
11 venting violence in and around schools and by strengthen-
12 ing programs that prevent the illegal use of alcohol and
13 drugs, involve parents, and are coordinated with related
14 Federal, State, and community efforts and resources,
15 through the provision of Federal assistance to—

16 “(1) States for grants to local and intermediate
17 educational agencies and consortia to establish, oper-
18 ate, and improve local programs of school drug and
19 violence prevention, early intervention, rehabilitation
20 referral, and education in elementary and secondary
21 schools (including intermediate and junior high
22 schools);

23 “(2) States for grants to local and intermediate
24 educational agencies and consortia for grants to, and
25 contracts with, community-based organizations and

1 other public and private non-profit agencies and or-
2 ganizations for programs of drug and violence pre-
3 vention, early intervention, rehabilitation referral,
4 and education;

5 “(3) States for development, training, technical
6 assistance, and coordination activities;

7 “(4) public and private non-profit organizations
8 to conduct training, demonstrations, and evaluation,
9 and to provide supplementary services for the pre-
10 vention of drug use and violence among students
11 and youth; and

12 “(5) institutions of higher education for the de-
13 velopment and implementation of model programs
14 and strategies to promote the safety of students at-
15 tending institutions of higher education by prevent-
16 ing violent behavior and the illegal use of alcohol
17 and drugs by such students.

18 **“SEC. 4004. FUNDING.**

19 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated—

21 “(1) for State grants under part A,
22 \$630,000,000 for fiscal year 1995 and such sums as
23 may be necessary for each of fiscal years 1996
24 through 1999; and

1 “(2) for national programs under part B,
2 \$25,000,000 for fiscal year 1995 and such sums as
3 may be necessary for each of fiscal years 1996
4 through 1999.

5 “(b) AVAILABILITY.—(1) Appropriations for any fis-
6 cal year for payments made under this title in accordance
7 with regulations of the Secretary may be made available
8 for obligation or expenditure by the agency or institution
9 concerned on the basis of an academic or school year dif-
10 fering from such fiscal year.

11 “(2) Funds appropriated for any fiscal year under
12 this title shall remain available for obligation and expendi-
13 ture until the end of the fiscal year succeeding the fiscal
14 year for which such funds were appropriated.

15 **“PART A—STATE GRANTS FOR DRUG AND**
16 **VIOLENCE PREVENTION PROGRAMS**

17 **“SEC. 4101. RESERVATIONS AND ALLOTMENTS.**

18 “(a) RESERVATIONS.—From the amount appro-
19 priated for each fiscal year under section 4004(a)(1), the
20 Secretary—

21 “(1) shall reserve 1 percent of such amount for
22 grants under this part to Guam, American Samoa,
23 the Virgin Islands, the Commonwealth of the North-
24 ern Mariana Islands, and Palau (until the effective
25 date of the Compact of Free Association with the

1 Government of Palau), to be allotted in accordance
2 with their respective needs;

3 “(2) shall reserve 1 percent of such amount for
4 the Secretary of the Interior to carry out programs
5 under this part for Indian youth;

6 “(3) shall reserve 0.2 percent for programs for
7 Native Hawaiians under section 4202; and

8 “(4) may reserve no more than \$1,000,000 for
9 the national impact evaluation required by section
10 4106(a).

11 “(b) STATE ALLOTMENTS.—(1) Except as provided
12 under paragraph (2), the Secretary shall, for each fiscal
13 year, allocate among the States—

14 “(A) one-half of the remainder not reserved
15 under subsection (a) according to the ratio between
16 the school-aged population of each State and the
17 school-aged population of all the States; and

18 “(B) one-half of such remainder according to
19 the ratio between the amount each State received
20 under section 1124 and 1124A of this Act for the
21 preceding year (or, for fiscal year 1995 only, sec-
22 tions 1005 and 1006 of this Act as in effect on the
23 day before enactment of the Safe and Drug-Free
24 Schools and Communities Act Amendments of 1994)

1 and the sum of such amounts received by all the
2 States.

3 “(2) For any fiscal year, no State shall be allotted
4 under this subsection an amount that is less than one-
5 half of 1 percent of the total amount allotted to all the
6 States under this subsection.

7 “(3) The Secretary may reallocate any amount of any
8 allotment to a State if the Secretary determines that the
9 State will be unable to use such amount within two years
10 of such allotment. Such reallocations shall be made on the
11 same basis as allotments made under paragraph (1).

12 “(4) For the purpose of this subsection, the term
13 ‘State’ means each of the 50 States, the District of Colum-
14 bia, and the Commonwealth of Puerto Rico.

15 **“SEC. 4102. STATE APPLICATIONS.**

16 “(a) IN GENERAL.—In order to receive its allotment
17 under section 4101 for any fiscal year, a State shall sub-
18 mit to the Secretary, at such time as the Secretary may
19 require, an application that—

20 “(1)(A)(i) is integrated into the State’s plan, ei-
21 ther approved or being developed, under title III of
22 the Goals 2000: Educate America Act, and satisfies
23 the requirements of this section that are not already
24 addressed by that plan; and

1 “(ii) is submitted, if necessary, as an amend-
2 ment to the State’s plan under title III of the Goals
3 2000: Educate America Act; or

4 “(B) if the State does not have an approved
5 plan under title III of the Goals 2000: Educate
6 America Act and is not developing such a plan, is
7 integrated with other State plans under this Act and
8 satisfies the requirements of this section;

9 “(2) contains the results of the State’s needs
10 assessment for drug and violence prevention pro-
11 grams, which shall be based on the results of on-
12 going State evaluation activities, including data on
13 the prevalence of drug use and violence by youth in
14 schools and communities;

15 “(3) has been developed in consultation with
16 the chief executive officer, the head of the State al-
17 cohol and drug abuse agency, the heads of the State
18 health and mental health agencies, the head of the
19 State child welfare agency, and the heads of the
20 State criminal and juvenile justice planning agen-
21 cies;

22 “(4) contains a description of the procedures
23 the State educational agency will use to review appli-
24 cations from local educational agencies under section
25 4104;

1 “(5) contains an assurance that the State will
2 cooperate with, and assist, the Secretary in conduct-
3 ing a national impact evaluation of programs re-
4 quired by section 4106(a); and

5 “(6) includes any other information the Sec-
6 retary may require.

7 “(b) STATE EDUCATIONAL AGENCY FUNDS.—A
8 State’s application under this section shall also contain a
9 comprehensive plan for the use of funds under section
10 4103(a) by the State educational agency that includes—

11 “(1) a statement of the State educational agen-
12 cy’s measurable goals and objectives for drug and vi-
13 olence prevention and a description of the proce-
14 dures it will use for assessing and publicly reporting
15 progress toward meeting those goals and objectives;

16 “(2) a plan for monitoring the implementation
17 of, and providing technical assistance regarding, the
18 drug and violence prevention programs conducted by
19 local educational agencies in accordance with section
20 4105;

21 “(3) a description of how the State educational
22 agency will use funds it reserves under section
23 4103(b);

24 “(4) a description of how the State educational
25 agency will coordinate its activities under this part

1 with drug and violence prevention efforts of other
2 State agencies; and

3 “(5) an explanation of the criteria the State
4 educational agency will use to identify which local
5 educational agencies receive supplemental funds
6 under section 4103(d)(2)(A)(i)(II) and how the sup-
7 plemental funds will be allocated among those local
8 educational agencies.

9 “(c) GOVERNOR’S FUNDS.—A State’s application
10 under this section shall also contain a comprehensive plan
11 for the use of funds under section 4103A by the chief exec-
12 utive officer that includes—

13 “(1) a statement of the chief executive officer’s
14 measurable goals and objectives for drug and vio-
15 lence prevention and a description of the procedures
16 to be used for assessing and publicly reporting
17 progress toward meeting those goals and objectives;

18 “(2) a description of how the chief executive of-
19 ficer will coordinate his or her activities under this
20 part with the State educational agency and other
21 State agencies and organizations involved with drug
22 and violence prevention efforts;

23 “(3) a description of how funds reserved under
24 section 4103A will be used so as not to duplicate the
25 efforts of the State educational agency and local

1 educational agencies with regard to the provision of
2 school-based prevention efforts and services and how
3 those funds will be used to serve populations not
4 normally served by the State educational agency,
5 such as school dropouts and youth in detention cen-
6 ters;

7 “(4) a description of how the chief executive of-
8 ficer will award funds under section 4103A 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
20 fiscal year 1995 a one-year interim application and plan
21 for the use of funds under this part that are consistent
22 with the requirements of this section and contain such in-
23 formation as the Secretary may specify in regulations. The
24 purpose of such interim application and plan shall be to
25 afford the State the opportunity to fully develop and re-

1 view its application and comprehensive plan otherwise re-
2 quired by this section. A State may not receive a grant
3 under this part for a fiscal year subsequent to fiscal year
4 1995 unless the Secretary has approved its application
5 and comprehensive plan.

6 **“SEC. 4103. STATE AND LOCAL EDUCATIONAL AGENCY PRO-**
7 **GRAMS.**

8 “(a) USE OF FUNDS.—(1) Except as provided in
9 paragraph (2), an amount equal to 80 percent of the total
10 amount allocated to a State under section 4101 for each
11 fiscal year shall be used by the State educational agency
12 and its local educational agencies for drug and violence
13 prevention activities in accordance with this section.

14 “(2)(A) If a State has, on or before January 1, 1994,
15 established an independent State agency for the purpose
16 of administering all of the funds described in section 5121
17 of the Elementary and Secondary Education Act of 1965
18 (as such section was in effect on the day before the date
19 of the enactment of the Improving America’s Schools Act
20 of 1994), then—

21 “(i) an amount equal to 70 percent of the total
22 amount allocated to such State under section 4101
23 for each fiscal year shall be used by the State edu-
24 cational agency and its local educational agencies for

1 drug and violence prevention activities in accordance
2 with this section; and

3 “(ii) an amount equal to 30 percent of such
4 total amount shall be used by such independent
5 State agency for drug and violence prevention activi-
6 ties in accordance with section 5122 of the Elemen-
7 tary and Secondary Education Act of 1965 (as such
8 section was in effect on the day before the date of
9 the enactment of the Improving America’s Schools
10 Act of 1994).

11 “(B) Not more than 2.5 percent of the amount re-
12 served under subparagraph (A)(ii) may be used for admin-
13 istrative costs of the independent State agency incurred
14 in carrying out the activities described in such subpara-
15 graph.

16 “(C) For purposes of this paragraph, the term ‘inde-
17 pendent State agency’ means an independent agency with
18 a board of directors or a cabinet level agency whose chief
19 executive officer is appointed by the chief executive officer
20 of the State and confirmed with the advice and consent
21 of the senate of such State.

22 “(b) STATE LEVEL PROGRAMS.—(1) A State edu-
23 cational agency shall use no more than five percent of the
24 amount reserved under subsection (a) for activities such
25 as—

1 “(A) training and technical assistance concern-
2 ing drug and violence prevention for local and inter-
3 mediate educational agencies, including teachers, ad-
4 ministrators, counselors, coaches and athletic direc-
5 tors, other educational personnel, parents, students,
6 community leaders, health service providers, local
7 law enforcement officials, and judicial officials;

8 “(B) the development, identification, dissemina-
9 tion and evaluation of the most readily available, ac-
10 curate, and up-to-date curriculum materials (includ-
11 ing videotapes, software, and other technology-based
12 learning resources), for consideration by local edu-
13 cational agencies;

14 “(C) demonstration projects in drug and vio-
15 lence prevention;

16 “(D) financial assistance to enhance resources
17 available for drug and violence prevention in areas
18 serving large numbers of economically disadvantaged
19 children or sparsely populated areas, or to meet
20 other special needs consistent with the purposes of
21 this part; and

22 “(E) the evaluation of activities carried out
23 within the State under this part.

1 “(2) A State educational agency may carry out activi-
2 ties under this subsection directly, or through grants or
3 contracts.

4 “(c) STATE ADMINISTRATION.—A State educational
5 agency may use no more than four percent of the amount
6 reserved under subsection (a) for the administrative costs
7 of carrying out its responsibilities under this part.

8 “(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—(1)
9 A State educational agency shall distribute not less than
10 92 percent of the amount reserved under subsection (a)
11 for each fiscal year to local educational agencies in accord-
12 ance with this subsection.

13 “(2)(A)(i) Of the amount distributed under sub-
14 section (d)(1), a State educational agency shall distrib-
15 ute—

16 “(I) 70 percent of such amount to local edu-
17 cational agencies, based on the relative enrollments
18 in public and private non-profit schools within their
19 boundaries; and

20 “(II) 30 percent of such amount to local edu-
21 cational agencies that the State educational agency
22 determines have the greatest need for additional
23 funds to carry out drug and violence prevention pro-
24 grams authorized by this part.

1 “(ii) To the extent practicable, not less than 25 per-
2 cent of the amount specified in clause (i)(II) for a fiscal
3 year shall be distributed to local educational agencies lo-
4 cated in rural areas.

5 “(B)(i) A State educational agency shall distribute
6 funds under subparagraph (A)(i)(II) to no more than ten
7 percent of its local educational agencies, or five such agen-
8 cies, whichever is greater.

9 “(ii) In determining which local educational agencies
10 have the greatest need for additional funds, the State edu-
11 cational agency shall consider such factors as—

12 “(I) high rates of alcohol or other drug use
13 among youth;

14 “(II) high rates of victimization of youth by vio-
15 lence and crime;

16 “(III) high rates of arrests and convictions of
17 youth for violent or drug- or alcohol-related crime;

18 “(IV) the extent of illegal gang activity;

19 “(V) high rates of referrals of youths to drug
20 and alcohol abuse treatment and rehabilitation pro-
21 grams;

22 “(VI) high rates of referrals of youths to juve-
23 nile court;

24 “(VII) high rates of expulsions and suspensions
25 of students from schools; and

1 “(VIII) 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 it under subsection (d), or if its application
6 under section 4104 is disapproved by the State edu-
7 cational agency, the State educational agency shall reallo-
8 cate such amount to one or more of the local education
9 agencies determined by the State educational agency
10 under subsection (d)(2)(B) to have the greatest need for
11 additional funds.

12 “(f) RETURN OF FUNDS TO STATE EDUCATIONAL
13 AGENCY; REALLOCATION.—(1) Except as provided in
14 paragraph (2), upon the expiration of the 1-year period
15 beginning on the date that a local educational agency, in-
16 termediate educational agency, or consortium under this
17 title receives its allocation under this title—

18 “(A) such agency or consortium shall return to
19 the State educational agency any funds from such
20 allocation that remain unobligated; and

21 “(B) the State educational agency shall reallo-
22 cate any such amount to local educational agencies,
23 intermediate educational agencies, or consortia that
24 have plans for using such amount for programs or
25 activities on a timely basis.

1 “(2) In any fiscal year, a local educational agency,
2 intermediate educational agency, or consortium may re-
3 tain for obligation in the succeeding fiscal year—

4 “(A) an amount equal to not more than 25 per-
5 cent of the allocation it receives under this title for
6 such fiscal year; or

7 “(B) upon a demonstration of good cause by
8 such agency or consortium, a greater amount ap-
9 proved by the State educational agency.

10 **“SEC. 4103A. GOVERNOR’S PROGRAMS.**

11 “(a) USE OF FUNDS.—(1) An amount equal to 20
12 percent of the total amount allocated to a State under sec-
13 tion 4101 for each fiscal year shall be used by the chief
14 executive officer of such State for drug and violence pre-
15 vention programs and activities in accordance with this
16 section.

17 “(2) A chief executive officer shall use not less than
18 10 percent of the 20 percent of the total amount described
19 in paragraph (1) for each fiscal year for drug abuse resist-
20 ance education programs in accordance with subsection
21 (e).

22 “(3) A chief executive officer may use no more than
23 five percent of the 20 percent of the total amount de-
24 scribed in paragraph (1) for the administrative costs in

1 curred in carrying out the duties of such officer under this
2 section.

3 “(b) ADVISORY PANEL.—

4 “(1) ESTABLISHMENT.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (B), a chief executive officer shall
7 establish an advisory panel in accordance with
8 this subsection for the purpose of developing a
9 plan for the use of funds reserved under sub-
10 section (a)(1).

11 “(B) EXCEPTION.—The chief executive of-
12 ficer of a State shall be exempt from the re-
13 quirement under subparagraph (A) if such
14 State, on or before January 1, 1994, has estab-
15 lished an independent agency as described in
16 section 4103(a)(2)(A).

17 “(2) PLAN.—The advisory panel established
18 under paragraph (1) shall develop a plan under
19 which—

20 “(A) existing drug and violence prevention
21 programs, projects, and activities in the State
22 (including activities of the State educational
23 agency and local educational agencies and com-
24 munity-based organizations) that are deter-
25 mined by the panel to be successful are contin-

1 ued, or, where appropriate, coordinated with
2 new programs, projects, and activities estab-
3 lished and carried out with funds reserved
4 under subsection (a)(1); and

5 “(B) technical assistance and training is
6 provided to local educational agencies, consortia
7 of such agencies, and partnerships consisting of
8 such agencies and community-based organiza-
9 tions, for drug and violence prevention, commu-
10 nity outreach, and mobilization and coordina-
11 tion of alcohol, tobacco, and other drug preven-
12 tion programming.

13 “(3) MEETINGS.—The advisory panel shall
14 meet at least once every 2 years after the establish-
15 ment of the plan described in paragraph (2) for the
16 purpose of reviewing and evaluating the use of funds
17 under this section.

18 “(4) MEMBERSHIP.—

19 “(A) IN GENERAL.—The advisory panel
20 shall consist of not less than 9 members, but
21 not more than 12 members, including the chief
22 executive officer of the State (or the designee of
23 such chief executive officer) and at least 1 indi-
24 vidual appointed by such chief executive officer
25 from each of the following categories:

1 “(i) Parents.

2 “(ii) Students.

3 “(iii) Chief state school officers (or
4 their designees).

5 “(iv) School administrators or teach-
6 ers.

7 “(v) Substance abuse prevention
8 workers or administrators.

9 “(vi) Community-based providers.

10 “(vii) Law enforcement officers or dis-
11 trict attorneys.

12 “(viii) Mayors, city councilpersons, or
13 county commissioners.

14 “(B) POLITICAL AFFILIATION.—Not more
15 than ½ of the members of the advisory panel
16 may be of the same political party.

17 “(C) COMPENSATION.—Members of the
18 advisory panel shall serve without pay.

19 “(5) ADMINISTRATIVE EXPENSES.—The admin-
20 istrative expenses of the advisory panel shall be paid
21 for from the State administrative funds under sub-
22 section (a)(2).

23 “(c) PROGRAMS AUTHORIZED.—(1) A chief executive
24 officer shall use funds reserved under subsection (a)(1) for
25 grants to or contracts with parent groups, community ac-

1 tion and job training agencies, community-based organiza-
2 tions, and other public entities and private nonprofit orga-
3 nizations. Such grants or contracts shall support pro-
4 grams and activities described in subsection (d) for chil-
5 dren and youth who are not normally served by State or
6 local educational agencies, for populations that need spe-
7 cial services or additional resources (such as preschoolers,
8 youth in juvenile detention facilities, runaway or homeless
9 children and youth, and dropouts), or both.

10 “(2) Grants or contracts awarded under this sub-
11 section shall be subject to a peer review process.

12 “(d) AUTHORIZED ACTIVITIES.—Grants and con-
13 tracts under subsection (c) shall be used for programs and
14 activities such as—

15 “(1) disseminating information about drug and
16 violence prevention;

17 “(2) training parents, law enforcement officials,
18 judicial officials, social service providers, health serv-
19 ice providers and community leaders about drug and
20 violence prevention, education, early intervention,
21 counseling, or rehabilitation referral;

22 “(3) developing and implementing comprehen-
23 sive, community-based drug and violence prevention
24 programs that link community resources with
25 schools and integrate services involving education,

1 vocational and job skills training, law enforcement,
2 health, mental health, and other appropriate serv-
3 ices;

4 “(4) planning and implementing drug and vio-
5 lence prevention activities that coordinate the efforts
6 of State agencies with those of the State educational
7 agency and its local educational agencies;

8 “(5) activities to protect students traveling to
9 and from school;

10 “(6) developing and implementing strategies to
11 prevent illegal gang activity;

12 “(7) coordinating and conducting community-
13 wide violence and safety assessments and surveys;
14 and

15 “(8) evaluating programs and activities under
16 this section.

17 “(e) DRUG ABUSE RESISTANCE EDUCATION PRO-
18 GRAMS.—(1) A chief executive officer shall use funds re-
19 served under subsection (a)(2) for grants to local edu-
20 cational agencies in consortium with entities which have
21 experience in assisting school districts to provide instruc-
22 tion to students grades kindergarten through 6 to recog-
23 nize and resist pressures that influence such students to
24 use controlled substances, as defined in Schedules I and
25 II of section 202 of the Controlled Substances Act the pos-

1 session or distribution of which is unlawful under such
2 Act, or beverage alcohol, such as Project Drug Abuse Re-
3 sistance Education, that meet the requirements of para-
4 graph (2).

5 “(2) A local educational agency in consortium with
6 an entity shall not be eligible for a grant under paragraph
7 (1) unless such local educational agency in consortium
8 with an entity will use assistance provided under such
9 grant to provide or arrange for the provision of services
10 that shall include—

11 “(A) drug abuse resistance education instruc-
12 tion for students grades kindergarten through 6 that
13 is designed to teach students to recognize and resist
14 pressures to experiment that influence such children
15 to use controlled substances, as defined under para-
16 graph (1), or beverage alcohol, including instruction
17 in the following areas—

18 “(i) drug use and misuse;

19 “(ii) understanding the consequences of
20 drug abuse;

21 “(iii) resistance techniques;

22 “(iv) assertive response styles;

23 “(v) managing stress without taking drugs;

24 “(vi) decisionmaking and risk taking;

25 “(vii) media influences on drug use;

1 “(viii) positive alternatives to drug abuse
2 behavior;

3 “(ix) interpersonal and communication
4 skills;

5 “(x) self-esteem building activities; and

6 “(xi) resistance to peer pressure and gang
7 pressures;

8 “(B) provisions for parental involvement;

9 “(C) classroom instruction by uniformed law
10 enforcement officials;

11 “(D) the use of positive student leaders to in-
12 fluence younger students not to use drugs;

13 “(E) an emphasis on activity-oriented tech-
14 niques designed to encourage student-generated re-
15 sponses to problem-solving situations; and

16 “(F) the awarding of a certificate of achieve-
17 ment to each student who participates in a drug
18 abuse resistance education program.

19 “(3) Amounts received under paragraph (1) by any
20 local educational agency or entity shall be used only to
21 supplement, not to supplant, the amount of Federal,
22 State, and local funds expended for the support of projects
23 of the type described in paragraph (2).

1 **“SEC. 4104. LOCAL APPLICATIONS.**

2 “(a) IN GENERAL.—(1) In order to be eligible to re-
3 ceive an allocation under section 4103(d) for any fiscal
4 year, a local educational agency shall submit, at such time
5 as the State educational agency requires, an application
6 to the State educational agency for approval. Such an ap-
7 plication shall be amended, as necessary, to reflect
8 changes in the local educational agency’s program.

9 “(2)(A) A local educational agency shall develop its
10 application under subsection (a)(1) in consultation with
11 a local or substate regional advisory council that includes,
12 to the extent possible, representatives of local government,
13 business, parents, students, teachers, appropriate state
14 agencies, private schools, the medical profession, law en-
15 forcement, community-based organizations, and other
16 groups with interest and expertise in drug and violence
17 prevention.

18 “(B) In addition to assisting the local educational
19 agency to develop its application under this section, the
20 advisory council established or designated under para-
21 graph (2)(A) shall, on an on-going basis—

22 “(i) disseminate information about drug and vi-
23 olence prevention programs, projects, and activities
24 conducted within the boundaries of the local edu-
25 cational agency;

1 “(ii) advise the local educational agency on how
2 best to coordinate its activities under this part with
3 other related programs, projects, and activities, in-
4 cluding community service and service learning
5 projects, and the agencies that administer them; and

6 “(iii) review program evaluations and other rel-
7 evant material and make recommendations to the
8 local educational agency on how to improve its drug
9 and violence prevention programs.

10 “(b) CONTENTS OF APPLICATIONS.—An application
11 under this section shall contain—

12 “(1) an assessment of the current use (and con-
13 sequences of such use) of alcohol, tobacco, and con-
14 trolled, illegal, addictive or harmful substances as
15 well as the violence, safety, and discipline problems
16 among students who attend the schools of the appli-
17 cant (including private school students who partici-
18 pate in the applicant’s drug and violence prevention
19 program) that is based on ongoing local assessment
20 or evaluation activities;

21 “(2) a detailed explanation of the local edu-
22 cational agency’s comprehensive plan for drug and
23 violence prevention, which shall include a description
24 of—

1 “(A) how that plan is consistent with, and
2 promotes the goals in, the State’s application
3 under section 4102 and the local educational
4 agency’s plan, either approved or being devel-
5 oped, under title III of the Goals 2000: Educate
6 America Act, or, if the local educational agency
7 does not have such an approved plan and is not
8 developing one, its plan under section 1112 of
9 this Act;

10 “(B) the local educational agency’s meas-
11 urable goals for drug and violence prevention,
12 and a description of how it will assess and pub-
13 licly report progress toward attaining these
14 goals;

15 “(C) the local educational agency’s com-
16 prehensive plan for programs to be carried out
17 under this part;

18 “(D) how the local educational agency will
19 use its regular allocation under section
20 4103(d)(2)(A)(i)(I) and its supplemental alloca-
21 tion, if any, under section 4103(d)(2)(A)(i)(II);

22 “(E) how the local educational agency will
23 coordinate its programs and projects with com-
24 munity-wide efforts to achieve its goals for drug
25 and violence prevention; and

1 “(F) how the local education agency will
2 coordinate its programs and projects with other
3 Federal, State, and local programs for drug-
4 abuse prevention, including health programs;
5 and

6 “(3) such other information and assurances as
7 the State educational agency may reasonably
8 require.

9 “(c) REVIEW OF APPLICATION.—(1) In reviewing
10 local applications under this section, a State educational
11 agency shall use a peer review process or other methods
12 of assuring the quality of such applications.

13 “(2)(A) In determining whether to approve the appli-
14 cation of a local educational agency under this section, a
15 State educational agency shall consider the quality of the
16 local educational agency’s comprehensive plan under sub-
17 section (b)(2) and the extent to which it is consistent with,
18 and supports, the State’s application under section 4102
19 and the State’s plan under the Goals 2000: Educate
20 America Act, and, if the State does not have such a plan,
21 its plan under section 1111 of this Act.

22 “(B) A State educational agency may disapprove a
23 local educational agency application under this section in
24 whole or in part and may withhold, limit, or place restric-
25 tions on the use of funds allotted to such a local edu-

1 cational agency in a manner the State educational agency
2 determines will best promote the purposes of this part or
3 the State's plan under the Goals 2000: Educate America
4 Act, and, if the State does not have such a plan, its plan
5 under section 1111 of this Act, except that a local edu-
6 cational agency shall be afforded an opportunity to appeal
7 any such disapproval.

8 **“SEC. 4105. LOCAL DRUG AND VIOLENCE PREVENTION PRO-**
9 **GRAMS.**

10 “(a) PROGRAM REQUIREMENTS.—A local educational
11 agency shall use funds received under this part to adopt
12 and carry out a comprehensive drug and violence preven-
13 tion program which shall—

14 “(1) be designed, for all students and employ-
15 ees, to—

16 “(A) prevent the use, possession, and dis-
17 tribution of tobacco, alcohol and illegal drugs by
18 students and to prevent the illegal use, posses-
19 sion, and distribution of such substances by em-
20 ployees;

21 “(B) prevent violence and promote school
22 safety; and

23 “(C) create a disciplined environment con-
24 ducive to learning; and

1 “(2) include activities to promote the involve-
2 ment of parents and coordination with community
3 groups and agencies, including the distribution of in-
4 formation about the local educational agency’s needs
5 assessments, goals, and programs under this part.

6 “(b) AUTHORIZED ACTIVITIES.—A comprehensive
7 drug and violence prevention program carried out under
8 this part may include—

9 “(1) age-appropriate, developmentally based
10 drug prevention and education programs for all stu-
11 dents, from the preschool level through grade 12,
12 that address the legal, social, personal and health
13 consequences of the use of illegal drugs, promote a
14 sense of individual responsibility, and provide infor-
15 mation about effective techniques for resisting peer
16 pressure to use illegal drugs;

17 “(2) programs of drug prevention, comprehen-
18 sive health education, early intervention, counseling,
19 mentoring, or rehabilitation referral, which empha-
20 size students’ sense of individual responsibility and
21 which may include—

22 “(A) the dissemination of information
23 about drug prevention;

24 “(B) the professional development of
25 school personnel, parents, students, law enforce-

1 ment officials, judicial officials, health service
2 providers and community leaders in prevention,
3 education, early intervention, counseling or re-
4 habilitation referral;

5 “(C) the implementation of strategies, in-
6 cluding strategies to integrate the delivery of
7 services from a variety of providers, to combat
8 illegal alcohol and other drug use, such as—

9 “(i) family counseling;

10 “(ii) early intervention activities that
11 prevent family dysfunction, enhance school
12 performance, and boost attachment to
13 school and family; and

14 “(iii) activities, such as community
15 service and service-learning projects, that
16 are designed to increase students’ sense of
17 community;

18 “(3) age-appropriate, developmentally based vi-
19 olence prevention and education programs for all
20 students, from the preschool level through grade 12,
21 that address the legal, health, personal, and social
22 consequences of violent and disruptive behavior, in-
23 cluding sexual harassment, and that include activi-
24 ties designed to help students develop a sense of in-

1 dividual responsibility and respect for the rights of
2 others, and to resolve conflicts without violence;

3 “(4) violence prevention programs for school-
4 aged youth, which emphasize students’ sense of indi-
5 vidual responsibility and may include—

6 “(A) the dissemination of information
7 about school safety and discipline;

8 “(B) the professional development of
9 school personnel, parents, students, law enforce-
10 ment officials, judicial officials, and community
11 leaders in designing and implementing strate-
12 gies to prevent school violence;

13 “(C) the implementation of strategies, such
14 as conflict resolution and peer mediation, stu-
15 dent pledges to renounce the use of violence,
16 student non-violence awareness days, student
17 outreach efforts against violence, anti-crime
18 youth councils (which work with school and
19 community-based organizations to discuss and
20 develop crime prevention strategies), and the
21 use of mentoring programs, to combat school vi-
22 olence and other forms of disruptive behavior,
23 such as sexual harassment; and

1 “(D) comprehensive, community-wide
2 strategies to prevent or reduce illegal gang ac-
3 tivities;

4 “(5) subject to the requirements of the matter
5 following paragraph (8), not more than one half of
6 the cost of—

7 “(A) minor remodeling to promote security
8 and reduce the risk of violence, such as remov-
9 ing lockers, installing better lights, and upgrad-
10 ing locks; and

11 “(B) acquiring and installing metal detec-
12 tors and hiring security personnel;

13 “(6) the promotion of before-and-after school
14 recreational, instructional, cultural, and artistic pro-
15 grams in supervised community settings;

16 “(7) drug abuse resistance education programs,
17 designed to teach students to recognize and resist
18 pressures to use alcohol or other drugs, which may
19 include activities such as classroom instruction by
20 uniformed law enforcement officers, resistance tech-
21 niques, resistance to peer pressure and gang pres-
22 sure, and provision for parental involvement; and

23 “(8) the evaluation of any of the activities au-
24 thorized under this subsection.

1 A local educational agency may use no more than 33 per-
2 cent of the funds it receives under this part for any fiscal
3 year for the activities described in paragraph (5). Local
4 educational agencies may use funds obtained under this
5 part to pay the costs of programs and activities complying
6 with the requirements of this section that are carried out
7 by student organizations.

8 “(c) ADMINISTRATIVE PROVISIONS.—Notwithstand-
9 ing any other provisions of law, any funds expended prior
10 to July 1, 1995, under part B of the Drug-Free Schools
11 and Communities Act of 1986 (as in effect prior to enact-
12 ment of the Improving America’s Schools Act) for the sup-
13 port of a comprehensive school health program shall be
14 deemed to have been authorized by part B of such Act.

15 **“SEC. 4106. EVALUATION AND REPORTING.**

16 “(a) NATIONAL IMPACT EVALUATION.—The Sec-
17 retary, in consultation with the Secretary of Health and
18 Human Services, the Director of the Office of National
19 Drug Control Policy, and the Attorney General, shall con-
20 duct an independent biennial evaluation of the national
21 impact of programs under this part and submit a report
22 of the findings of such evaluation to the President and
23 the Congress.

1 “(b) STATE REPORT.—(1) By October 1, 1997, and
2 every third year thereafter, the State educational agency
3 shall submit to the Secretary a report—

4 “(A) on the implementation and outcomes of
5 State programs under section 4103(b) and local pro-
6 grams under section 4103(d), as well as an assess-
7 ment of their effectiveness; and

8 “(B) on the State’s progress toward attaining
9 its goals for drug and violence prevention under sec-
10 tion 4103(b)(1).

11 “(2) The report required by this subsection shall be—

12 “(A) in the form specified by the Secretary;

13 “(B) based on the State’s on-going evaluation
14 activities, and shall include data on the prevalence of
15 drug use and violence by youth in schools and com-
16 munities; and

17 “(C) made readily available to the public.

18 “(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each
19 local educational agency receiving funds under this sub-
20 part shall submit to the State educational agency whatever
21 information, and at whatever intervals, the State requires
22 to complete the State report required by subsection (b),
23 including information on the prevalence of drug use and
24 violence by youth in the schools and the community. Such
25 information shall be made readily available to the public.

1 **“PART B—NATIONAL PROGRAMS**

2 **“SEC. 4201. FEDERAL ACTIVITIES.**

3 “(a) PROGRAM AUTHORIZED.—From funds appro-
4 priated under section 4004(a)(2), the Secretary of Edu-
5 cation, in consultation with the Secretary of Health and
6 Human Services, the Director of the Office of National
7 Drug Control Policy, and the Attorney General, shall
8 carry out programs to prevent the illegal use of drugs and
9 violence among, and promote safety and discipline for, stu-
10 dents at all educational levels, preschool through post-
11 secondary. The Secretary shall carry out such programs
12 directly, or through grants, contracts, or cooperative
13 agreements with public and private organizations and indi-
14 viduals, or through agreements with other Federal agen-
15 cies, and shall coordinate such programs with other appro-
16 priate Federal activities. Such programs may include—

17 “(1) the development and demonstration of in-
18 novative strategies for training school personnel,
19 parents, and members of the community, including
20 the demonstration of model preservice training pro-
21 grams for prospective school personnel;

22 “(2) demonstrations and rigorous evaluations of
23 innovative approaches to drug and violence preven-
24 tion that are carried out in cooperation with other
25 Federal agencies, including the Department of
26 Health and Human Services, the Department of

1 Justice, the Department of Housing and Urban De-
2 velopment, and the Department of Labor;

3 “(3) the provision of information on drug abuse
4 education and prevention to the Secretary of Health
5 and Human Services for dissemination by the clear-
6 inghouse for alcohol and drug abuse information es-
7 tablished under section 509 of the Public Health
8 Service Act;

9 “(4) the development, dissemination, and imple-
10 mentation of model programs and strategies to pro-
11 mote the safety of students attending institutions of
12 higher education by preventing violent behavior and
13 the illegal use of alcohol and other drugs by such
14 students;

15 “(5) the development of curricula related to
16 child abuse prevention and education and the train-
17 ing of personnel to teach child abuse education and
18 prevention to elementary and secondary school chil-
19 dren;

20 “(6) program evaluations that address issues
21 not addressed under section 4106(a);

22 “(7) direct services to schools and school sys-
23 tems afflicted with especially severe drug and vio-
24 lence problems;

1 “(8) activities in communities designated as
2 empowerment zones or enterprise communities that
3 will connect schools to community-wide efforts to re-
4 duce drug and violence problems;

5 “(9) developing and disseminating drug and vi-
6 olence prevention materials, including video-based
7 projects and model curricula;

8 “(10) developing and implementing a com-
9 prehensive violence prevention strategy for schools
10 and communities, that may include conflict resolu-
11 tion, peer mediation, the teaching of law and legal
12 concepts, and other activities designed to stop vio-
13 lence;

14 “(11) the implementation of innovative activi-
15 ties, such as community service projects, designed to
16 rebuild safe and healthy neighborhoods and increase
17 students’ sense of individual responsibility;

18 “(12) other activities that meet unmet national
19 needs related to the purposes of this title; and

20 “(13) grants to noncommercial telecommuni-
21 cations entities for the production and distribution
22 of national video-based projects that provide young
23 people with models for conflict resolution and re-
24 sponsible decisionmaking.

1 “(b) PEER REVIEW.—The Secretary shall use a peer
2 review process in reviewing applications for funds under
3 this section.

4 **“SEC. 4202. PROGRAMS FOR NATIVE HAWAIIANS.**

5 “(a) GENERAL AUTHORITY.—From the funds re-
6 served pursuant to section 4101(a)(3), the Secretary shall
7 make grants to or enter into cooperative agreements or
8 contracts with organizations primarily serving and rep-
9 resenting Native Hawaiians which are recognized by the
10 Governor of the State of Hawaii to plan, conduct, and ad-
11 minister programs, or portions thereof, which are author-
12 ized by and consistent with the provisions of this for the
13 benefit of Native Hawaiians.

14 “(b) DEFINITION OF ‘NATIVE HAWAIIAN’.—For the
15 purposes of this section, the term ‘Native Hawaiian’
16 means any individual any of whose ancestors were natives,
17 prior to 1778, of the area which now comprises the State
18 of Hawaii.

19 **“SEC. 4203. HATE CRIME PREVENTION.**

20 “(a) GRANT AUTHORIZATION.—The Secretary of
21 Education may make grants to local educational agencies
22 and community-based organizations for the purpose of
23 providing assistance to localities most directly affected by
24 hate crimes.

25 “(b) USE OF FUNDS.—

1 “(1) PROGRAM DEVELOPMENT.—Grants under
2 this section may be used to improve elementary and
3 secondary educational efforts, including—

4 “(A) development of education and train-
5 ing programs designed to prevent and to reduce
6 the incidence of crimes and conflicts motivated
7 by hate;

8 “(B) development of curricula for the pur-
9 pose of improving conflict or dispute resolution
10 skills of students, teachers, and administrators;

11 “(C) development and acquisition of equip-
12 ment and instructional materials to meet the
13 needs of, or otherwise be part of, hate crime or
14 conflict programs; and

15 “(D) professional training and develop-
16 ment for teachers and administrators on the
17 causes, effects, and resolutions of hate crimes
18 or hate-based conflicts.

19 “(2) IN GENERAL.—In order to be eligible to
20 receive a grant under this section for any fiscal year,
21 a local educational agency or a local educational
22 agency in conjunction with a community-based orga-
23 nization shall submit an application to the Secretary
24 in such form and containing such information as the
25 office may reasonably require.

1 “(3) REQUIREMENTS.—Each application under
2 subsection (a) shall include—

3 “(A) a request for funds for the purposes
4 described in this section;

5 “(B) a description of the schools and com-
6 munities to be served by the grants; and

7 “(C) assurances that Federal funds re-
8 ceived under this section shall be used to sup-
9 plement, not supplant, non-Federal funds.

10 “(4) COMPREHENSIVE PLAN.—Each application
11 shall include a comprehensive plan that contains—

12 “(A) a description of the hate crime or
13 conflict problems within the schools or the com-
14 munity targeted for assistance;

15 “(B) a description of the program to be
16 developed or augmented by these Federal and
17 matching funds;

18 “(C) assurances that such program or ac-
19 tivity shall be administered by or under the su-
20 pervision of the applicant;

21 “(D) proper and efficient administration of
22 such program; and

23 “(E) fiscal control and fund accounting
24 procedures as may be necessary to ensure pru-

1 dent use, proper disbursement, and accurate ac-
2 counting of funds received under this section.

3 “(c) ALLOCATION OF FUNDS.—From the funds au-
4 thorized under this part, the Secretary of Education may
5 carry out programs under this section.

6 “(d) AWARD OF GRANTS.—

7 “(1) SELECTION OF RECIPIENTS.—The Sec-
8 retary shall consider the incidence of crimes and
9 conflicts motivated by bias in the targeted schools
10 and communities in awarding grants under this
11 section.

12 “(2) GEOGRAPHIC DISTRIBUTION.—The Sec-
13 retary shall attempt, to the extent practicable, to
14 achieve an equitable geographic distribution of grant
15 awards.

16 “(3) DISSEMINATION OF INFORMATION.—The
17 Secretary shall attempt, to the extent practicable, to
18 make available information regarding successful hate
19 crime prevention programs, including programs es-
20 tablished or expanded with grants under this section.

21 “(e) REPORTS.—The Secretary shall submit to the
22 Congress a report every 2 years which shall contain a de-
23 tailed statement regarding grants and awards, activities
24 of grant recipients and an evaluation of programs estab-
25 lished under this section.

1 “(f) DEFINITIONS.—For the purposes of this sec-
2 tion—

3 “(1) the term ‘hate crime’ means a crime as de-
4 fined by the Hate Crime Statistics Act of 1990;

5 “(2) the term ‘local educational agency’ means
6 a public board of education or other public authority
7 legally constituted within a State for either adminis-
8 trative control or direction of, or to perform a serv-
9 ice function for, public elementary and secondary
10 schools in a city, county, township, school district, or
11 other political subdivision of a State, or such com-
12 bination of school districts or counties as are recog-
13 nized in a State as an administrative agency for its
14 public elementary and secondary schools and in-
15 cludes any other public institution or agency having
16 administrative control and direction of a public ele-
17 mentary or secondary school; and

18 “(3) the term ‘community-based organization’
19 means a private nonprofit organization which is rep-
20 resentative of a community or significant segments
21 of a community and which provides educational or
22 related services to individuals in the community.

1 **“PART C—GENERAL PROVISIONS**

2 **“SEC. 4301. DEFINITIONS.**

3 “For the purposes of this title, the following terms
4 have the following meanings:

5 “(1) The term ‘drug and violence prevention’
6 means—

7 “(A) with respect to drugs, prevention,
8 early intervention, rehabilitation referral, or
9 education related to the illegal use of alcohol,
10 the use of tobacco and the use of controlled, il-
11 legal, addictive, or harmful substances, includ-
12 ing inhalants and anabolic steroids; and

13 “(B) with respect to violence, the pro-
14 motion of school safety, such that students and
15 school personnel are free from violent and dis-
16 ruptive acts, including sexual harassment, on
17 school premises, going to and from school, and
18 at school-sponsored activities, through the cre-
19 ation and maintenance of a school environment
20 that is free of weapons and fosters individual
21 responsibility and respect for the rights of
22 others.

23 “(2) The term ‘nonprofit’, as applied to a
24 school, agency, organization, or institution means a
25 school, agency, organization, or institution owned
26 and operated by one or more nonprofit corporations

1 or associations, no part of the net earnings of which
2 inures, or may lawfully inure, to the benefit of any
3 private shareholder or individual.

4 “(3) The term ‘school-aged population’ means
5 the population aged five through 17, inclusive, as de-
6 termined by the Secretary on the basis of the most
7 recent satisfactory data available from the Depart-
8 ment of Commerce.

9 “(4) The term ‘school personnel’ includes teach-
10 ers, administrators, guidance counselors, social
11 workers, psychologists, nurses, librarians, and other
12 support staff who are employed by a school or who
13 perform services for the school on a contractual
14 basis.

15 **“SEC. 4302. MATERIALS.**

16 “(a) ‘WRONG AND HARMFUL’ MESSAGE.—Drug pre-
17 vention programs supported under this title shall convey
18 a clear and consistent message that the illegal use of alco-
19 hol and other drugs is wrong and harmful.

20 “(b) CURRICULUM.—The Secretary shall not pre-
21 scribe the use of specific curricula for programs supported
22 under this title, but may evaluate the effectiveness of such
23 curricula and other strategies in drug and violence preven-
24 tion.

1 **“SEC. 4303. PROHIBITED USES OF FUNDS.**

2 “No funds under this title may be used for—

3 “(1) construction (except for minor remodeling
4 needed to accomplish the purposes of this title);

5 “(2) drug treatment or rehabilitation; and

6 “(3) psychiatric, psychological, or other medical
7 treatment or rehabilitation, other than school-based
8 counseling for students or school personnel who are
9 victims or witnesses of school-related crime.

10 **“SEC. 4304. CERTIFICATION OF DRUG AND ALCOHOL ABUSE**
11 **PREVENTION PROGRAMS.**

12 “(a) IN GENERAL.—Notwithstanding any other pro-
13 vision of law other than section 432 of the General Edu-
14 cation Provisions Act and section 103(b) of the Depart-
15 ment of Education Organization Act, no local educational
16 agency shall be eligible to receive funds or any other form
17 of financial assistance under any Federal program unless
18 it certifies to the State educational agency that it has
19 adopted and has implemented a program to prevent the
20 use of illicit drugs and alcohol by students or employees
21 that, at a minimum, includes—

22 “(1) age-appropriate, developmentally based
23 drug and alcohol education and prevention programs
24 (which address the legal, social, and health con-
25 sequences of drug and alcohol use and which provide
26 information about effective techniques for resisting

1 peer pressure to use illicit drugs or alcohol) for stu-
2 dents in all grades of the schools operated or served
3 by the applicant, from early childhood level through
4 grade 12;

5 “(2) conveying to students that the use of illicit
6 drugs and the unlawful possession and use of alcohol
7 is wrong and harmful;

8 “(3) standards of conduct that are applicable to
9 students and employees in all the applicant’s schools
10 and that clearly prohibit, at a minimum, the unlaw-
11 ful possession, use, or distribution of illicit drugs
12 and alcohol by students and employees on school
13 premises or as part of any of its activities;

14 “(4) a clear statement that sanctions (consist-
15 ent with local, State, and Federal law), up to and
16 including expulsion or termination of employment
17 and referral for prosecution, will be imposed on stu-
18 dents and employees who violate the standards of
19 conduct required by paragraph (3) and a description
20 of those sanctions;

21 “(5) information about any available drug and
22 alcohol counseling and rehabilitation and re-entry
23 programs that are available to students and employ-
24 ees;

1 “(6) a requirement that parents, students, and
2 employees be given a copy of the standards of con-
3 duct required by paragraph (3) and the statement of
4 sanctions required by paragraph (4);

5 “(7) notifying parents, students, and employees
6 that compliance with the standards of conduct re-
7 quired by paragraph (3) is mandatory; and

8 “(8) a biennial review by the applicant of its
9 program to—

10 “(A) determine its effectiveness and imple-
11 ment changes to the program if they are need-
12 ed; and

13 “(B) ensure that the sanctions required by
14 paragraph (4) are consistently enforced.

15 “(b) DISSEMINATION OF INFORMATION.—Each local
16 educational agency that provides the certification required
17 by subsection (a) shall, upon request, make available to
18 the Secretary, the State educational agency, and to the
19 public full information about the elements of its program
20 required by subsection (a), including the results of its
21 biennial review.

22 “(c) CERTIFICATION TO SECRETARY.—Each State
23 educational agency shall certify to the Secretary that it
24 has adopted and has implemented a program to prevent
25 the use of illicit drugs and the abuse of alcohol by its stu-

1 dents and employees that is consistent with the program
2 required by subsection (a) of this section. The State edu-
3 cational agency shall, upon request, make available to the
4 Secretary and to the public full information about the ele-
5 ments of its program.

6 “(d) REGULATIONS.—(1) The Secretary shall publish
7 regulations to implement and enforce the provisions of this
8 section, including regulations that provide for—

9 “(A) the periodic review by State educational
10 agencies of a representative sample of programs re-
11 quired by subsection (a); and

12 “(B) a range of responses and sanctions for
13 local educational agencies that fail to implement
14 their programs or to consistently enforce their sanc-
15 tions, including information and technical assistance,
16 the development of a compliance agreement, and the
17 termination of any form of Federal financial assist-
18 ance.

19 “(2) The sanctions required by subsection (a)(1)(4)
20 may include the completion of an appropriate rehabilita-
21 tion program.

22 “(e) APPEAL REGARDING TERMINATION OF ASSIST-
23 ANCE.—Upon a determination by the Secretary to termi-
24 nate financial assistance to any local educational agency
25 under this section, the agency may file an appeal with an

1 administrative law judge before the expiration of the 30-
2 day period beginning on the date such agency is notified
3 of the decision to terminate financial assistance under this
4 section. Such judge shall hold a hearing with respect to
5 such termination of assistance before the expiration of the
6 45-day period beginning on the date that such appeal is
7 filed. Such judge may extend such 45-day period upon a
8 motion by the agency concerned. The decision of the judge
9 with respect to such termination shall be considered to be
10 a final agency action.

11 **“TITLE V—PROMOTING EQUITY**

12 **“PART A—MAGNET SCHOOLS ASSISTANCE**

13 **“SEC. 5101. FINDINGS.**

14 “The Congress finds that—

15 “(1) magnet schools are a significant part of
16 our Nation’s effort to achieve voluntary desegrega-
17 tion in its schools;

18 “(2) the use of magnet schools has increased
19 dramatically since enactment of the magnet pro-
20 gram, with approximately 1.4 million students na-
21 tionwide now attending such schools, of which more
22 than 60 percent of the students are nonwhite;

23 “(3) magnet schools offer a wide range of dis-
24 tinctive programs that have served as models for
25 school improvement efforts;

1 “(4) in administering this program, the Federal
2 Government has learned that—

3 “(A) where magnet programs are imple-
4 mented for only a portion of a school’s student
5 body, special efforts must be made to discour-
6 age the isolation of magnet students from other
7 students in the school;

8 “(B) local educational agencies can maxi-
9 mize their effectiveness in achieving the pur-
10 poses of this program if they have more flexibil-
11 ity to serve students attending a school who are
12 not enrolled in the magnet school program;

13 “(C) local educational agencies must be
14 creative in designing magnet schools for stu-
15 dents at all academic levels, so that school dis-
16 tricts do not skim off only the highest achieving
17 students to attend the magnet schools;

18 “(D) local educational agencies must seek
19 to enable participation in magnet school pro-
20 grams by students who reside in the neighbor-
21 hoods where the programs are placed; and

22 “(E) in order to ensure that magnet
23 schools are sustained after Federal funding
24 ends, the Federal Government must assist local
25 educational agencies to improve their capacity

1 to continue to operate magnet schools at a high
2 level of performance;

3 “(5) it is in the best interest of the Federal
4 Government to—

5 “(A) continue its support of local edu-
6 cational agencies implementing court-ordered
7 desegregation plans and local educational agen-
8 cies seeking to foster meaningful interaction
9 among students of different racial and ethnic
10 backgrounds beginning at the earliest stage of
11 their education;

12 “(B) ensure that all students have equi-
13 table access to quality education that will pre-
14 pare them to function well in a culturally di-
15 verse, technologically-oriented, and highly com-
16 petitive global community; and

17 “(C) maximize the ability of local edu-
18 cational agencies to plan, develop, implement
19 and continue new and innovative programs in
20 magnet schools that contribute to State and
21 local systemic reform.

22 **“SEC. 5102. STATEMENT OF PURPOSE.**

23 “The purpose of this part is to assist in the desegre-
24 gation of local educational agencies by providing financial
25 assistance to eligible local educational agencies for—

1 “(1) the elimination, reduction, or prevention of
2 minority group isolation in elementary and second-
3 ary schools with substantial proportions of minority
4 students;

5 “(2) the development and implementation of
6 magnet school projects that will assist local edu-
7 cational agencies in achieving systemic reforms and
8 providing all students the opportunity to meet chal-
9 lenging State performance standards;

10 “(3) the development and design of innovative
11 educational methods and practices; and

12 “(4) courses of instruction within magnet
13 schools that will substantially strengthen the knowl-
14 edge of academic subjects and the grasp of tangible
15 and marketable vocational skills of students attend-
16 ing such schools.

17 **“SEC. 5103. PROGRAM AUTHORIZED.**

18 “The Secretary is authorized, in accordance with this
19 part, to make grants to eligible local educational agencies
20 for use in magnet schools that are part of an approved
21 desegregation plan and that are designed to bring students
22 from different social, economic, ethnic, and racial back-
23 grounds together.

1 **“SEC. 5104. DEFINITION.**

2 “For the purpose of this part, the term ‘magnet
3 school’ means a school or education center that offers a
4 special curriculum capable of attracting substantial num-
5 bers of students of different racial backgrounds.

6 **“SEC. 5105. ELIGIBILITY.**

7 “A local educational agency is eligible to receive as-
8 sistance under this part if it—

9 “(1) is implementing a plan undertaken pursu-
10 ant to a final order issued by a court of the United
11 States, or a court of any State, or any other State
12 agency or official of competent jurisdiction, and that
13 requires the desegregation of minority-group-seg-
14 regated children or faculty in the elementary and
15 secondary schools of such agency; or

16 “(2) without having been required to do so, has
17 adopted and is implementing, or will, if assistance is
18 made available to it under this part, adopt and im-
19 plement a plan that has been approved by the Sec-
20 retary as adequate under title VI of the Civil Rights
21 Act of 1964 for the desegregation of minority-group-
22 segregated children or faculty in such schools.

23 **“SEC. 5106. APPLICATIONS AND REQUIREMENTS.**

24 “(a) APPLICATIONS.—An eligible local educational
25 agency desiring to receive assistance under this part shall
26 submit an application to the Secretary at such time, in

1 such manner, and containing such information and assur-
2 ances as the Secretary may require.

3 “(b) INFORMATION AND ASSURANCES.—An applica-
4 tion under this part shall include—

5 “(1) a description of—

6 “(A) how assistance made available under
7 this part will be used to promote desegregation,
8 including how the proposed magnet school
9 project will increase interaction among students
10 of different social, economic, ethnic, and racial
11 backgrounds;

12 “(B) the manner and extent to which the
13 magnet school project will increase student
14 achievement in the instructional area or areas
15 offered by the school;

16 “(C) the manner in which an applicant will
17 continue the magnet school project after assist-
18 ance under this part is no longer available, in-
19 cluding, if applicable, an explanation of whether
20 successful magnet schools established or sup-
21 ported by the applicant with funds under this
22 part have been continued without the use of
23 funds under this part;

24 “(D) how funds under this part will be
25 used to implement services and activities that

1 are consistent with the State’s and local edu-
2 cational agency’s systemic reform plan, if any,
3 under title III of the Goals 2000: Educate
4 America Act; and

5 “(E) the criteria to be used in selecting
6 students to attend the proposed magnet school
7 projects; and

8 “(2) assurances that the applicant will—

9 “(A) use funds under this part for the pur-
10 poses specified in section 5103;

11 “(B) employ teachers in the courses of in-
12 struction assisted under this part who are cer-
13 tified or licensed by the State to teach the sub-
14 ject matter of the courses of instruction;

15 “(C) not engage in discrimination based on
16 race, religion, color, national origin, sex, or dis-
17 ability in—

18 “(i) the hiring, promotion, or assign-
19 ment of employees of the agency or other
20 personnel for whom the agency has any ad-
21 ministrative responsibility;

22 “(ii) the assignment of students to
23 schools, or to courses of instruction within
24 the school, of such agency, except to carry
25 out the approved plan; and

1 “(iii) designing or operating extra-
2 curricular activities for students;

3 “(D) carry out a high-quality education
4 program that will encourage greater parental
5 decisionmaking and involvement; and

6 “(E) give students residing in the local at-
7 tendance area of the proposed magnet school
8 projects equitable consideration for places in
9 those projects.

10 “(c) SPECIAL RULE.—No application may be ap-
11 proved under this section unless the Assistant Secretary
12 of Education for Civil Rights determines that the assur-
13 ances described in subsection (b)(2)(C) will be met.

14 **“SEC. 5107. PRIORITY.**

15 “In approving applications under this part, the Sec-
16 retary shall give priority to applicants that—

17 “(1) have the greatest need for assistance,
18 based on the expense or difficulty of effectively car-
19 rying out an approved desegregation plan and the
20 projects for which assistance is sought;

21 “(2) propose to carry out new magnet school
22 projects or significantly revise existing magnet
23 school projects;

1 “(3) propose to select students to attend mag-
2 net school projects by methods such as lottery, rath-
3 er than through academic examination;

4 “(4) propose to implement innovative edu-
5 cational approaches that are consistent with the
6 State’s and local educational agency’s approved sys-
7 temic reform plans, if any, under title III of the
8 Goals 2000: Educate America Act; and

9 “(5) propose to draw on comprehensive commu-
10 nity involvement plans.

11 **“SEC. 5108. USE OF FUNDS.**

12 “(a) USE OF FUNDS.—Grants made under this part
13 may be used by eligible local educational agencies—

14 “(1) for planning and promotional activities di-
15 rectly related to the development, expansion, con-
16 tinuation, or enhancement of academic programs
17 and services offered at magnet schools;

18 “(2) for the acquisition of books, materials, and
19 equipment, including computers and the mainte-
20 nance and operation thereof, necessary for the con-
21 duct of programs in magnet schools;

22 “(3) for the payment of, or subsidization of the
23 compensation of, elementary and secondary school
24 teachers who are certified or licensed by the State

1 and who are necessary to conduct programs in mag-
2 net schools; and

3 “(4) with respect to a magnet school program
4 offered to less than the entire student population of
5 a school, for instructional activities that—

6 “(A) are designed to make available the
7 special curriculum that is offered by the magnet
8 school project to students who are enrolled in
9 the school but who are not enrolled in the mag-
10 net school program; and

11 “(B) further the purposes of this part.

12 “(b) SPECIAL RULE.—With respect to subsections
13 (a) (2) and (3), such grants may be used by eligible local
14 educational agencies for such activities only if such activi-
15 ties are directly related to improving the students’ reading
16 skills or their knowledge of mathematics, science, history,
17 geography, English, foreign languages, art, or music, or
18 to improving vocational skills.

19 **“SEC. 5109. PROHIBITIONS.**

20 “Grants under this part may not be used for trans-
21 portation, or for any activity that does not augment aca-
22 demic improvement.

23 **“SEC. 5110. LIMITATION ON PAYMENTS.**

24 “(a) DURATION OF AWARDS.—Awards made under
25 this part shall not exceed 3 years.

1 local educational agencies that did not receive a grant
2 under this part in the last fiscal year of the funding cycle
3 prior to the fiscal year for which the determination is
4 made.

5 “(c) EVALUATIONS.—The Secretary may reserve not
6 more than 2 percent of the funds appropriated under sub-
7 section (a) for any fiscal year to carry out evaluations of
8 projects under this part.

9 **“PART B—WOMEN’S EDUCATIONAL EQUITY ACT**

10 **“SEC. 5201. FINDINGS AND STATEMENT OF PURPOSE.**

11 “(a) FINDINGS.—The Congress finds and declares
12 that—

13 “(1) educational programs in the United States
14 are frequently inequitable as such programs relate to
15 women and girls;

16 “(2) such inequities limit the full participation
17 of all individuals in American society; and

18 “(3) efforts to improve the quality of public
19 education also must include efforts to ensure equal
20 access to quality education programs for all women
21 and girls.

22 “(b) PURPOSE.—The purpose of this part is to pro-
23 vide gender equity in education in the United States; to
24 provide financial assistance to enable educational agencies
25 and institutions to meet the requirements of title IX of

1 the Educational Amendments of 1972; and to provide eq-
2 uity in education to women and girls who suffer multiple
3 forms of discrimination based on sex, race, ethnic origin,
4 limited English proficiency, disability, or age.

5 **“SEC. 5202. PROGRAMS AUTHORIZED.**

6 “The Secretary is authorized—

7 “(1) to promote, coordinate and evaluate gen-
8 der equity policies, programs, activities and initia-
9 tives in all federal education program and offices;

10 “(2) to develop, maintain, and disseminate ma-
11 terials, resources, analyses and research relating to
12 education equity for women and girls;

13 “(3) to provide information and technical as-
14 sistance to assure the effective implementation of
15 gender equity programs;

16 “(4) to coordinate gender equity programs and
17 activities with other federal agencies with jurisdic-
18 tion over education and related programs;

19 “(5) to provide grants to develop model equity
20 programs;

21 “(6) to provide funds for the implementation of
22 equity programs in schools throughout the Nation;

23 “(7) to assist the Assistant Secretary of the Of-
24 fice of Educational Research and Improvement in

1 identifying research priorities related to education
2 equity for women and girls; and

3 “(8) any other activities consistent with achiev-
4 ing the purposes of this part.

5 **“SEC. 5203. LOCAL IMPLEMENTATION GRANTS.**

6 “(a) **AUTHORITY.**—The Secretary is authorized to
7 make grants to, and enter into contracts with, public agen-
8 cies, private nonprofit agencies, organizations, and institu-
9 tions, including students and community groups, for ac-
10 tivities designed to achieve the purposes of this part at
11 all levels of education, including preschool, elementary and
12 secondary education, higher education, adult education
13 and vocational/technical education; for the establishment
14 and operation, for a period not to exceed four years, of
15 local programs to ensure—

16 “(1) educational equity for women and girls;

17 “(2) equal opportunities for both sexes; and

18 “(3) to conduct activities incident to achieving
19 compliance with title IX of the Education Amend-
20 ments of 1972.

21 “(b) **GRANT PROGRAM.**—Authorized activities under
22 subsection (a) may include—

23 “(1) introduction into the curriculum and class-
24 room of curricula, textbooks, and other material de-
25 signed to achieve equity for women and girls;

1 “(2) implementation of preservice and inservice
2 training with special emphasis on programs and ac-
3 tivities designed to provide educational equity for
4 women and girls;

5 “(3) evaluation of promising or exemplary
6 model programs to assess their ability to improve
7 local efforts to advance educational equity for
8 women and girls;

9 (4) implementation of programs and policies to
10 address sexual harassment and violence against
11 women and girls and to ensure that educational in-
12 stitutions are free from threats to the safety of stu-
13 dents and personnel;

14 “(5) implementation of guidance and counseling
15 activities, including career education program, de-
16 signed to ensure educational equity for women and
17 girls;

18 “(6) implementation of nondiscriminatory tests
19 of aptitude and achievement and of alternative as-
20 sessments that eliminate biased assessment instru-
21 ments from use;

22 “(7) implementation of programs to increase
23 educational opportunities, including higher edu-
24 cation, vocational training, and other educational
25 programs for low income women; including under-

1 employed and unemployed women and women receiv-
2 ing Aid to Families with Dependent Children bene-
3 fits;

4 “(8) implementation of programs to improve
5 representation of women in educational administra-
6 tion at all levels; and

7 “(9) planning, development and initial imple-
8 mentation of—

9 “(A) comprehensive plans for implementa-
10 tion of equity programs in state and local edu-
11 cational agencies and institutions of higher edu-
12 cation; including community colleges;

13 “(B) innovative approaches to school-com-
14 munity partnerships for educational equity; and

15 “(C) innovative approaches to equity pro-
16 grams addressing combined bias, stereotyping,
17 and discrimination on the basis of sex and race,
18 ethnic origin, limited English proficiency, and
19 disability.

20 “(c) APPLICATION; PARTICIPATION.—A grant may be
21 made, and a contract may be entered into, under this part
22 only upon application to the Secretary, at such time, in
23 such form, and containing or accompanied by such infor-
24 mation as the Secretary may prescribe. Each such applica-
25 tion shall—

1 “(1) provide that the program or activity for
2 which assistance is sought will be administered by or
3 under the supervision of the applicant and in co-
4 operation with appropriate educational and commu-
5 nity leaders, including parent, teacher and student
6 organizations, educational institutions, business
7 leaders, community-based organizations serving
8 women, and other significant groups and individuals;

9 “(2) describe a program for carrying out the
10 purpose set forth in section 5203(b) which holds
11 promise of making substantial contribution toward
12 attaining such purposes;

13 “(3) describe plans for continuation and institu-
14 tionalization of the program with local support fol-
15 lowing completion of the grant period and termi-
16 nation of Federal support under this part; and

17 “(4) establish policies and procedures which en-
18 sure adequate documentation and evaluation of the
19 activities intended to be carried out under the appli-
20 cation.

21 “(d) CRITERIA; PRIORITIES; CATEGORIES OF COM-
22 PETITION.—The Secretary shall establish criteria, prior-
23 ities, and categories of competition for awards under this
24 part to ensure that available funds are used for those pur-

1 poses that most effectively will achieve the purposes of the
2 Act.

3 “(1) The criteria shall address the extent to
4 which—

5 “(A) the program addresses the needs of
6 women and girls of color and women and girls
7 with disabilities;

8 “(B) the program meets locally defined
9 and documented educational equity needs and
10 priorities, including title IX compliance;

11 “(C) the program is a significant compo-
12 nent of a comprehensive plan for educational
13 equity and title IX compliance in the particular
14 school district, institution of higher education,
15 vocational-technical institution, or other edu-
16 cational agency or institution; and

17 “(D) the program implements an institu-
18 tional change strategy with long-term impact
19 and will continue as a central activity of the ap-
20 plicant agency or institution after the grant is
21 completed.

22 “(2) The Secretary shall establish priorities,
23 one of which shall be a priority for compliance with
24 title IX of the Education Amendments of 1972. Not
25 more than 60 percent of funds available in each fis-

1 cal year shall be allocated to programs under the
2 priorities.

3 “(3) To the extent feasible, the Secretary shall
4 establish 3 categories of competition, distinguishing
5 among three types of applicants and levels of edu-
6 cation that shall include—

7 “(A) grants to local educational agencies,
8 state education agencies, and other agencies
9 and organizations providing elementary and
10 secondary education;

11 “(B) grants to institutions of higher edu-
12 cation, including community colleges and other
13 agencies and organizations providing post-
14 secondary education, including vocational-tech-
15 nical education, adult education, and other pro-
16 grams; and

17 “(C) grants to non-profit organizations, in-
18 cluding community-based organizations, groups
19 representing students, parents, and women, in-
20 cluding women and girls of color and women
21 and girls with disabilities.

22 “(e) SPECIAL RULE.—To the extent feasible, the Sec-
23 retary shall ensure that the total of grants awarded each
24 year address—

1 “(1) all levels of education, including preschool,
2 elementary and secondary education, higher edu-
3 cation, vocational education, and adult education;

4 “(2) all regions of the United States, including
5 at least one grant in each of the ten Federal regions;
6 and

7 “(3) urban, rural, and suburban educational
8 institutions.

9 **“SEC. 5204. RESEARCH AND DEVELOPMENT GRANTS.**

10 “(a) **AUTHORITY.**—The Secretary is authorized to
11 make grants to, and enter into contracts with, public agen-
12 cies, private nonprofit agencies, organizations, and institu-
13 tions, including students, and community groups, for ac-
14 tivities designed to achieve the purpose of this part at all
15 levels of education, including preschool, elementary and
16 secondary education, higher education, adult education
17 and vocational-technical education; to develop model poli-
18 cies and programs, and to conduct research to address and
19 ensure educational equities for women and girls, including
20 but not limited to—

21 “(1) the development and evaluation of gender-
22 equitable curricula, textbooks, software, and other
23 educational material and technology;

24 “(2) the development of model preservice and
25 inservice training programs for educational person-

1 nel with special emphasis on programs and activities
2 designed to provide educational equity;

3 “(3) the development of guidance and counsel-
4 ing activities, including career education programs,
5 designed to ensure gender equity;

6 “(4) the development and evaluation of non-
7 discriminatory assessment systems;

8 “(5) the development of policies and programs
9 to address and prevent sexual harassment and vio-
10 lence to ensure that educational institutions are free
11 from threats to safety of students and personnel;

12 “(6) the development and improvement of pro-
13 grams and activities to increase opportunity for
14 women, including continuing educational activities,
15 vocational education, and programs for low income
16 women; including underemployed and unemployed
17 women, and women receiving Aid to Families with
18 Dependent Children;

19 “(7) the development of instruments and strate-
20 gies for program evaluation and dissemination of
21 promising or exemplary programs designed to im-
22 prove local efforts to achieve gender equity;

23 “(8) the development of instruments and proce-
24 dures to assess the presence or absence of gender
25 equity in educational settings; and

1 “(9) the development and evaluation of various
2 strategies to institutionalize gender equity in edu-
3 cation.

4 “(b) APPLICATION.—A grant may be made, and a
5 contract may be entered into, under this part only upon
6 application to the Secretary, at such time, in such form,
7 and containing or accompanied by such information as the
8 Secretary may prescribe. Each such application shall—

9 “(1) provide that the program or activity for
10 which assistance is sought will be administered by or
11 under the supervision of the applicant;

12 “(2) describe a plan for carrying out 1 or more
13 research and development activities authorized in
14 paragraph (a) above, which holds promise of making
15 a substantial contribution toward attaining the pur-
16 poses of this Act; and

17 “(3) set forth policies and procedures which in-
18 sure adequate documentation, data collection, and
19 evaluation of the activities intended to be carried out
20 under the application, including an evaluation or es-
21 timate of the potential for continued significance fol-
22 lowing completion of the grant period.

23 “(c) CRITERIA AND PRIORITIES.—(1) The Secretary
24 shall establish criteria and priorities to ensure that avail-

1 able funds are used for programs that most effectively will
2 achieve the purposes of this part.

3 “(2) The criteria and priorities shall be promulgated
4 in accordance with section 431 of the General Education
5 Provisions Act.

6 “(3) In establishing priorities, one shall be programs
7 which address the educational needs of women and girls
8 who suffer multiple or compound discrimination based on
9 sex and on race, ethnic origin, disability, or age.

10 “(d) SPECIAL RULE.—To the extent feasible, the
11 Secretary shall ensure that the total of grants awarded
12 each year address—

13 “(1) all levels of education, including preschool,
14 elementary and secondary education, higher edu-
15 cation, vocational education, and adult education;
16 and

17 “(2) all regions of the United States.

18 “(e) COORDINATION.—Research activities supported
19 under this part—

20 “(1) shall be carried out in consultation with
21 the Office of Educational Research and Improve-
22 ment to ensure that such activities are coordinated
23 with and enhance the research and development ac-
24 tivities supported by the Office; and

1 “(2) may include collaborative research activi-
2 ties which are jointly funded and carried out by the
3 Office of Women’s Equity and the Office of Edu-
4 cational Research and Improvement.

5 “(f) LIMITATION.—Nothing in this part shall be con-
6 strued as prohibiting men and boys from participating in
7 any programs or activities assisted under this part.

8 **“SEC. 5205. AUTHORIZATION OF APPROPRIATIONS.**

9 “There are authorized to be appropriated—

10 “(1) for the purpose of carrying out the provi-
11 sions of section 5203, there are authorized to be ap-
12 propriated \$3,000,000 for fiscal year 1995 and such
13 sums as may be necessary for each of the fiscal
14 years 1996, 1997, 1998, and 1999; and

15 “(2) for the purpose of carrying out the provi-
16 sions of section 5204, there are authorized to be ap-
17 propriated \$2,000,000 for fiscal year 1995 and such
18 sums as may be necessary for each of the fiscal
19 years 1996, 1997, 1998, and 1999.

20 **“TITLE VI—INDIAN EDUCATION**

21 **“SEC. 6001. FINDINGS.**

22 “The Congress finds that—

23 “(1) the Federal Government has a special re-
24 sponsibility to ensure that educational programs for

1 all American Indian and Alaska Native children and
2 adults—

3 “(A) are based on high-quality, inter-
4 nationally competitive content and student per-
5 formance standards and build on Indian culture
6 and the Indian community;

7 “(B) assist local educational agencies, In-
8 dian tribes, and others in providing Indian stu-
9 dents the opportunity to achieve those stand-
10 ards; and

11 “(C) meet the special educational and cul-
12 turally related academic needs of American In-
13 dian and Alaska Native students;

14 “(2) since enactment of the original Indian
15 Education Act in 1972, Indian parents have become
16 significantly more involved in the planning, develop-
17 ment, and implementation of educational programs
18 that affect them and their children, and schools
19 should continue to foster such involvement;

20 “(3) although the numbers of Indian teachers,
21 administrators, and university professors have in-
22 creased since 1972, teacher training programs are
23 not recruiting, training, or retraining sufficient num-
24 bers of Indian persons as educators to meet the
25 needs of a growing Indian student population in ele-

1 mentary, secondary, vocational, adult, and higher
2 education;

3 “(4) the dropout rate for Indian students is un-
4 acceptably high; for example, nine percent of Indian
5 students who were eighth graders in 1988 had al-
6 ready dropped out of school by 1990;

7 “(5) from 1980 to 1990, the percentage of In-
8 dian persons living in poverty increased from 24 per-
9 cent to 31 percent, and the readiness of Indian chil-
10 dren to learn is hampered by the high incidence of
11 poverty, unemployment, and health problems among
12 Indian children and families; and

13 “(6) research related specifically to the edu-
14 cation of Indian children and adults is very limited,
15 and much of it is poor in quality or focused on lim-
16 ited local or regional issues.

17 **“SEC. 6002. PURPOSE.**

18 “(a) PURPOSE.—It is the purpose of this title to sup-
19 port the efforts of local educational agencies, Indian tribes
20 and organizations, postsecondary institutions, and other
21 entities to meet the special educational and culturally re-
22 lated academic needs of American Indians and Alaska Na-
23 tives, so that they can achieve to the same challenging
24 State performance standards expected of all students.

1 “(b) PROGRAMS AUTHORIZED.—This title carries out
2 the purpose described in subsection (a) by authorizing pro-
3 grams of direct 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
8 adults;

9 “(3) the training of Indian persons as educators
10 and counselors, and in other professions serving In-
11 dian people; and

12 “(4) research, evaluation, data collection, and
13 technical assistance.

14 **“PART A—FORMULA GRANTS TO LOCAL**
15 **EDUCATIONAL AGENCIES**

16 **“SEC. 6101. PURPOSE.**

17 “‘It is the purpose of this part to support local edu-
18 cational agencies in their efforts to reform elementary and
19 secondary school programs that serve Indian students in
20 order to ensure that such programs—

21 “(1) are based on challenging State content and
22 student performance standards that are used for all
23 students; and

1 “(2) are designed to assist Indian students
2 meet those standards and assist the Nation in reach-
3 ing the National Education Goals.

4 **“SEC. 6102. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

5 “A local educational agency is eligible for a grant
6 under this part for any fiscal year if the number of Indian
7 children who were enrolled in the schools of the agency,
8 and to whom the agency provided free public education,
9 during the preceding fiscal year—

10 “(1) was at least 20; or

11 “(2) constituted not less than 25 percent of the
12 agency’s total enrollment.

13 **“SEC. 6103. AMOUNT OF GRANTS.**

14 “(a) AMOUNT OF GRANTS.—(1) The Secretary is au-
15 thorized to allocate to each local educational agency which
16 has an approved application under this part an amount
17 equal to the product of—

18 “(A) the number of Indian children described in
19 section 6106; and

20 “(B) the greater of—

21 “(i) the average per-pupil expenditure of
22 the State in which the agency is located; or

23 “(ii) 80 percent of the average per-pupil
24 expenditure in the United States.

1 “(2) The Secretary shall reduce the amount of each
2 allocation determined under paragraph (1) in accordance
3 with subsection (e) of this section.

4 “(b) MINIMUM GRANT AMOUNT.—The Secretary
5 shall not make a grant to a local educational agency if
6 the amount determined under subsection (a) is less than
7 \$4,000, except that the Secretary may make a grant to
8 a consortium of local educational agencies, one or more
9 of which does not qualify for such a minimum award, if—

10 “(1) the total amount so determined for such
11 agencies is not less than \$4,000;

12 “(2) such agencies, in the aggregate, meet the
13 eligibility requirement of either section 6102(1) or
14 6102(2); and

15 “(3) the Secretary determines that such a grant
16 would be effectively used to carry out the purpose of
17 this part.

18 “(c) DEFINITION.—For the purpose of this section,
19 the average per-pupil expenditure of a State is determined
20 by dividing—

21 “(1) the aggregate current expenditures of all
22 the local educational agencies in the State, plus any
23 direct current expenditures by the State for the op-
24 eration 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
3 is made; by

4 “(2) the aggregate number of children who
5 were 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
9 BUREAU OF INDIAN AFFAIRS.—(1) In addition to the
10 grants determined under subsection (a), the Secretary
11 shall allocate to the Secretary of the Interior an amount
12 equal to the product of—

13 “(A) the total number of Indian children en-
14 rolled in schools that are operated by—

15 “(i) the Bureau of Indian Affairs; or

16 “(ii) an Indian tribe, or an organization
17 controlled or sanctioned by an Indian tribal
18 government, for the children of that tribe under
19 a contract with, or grant from, the Department
20 of the Interior under the Indian Self-Deter-
21 mination Act (25 U.S.C. 450f et seq.) or the
22 Tribally Controlled Schools Act of 1988 (25
23 U.S.C. 2501 et seq.); and

24 “(B) the greater of—

1 “(i) the average per-pupil expenditure of
2 the State in which the school is located; or

3 “(ii) 80 percent of the average per-pupil
4 expenditure in the United States.

5 “(2) The Secretary shall transfer the amount deter-
6 mined under paragraph (1), reduced as may be necessary
7 under subsection (e), to the Secretary of the Interior in
8 accordance with, and subject to, section 9205 of this Act.

9 “(e) RATABLE REDUCTIONS.—If the sums appro-
10 priated for any fiscal year under section 6602(a) are insuf-
11 ficient to pay in full the amounts determined for local edu-
12 cational agencies under subsection (a)(1) and for the Sec-
13 retary of the Interior under subsection (d), each of those
14 amounts shall be ratably reduced.

15 **“SEC. 6104. APPLICATIONS.**

16 “(a) GENERAL.—Any local educational agency that
17 desires to receive a grant under this part shall submit an
18 application to the Secretary at such time, in such manner,
19 and containing such information as the Secretary may rea-
20 sonably require.

21 “(b) COMPREHENSIVE PROGRAM REQUIRED.—Each
22 such application shall include a comprehensive program
23 for meeting the needs of Indian children in the local edu-
24 cational agency, including their language and cultural
25 needs, that—

1 “(1) provides programs and activities to meet
2 the culturally related academic needs of American
3 Indian and Alaska Native students,

4 “(2)(A) is consistent with, and promotes the
5 goals in, the State and local plans, either approved
6 or being developed, under title III of the Goals
7 2000: Educate America Act or, if such plans are not
8 approved or being developed, with the State and
9 local plans under sections 1111 and 1112 of this
10 Act; and

11 “(B) includes academic content and student
12 performance goals for such children, and bench-
13 marks for attaining them, that are based on the
14 challenging State standards adopted under title III
15 of the Goals 2000: Educate America Act or under
16 title I of this Act for all children;

17 “(3) explains how Federal, State, and local pro-
18 grams, especially under title I of this Act, will meet
19 the needs of such students;

20 “(4) demonstrates how funds under this part
21 will be used for activities authorized by section
22 6105;

23 “(5) describes the professional development to
24 be provided, as needed, to ensure that—

1 “(A) teachers and other school profes-
2 sionals who are new to the Indian community
3 are prepared to work with Indian children; and

4 “(B) all teachers who will be involved in
5 the project have been properly trained to carry
6 it out; and

7 “(6) describes how the agency—

8 “(A) will periodically assess the progress of
9 all Indian children in its schools, including In-
10 dian children who do not participate in pro-
11 grams under this part, in meeting the goals de-
12 scribed in paragraph (2);

13 “(B) will provide the results of that assess-
14 ment to the parent committee described in sub-
15 section (c)(6) and to the community served by
16 the agency; and

17 “(C) is responding to findings of any pre-
18 vious such assessments.

19 “(c) ASSURANCES.—Each such application shall also
20 include assurances that—

21 “(1) the local educational agency will use funds
22 received under this part only to supplement the level
23 of funds that, in the absence of such Federal funds,
24 the agency would make available for the education
25 of Indian children, and not to supplant such funds;

1 “(2) the local educational agency will submit
2 such reports to the Secretary, in such form and con-
3 taining such information, as the Secretary may re-
4 quire to—

5 “(A) carry out the Secretary’s functions
6 under this part; and

7 “(B) determine the extent to which funds
8 provided under this part have been effective in
9 improving the educational achievement of In-
10 dian students in the local educational agency;

11 “(3) the program for which assistance is sought
12 has been based upon a local assessment and
13 prioritization of the special educational and cul-
14 turally related academic needs of the American In-
15 dian and Alaska Native students for which the local
16 educational agency is providing an education;

17 “(4) the program for which assistance is sought
18 will use the best available talents and resources, in-
19 cluding persons from the Indian community;

20 “(5) the local educational agency has developed
21 the program in open consultation with parents of In-
22 dian children, teachers, and, where appropriate, sec-
23 ondary school Indian students, including holding
24 public hearings at which such persons have had a

1 full opportunity to understand the program and to
2 offer recommendations regarding such program;

3 “(6) the local educational agency has developed
4 the program with the participation and written ap-
5 proval of a committee—

6 “(A) that is composed of, and selected by,
7 parents of Indian children in the local edu-
8 cational agency’s schools, teachers, and, where
9 appropriate, secondary school Indian students
10 and of which at least half the members are such
11 parent;

12 “(B) that sets forth such policies and pro-
13 cedures, including policies and procedures relat-
14 ing to the hiring of personnel, as will ensure
15 that the program for which assistance is sought
16 will be operated and evaluated in consultation
17 with, and with the involvement of, parents of
18 the children and representatives of the area to
19 be served;

20 “(C) that, in the case of an application
21 which includes a schoolwide project (as specified
22 in section 6105(c) of this part) finds that such
23 project will not diminish the availability of cul-
24 turally related activities for American Indians
25 and Alaskan Native students; and

1 “(D) that adopts and abides by reasonable
2 bylaws for the conduct of the activities of the
3 committee.

4 “(d) STATE EDUCATIONAL AGENCY REVIEW.—(1)
5 Before submitting its application to the Secretary, the
6 local educational agency shall obtain comments on the ap-
7 plication from the State educational agency.

8 “(2) The local educational agency shall send the
9 State educational agency’s comments to the Secretary
10 with its application.

11 **“SEC. 6105. AUTHORIZED SERVICES AND ACTIVITIES.**

12 “(a) GENERAL REQUIREMENTS.—Each local edu-
13 cational agency that receives a grant under this part shall
14 use the grant funds for services and activities, consistent
15 with the purpose of this part, that—

16 “(1) are designed to carry out its comprehen-
17 sive plan for Indian students, described in its appli-
18 cation under section 6104(b);

19 “(2) are designed with special regard for the
20 language and cultural needs of those students; and

21 “(3) supplement and enrich the regular school
22 program.

23 “(b) PARTICULAR ACTIVITIES.—Such services and
24 activities include—

1 “(1) culturally related activities which support
2 the program set out in the application, as required
3 in section 6104;

4 “(2) early childhood and family programs that
5 emphasize school readiness;

6 “(3) enrichment programs that focus on prob-
7 lem-solving and cognitive skills development and that
8 directly support the attainment of challenging State
9 content and student performance standards;

10 “(4) integrated educational services in combina-
11 tion with other programs meeting similar needs;

12 “(5) school-to-work transition activities to en-
13 able Indian students to participate in programs such
14 as those supported by the School-to-Work Opportu-
15 nities Act of 1993 and the Carl D. Perkins Voca-
16 tional and Applied Technology Education Act, in-
17 cluding tech-prep, mentoring, and apprenticeship
18 programs;

19 “(6) prevention of, and education about, sub-
20 stance abuse; and

21 “(7) acquisition of equipment, but only if such
22 acquisition is essential to meet the purpose of this
23 part.

24 “(c) SCHOOLWIDE PROGRAMS.—Notwithstanding
25 any other provision of this part, a local educational agency

1 may use funds it receives under this part to support a
2 schoolwide program under section 1114 of title I of this
3 Act, in accordance with such section, if the Secretary de-
4 termines that the local educational agency has made ade-
5 quate provision for the participation of Indian children in
6 such project and the involvement of Indian parents in the
7 formulation of such project.

8 **“SEC. 6106. STUDENT ELIGIBILITY FORMS.**

9 “(a) The Secretary shall require that each application
10 for a grant under this subpart for each fiscal year be sup-
11 ported by a form, maintained in the files of the applicant,
12 for each eligible Indian child for whom the local edu-
13 cational agency is providing free public education that sets
14 forth information establishing the status of the child as
15 an eligible Indian child.

16 “(b) The Secretary shall request on the form required
17 under subsection (a) at least the following information:

18 “(1) either—

19 “(A) the name of the tribe, band, or other
20 organized group of Indians with which the child
21 claims membership, along with the enrollment
22 number establishing membership (if readily
23 available), and the name and address of the or-
24 ganization which has updated and accurate

1 membership data for such tribe, band, or other
2 organized group of Indians, or

3 “(B) if the child is not a member of a
4 tribe, band, or other organized group of Indi-
5 ans, the name, the enrollment number (if read-
6 ily available), and the organization (and address
7 thereof) responsible for maintaining updated
8 and accurate membership rolls of any of the
9 child’s parents or grandparents, from whom the
10 child claims eligibility;

11 “(2) whether the tribe, band, or other organized
12 group of Indians with which the child, his parents,
13 or grandparents claim membership is federally rec-
14 ognized;

15 “(3) the name and address of the parent or
16 legal guardian;

17 “(4) the signature of the parent or legal guard-
18 ian verifying the accuracy of the information sup-
19 plied; and

20 “(5) any other information which the Secretary
21 deems necessary to provide an accurate program
22 profile.

23 “(c) Nothing in the requirements of subsection (b)
24 may be construed as affecting the definition set forth in
25 section 6601. In order for a child to be counted in comput-

1 ing the local educational agency's grant award, the eligi-
2 bility form for the child must contain at a minimum—

3 “(1) the child's name;

4 “(2) the name of the tribe, band, or other orga-
5 nized group of Indians; and

6 “(3) the parent's dated signature.

7 The failure of an applicant to furnish any other informa-
8 tion listed in subsection (b) with respect to any child shall
9 have no bearing on the determination of whether the child
10 is an eligible Indian child.

11 “(d) The forms and the standards of proof (including
12 the standard of good faith compliance) that were in use
13 during the 1985–1986 academic year to establish a child's
14 eligibility for entitlement under the Indian Elementary
15 and Secondary School Assistance Act shall be the only
16 forms and standards of proof used to establish such eligi-
17 bility and to meet the requirements of subsection (a).

18 “(e) For purposes of determining whether a child is
19 an eligible Indian child, the membership of the child, or
20 any parent or grandparent of the child, in a tribe, band,
21 or other organized group of Indians may be established
22 by proof other than an enrollment number, even if enroll-
23 ment numbers for members of such tribe, band, or groups
24 are available. Nothing in subsection (b) may be construed
25 as requiring the furnishing of enrollment numbers.

1 “(f)(1)(A) The Secretary shall conduct a monitoring
2 and evaluation review of a sampling of the recipients of
3 grants under this part each fiscal year, such sampling to
4 take into account size of the recipient and geographic loca-
5 tion. The purpose of the sampling shall be to provide the
6 Secretary with such information as is necessary to assist
7 the Secretary in carrying out his or her responsibility to
8 provide technical assistance under this part.

9 “(B) A local educational agency may not be held lia-
10 ble to the United States, or be otherwise penalized, by rea-
11 son of the findings of an audit that relate to the date of
12 completion, or the date of submission, of any forms used
13 to establish, before April 28, 1988, a child’s eligibility for
14 entitlement under the Indian Elementary and Secondary
15 School Assistance Act.

16 “(2) Any local educational agency that provides false
17 information in the application for a grant under this sub-
18 part shall be ineligible to apply for any other grants under
19 this part and shall be liable to the United States for any
20 funds provided under this part that have not been ex-
21 pended.

22 “(3) Any student who provides false information on
23 the form required under subsection (d)(1) may not be
24 taken into account in determining the amount of any
25 grant under this part.

1 “(g) For purposes of distribution of funds under this
2 Act to schools funded by the Bureau of Indian Affairs,
3 the Secretary shall use the count of the number of stu-
4 dents in each such school funded under the Indian Student
5 Equalization Formula developed pursuant to section 1128
6 of Public Law 95–561, in lieu of the requirements of this
7 section.

8 **“SEC. 6107. PAYMENTS.**

9 “(a) GENERAL.—The Secretary shall pay each local
10 educational agency with an application approved under
11 this part the amount determined under section 6103, sub-
12 ject to subsections (b) and (c) of this section and shall
13 notify such local educational agency of the amount no
14 later than June 1 of the year in which the grant will be
15 paid.

16 “(b) PAYMENTS TAKEN INTO ACCOUNT BY THE
17 STATE.—The Secretary shall not make a grant under this
18 part for any fiscal year to any local educational agency
19 in a State that has taken into consideration payments
20 under this part (or under subpart 1 of the Indian Edu-
21 cation Act of 1988) in determining the eligibility of the
22 local educational agency for State aid, or the amount of
23 that aid, with respect to the free public education of chil-
24 dren during that year or the preceding fiscal year.

1 “(c) REDUCTION OF PAYMENT FOR FAILURE TO
2 MAINTAIN FISCAL EFFORT.—(1) The Secretary shall not
3 pay any local educational agency the full amount deter-
4 mined under section 6103 for any fiscal year unless the
5 State educational agency notifies the Secretary, and the
6 Secretary determines, that the combined fiscal effort of
7 that local agency and the State with respect to the provi-
8 sion of free public education by such local agency for the
9 preceding fiscal year, computed on either a per-student or
10 aggregate expenditure basis, was not less than 90 percent
11 of such combined fiscal effort, computed on the same
12 basis, for the second preceding fiscal year.

13 “(2) If the Secretary determines for any fiscal year
14 that a local educational agency failed to maintain its fiscal
15 effort at the 90 percent level required by paragraph (1),
16 the Secretary shall—

17 “(A) reduce the amount of the grant that would
18 otherwise be made to the agency under this part in
19 the exact proportion of such agency’s failure to
20 maintain its fiscal effort at such level; and

21 “(B) not use the reduced amount of the agen-
22 cy’s expenditures for the preceding year to deter-
23 mine compliance with paragraph (1) for any suc-
24 ceeding fiscal year, but shall use the amount of ex-

1 penditures that would have been required to comply
2 with paragraph (1).

3 “(3)(A) The Secretary may waive the requirement of
4 paragraph (1), for not more than one year at a time, if
5 the Secretary determines that the failure to comply with
6 such requirement is due to exceptional or uncontrollable
7 circumstances, such as a natural disaster or a precipitous
8 and unforeseen decline in the agency’s financial resources.

9 “(B) The Secretary shall not use the reduced amount
10 of such agency’s expenditures for the fiscal year preceding
11 the fiscal year for which a waiver is granted to determine
12 compliance with paragraph (1) for any succeeding fiscal
13 year, but shall use the amount of expenditures that would
14 have been required to comply with paragraph (1) in the
15 absence of the waiver.

16 “(d) REALLOCATIONS.—The Secretary may reallo-
17 cate, in the manner the Secretary determines will best
18 carry out the purpose of this part, any amounts that—

19 “(1) based on estimates by local educational
20 agencies or other information, will not be needed by
21 such agencies to carry out their approved projects
22 under this part; or

23 “(2) otherwise become available for reallocation
24 under this part.

1 **“PART B—SPECIAL PROGRAMS AND PROJECTS**
2 **TO IMPROVE EDUCATIONAL OPPORTUNITIES**
3 **FOR INDIAN CHILDREN**

4 **“SEC. 6201. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**
5 **TIES FOR INDIAN CHILDREN.**

6 “(a) PURPOSE COORDINATION.—(1) It is the purpose
7 of this section to support projects that are to develop, text,
8 and demonstrate the effectiveness of services and pro-
9 grams to improve educational opportunities and achieve-
10 ment of Indian children.

11 “(2) The Secretary shall take such steps as are nec-
12 essary to achieve coordination of projects funded under
13 this part with other programs funded under this Act and
14 with other Federal programs operated for the benefit of
15 American Indian and Alaska Native children.

16 “(b) ELIGIBLE APPLICANTS.—State educational
17 agencies, local educational agencies, Indian tribes, Indian
18 organizations, federally supported elementary and second-
19 ary schools for Indian students, Indian institutions, in-
20 cluding Indian institutions of higher education, and con-
21 sortia thereof may apply for grants under this section.

22 “(c) AUTHORIZED PROJECTS AND ACTIVITIES.—Re-
23 cipients of grants under this section shall use the grant
24 funds to carry out projects and activities that meet the
25 purpose of this section, such as—

1 “(1) innovative programs related to the edu-
2 cational needs of educationally deprived children;

3 “(2) educational services not available to such
4 children in sufficient quantity or quality, including
5 remedial instruction, to raise the achievement of In-
6 dian children in 1 or more of the core curriculum
7 areas of English, mathematics, science, foreign lan-
8 guages, art, history, and geography;

9 “(3) bilingual and bicultural programs and
10 projects;

11 “(4) special health and nutrition services, and
12 other related activities, which meet the special
13 health, social, and psychological problems of Indian
14 children;

15 “(5) special compensatory and other programs
16 and projects designed to assist and encourage Indian
17 children to enter, remain in, or reenter school and
18 to increase the rate of high school graduation;

19 “(6) comprehensive guidance, counseling, and
20 testing services;

21 “(7) early childhood and kindergarten pro-
22 grams, including family based preschool programs
23 that emphasize school readiness and parental skills,
24 and services to Indian children with disabilities;

1 “(8) partnership projects between local edu-
2 cational agencies and institutions of higher edu-
3 cation that allow high school students to enroll in
4 courses at the postsecondary level to aid them in the
5 transition from high school to postsecondary edu-
6 cation;

7 “(9) partnership projects between schools and
8 local businesses for school-to-work transition pro-
9 grams designed to provide Indian youth with the
10 knowledge and skills they need to make an effective
11 transition from school to a first job in a high-skill,
12 high-wage career;

13 “(10) programs designed to encourage and as-
14 sist Indian student to work toward, and gain en-
15 trance into, institutions of higher education; and

16 “(11) other services which meet the needs of
17 this section.

18 Preservice or in-service training of professional and para-
19 professional personnel may be a part of any program au-
20 thorized under this section.

21 “(d) GRANTS AND APPLICATIONS.—

22 “(1) GRANTS.—(A) The Secretary may make
23 grants under this section for up to 5 years. Grants
24 may be made for the planning, development, pilot
25 operation, or demonstration of any activity author-

1 ized under this section, with priority given to those
2 applications which present a plan for combining 2 or
3 more of these operations over a multiyear period.
4 The Secretary shall make such multiyear grants sub-
5 ject to the conditions included below and shall pro-
6 vide continuation funding for each fiscal year upon
7 a positive determination that the applicant has made
8 substantial progress in carrying out the operations
9 covered under each grant period, as set forth in the
10 initial grant and any subsequent modifications.’

11 “(B) The Secretary is also authorized to make
12 dissemination grants. Prior to making any such dis-
13 semination grant, the Secretary shall make a finding
14 that the material or program to be disseminated has
15 been adequately reviewed and has shown (i) edu-
16 cational merit, and (ii) and ability to be replicated.

17 “(2) APPLICATIONS.—(A) Any eligible entity
18 that desires to receive a grant under this section
19 shall submit an application to the Secretary at such
20 time and in such manner as the Secretary may re-
21 quire.

22 “(B) Each application shall contain—

23 “(i) a description of how parents of Indian
24 children and representatives of Indian tribes
25 have been, and will be, involved in developing

1 and implementing the project for which assist-
2 ance is sought;

3 “(ii) an assurance that the applicant will
4 participate, at the request of the Secretary, in
5 any national evaluation of projects under this
6 section; and

7 “(iii) such other assurances and informa-
8 tion as the Secretary may reasonably require.

9 **“SEC. 6202. PROFESSIONAL DEVELOPMENT.**

10 “(a) PURPOSE.—The purpose of this section is to in-
11 crease the number of qualified Indian persons in profes-
12 sions serving Indian people, and to provide training as
13 teachers, administrators, teacher aides, social workers,
14 and ancillary educational personnel, and to improve the
15 skills of those presently serving in these capacities.

16 “(b) ELIGIBLE APPLICANTS.—Eligible applicants
17 under this section are—

18 “(1) institutions of higher education, including
19 Indian institutions of higher education;

20 “(2) State and local educational agencies, in
21 consortium with institutions of higher education; and

22 “(3) Indian tribes and organizations, in consor-
23 tium with institutions of higher education.

24 “(c) AUTHORIZED PROJECTS AND ACTIVITIES.—(1)
25 Each recipient of a grant under this section shall use the

1 grant funds to provide support and training for Indian
2 persons, consistent with the purposes of this section. Such
3 activities may include, but are not limited to, a continuing
4 program, symposia, workshops, conferences, and direct fi-
5 nancial support.

6 “(2)(A) For education personnel, such training may
7 be in-service or preservice.

8 “(B) For those being trained in other fields, such
9 training shall be in programs that result in graduate
10 degrees.

11 “(3) In programs funded under this section, pref-
12 erence shall be given to the training of Indians.

13 “(4) In making grants under this section, the Sec-
14 retary shall consider prior performance and may not limit
15 eligibility on the basis of the number of previous grants
16 or the length of time for which the applicant has received
17 grants.

18 “(d) PROJECT PERIOD.—The project period for each
19 project approved under this section shall be up to 5 years.

20 “(e) SERVICE OBLIGATION.—The Secretary shall, by
21 regulation, require that individuals who receive training
22 under this section perform related work which benefits In-
23 dian people or repay all or a prorated part of the support
24 received. The Secretary shall establish by regulation a
25 mechanism for having the recipient provide information of

1 compliance with this requirement beginning within 12
2 months of the completion of training received.

3 **“SEC. 6203. FELLOWSHIPS FOR INDIAN STUDENTS.**

4 “(a) IN GENERAL.—During each fiscal year ending
5 prior to October 1, 1999, the Secretary is authorized to
6 award fellowships to be used for study in graduate and
7 professional programs at institutions of higher education.
8 Such fellowships shall be awarded to Indian students in
9 order to enable them to pursue a course of study of not
10 more than 4 academic years leading toward a
11 postbaccalaureate degree in medicine, clinical psychology,
12 psychology, law, education, and related fields or leading
13 to an undergraduate or graduate degree in engineering,
14 business administration, natural resources, and related
15 fields.

16 “(b) STIPENDS.—The Secretary shall pay to persons
17 awarded fellowships under subsection (a) such stipends
18 (including such allowances for subsistence of such persons
19 and their dependents) the Secretary may determine to be
20 consistent with prevailing practices under comparable fed-
21 erally supported programs.

22 “(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUI-
23 TION.—The Secretary shall pay to the institution of higher
24 education at which the holder of a fellowship awarded
25 under subsection (a) is pursuing a course of study, in lieu

1 of tuition charged such holder, such amounts as the Sec-
2 retary may determine to be necessary to cover the cost
3 of education provided the holder of such a fellowship.

4 “(d) SPECIAL RULES.—

5 “(1) The Secretary may, if a fellowship award-
6 ed under subsection (a) is vacated prior to the end
7 of the period for which it was awarded, award an
8 additional fellowship for the remainder of such pe-
9 riod.

10 “(2) By no later than the date that is 45 days
11 before the commencement of an academic term, the
12 Secretary shall provide to each individual who is
13 awarded a fellowship under subsection (a) for such
14 academic term written notice of the amount of such
15 fellowship and of any stipends or other payments
16 that will be made under this section to, or for the
17 benefit of, such individual for such academic term.

18 “(3) Not more than 10 percent of the fellow-
19 ships awarded under subsection (a) shall be award-
20 ed, on a priority basis, to persons receiving training
21 in guidance counseling with a specialty in the area
22 of alcohol and substance abuse counseling and edu-
23 cation.

24 “(e) SERVICE OBLIGATION.—The Secretary shall, by
25 regulation, require that individuals who receive financial

1 assistance under this section perform related work which
2 benefits Indian people or repay all or a prorated part of
3 the support received. The Secretary shall establish by reg-
4 ulation a mechanism for having the recipient provide in-
5 formation of compliance with this requirement beginning
6 within 12 months of the completion of training received.

7 **“SEC. 6204. GIFTED AND TALENTED.**

8 “(a) ESTABLISHMENT OF CENTERS.—The Secretary
9 shall establish 2 centers for gifted and talented Indian stu-
10 dents at tribally controlled community colleges.

11 “(b) DEMONSTRATION PROJECTS.—

12 “(1) The Secretary shall award separate grants
13 to, or enter into contracts with—

14 “(A) 2 tribally controlled community col-
15 leges that—

16 “(i) are eligible for funding under the
17 Tribally Controlled Community College As-
18 sistance Act of 1978, and

19 “(ii) are fully accredited, or

20 “(B) if acceptable applications are not sub-
21 mitted to the Secretary by 2 of such colleges,
22 the American Indian Higher Education Consor-
23 tium,

24 for the establishment of centers under subsection (a)
25 and for demonstration projects designed to address

1 the special needs of Indian students in elementary
2 and secondary schools who are gifted and talented
3 and to provide such support services to their families
4 that are needed to enable the students to benefit
5 from the project.

6 “(2) Any person to whom a grant is made, or
7 with whom a contract is entered into, under para-
8 graph (1) may enter into a contract with any other
9 persons, including the Children’s Television Work-
10 shop, for the purpose of carrying out the demonstra-
11 tion projects for which such grant was awarded or
12 for which the contract was entered into by the Sec-
13 retary.

14 “(3) Demonstration projects funded under this
15 section may include—

16 “(A) the identification of the special needs
17 of gifted and talented students, particularly at
18 the elementary school level, with attention to
19 the emotional and psychosocial needs of these
20 students and to the provision of those support
21 services to their families that are needed to en-
22 able these students to benefit from the project;

23 “(B) the conduct of educational,
24 psychosocial, and developmental activities which
25 hold reasonable promise of resulting in substan-

1 tial progress toward meeting the educational
2 needs of such gifted and talented children, in-
3 cluding, but not limited to, demonstrating and
4 exploring the use of Indian languages and expo-
5 sure to Indian cultural traditions, and
6 mentoring and apprenticeship programs;

7 “(C) the provision of technical assistance
8 and the coordination of activities at schools
9 which receive grants under subsection (c) with
10 respect to the activities funded by such grants,
11 the evaluation of programs at such schools
12 funded by such grants, or the dissemination of
13 such evaluations;

14 “(D) the use of public television in meeting
15 the special educational needs of such gifted and
16 talented children;

17 “(E) leadership programs designed to rep-
18 licate programs for such children throughout
19 the United States, including the dissemination
20 of information derived from the demonstration
21 projects conducted under this section; and

22 “(F) appropriate research, evaluation, and
23 related activities pertaining to the needs of such
24 children and to the provision of such support

1 services to their families that are needed to en-
2 able such children to benefit from the project.

3 “(c) ADDITIONAL GRANTS.—

4 “(1) The Secretary, in consultation with the
5 Secretary of the Interior, shall provide 5 grants to
6 schools that are Bureau funded schools for program
7 research and development regarding, and the devel-
8 opment and dissemination of curriculum and teacher
9 training material regarding—

10 “(A) gifted and talented students,

11 “(B) college preparatory studies (including
12 programs for Indian students interested in
13 teaching careers),

14 “(C) students with special culturally relat-
15 ed academic needs, including social, lingual, and
16 cultural needs, and

17 “(D) math and science education.

18 “(2) Applications for the grants provided under
19 paragraph (1) shall be submitted to the Secretary in
20 such form and at such time as the Secretary may
21 prescribe. Applications for such grants by Bureau
22 schools, and the administration of any of such
23 grants made to a Bureau school, shall be undertaken
24 jointly by the supervisor of the Bureau school and
25 the local school board.

1 “(3) Grants may be provided under paragraph
2 (1) for one or more activities described in paragraph
3 (1).

4 “(4) In providing grants under paragraph (1),
5 the Secretary shall—

6 “(A) achieve a mixture of programs de-
7 scribed in paragraph (1) which ensures that
8 students at all grade levels and in all geo-
9 graphic areas of the United States are able to
10 participate in some programs funded by grants
11 provided under this subsection, and

12 “(B) ensure that a definition of the term
13 ‘gifted and talented student’ for purposes of
14 this section and section 1128(c)(3)(A)(i) of the
15 Education Amendments of 1978 is developed as
16 soon as possible.

17 “(5) Subject to the availability of appropriated
18 funds, grants provided under paragraph (1) shall be
19 made for a 3-year period and may be renewed by the
20 Secretary for additional 3-year periods if perform-
21 ance by the grantee is satisfactory to the Secretary.

22 “(6)(A) The dissemination of any materials de-
23 veloped from activities funded by grants provided
24 under paragraph (1) shall be carried out in coopera-

1 tion with institutions receiving funds under sub-
2 section (b).

3 “(B) The Secretary shall report to the Sec-
4 retary of the Interior and to the Congress any re-
5 sults from activities described in paragraph (4)(B).

6 “(7)(A) The costs of evaluating any activities
7 funded by grants made under paragraph (1) shall be
8 divided between the school conducting such activities
9 and the demonstration project recipients under sub-
10 section (b).

11 “(B) If no funds are provided under subsection
12 (b) for—

13 “(i) the evaluation of activities funded by
14 grants made under paragraph (1),

15 “(ii) technical assistance and coordination
16 with respect to such activities, or

17 “(iii) dissemination of such evaluations,
18 the Secretary shall, by grant or through contract,
19 provide for such evaluations, technical assistance, co-
20 ordination, and dissemination.

21 “(d) INFORMATION NETWORK.—The Secretary shall
22 encourage persons to whom a grant is made, or with whom
23 a contract is entered into, under this section to work coop-
24 eratively as a national network so that the information de-

1 veloped by such persons is readily available to the entire
2 educational community.

3 **“PART C—SPECIAL PROGRAMS RELATING TO**
4 **ADULT EDUCATION FOR INDIANS**

5 **“SEC. 6301. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**
6 **TIES FOR ADULT INDIANS.**

7 “(a) IN GENERAL.—The Secretary shall carry out a
8 program of awarding grants to State and local educational
9 agencies and to Indian tribes, institutions, and organiza-
10 tions—

11 “(1) to support planning, pilot, and demonstra-
12 tion projects which are designed to test and dem-
13 onstrate the effectiveness of programs for improving
14 employment and educational opportunities for adult
15 Indians;

16 “(2) to assist in the establishment and oper-
17 ation of programs which are designed to stimulate—

18 “(A) the provision of basic literacy oppor-
19 tunities to all nonliterate Indian adults, and

20 “(B) the provision of opportunities to all
21 Indian adults to qualify for a high school
22 equivalency certificate in the shortest period of
23 time feasible;

24 “(3) to support a major research and develop-
25 ment program to develop more innovative and effec-

1 tive techniques for achieving the literacy and high
2 school equivalency goals;

3 “(4) to provide for basic surveys and evalua-
4 tions to define accurately the extent of the problems
5 of illiteracy and lack of high school completion
6 among Indians; and

7 “(5) to encourage the dissemination of informa-
8 tion and materials relating to, and the evaluation of
9 the effectiveness of, education programs which may
10 offer educational opportunities to Indian adults.

11 “(b) EDUCATIONAL SERVICES.—The Secretary is au-
12 thorized to make grants to Indian tribes, Indian institu-
13 tions, and Indian organizations to develop and establish
14 educational services and programs specifically designed to
15 improve educational opportunities for Indian adults.

16 “(c) INFORMATION AND EVALUATION.—The Sec-
17 retary is also authorized to make grants to, and to enter
18 into contracts with, public agencies and institutions and
19 Indian tribes, institutions, and organizations for—

20 “(1) the dissemination of information concern-
21 ing educational programs, services, and resources
22 available to Indian adults, including evaluations
23 thereof; and

24 “(2) the evaluation of federally assisted pro-
25 grams in which Indian adults may participate to de-

1 terminate the effectiveness of such programs in achiev-
2 ing the purposes of such programs with respect to
3 such adults.

4 “(d) APPLICATIONS.—

5 “(1) Applications for a grant under this section
6 shall be submitted at such time, in such manner,
7 contain such information, and be consistent with
8 such criteria, as may be required under regulations
9 prescribed by the Secretary. Such applications
10 shall—

11 “(A) set forth a statement describing the
12 activities for which assistance is sought; and

13 “(B) provide for an evaluation of the effec-
14 tiveness of the project in achieving its purposes
15 and the purposes of this section.

16 “(2) The Secretary shall not approve an appli-
17 cation for a grant under subsection (a) unless the
18 Secretary is satisfied that such application, and any
19 documents submitted with respect thereto, indicate
20 that—

21 “(A) there has been adequate participation
22 by the individuals to be served and tribal com-
23 munities in the planning and development of
24 the project, and

1 with, Indian tribes, Indian organizations, State edu-
2 cational agencies, local educational agencies, institutions
3 of higher education, including Indian institutions of higher
4 education, and other public and private agencies and
5 institutions.

6 “(c) COORDINATION.—Research activities supported
7 under this section—

8 “(1) shall be carried out in consultation with
9 the Office of Educational Research and Improve-
10 ment to assure that such activities are coordinated
11 with and enhance the research and development ac-
12 tivities supported by the Office; and

13 “(2) may include collaborative research activi-
14 ties which are jointly funded and carried out by the
15 Office of Indian Education and the Office of Edu-
16 cational Research and Improvement.

17 **“SEC. 6402. STATE EDUCATIONAL AGENCY REVIEW.**

18 “(a) Before submitting its application to the Sec-
19 retary, the local educational agency shall submit its appli-
20 cation to the State educational agency.

21 “(b) The State education agency may send to the
22 Secretary comments on each local educational agency ap-
23 plication its reviews. The Secretary shall take such com-
24 ments into consideration in reviewing such application.

1 **“PART E—FEDERAL ADMINISTRATION**

2 **“SEC. 6501. OFFICE OF INDIAN EDUCATION.**

3 “(a) OFFICE OF INDIAN EDUCATION.—There shall
4 be an Office of Indian Education (referred to in this sec-
5 tion as ‘the Office’) in the Department of Education.

6 “(b) DIRECTOR.—(1) The Office shall be under the
7 direction of the Director, who shall be appointed by the
8 Secretary and who shall report directly to the Assistant
9 Secretary for Elementary and Secondary Education.

10 “(2) The Director shall—

11 “(A) be responsible for administering this title;

12 “(B) be involved in, and be primarily respon-
13 sible for, the development of all policies affecting In-
14 dian children and adults under programs adminis-
15 tered by the Office of Elementary and Secondary
16 Education;

17 “(C) coordinate the development of policy and
18 practice for all programs in the Department relating
19 to Indian persons; and

20 “(D) assist the Assistant Secretary of the Of-
21 fice of Educational Research and Improvement in
22 identifying research priorities related to the edu-
23 cation of Indian persons.

24 “(3) The Director of the Office shall be a member
25 of the career Senior Executive Service.

1 “(c) INDIAN PREFERENCE IN EMPLOYMENT.—(1)
2 The Secretary shall give a preference to Indian persons
3 in all personnel actions in the Office.

4 “(2) Such preference shall be implemented in the
5 same fashion as the preference given to any veteran under
6 section 2609 of the Revised Statutes, section 45 of title
7 25, United States Code.

8 **“SEC. 6502. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-**
9 **CATION.**

10 “(a) MEMBERSHIP.—There shall be a National Advi-
11 sory Council on Indian Education (referred to in this sec-
12 tion as ‘the Council’), which shall—

13 “(1) consist of 15 Indian members, who shall
14 be appointed by the President from lists of nominees
15 furnished, from time to time, by Indian tribes and
16 organizations; and

17 “(2) represent different geographic areas of the
18 country.

19 “(b) DUTIES.—The Council shall—

20 “(1) advise the Secretary on the funding and
21 administration, including the development of regula-
22 tions and of administrative policies and practices, of
23 any program, including programs under this title,
24 for which the Secretary is responsible and in which

1 Indian children or adults participate or from which
2 they can benefit;

3 “(2) make recommendations to the Secretary
4 for filling the Director’s position whenever a vacancy
5 occurs in such position; and

6 “(3) submit to the Congress, by June 30 of
7 each year, a report on its activities, which shall in-
8 clude—

9 “(A) any recommendations it finds appro-
10 priate for the improvement of Federal education
11 programs in which Indian children or adults
12 participate, or from which they can benefit; and

13 “(B) its recommendations with respect to
14 the funding of any such programs.

15 **“SEC. 6503. PEER REVIEW.**

16 “In reviewing applications under parts B, C, and D
17 of this title, the Secretary may use a peer review process.

18 **“SEC. 6504. PREFERENCE FOR INDIAN APPLICANTS.**

19 “In making grants under parts B and C of this title,
20 the Secretary shall give a preference to Indian tribes, In-
21 dian organizations, and Indian institutions of higher edu-
22 cation under any program for which they are eligible to
23 apply.

1 **“SEC. 6505. MINIMUM GRANT CRITERIA.**

2 “In making grants under parts B and C of this title,
3 the Secretary shall approve only projects that are—

4 “(1) of sufficient size, scope, and quality to
5 achieve the purpose of the section under which as-
6 sistance is sought; and

7 “(2) based on relevant research findings.

8 **“PART F—DEFINITIONS; AUTHORIZATIONS OF**
9 **APPROPRIATIONS**

10 **“SEC. 6601. DEFINITIONS.**

11 “The following definitions apply to terms as used in
12 this title:

13 “(1) The term ‘adult’ means an individual who
14 is either—

15 “(A) not less than 16 years old; or

16 “(B) beyond the age of compulsory school
17 attendance under State law.

18 “(2) The term ‘adult education’ has the mean-
19 ing given such term in section 312(2) of the Adult
20 Education Act.

21 “(3) The term ‘free public education’ means
22 education that is—

23 “(A) provided at public expense, under
24 public supervision and direction, and without
25 tuition charge; and

1 “(B) provided as elementary or secondary
2 education in the applicable State or to preschool
3 children.

4 “(4) The term ‘Indian’ means an individual
5 who is—

6 “(A) a member of an Indian tribe or band,
7 as membership is defined by the tribe or band,
8 including—

9 “(i) tribes and bands terminated since
10 1940; and

11 “(ii) tribes and bands recognized by
12 the State in which they reside;

13 “(B) a descendant, in the first or second
14 degree, of an individual described in subpara-
15 graph (A);

16 “(C) considered by the Secretary of the In-
17 terior to be an Indian for any purpose; or

18 “(D) an Eskimo, Aleut, or other Alaska
19 Native.

20 **“SEC. 6602. AUTHORIZATIONS OF APPROPRIATIONS.**

21 “(a) PART A.—For the purpose of carrying out part
22 A of this title, there are authorized to be appropriated
23 \$61,300,000 for fiscal year 1995 and such sums as may
24 be necessary for each of the fiscal years 1996, 1997, 1998,
25 and 1999.

1 “(b) PARTS B THROUGH D.—For the purpose of car-
2 rying out parts B, C, and D of this title, there are author-
3 ized to be appropriated \$20,925,000 for fiscal year 1995
4 and such sums as may be necessary for each of the fiscal
5 years 1996, 1997, 1998, and 1999.

6 “(c) PART E.—For the purpose of carrying out part
7 E of this title, including section 6502, there are authorized
8 to be appropriated \$3,775,000 for fiscal year 1995 and
9 such sums as may be necessary for each of the fiscal years
10 1996, 1997, 1998, and 1999.

11 **“TITLE VII—BILINGUAL** 12 **EDUCATION PROGRAMS**

13 **“SEC. 7001. SHORT TITLE.**

14 “‘This title may be cited as the ‘Bilingual Education
15 Act’.

16 **“SEC. 7002. FINDINGS, POLICY, AND PURPOSE.**

17 “(a) FINDINGS.—The Congress finds that—

18 “(1) language-minority Americans constitute a
19 large and growing proportion of the Nation’s popu-
20 lation;

21 “(2) language-minority Americans speak vir-
22 tually all world languages plus many that are indige-
23 nous to the United States;

1 “(3) the presence of language-minority Ameri-
2 cans is related in part to Federal immigration
3 policies;

4 “(4) many language-minority Americans are
5 limited in their English proficiency, and many have
6 limited education and income;

7 “(5) limited-English-proficient children and
8 youth, like all other children and youth, have diverse
9 educational needs and strengths and therefore
10 require access to all educational programs and
11 services;

12 “(6) the Federal Government has a responsibil-
13 ity for the education of American Indians and a spe-
14 cial obligation to Native Alaskans, Native Hawaiians
15 and native residents of the territories and freely as-
16 sociated nations to redress the effect of past Federal
17 policies;

18 “(7) institutions of higher education can assist
19 in preparing teachers, administrators and other
20 school personnel to understand and build upon the
21 educational strengths and needs of language-minor-
22 ity and culturally diverse student enrollments;

23 “(8) it is the purpose of this title to help ensure
24 that limited-English-proficient students master Eng-

1 lish and develop high levels of academic attainment
2 in content areas;

3 “(9) quality bilingual education programs en-
4 able children and youth to learn English and meet
5 high academic standards including proficiency in
6 more than one language;

7 “(10) as the world becomes increasingly inter-
8 dependent and as international communication be-
9 comes a daily occurrence in government, business,
10 commerce, and family life, multilingual skills con-
11 stitute an important national resource which de-
12 serves protection and development;

13 “(11) educational technology has the potential
14 for improving the education of language-minority
15 and limited-English-proficient students and their
16 families, and the Federal Government should foster
17 this development;

18 “(12) research, development, implementation
19 and dissemination of effective bilingual education
20 methods, practices, and programs for limited-Eng-
21 lish-proficient children are essential to systemwide
22 school reform that improves education for all chil-
23 dren; and

24 “(13) a recognized means by which a child
25 learns is through the use of the child’s native lan-

1 guage, cultural heritage, and instructional programs
2 which use and build upon a child’s non-English na-
3 tive language and cultural heritage to promote par-
4 ent and community involvement in education, stu-
5 dent self-esteem, proficiency in English, and subject
6 matter achievement.

7 “(b) POLICY.—The Congress declares it to be the pol-
8 icy of the United States, in order to ensure equal edu-
9 cational opportunity for all children and youth and to pro-
10 mote educational excellence, to assist State and local edu-
11 cational agencies, institutions of higher education, and
12 community-based organizations to build their capacity to
13 establish, implement, and sustain programs of instruction
14 for language minority and limited-English-proficient chil-
15 dren and youth.

16 “(c) PURPOSE.—The purpose of this title is to edu-
17 cate language minority and limited-English-proficient chil-
18 dren and youth to meet the same rigorous standards for
19 academic performance expected of all children and youth,
20 including meeting challenging State performance stand-
21 ards in academic areas by developing—

22 “(1) systemic improvement and reform of edu-
23 cational programs serving language-minority and
24 limited-English-proficient students through the de-
25 velopment and implementation of exemplary bilin-

1 gual education programs and special alternative in-
2 struction programs;

3 “(2) data collection and dissemination, re-
4 search, materials development, and technical assist-
5 ance which is focused on school improvement for
6 language-minority and limited-English-proficient
7 students; and

8 “(3) programs which strengthen and improve
9 the professional training of educational personnel
10 who work with limited-English-proficient and lan-
11 guage-minority students.

12 **“SEC. 7003. AUTHORIZATION OF APPROPRIATIONS.**

13 “(a) IN GENERAL.—For the purpose of carrying out
14 the provisions of this title (except part F), there are au-
15 thorized to be appropriated \$215,000,000 for the fiscal
16 year 1995 and such sums as may be necessary for each
17 of the fiscal years 1996, 1997, 1998, and 1999.

18 “(b) DISTRIBUTION.—From the sums appropriated
19 under subsection (a) for any fiscal year, the Secretary
20 shall reserve at least 25 percent for part C of this title.

21 **“SEC. 7004. DEFINITIONS; REGULATIONS.**

22 “(a) GENERAL RULE.—For purposes of this title—

23 “(1) The term ‘native language’, when used
24 with reference to an individual, means the language
25 normally used by such individuals, or, in the case of

1 a child, the language normally used by the parents
2 of the child.

3 “(2) The term ‘language-minority’ means—

4 “(A) individuals whose native language is
5 other than English;

6 “(B) individuals who usually speak a lan-
7 guage other than English or come from home
8 environments where a language other than Eng-
9 lish is usually spoken; or

10 “(C) American Indians, Alaskan Natives,
11 and Native Hawaiians and native residents of
12 the territories and freely associated nations.

13 “(3) The term ‘limited-English-proficient’
14 means a language-minority person who has difficulty
15 understanding, speaking, reading, or writing the
16 English language at a level appropriate to his or her
17 age and grade and is, thereby, academically dis-
18 advantaged in programs conducted exclusively in
19 English.

20 “(4) The term ‘bilingual education’ refers to
21 educational programs for limited-English-proficient
22 students which make instructional use of both Eng-
23 lish and a student’s native language. Programs of
24 bilingual education must enable limited-English-pro-
25 ficient students to achieve English proficiency and

1 academic mastery of subject matter content and
2 higher order skills, including critical thinking, so as
3 to meet age-appropriate grade-promotion and grad-
4 uation standards in concert with national education
5 goals. Bilingual education programs may also de-
6 velop the native language skills of limited-English-
7 proficient students, or ancestral languages of Amer-
8 ican Indians, Alaskan Natives, Native Hawaiians
9 and native residents of the territories and freely as-
10 sociated nations. English proficient students may
11 participate in bilingual education programs if the
12 programs are designed to enable all enrolled stu-
13 dents to become proficient in English and a second
14 language.

15 “(5) The term ‘special alternative instructional
16 program’ refers to educational programs for limited-
17 English-proficient students which utilize specially de-
18 signed English language curricula and services but
19 do not use the student’s native language for instruc-
20 tional purposes. Special alternative instructional pro-
21 grams must enable limited-English-proficient stu-
22 dents to achieve English proficiency and academic
23 mastery of subject matter content and higher order
24 skills, including critical thinking so as to meet age-
25 appropriate grade-promotion and graduation stand-

1 ards in concert with national education goals. Spe-
2 cial alternative instructional programs are suitable
3 for schools where the diversity of the limited-Eng-
4 lish-proficient students' native languages and the
5 small number of students speaking each respective
6 language makes bilingual education impractical and
7 where there is a critical shortage of bilingual edu-
8 cation teachers.

9 “(6) The term ‘family education programs’ re-
10 fers to bilingual education or special alternative in-
11 structional programs designed to help limited-Eng-
12 lish-proficient adults and out-of-school youths
13 achieve proficiency in the English language and to
14 provide instruction on how parents and family mem-
15 bers can facilitate the educational achievement of
16 their children. When feasible, instructional programs
17 such as the model developed under the Even Start
18 Literacy Programs that promote adult literacy and
19 train parents to support the educational growth of
20 their children shall be developed. Programs shall
21 give preference to participation by parents and im-
22 mediate family members of children attending
23 school. Family education programs may also provide
24 instruction to facilitate higher education and em-
25 ployment outcomes.

1 “(7) The term ‘institution of higher education’
2 has the meaning given such term in section 1201(a)
3 of the Higher Education Act of 1965.

4 “(8) The term ‘Office’ means the Office of Bi-
5 lingual Education and Minority Languages Affairs.

6 “(9) The term ‘community college’ has the
7 meaning given such term in section 1201(a) of the
8 Higher Education Act of 1965 for an institution
9 which provides not less than a 2-year program which
10 is acceptable for full credit toward a bachelor’s de-
11 gree, including institutions receiving assistance
12 under the Tribally Controlled Community College
13 Assistance Act of 1978.

14 “(10) The term ‘paraprofessional’ means an in-
15 dividual who is employed in preschool or elementary
16 or secondary school under the supervision of a cer-
17 tified or licensed teacher, including individuals em-
18 ployed in bilingual education, special education and
19 migrant education.

20 “(11) The term ‘other programs for persons of
21 limited-English-proficiency’ means any programs ad-
22 ministered by the Secretary that serve persons of
23 limited-English-proficiency.

24 “(12) The term ‘community-based organization’
25 means a private nonprofit organization or Indian

1 tribe or tribally sanctioned educational authority
2 which is representative of a community or significant
3 segments of a community and which provides edu-
4 cational or related services to individuals in the com-
5 munity. The term ‘community-based organization’
6 includes Native Hawaiian organizations (including
7 Native Hawaiian education organizations) as defined
8 in section 4009 of Public Law 100–297).

9 “(13) The term ‘children and youth’ means in-
10 dividuals aged 3 through 21.

11 “(14) The term ‘immigrant children and youth’
12 means individuals who—

13 “(A) are aged 3 through 21;

14 “(B) were not born in any State; and

15 “(C) have not been attending 1 or more
16 schools in any 1 or more States for more than
17 2 full academic years.

18 “(b) REGULATION RULE.—In developing regulations
19 under this title, the Secretary shall consult with State and
20 local educational agencies, organizations representing lim-
21 ited-English-proficient individuals, and organizations rep-
22 resenting teachers and other personnel involved in bilin-
23 gual education.

1 “(c) PARENTAL NOTIFICATION.—Parents of children
2 and youth participating in programs assisted under this
3 title shall be informed of—

4 “(1) a student’s level of English proficiency,
5 how it was assessed, the status of a student’s aca-
6 demic achievement and the implications of a stu-
7 dent’s educational strengths and needs for age and
8 grade appropriate academic attainment, promotion,
9 and graduation;

10 “(2) what programs are available to meet the
11 student’s educational strengths and needs and how
12 the programs differ in content and instructional
13 goals, and in the case of a disabled student, how the
14 program meets the objectives of a student’s individ-
15 ualized education program;

16 “(3) the instructional goals of the bilingual edu-
17 cation or special alternative instructional program,
18 and how the program will specifically help the lim-
19 ited-English-proficient student acquire English and
20 meet age-appropriate standards for grade-promotion
21 and graduation, including—

22 “(A) the benefits and nature of the bilin-
23 gual educational program and of the instruc-
24 tional alternatives; and

1 “(B) the reasons for the selection of their
2 child as being in need of bilingual education.

3 “(4)(A) Parents shall also be informed that
4 they have the option of declining enrollment of their
5 children and youth in such programs and shall be
6 given an opportunity to do so if they so choose.

7 “(B) Local educational agencies are not relieved
8 of any of their obligations under title VI of the Civil
9 Rights Act of 1964 because parents choose not to
10 enroll their children in bilingual education programs.

11 “(5) Parents must receive, in a manner and
12 form understandable to them, including, if necessary
13 and to the extent feasible, in their native language,
14 the information required by this subsection. At a
15 minimum, parents must receive—

16 “(A) timely information about projects
17 funded under this part; and

18 “(B) if the parents of participating chil-
19 dren so desire, notice of opportunities for regu-
20 lar meetings for the purpose of formulating and
21 responding to recommendations from such par-
22 ents.

23 “(6) no action may involve the admission or ex-
24 clusion of students to or from any federally assisted

1 education program merely on the basis of the sur-
2 names or language-minority status of such students.

3 **“SEC. 7005. INDIAN AND ALASKAN NATIVE CHILDREN IN**
4 **SCHOOLS.**

5 “(a) ELIGIBLE ENTITIES.—For the purpose of carry-
6 ing out programs under this title for individuals served
7 by elementary, secondary, or postsecondary schools oper-
8 ated predominately for Indian or Alaska Native children
9 and youth, an Indian tribe, a tribally sanctioned edu-
10 cational authority, or an elementary or secondary school
11 that is operated or funded by the Bureau of Indian Affairs
12 shall be considered to be a local educational agency as
13 such term is used in this title, subject to the following
14 qualifications:

15 “(1) The term ‘Indian tribe’ means any Indian
16 tribe, band, nation, or other organized group or com-
17 munity, including any Alaska Native village or re-
18 gional or village corporation as defined in or estab-
19 lished pursuant to the Alaska Native Claims Settle-
20 ment Act (43 U.S.C. 1601 et seq.), that is recog-
21 nized for the special programs and services provided
22 by the United States to Indians because of their sta-
23 tus as Indians.

24 “(2) The term ‘tribally sanctioned educational
25 authority’ means—

1 “(A) any department or division of edu-
2 cation operating within the administrative
3 structure of the duly constituted governing body
4 of an Indian tribe; or

5 “(B) any nonprofit institution or organiza-
6 tion that is—

7 “(i) chartered by the governing body
8 of an Indian tribe to operate any such
9 school or otherwise to oversee the delivery
10 of educational services to members of that
11 tribe; and

12 “(ii) approved by the Secretary for
13 the purpose of this section.

14 “(b) BUREAU OF INDIAN AFFAIRS SCHOOLS.—From
15 the sums appropriated pursuant to section 7003, the Sec-
16 retary is authorized to make payments to applicants to
17 carry out programs of bilingual education or special alter-
18 native instruction for Indian children served by elementary
19 and secondary schools operated or funded by the Bureau
20 of Indian Affairs.

21 “(c) ANNUAL REPORT.—(1) The Assistant Secretary
22 of the Interior for the Bureau of Indian Affairs in collabo-
23 ration with the Secretary shall submit to the Congress,
24 the President, and the Secretary, by September 30 of each
25 year, a report which provides—

1 **“PART A—BILINGUAL EDUCATION CAPACITY AND**
2 **DEMONSTRATION GRANTS**

3 **“SEC. 7101. PURPOSE OF GRANTS.**

4 “Grants under this part shall be used to develop the
5 capacity of local educational agencies, institutions of high-
6 er education, and community-based organizations which
7 provide educational programs to initiate, develop, enhance
8 or improve bilingual education or special alternative in-
9 struction programs for children and youth of limited-Eng-
10 lish-proficiency.

11 **“SEC. 7102. PROGRAM DEVELOPMENT AND IMPLEMENTA-**
12 **TION GRANTS.**

13 “(a) PURPOSE.—The purpose of this section is to de-
14 velop and implement new comprehensive, coherent, and
15 successful bilingual education or special alternative in-
16 structional programs for limited-English-proficient stu-
17 dents including programs of early childhood education, K-
18 12 education, gifted and talented education, and voca-
19 tional and applied technology education.

20 “(b) PROGRAM AUTHORIZED.—

21 “(1) The Secretary is authorized to make pro-
22 gram development and implementation grants of up
23 to \$100,000 annually for 3 years with 1 additional
24 year upon the Secretary’s approval.

1 “(2) Grants approved under this section shall
2 be used to improve the education of limited-English-
3 proficient students and their families by—

4 “(A) developing and implementing com-
5 prehensive preschool, elementary, or secondary
6 bilingual education or special alternative in-
7 structional programs that are coordinated with
8 other relevant programs and services to meet
9 the full range of educational needs of limited-
10 English-proficient students; and

11 “(B) providing in service training to class-
12 room teachers, administrators, and other school
13 or community-based organizational personnel to
14 improve the instruction and assessment of lan-
15 guage-minority and limited-English-proficient
16 students.

17 “(3) Grants approved under this section may be
18 used to improve the education of limited-English-
19 proficient students and their families by—

20 “(A) implementing family education pro-
21 grams and activities; and

22 “(B) improving the instructional program
23 for limited-English-proficient students by up-
24 grading curriculum, instructional materials, and

1 assessment procedures and, if appropriate, ap-
2 plying educational technology.

3 “(c) ELIGIBLE ENTITIES.—A grant may be made
4 under this section only upon application by one or more
5 local educational agencies, applying alone or in collabora-
6 tion with an institution of higher education, community-
7 based organization or local or State educational agency.
8 A grant may also be made under this section upon applica-
9 tion by a community-based organization which is agreed
10 to by the local educational agency to develop and imple-
11 ment early childhood education or family education pro-
12 grams or to conduct an instructional program which sup-
13 plements the educational services provided by a local edu-
14 cational agency.

15 “(d) DISTRIBUTION.—The Secretary shall, to the ex-
16 tent practicable, award grants equally among early child-
17 hood education, elementary education, and secondary edu-
18 cation programs.

19 **“SEC. 7103. PROGRAM ENHANCEMENT PROJECTS.**

20 “(a) PURPOSE.—The purpose of this section is to
21 carry out highly focused, innovative, locally designed
22 projects to expand or enhance existing bilingual education
23 or special alternative instructional programs for limited-
24 English-proficient students.

25 “(b) PROGRAM AUTHORIZED.—

1 “(1) The Secretary is authorized to make pro-
2 gram enhancement project grants of up to \$100,000
3 for 2 years to eligible applicants.

4 “(2) Grants approved under this section shall
5 be used for providing in-service training to classroom
6 teachers, administrators, and other school or com-
7 munity-based organization personnel to improve the
8 instruction and assessment of language-minority and
9 limited-English-proficient students.

10 “(3) Grants approved under this section may be
11 used for—

12 “(A) improving the instructional program
13 for limited-English-proficient students by up-
14 grading curriculum, instructional materials, and
15 assessment procedures and, if appropriate, ap-
16 plying educational technology;

17 “(B) implementing family education pro-
18 grams and activities; and

19 “(C) providing intensified instruction.

20 “(c) ELIGIBLE ENTITIES.—A grant may be made
21 under this section only upon application by one or more
22 local educational agencies, applying alone or in collabora-
23 tion with an institution of higher education, community-
24 based organization or local or State educational agency.
25 A grant also may be made under this section upon applica-

1 tion by a community-based organization which is agreed
2 to by the local educational agency to enhance early child-
3 hood education or family education programs or to con-
4 duct an instructional project which supplements the edu-
5 cational services provided by a local educational agency.

6 **“SEC. 7104. WHOLE-SCHOOL PROGRAMS.**

7 “(a) PURPOSE.—The purpose of this section is to
8 provide financial assistance to eligible applicants to re-
9 form, restructure, and upgrade all relevant programs and
10 operations within an individual school to fulfill the com-
11 prehensive educational needs of all of a school’s limited-
12 English-proficient students and their families.

13 “(b) PROGRAM AUTHORIZED.—

14 “(1) The Secretary is authorized to make 5-
15 year grants of up to \$100,000 for the first year and
16 up to \$250,000 for each of the subsequent 4 years
17 to eligible applicants.

18 “(2) Grants approved under this section shall
19 be used to improve education of limited-English-pro-
20 ficient students and their families by reviewing, re-
21 structuring, and upgrading in-service training for all
22 school staff and, if appropriate, for community-based
23 organization personnel.

24 “(3) Grants approved under this section may be
25 used to improve the education of limited-English-

1 proficient students and their families by reviewing,
2 restructuring, and upgrading—

3 “(A) the school’s instructional program for
4 limited-English-proficient students including
5 curriculum, instructional materials, and assess-
6 ment systems, and, if appropriate, the applica-
7 tion of educational technology;

8 “(B) family education programs and activi-
9 ties; and

10 “(C) intensified instruction.

11 “(4) During the first year of the grant, a prior-
12 ity is established in use of funds for preparatory ac-
13 tivities including planning, training, curriculum de-
14 velopment, and materials acquisition or development.

15 “(c) ELIGIBLE ENTITIES.—A grant may be made
16 under this section only upon application by one or more
17 local educational agencies, applying alone or in collabora-
18 tion with an institution of higher education, community-
19 based organizations or local or State educational agency.

20 **“SEC. 7105. SYSTEM-WIDE IMPROVEMENT GRANTS.**

21 “(a) PURPOSE.—The purpose of this section is to
22 provide financial assistance to improve, reform, and up-
23 grade relevant programs and operations with an entire
24 local educational agency to fulfill the comprehensive edu-

1 cational needs of all the agency’s limited-English-pro-
2 ficient students and, to the extent feasible, their families.

3 “(b) PROGRAM AUTHORIZED.—

4 “(1) The Secretary is authorized to make 5-
5 year grants of up to \$1,000,000 for the first year
6 and up to \$5,000,000 for each of the subsequent 4
7 years to eligible applicants.

8 “(2) Grants approved under this section may be
9 used during the first 12 months exclusively for ac-
10 tivities preparatory to the delivery of services.

11 “(3) Grants approved under this section may be
12 used to improve education of limited-English-pro-
13 ficient students and their families by reviewing, re-
14 structuring, and upgrading—

15 “(A) educational goals, curriculum guide-
16 lines and content, standards and assessments;

17 “(B) personnel policies and practices in-
18 cluding recruitment, certification, staff develop-
19 ment, and assignment;

20 “(C) student grade-promotion and gradua-
21 tion requirements;

22 “(D) student assignment policies and prac-
23 tices;

24 “(E) program delivery standards, manage-
25 ment information and accountability systems;

1 “(F) instructional and extracurricular pro-
2 grams and services; and

3 “(G) application of educational technology.

4 “(c) ELIGIBLE ENTITIES.—A grant may be made
5 under this section only upon application by one or more
6 local educational agencies, applying alone or in collabora-
7 tion with an institution of higher education, community-
8 based organization or local or State educational agency.

9 “(d) PRIORITY.—The Secretary shall give priority to
10 applications from—

11 “(1) applicants which enroll a large percentage
12 or large number of limited-English-proficient stu-
13 dents; and

14 “(2) consortia of eligible applicants to serve
15 limited-English-proficient students in rural and lin-
16 guistically isolated settings.

17 **“SEC. 7106. APPLICATIONS.**

18 “(a) SUBMISSION.—To receive a grant under this
19 part, applicants shall submit an application to the Sec-
20 retary in such form and containing such information as
21 the Secretary may require:

22 “(1) An application for a grant under this part
23 shall be developed in consultation with, and shall
24 provide for the continuing involvement of, an advi-
25 sory council which shall be composed of representa-

1 tives responsible for implementing grant activities
2 and of parents and other relatives of the children to
3 be served in such programs; parents shall comprise
4 a majority of all council members.

5 “(2) All applicants for grants under this part,
6 except for those applicants identified in section
7 7005, shall submit a copy of the application to the
8 relevant State educational agency. The State edu-
9 cational agency may submit to the Secretary written
10 comments on the application with respect to how the
11 applications further State education improvement
12 plans including any developed under Goals 2000:
13 Educate America Act (if such plans exist) or title I
14 of this Act. If the State educational agency of a
15 State submits written comments on any application,
16 it must submit written comment on all applications
17 within that same grant category from within that
18 State. The Secretary shall take comments into con-
19 sideration when funding applications under this
20 part.

21 “(b) REQUIRED DOCUMENTATION.—Such applica-
22 tion shall include documentation that the applicant has
23 the qualified personnel required to develop, administer,
24 and implement the proposed program.

1 “(c) CONTENTS.—(1) An application for a grant
2 under this part shall contain the following:

3 “(A) A description of the need for the proposed
4 program, including data on the number of children
5 and youth of limited-English-proficiency in the
6 school or district to be served and their characteris-
7 tics, such as language spoken, dropout rates, pro-
8 ficiency in English and the native language, aca-
9 demic standing in relation to their English proficient
10 peers, and, where applicable, the recency of immi-
11 gration.

12 “(B) A description of the program to be imple-
13 mented and how its design—

14 “(i) relates to the linguistic and academic
15 needs of the children and youth of limited-Eng-
16 lish-proficiency to be served;

17 “(ii) is consistent with, and promotes the
18 goals in, the local educational agency plan
19 under title III of the Goals 2000: Educate
20 America Act, if such plan exists, and the local
21 educational agency’s plan under title I of this
22 Act, particularly as those plans relate to the
23 education of children and youth of limited-Eng-
24 lish-proficiency;

1 “(iii) involves the parents of the children
2 and youth of limited-English-proficiency to be
3 served;

4 “(iv) ensures accountability in the expected
5 student outcomes; and

6 “(v) promotes coordination of services for
7 the children and youth of limited-English-pro-
8 ficiency to be served and their families.

9 “(C) A description, if appropriate, of the appli-
10 cant’s collaborative activities with institutions of
11 higher education, community-based organizations,
12 local or State educational agencies, private schools,
13 nonprofit organizations, or businesses in carrying
14 out the proposed program.

15 “(D) An assurance that the applicant will not
16 reduce the level of State and local funds that it ex-
17 pends for bilingual education or special alternative
18 instruction programs if it receives an award under
19 this part.

20 “(E) A budget for grant funds.

21 “(2) An application for a grant under section 7102
22 or 7104 shall also contain a description of the instruc-
23 tional program, student services, in-service training, and
24 family education programs to be provided under the grant.

1 “(3) An application for a grant under section 7103
2 shall also contain the following:

3 “(A) A description of the existing bilingual edu-
4 cation or special alternative instruction program
5 which the project is designed to enhance.

6 “(B) A description of the proposed project ac-
7 tivities.

8 “(4) An application for a grant under section 7105
9 shall also contain a description of the activities which
10 would be carried out under the grant.

11 “(d) APPROVAL OF APPLICATIONS.—An application
12 for a grant under this part may be approved only if the
13 Secretary determines that—

14 “(1) the program will use qualified personnel,
15 including those personnel who are proficient in the
16 language or languages used for instruction;

17 “(2) in designing the program for which appli-
18 cation is made, the needs of children in nonprofit
19 private elementary and secondary schools have been
20 taken into account through consultation with appro-
21 priate private school officials and, consistent with
22 the number of such children enrolled in such schools
23 in the area to be served whose educational needs are
24 of the type and whose language and grade levels are
25 of a similar type that the program is intended to ad-

1 dress, after consultation with appropriate private
2 school officials, provision has been made for the par-
3 ticipation of such children on a basis comparable to
4 that provided for public school children;

5 “(3) student evaluation and assessment proce-
6 dures in the program are valid, reliable, and fair for
7 limited-English-proficient students, and that limited-
8 English-proficient students who are disabled are
9 identified and served in accordance with the require-
10 ments of the Individuals with Disabilities Education
11 Act;

12 “(4) Federal funds made available for the
13 project or activity will be used so as to supplement
14 the level of State and local funds that, in the ab-
15 sence of such Federal funds, would have been ex-
16 pended for special programs for children of limited-
17 English-proficient individuals and in no case to sup-
18 plant such State and local funds, except that noth-
19 ing in this paragraph shall preclude a local edu-
20 cational agency from using funds under this title for
21 activities carried out under an order of a court of
22 the United States or of any State respecting services
23 to be provided such children, or to carry out a plan
24 approved by the Secretary as adequate under title

1 VI of the Civil Rights Act of 1964 with respect to
2 services to be provided such children;

3 “(5) the assistance provided under the applica-
4 tion will contribute toward building the capacity of
5 the applicant to provide a program on a regular
6 basis, similar to that proposed for assistance, which
7 will be of sufficient size, scope, and quality to prom-
8 ise significant improvement in the education of stu-
9 dents of limited-English-proficiency, and that the ap-
10 plicant will have the resources and commitment to
11 continue the program when assistance under this
12 title is reduced or no longer available; and

13 “(6) the applicant provides for utilization of the
14 State and national dissemination sources for pro-
15 gram design and in dissemination of results and
16 products.

17 “(e) SPECIAL CONSIDERATION AND PRIORITIES.—

18 “(1) Students may participate in any program
19 receiving funds under this part for the duration of
20 the program.

21 “(2) The Secretary shall give priority to appli-
22 cations which provide for the development of bilin-
23 gual proficiency for all participating students.

24 “(3) Grants for special alternative instructional
25 programs shall not exceed 25 percent of the funds

1 provided for any type of grant under any section or
2 of total funds provided under this part.

3 “(4) Notwithstanding paragraph (3), the Sec-
4 retary may award grants for special alternative in-
5 structional programs if an applicant has dem-
6 onstrated that they cannot develop and implement a
7 bilingual education program for the following rea-
8 sons:

9 “(A) Where the diversity of the limited-
10 English-proficient students’ native languages
11 and the small number of students speaking
12 each respective language makes bilingual edu-
13 cation impractical.

14 “(B) Where, despite documented convinc-
15 ing efforts, the applicant has not been able to
16 hire instructional personnel who are able to
17 communicate in the students’ native language.

18 “(5) In approving applications under this part,
19 the Secretary shall give consideration to the degree
20 to which the program for which assistance is sought
21 involves the collaborative efforts of institutions of
22 higher education, community-based organizations,
23 the appropriate local and State educational agency,
24 or business.

1 “(6) The Secretary shall ensure that projects
2 funded under this part address the full needs of
3 school systems of all sizes and geographical areas,
4 including rural schools.

5 “(7) The Secretary shall give priority to appli-
6 cations providing training for personnel participating
7 in or preparing to participate in the program which
8 will assist them in meeting State and local certifi-
9 cation requirements and that, to the extent possible,
10 college or university credit will be awarded for such
11 training.

12 **“SEC. 7107. INTENSIFIED INSTRUCTION.**

13 “‘In carrying out this part, each grant recipient may
14 intensify instruction for limited-English-proficient stu-
15 dents by—

16 “(1) expanding the educational calendar of the
17 school in which such student is enrolled to include
18 programs before and after school and during the
19 summer months;

20 “(2) expanding the use of professional and vol-
21 unteer aids;

22 “(3) applying technology to the course of in-
23 struction; and

24 “(4) providing intensified instruction through
25 supplementary instruction or activities, including

1 educationally enriching extracurricular activities,
2 during times when school is not routinely in session.

3 **“SEC. 7108. CAPACITY BUILDING.**

4 “Each recipient of a grant under this part shall use
5 its grant in ways that will build its capacity to continue
6 to offer high-quality bilingual and special alternative edu-
7 cation programs and services to children and youth of lim-
8 ited-English-proficiency once Federal assistance is re-
9 duced or eliminated.

10 **“SEC. 7109. SUBGRANTS.**

11 “A local educational agency that receives a grant
12 under this part may, with the approval of the Secretary,
13 make a subgrant to, or enter into a contract with, an insti-
14 tution of higher education, a non-profit organization, or
15 a consortium of such entities to carry out an approved
16 program, including a program to serve out-of-school
17 youth.

18 **“SEC. 7110. GEOGRAPHIC DISTRIBUTION OF FUNDS.**

19 “To the extent possible, the Secretary shall award
20 funds under this part throughout the Nation in a manner
21 that reflects the geographic distribution of children and
22 youth of limited-English-proficiency.

23 **“SEC. 7111. PROGRAMS IN PUERTO RICO.**

24 “Programs authorized under this title in the Com-
25 monwealth of Puerto Rico may, notwithstanding any other

1 provision of this title, include programs of instruction,
2 teacher training, curriculum development, evaluation, and
3 testing designed for children and youth of limited-Spanish
4 proficiency.

5 **“SEC. 7112. EVALUATIONS.**

6 “(a) EVALUATION.—Each recipient of funds under
7 this part shall provide the Secretary with an evaluation,
8 in the form prescribed by the Secretary, of its program
9 every two years.

10 “(b) USE OF EVALUATION.—Such evaluation shall be
11 used by a grantee—

12 “(1) for program improvement;

13 “(2) to further define the local program’s goals
14 and objectives; and

15 “(3) to determine program effectiveness.

16 “(c) EVALUATION COMPONENTS.—Evaluations shall
17 include—

18 “(1) student outcome indicators that measure
19 progress toward the performance standards set out
20 in the State’s plan, either approved or being devel-
21 oped, under title III of the Goals 2000: Educate
22 America Act, or, if the State does not have an ap-
23 proved plan under title III of the Goals 2000: Edu-
24 cate America Act and is not developing such a plan,
25 with the State plan approved or being developed

1 under section 1111 of this Act, including data com-
2 paring children and youth of limited-English-pro-
3 ficiency with non-limited-English-proficient children
4 and youth with regard to school retention, academic
5 achievement, and gains in English (and, where appli-
6 cable, native language) proficiency;

7 “(2) program implementation indicators that
8 provide information for informing and improving
9 program management and effectiveness, including
10 data on appropriateness of curriculum in relation-
11 ship to grade and course requirements, appropriate-
12 ness of program management, appropriateness of
13 the program’s staff professional development, and
14 appropriateness of the language of instruction;

15 “(3) program context indicators that describe
16 the relationship of the activities funded under the
17 grant to the overall school program and other Fed-
18 eral, State, or local programs serving children and
19 youth of limited-English-proficiency; and

20 “(4) such other information as the Secretary
21 may require.

22 **“PART B—RESEARCH AND DISSEMINATION**

23 **“SEC. 7201. USE OF FUNDS.**

24 “The Secretary is authorized to conduct data collec-
25 tion, dissemination, research, and evaluation activities

1 through the Office of Bilingual Education and Minority
2 Languages Affairs for the purpose of improving bilingual
3 education and special alternative instruction programs for
4 children and youth of limited-English-proficiency.

5 **“SEC. 7202. RESEARCH.**

6 “(a) RESEARCH ACTIVITIES.—The Secretary shall
7 support through competitive grants contracts and coopera-
8 tive agreements to institutions of higher education, non-
9 profit and for-profit organizations, and local and State
10 educational agencies, funds for research with a practical
11 application to teachers, counselors, paraprofessionals,
12 school administrators, parents, and others involved in im-
13 proving the education of limited-English-proficient stu-
14 dents and their families.

15 “(b) AUTHORIZED ACTIVITIES.—

16 “(1) The Secretary may conduct research ac-
17 tivities that include—

18 “(A) identifying criteria for the establish-
19 ment, use and monitoring of local, State, or na-
20 tional education goals, content, performance
21 and delivery standards, and assessments for all
22 students that provide for appropriate, valid, re-
23 liable, and fair participation by limited-English-
24 proficient and language-minority students;

1 “(B) identifying determinants of appro-
2 priate high quality secondary school programs
3 for limited-English-proficient students, and high
4 quality curriculum-related instructional mate-
5 rials;

6 “(C) identifying determinants of appro-
7 priate high quality early childhood development
8 programs for limited-English-proficient chil-
9 dren, including families, and appropriate high
10 quality materials;

11 “(D) studies to identify models of effective
12 program coordination that support students
13 while in transition to English language class-
14 rooms that develop and maintain high levels of
15 proficiency in the native languages and English;

16 “(E) studies of effective curricula and in-
17 structional strategies for the development and
18 maintenance of high levels of student pro-
19 ficiency in both their native language and Eng-
20 lish, including the role of family, community,
21 and career contexts;

22 “(F) identification of strategies for effec-
23 tive participation by limited-English-proficient
24 parents in their children’s education for attain-
25 ment of educational excellence;

1 “(G) identifying methods of improving
2 classification, placement, and services to lim-
3 ited-English-proficient students including, but
4 not limited to their participation in early child-
5 hood development programs, title I, special edu-
6 cation, foreign language education, and gifted
7 and talented education;

8 “(H) identification of methods for effective
9 delivery of bilingual education to rural schools
10 and in the less-commonly-taught languages
11 using educational technology and electronic
12 communications networks;

13 “(I) identification of trends in demand for
14 language skills and of career opportunities for
15 individuals with high levels of proficiency in
16 English and a second language; and

17 “(J) establishing through the National
18 Center for Education Statistics and in consulta-
19 tion with the Office of Bilingual Education and
20 Minority Languages Affairs, and experts in bi-
21 lingual education, second language acquisition
22 and English-as-a-second language, a common
23 definition of ‘limited-English-proficient student’
24 for purposes of national data collection.

1 “(c) FIELD-INITIATED RESEARCH.—The Secretary
2 shall reserve at least 5 percent of the funds available
3 under this section for field-initiated research by current
4 or recent recipients of grants under parts A or C of this
5 title. Research must be conducted by current grant recipi-
6 ents or by former recipients who have received such grants
7 within the previous 5 years. Field-initiated research may
8 provide for longitudinal studies of students or teachers in
9 bilingual education, monitoring the education of such stu-
10 dents from entry in bilingual education through high
11 school completion. Applicants may submit an application
12 for field-initiated research at the same time as applica-
13 tions are submitted under part A or part C. The Secretary
14 shall complete a review of such applications on a timely
15 basis to allow research and program grants to proceed in
16 coordination where appropriate.

17 “(d) CONSULTATION.—The Secretary shall consult
18 with agencies and organizations that are engaged in bilin-
19 gual education research and practice, or related research,
20 and bilingual education researchers and practitioners to
21 identify areas of study and activities to be funded under
22 this section.

23 “(e) COORDINATION.—Research activities supported
24 under this section—

1 “(1) shall be carried out in consultation with
2 the Office of Educational Research and Improve-
3 ment to ensure that such activities are coordinated
4 with and enhance the research and development ac-
5 tivities supported by the Office; and

6 “(2) may include collaborative research activi-
7 ties which are jointly funded and carried out by the
8 Office of Bilingual Education and Minority Lan-
9 guage Affairs and the Office of Educational Re-
10 search and Improvement.

11 “(f) DATA COLLECTION.—The Secretary shall pro-
12 vide for the continuation of data collection on limited-Eng-
13 lish-proficient students as part of the data systems oper-
14 ated by the Department.

15 **“SEC. 7203. ACADEMIC EXCELLENCE AWARDS.**

16 “(a) AWARDS.—The Secretary may make grants to,
17 and enter into contracts and cooperative agreements with,
18 State and local educational agencies, nonprofit organiza-
19 tions, and institutions of higher education to promote the
20 adoption and implementation of bilingual education, spe-
21 cial alternative instruction programs, and professional de-
22 velopment programs that demonstrate great promise of as-
23 sisting children and youth of limited-English-proficiency
24 to meet challenging State standards.

1 “(b) APPLICATIONS.—(1) An entity desiring to re-
2 ceive an award under this section shall submit an applica-
3 tion to the Secretary in such form, at such time, and con-
4 taining such information and assurances as the Secretary
5 may require.

6 “(2) The Secretary shall use a peer review process,
7 using effectiveness criteria that the Secretary shall estab-
8 lish, to review applications under this section.

9 “(c) USE OF FUNDS.—Funds under this section shall
10 be used to enhance the capacity of States and local edu-
11 cation agencies to provide high quality academic programs
12 for children and youth of limited-English-proficiency,
13 which may include—

14 “(1) completing the development of such pro-
15 grams;

16 “(2) professional development of staff partici-
17 pating in bilingual education programs;

18 “(3) sharing strategies and materials; and

19 “(4) supporting professional networks.

20 “(d) COORDINATION.—Recipients of funds under this
21 section shall coordinate their activities with those carried
22 out by comprehensive technical assistance centers under
23 title II of this Act.

1 **“SEC. 7204. STATE GRANT PROGRAM.**

2 “(a) STATE GRANT PROGRAM.—The Secretary is au-
3 thorized to make an award to a State educational agency
4 that demonstrates, to the satisfaction of the Secretary,
5 that its approved plan under title III of the Goals 2000:
6 Educate America Act, if such plan exists, or, if such plan
7 does not exist, its plan under title I of this Act, effectively
8 provides for the education of children and youth of lim-
9 ited-English-proficiency within the State.

10 “(b) PAYMENTS.—The amount paid to a State edu-
11 cational agency under subsection (a) shall not be less than
12 \$100,000 nor greater than 5 percent of the total amount
13 awarded to local educational agencies within the State
14 under part A of this title for the previous fiscal year.

15 “(c) USE OF FUNDS.—(1) A State educational agen-
16 cy shall use funds for programs authorized by this section
17 to—

18 “(A) assist local educational agencies in the
19 State with program design, capacity building, assess-
20 ment of student performance, and program evalua-
21 tion; and

22 “(B) collect data on the State’s language-mi-
23 nority and limited-English-proficient populations and
24 the educational programs and services available to
25 these populations.

1 “(2) EXCEPTION.—States which do not, as of the
2 date of enactment of this Act, have in place a system for
3 collecting such data for all students in such State, are not
4 required to meet the requirement of this section as it per-
5 tains to the educational programs and services available
6 to limited-English-proficient students. In the event such
7 State develops a system for collecting data on the edu-
8 cational programs and services available to all students in
9 the State, then such State is required to comply with this
10 requirement.

11 “(3) The State educational agency may also use
12 funds for the training of State educational agency person-
13 nel in educational issues affecting limited-English-pro-
14 ficient children and youth.

15 “(4) Recipients of awards under this section shall not
16 restrict the provision of services under this section to fed-
17 erally-funded programs.

18 “(d) STATE CONSULTATION.—A State educational
19 agency receiving funds under this section shall consult
20 with recipients of grants under this title and other individ-
21 uals or organizations involved in the development or oper-
22 ation of programs serving limited-English-proficient chil-
23 dren or youth to ensure that funds are used in a manner
24 consistent with the requirements of this title.

1 “(e) APPLICATIONS.—A State educational agency de-
2 siring to receive an award under this section shall submit
3 an application to the Secretary in such form, at such time,
4 containing such information and assurances as the Sec-
5 retary may require.

6 “(f) SUPPLEMENT NOT SUPPLANT.—Funds made
7 available under this section for any fiscal year shall be
8 used by the State educational agency to supplement and,
9 to the extent practical, to increase to level of funds that
10 would, in the absence of such funds, be made available
11 by the State for the purposes described in this section,
12 and in no case to supplant such funds.

13 “(g) REPORT TO THE SECRETARY.—State edu-
14 cational agencies receiving grants under this section shall
15 provide for the annual submission of a summary report
16 to the Secretary containing information on such matters
17 as the Secretary shall, by regulation, determine necessary
18 and proper to achieve the purposes of this title, including
19 information on State capacity and progress in meeting the
20 education needs of all limited-English-proficient children,
21 plans for additional action, the effect of standards and as-
22 sessments in improving their education. Such reports shall
23 be in such form and shall be submitted on such date as
24 the Secretary shall specify by regulation.

1 **“SEC. 7205. NATIONAL CLEARINGHOUSE FOR BILINGUAL**
2 **EDUCATION.**

3 “(a) ESTABLISHMENT.—The Secretary shall estab-
4 lish and support the operation of a National Clearinghouse
5 for Bilingual Education, which shall collect, analyze, syn-
6 thesize, and disseminate information about bilingual edu-
7 cation and related programs.

8 “(b) FUNCTIONS.—The National Clearinghouse for
9 Bilingual Education shall—

10 “(1) be administered as an adjunct clearing-
11 house of the ERIC system of clearinghouses sup-
12 ported by the Office of Educational Research and
13 Improvement;

14 “(2) coordinate its activities with Federal data
15 and information clearinghouses and dissemination
16 networks and systems; and

17 “(3) develop a data base management and mon-
18 itoring system for improving the operation and effec-
19 tiveness of funded programs.

20 **“SEC. 7206. INSTRUCTIONAL MATERIALS DEVELOPMENT.**

21 “The Secretary may provide grants for the develop-
22 ment, publication and dissemination of high quality in-
23 structional materials in Native American, Native Hawai-
24 ian and other languages for which instructional materials
25 are not readily available. The Secretary shall give priority
26 to the development of instructional materials in languages

1 indigenous to the United States, its territories, and freely
2 associated nations. The Secretary shall also accord prior-
3 ity to applications which provide for developing and evalu-
4 ating materials in collaboration with activities under parts
5 A and C of this title and which are consistent with na-
6 tional and State content standards.

7 **“SEC. 7207. EVALUATION ASSISTANCE CENTERS AND**
8 **MULTIFUNCTIONAL RESOURCE CENTERS.**

9 “(a) TRANSITION.—The Secretary shall extend
10 grants or contracts for Evaluation Assistance Centers and
11 Multifunctional Resource Centers that are in effect on the
12 date of enactment of the Improving America’s School Act
13 through fiscal year 1996.

14 “(b) CONTINUITY OF SERVICES.—(1) The Secretary
15 shall ensure that the comprehensive regional technical as-
16 sistance centers authorized under title II of this Act pro-
17 vide services which are at least equal in volume, scope,
18 and quality to those provided by Evaluation Assistance
19 Centers and Multifunctional Resource Centers.

20 “(2) The Secretary shall ensure that the comprehen-
21 sive regional technical assistance centers authorized under
22 title II of this Act, as amended by the Improving Ameri-
23 ca’s School Act, provide services which enable children and
24 youth of limited-English-proficiency to meet challenging
25 State and National standards.

1 “(3) The Secretary shall ensure that the comprehen-
2 sive technical assistance centers authorized under title II
3 of this Act are established with consideration given to the
4 geographic and linguistic distribution of children and
5 youth of limited-English-proficiency.

6 “(c) GIFTS, BEQUESTS, AND DEVISES.—The entities
7 may accept (but not solicit), use, and dispose of gifts, be-
8 quests, or devises of services or property, both real and
9 personal for the purpose of aiding or facilitating the work
10 of entities under this section. Gifts, bequests, or devises
11 of money and proceeds from sales of other property re-
12 ceived as gifts, bequests or devises shall be deposited in
13 the Treasury and shall be available for disbursement upon
14 order of the national clearinghouse on bilingual education,
15 the Evaluation and Assistance Center or Multifunctional
16 Resource Center, respectively.

17 **“PART C—BILINGUAL EDUCATION TEACHER**
18 **TRAINING**

19 **“SEC. 7301. PURPOSE.**

20 “The purpose of this part is to assist in preparing
21 educators to improve the delivery of educational services
22 to language-minority and limited-English-proficient chil-
23 dren and youth. This part supports the training of all edu-
24 cational personnel to serve more effectively limited-Eng-
25 lish-proficient students. The goal of this part is to provide

1 for the training of not less than 50,000 teachers who meet
2 professional preparation and certification standards for bi-
3 lingual education teachers by the year 2000.

4 **“SEC. 7302. TRAINING FOR ALL TEACHERS PROGRAM.**

5 “(a) PURPOSE.—The purpose of this section is to
6 provide for the incorporation of courses and curricula on
7 appropriate and effective instructional and assessment
8 methodologies, strategies and resources specific to limited-
9 English-proficient and language-minority students into
10 education personnel preparation programs for teachers,
11 counselors, administrators and other education personnel.

12 “(b) AUTHORIZATION.—The Secretary shall award
13 grants for up to 5 years to institutions of higher edu-
14 cation, local educational agencies, and State educational
15 agencies or to nonprofit organizations which have entered
16 into consortia arrangements with one of such institutions,
17 agencies, or organizations.

18 “(c) PERMISSIBLE ACTIVITIES.—Activities conducted
19 under this section may include the development of training
20 programs in collaboration with training under titles I and
21 II of this Act, the Head Start Act, and other relevant
22 programs.

23 “(d) PRIORITY.—The Secretary shall give priority to
24 applications from institutions of higher education which
25 currently operate, with full-time tenured faculty, programs

1 to prepare educators and administrators to work with lan-
2 guage-minority and limited-English-proficient students in
3 bilingual education settings and from institutions of high-
4 er education which are attempting to start bilingual teach-
5 er training programs if such institutions demonstrate a
6 significant commitment in financial and human resources,
7 including cash and in-kind. The Secretary shall give spe-
8 cial consideration to applications for such programs which
9 provide training of secondary school teachers or early
10 childhood development teachers. Such special consider-
11 ation would not disallow the funding of applications for
12 exemplary programs for the training of elementary school
13 teachers.

14 **“SEC. 7303. BILINGUAL EDUCATION TEACHERS AND PER-**
15 **SONNEL GRANTS.**

16 “(a) PURPOSE.—The purpose of this section is to
17 provide for degree programs to prepare new bilingual edu-
18 cation teachers, administrators, counselors, and other edu-
19 cational personnel to meet high professional standards for
20 bilingual education teachers and to increase the availabil-
21 ity of educators to provide high quality education limited-
22 English-proficient students.

23 “(b) AUTHORIZATION.—The Secretary shall award
24 grants for up to 5 years to institutions of higher education
25 in consortia with local or State educational agencies.

1 **“SEC. 7304. BILINGUAL EDUCATION CAREER LADDER PRO-**
2 **GRAM.**

3 “(a) PURPOSE.—The purpose of this section is to up-
4 grade the qualifications and skills of non-certified edu-
5 cational personnel, especially educational paraprofes-
6 sionals, to meet high professional standards, including cer-
7 tification and licensure as bilingual education teachers and
8 other educational personnel who serve limited-English-pro-
9 ficient students, through collaborative training programs
10 operated by institutions of higher education and local and
11 State educational agencies. Grants for programs under
12 this section may also provide for collaborative programs
13 operated by institutions of higher education and secondary
14 schools which are designed to recruit and train secondary
15 school students as bilingual education teachers and other
16 educational personnel to serve limited-English-proficient
17 students.

18 “(b) AUTHORIZATION.—The Secretary shall award
19 grants of up to 5 years for bilingual education career lad-
20 der programs to institutions of higher education applying
21 in consortia with local or State educational agencies; con-
22 sortia may include community-based organizations or pro-
23 fessional education organizations.

24 “(c) ACTIVITIES.—Grants funded under this section
25 may—

1 “(1) include the development of bilingual edu-
2 cation career ladder program curricula appropriate
3 to the needs of the consortium participants;

4 “(2) provide assistance for stipends and costs
5 related to tuition, fees and books for enrolling in
6 courses required to complete degree and certification
7 requirements as bilingual education teachers; and

8 “(3) include programs to introduce secondary
9 school students to careers in bilingual education
10 teaching that are coordinated with other activities
11 under this program.

12 “(d) SPECIAL CONSIDERATION.—The Secretary shall
13 give special consideration to applications under this sec-
14 tion which provide for—

15 “(1) participant completion of baccalaureate
16 and masters degree teacher education programs, cer-
17 tification and may include effective employment
18 placement activities;

19 “(2) development of teacher proficiency in Eng-
20 lish and a second language, including required dem-
21 onstration of proficiency in the instructional use of
22 English and a second language in classroom con-
23 texts;

24 “(3) coordination with Trio, the Teacher Corps,
25 National Community and Service Trust Act, Mini

1 Corps, and other programs for the recruitment and
2 retention of bilingual students in secondary and
3 post-secondary programs to train as bilingual edu-
4 cators; and

5 “(4) the applicant’s contribution of additional
6 student financial aid to participating students.

7 **“SEC. 7305. GRADUATE FELLOWSHIPS IN BILINGUAL EDU-**
8 **CATION PROGRAM.**

9 “(a) AUTHORIZATION.—The Secretary may award
10 fellowships for masters, doctoral, and post-doctoral study
11 related to instruction of children and youth of limited-
12 English-proficiency in such areas as teacher training, pro-
13 gram administration, research and evaluation, and cur-
14 riculum development, and for the support of dissertation
15 research related to such study. For fiscal year 1994 not
16 less than 500 fellowships leading to a masters or doctorate
17 degree shall be awarded under this section, rising each
18 subsequent year of this authorization by not less than 50.
19 The Secretary shall include information on the operation
20 and the number of fellowships awarded under the fellow-
21 ship program in the report required under section 7401
22 of this title.

23 “(b) FELLOWSHIP REQUIREMENTS.—(1) Any person
24 receiving a fellowship under this section shall agree to—

1 “(A) work in an activity related to the program
2 or in an activity such as those authorized under this
3 title, including work as a bilingual education teacher,
4 for a period of time equivalent to the period of time
5 during which such person receives assistance under
6 this title; or

7 “(B) repay such assistance.

8 “(2) The Secretary shall establish in regulations such
9 terms and conditions for such agreement as the Secretary
10 deems reasonable and necessary and may waive the re-
11 quirement of paragraph (1) in extraordinary cir-
12 cumstances.

13 “(c) The Secretary may give priority to institutions
14 of higher education that demonstrate experience in assist-
15 ing fellowship recipients find employment in the field of
16 bilingual education.

17 **“SEC. 7306. APPLICATIONS.**

18 “(a) IN GENERAL.—Each applicant or consortium
19 that desires to receive a grant under this part shall submit
20 an application to the Secretary and the State educational
21 agency or State board for higher education as appropriate,
22 at such time and in such manner as the Secretary shall
23 prescribe. The application shall demonstrate integration,
24 where appropriate, with the State and local plans, if such
25 plans exist, for serving limited-English-proficient students.

1 The State and local educational agency, and where appli-
2 cable the State board for higher education, may comment
3 in writing on the application indicating how the applica-
4 tion furthers State education reform activities, including
5 the provision of appropriate high quality education to all
6 language minority students. If the State educational agen-
7 cy or State Board for Higher Education submits com-
8 ments on any application, it shall submit comments on all.
9 The Secretary shall take any written comments that have
10 been made into consideration when considering applica-
11 tions under this part.

12 “(b) ELIGIBLE ENTITIES.—

13 “(1) A grant may be made under this part
14 upon application of an institution of higher edu-
15 cation, applying individually or jointly with one or
16 more local educational agencies, nonprofit organiza-
17 tions, or State educational agencies.

18 “(2) The Secretary shall provide for outreach
19 and technical assistance to institutions of higher
20 education eligible under title III of the Higher Edu-
21 cation Act and institutions of higher education that
22 are operated or funded by the Bureau of Indian Af-
23 fairs to facilitate their participation in activities
24 under this part.

1 “(3) In making grants under this part, the Sec-
2 retary shall, consistent with subsection (d), ensure
3 adequate representation of Hispanic serving institu-
4 tions that demonstrate competence and experience in
5 the programs and activities authorized under this
6 title and are otherwise qualified.

7 “(c) APPLICATION REQUIREMENTS FOR BILINGUAL
8 TEACHER TRAINING PROGRAMS.—The application shall
9 demonstrate integration, where appropriate, with the
10 State plan, if one exists, for serving limited-English-pro-
11 ficient students.

12 “(d) PREFERENCE IN ASSISTANCE AND PURPOSE OF
13 TRAINING.—

14 “(1) In making a grant under this part the Sec-
15 retary shall give preference to programs which—

16 “(A) include tenured faculty in bilingual
17 education;

18 “(B) and for institutions of higher edu-
19 cation which are attempting to start bilingual
20 teacher training programs if such institutions
21 demonstrate a significant commitment in finan-
22 cial and human resources, including cash and
23 in-kind; and

24 “(C) provide additional resources for such
25 training from other sources.

1 “(2) In making grants under sections 7302,
2 7303 and 7304, the Secretary shall give special con-
3 sideration to programs that ensure that individuals
4 completing such programs demonstrate proficiency
5 in English and a second language.

6 **“SEC. 7307. PROGRAM REQUIREMENTS.**

7 “Activities conducted under this part shall assist edu-
8 cational personnel in meeting State and local certification
9 requirements for bilingual education and, wherever pos-
10 sible, shall award college or university credit.

11 **“SEC. 7308. STIPENDS.**

12 “The Secretary shall provide for the payment of such
13 stipends (including allowances for subsistence and other
14 expenses for such persons and their dependents), as the
15 Secretary determines to be appropriate, to persons partici-
16 pating in training programs under this part.

17 **“SEC. 7309. PROGRAM EVALUATIONS UNDER PART C.**

18 “Each recipient of funds under part C of this title
19 shall provide the Secretary with an evaluation of its pro-
20 gram every two years. Such evaluation shall include data
21 on—

22 “(1) post-program placement of persons
23 trained;

24 “(2) how the training relates to the employment
25 of persons served by the program;

1 “(3) program completion; and

2 “(4) such other information as the Secretary
3 may require.

4 **“PART D—ADMINISTRATION**

5 **“SEC. 7401. OFFICE OF BILINGUAL EDUCATION AND MINOR-**
6 **ITY LANGUAGE AFFAIRS.**

7 “(a) ESTABLISHMENT.—There shall be, in the De-
8 partment of Education, an Office of Bilingual Education
9 and Minority Languages Affairs through which the Sec-
10 retary shall carry out functions relating to bilingual edu-
11 cation.

12 “(b) DIRECTOR.—(1) The Office shall be headed by
13 a Director of Bilingual Education and Minority Lan-
14 guages Affairs, appointed by the Secretary, to whom the
15 Secretary shall delegate all delegable functions relating to
16 bilingual education. The Director shall also be assigned
17 responsibility for recommending improvements and provid-
18 ing technical assistance to other Federal programs serving
19 language-minority and limited-English-proficient students
20 and their families and for assisting the Assistant Sec-
21 retary of the Office of Educational Research and Improve-
22 ment in identifying research priorities which reflect the
23 needs of language-minority and limited-English language
24 proficient students.

1 “(2) The Office shall be organized as the Director
2 determines to be appropriate in order to carry out such
3 functions and responsibilities effectively.

4 “(3) The Secretary shall ensure that limited-English-
5 proficient and language-minority students are included in
6 ways that are valid, reliable and fair under all standards
7 and assessment development conducted or funded by the
8 Department.

9 “(c) REPORT.—The Director shall prepare and, not
10 later than February 1 of every other year, shall submit
11 to Congress, the President, the Governors, and the clear-
12 inghouse a report on—

13 “(1) the activities carried out under this title
14 and their effectiveness in improving the education
15 provided to limited-English-proficient children and
16 youth;

17 “(2) a critical synthesis of data reported by the
18 States pursuant to section 7204;

19 “(3) an estimate of the number of certified bi-
20 lingual education personnel in the field and an esti-
21 mate of the number of bilingual education teachers
22 which will be needed for the succeeding 5 fiscal
23 years;

24 “(4) the major findings of research carried out
25 under this title; and

1 “(5) recommendations for further developing
2 the capacity of our Nation’s schools to educate effec-
3 tively limited-English-proficient students.

4 “(d) ASSESSMENT OF GATEWAY EDUCATION.—The
5 Secretary shall prepare a report on the education of all
6 students who reside near the United States border with
7 Canada and Mexico or areas or communities which serve
8 as a gateway for immigrants to the United States. Gate-
9 way communities shall include Hawaii, the Commonwealth
10 of Puerto Rico, as well as the territories and freely associ-
11 ated nations. The report shall identify trends in student
12 and out-of-school youth immigration trends, appropriate
13 procedures for the international transfer of records, the
14 language proficiency of students living in border and gate-
15 way areas, and opportunities for teacher exchange. Such
16 efforts shall be coordinated with other ongoing efforts in
17 this area. A preliminary report on these issues shall be
18 provided to the Congress not later than 2 years after the
19 enactment of this Act. The final report including policy
20 proposals for improvements in these areas shall be pro-
21 vided to Congress and the President not later than Octo-
22 ber 21, 1997.

23 “(e) COORDINATION WITH RELATED PROGRAMS.—
24 In order to maximize Federal efforts aimed at serving the
25 educational needs of children and youth of limited-English

1 proficiency, the Secretary shall coordinate and ensure
2 close cooperation with other programs serving language-
3 minority and limited-English-proficient students that are
4 administered by the Department of Education and other
5 agencies. The Secretary shall consult with the Secretary
6 of Labor, the Secretary of Health and Human Services,
7 the Secretary of Agriculture, Attorney General and other
8 relevant agencies to identify and eliminate barriers to ap-
9 propriate coordination of programs that affect language-
10 minority and limited-English-proficient students and their
11 families. The Secretary shall provide for continuing con-
12 sultation and collaboration between Office and relevant
13 programs operated by the Department, including title I
14 and other programs in this Act, in planning, contracts,
15 providing joint technical assistance, providing joint field
16 monitoring activities and in other relevant activities to en-
17 sure effective program coordination to provide high quality
18 education opportunities to all language-minority and lim-
19 ited-English-proficient students. In no case shall such co-
20 ordination at the local, State or Federal level permit funds
21 under this title to be used in programs that do not provide
22 bilingual education or special alternative instructional pro-
23 grams for the instruction of language-minority or limited-
24 English-proficient students.

1 “(f) The Secretary shall, to the extent feasible, ensure
2 that all data collected shall include for the collection and
3 reporting of data on limited-English-proficient students in
4 all Departmental data keeping and with respect to all Fed-
5 eral education programs.

6 “(g) STAFFING REQUIREMENTS.—The Secretary
7 shall ensure that the Office of Bilingual Education and
8 Minority Language Affairs is staffed with sufficient per-
9 sonnel trained or with experience in bilingual education
10 to discharge effectively the provisions of this title.

11 “(1) Notwithstanding section 403 of the De-
12 partment of Education Organization Act, the Assist-
13 ant Secretary may appoint not more than 7 addi-
14 tional employees to serve as staff without regard to
15 the provisions of title 5, United States Code, govern-
16 ing appointments in the competitive service.

17 “(2) The employees appointed under paragraph
18 (1) may be paid without regard to the provisions of
19 chapter 51 and subchapter III of chapter 53 of that
20 title relating to classification and General Schedule
21 pay rates, but shall not be paid a rate that exceeds
22 the minimum rate of basic pay payable for GS-15
23 of the General Schedule.

24 “(h) READING APPLICATIONS.—For the purpose of
25 reading applications for competitive grants authorized

1 under this title, the Secretary shall use persons who are
2 not employees of the Federal Government and who are ex-
3 perience and involved in bilingual education including
4 teachers, researchers, and administrators of educational
5 programs similar to those assisted under this title. Read-
6 ers of applications for grants involving conservation of In-
7 dian languages and other indigenous language which are
8 subject to loss shall include individuals with expertise in
9 such programs. The Secretary shall solicit nominations for
10 application readers from State directors of bilingual edu-
11 cation, graduate programs of bilingual education, tribal
12 organizations and professional associations and shall have
13 readers serve for a period of 3 years.

14 “(i) PUBLICATION OF PROPOSALS.—The Secretary
15 shall publish and disseminate all requests for proposals for
16 programs funded under this title.

17 **“SEC. 7402. RELEASE TIME.**

18 “Professional development programs funded under
19 this Act shall permit use of funds for professional release
20 time to enable participation in programs assisted under
21 this part.

22 **“SEC. 7403. EDUCATION TECHNOLOGY.**

23 “Funds available under this Act may be used to pro-
24 vide for the acquisition or development of education tech-
25 nology or instructional materials, including authentic ma-

1 terials in languages other than English, access to and par-
2 ticipation in electronic networks for materials, training
3 and communications, and incorporation of such resources
4 in curricula and programs such as those funded under this
5 title.

6 **“SEC. 7404. NOTIFICATION.**

7 “The State educational agency, when applicable, the
8 State Board for postsecondary education, when applicable,
9 the clearinghouse, the applicable Evaluation and Assist-
10 ance Center and Multifunctional Resource Center shall be
11 notified within three working days of the date a grant is
12 made to an eligible entity within the State.

13 **“SEC. 7405. CONTINUED ELIGIBILITY.**

14 “Entities receiving grants under this title shall re-
15 main eligible for grants for subsequent activities which ex-
16 tend or expand and do not duplicate those activities sup-
17 ported by a previous grant under this title. In considering
18 applications for grants under this title the Secretary shall
19 take into consideration the applicant’s record of accom-
20 plishments under previous grants.

21 **“SEC. 7406. LIMITATION OF AUTHORITY.**

22 “The Secretary shall not impose restrictions on the
23 availability of funds authorized under this title other than
24 those set out in this title or other applicable Federal stat-
25 utes and regulations.

1 **“PART E—TRANSITION**

2 **“SEC. 7501. TRANSITION PROVISIONS.**

3 “Any grant or contract awarded under this title prior
4 to the date of the enactment of the Improving America’s
5 Schools Act of 1994 shall be allowed to continue the term
6 of the original award in accordance with the conditions
7 of the original award but not for a period in excess of
8 3 years from the date of the grant or contract.

9 **“PART F—EMERGENCY IMMIGRANT EDUCATION**
10 **PROGRAM**

11 **“SEC. 7601. PURPOSE.**

12 “The purpose of this part is to assist eligible local
13 educational agencies that experience unexpectedly large
14 increases in their student population due to immigration
15 to—

16 “(1) provide high-quality instruction to immi-
17 grant children and youth; and

18 “(2) help such children and youth—

19 “(A) with their transition into American
20 society; and

21 “(B) meet the same challenging State per-
22 formance standards expected of all children and
23 youth.

24 **“SEC. 7602. STATE ADMINISTRATIVE COSTS.**

25 “For any fiscal year, a State educational agency may
26 reserve up to 1.5 percent of the amount allocated to it

1 under section 7604 to pay the costs of performing its ad-
2 ministrative functions under this part.

3 **“SEC. 7603. WITHHOLDING.**

4 “Whenever the Secretary, after reasonable notice and
5 opportunity for a hearing to any State educational agency,
6 finds that there is a failure to meet the requirement of
7 any provision of this part, the Secretary shall notify that
8 agency that further payments will not be made to the
9 agency under this part, or in the discretion of the Sec-
10 retary, that the State educational agency shall not make
11 further payments under this part to specified local edu-
12 cational agencies whose actions cause or are involved in
13 such failure until the Secretary is satisfied that there is
14 no longer any such failure to comply. Until the Secretary
15 is so satisfied, no further payments shall be made to the
16 State educational agency under this part, or payments by
17 the State educational agency under this part shall be lim-
18 ited to local educational agencies whose actions did not
19 cause or were not involved in the failure, as the case may
20 be.

21 **“SEC. 7604. STATE ALLOCATIONS.**

22 “(a) PAYMENTS.—The Secretary shall, in accordance
23 with the provisions of this section, make payments to
24 State educational agencies for each of the fiscal years

1 1995 through 1999 for the purpose set forth in section
2 7601.

3 “(b) ALLOCATIONS.—(1) Except as provided in sub-
4 sections (c) and (d) of this section, of the amount appro-
5 priated for each fiscal year for this part, each State par-
6 ticipating in this program shall receive a share equal to
7 the proportion of its number of immigrant children and
8 youth who are enrolled in elementary and secondary public
9 schools under the jurisdiction of each local educational
10 agency described in paragraph (2) within that State, and
11 in elementary and secondary nonpublic schools within the
12 district served by each such local educational agency, rel-
13 ative to the total number of immigrant children and youth
14 so enrolled in all the States participating in this program.

15 “(2) The local educational agencies referred to in
16 paragraph (1) are those local educational agencies in
17 which the sum of the number of immigrant children and
18 youth who are enrolled in elementary or secondary public
19 schools under the jurisdiction of such agencies, and in ele-
20 mentary or secondary nonpublic schools within the dis-
21 tricts served by such agencies, during the fiscal year for
22 which the payments are to be made under this part, is
23 equal to—

24 “(A) at least 500; or

1 “(B) at least 3 percent of the total number of
2 students enrolled in such public or nonpublic schools
3 during such fiscal year;
4 whichever number is less.

5 “(c) DETERMINATIONS OF NUMBER OF CHILDREN
6 AND YOUTH.—(1) Determinations by the Secretary under
7 this section for any period with respect to the number of
8 immigrant children and youth shall be made on the basis
9 of data or estimates provided to the Secretary by each
10 State educational agency in accordance with criteria estab-
11 lished by the Secretary, unless the Secretary determines,
12 after notice and opportunity for a hearing to the affected
13 State educational agency, that such data or estimate are
14 clearly erroneous.

15 “(2) No such determination with respect to the num-
16 ber of immigrant children and youth shall operate because
17 of an underestimate or overestimate to deprive any State
18 educational agency of the allocation under this section that
19 such agency would otherwise have received had such deter-
20 mination been made on the basis of accurate data.

21 “(d) REALLOCATION.—Whenever the Secretary de-
22 termines that any amount of a payment made to a State
23 under this part for a fiscal year will not be used by such
24 State for carrying out the purpose for which the payment
25 was made, the Secretary shall make such amount available

1 for carrying out such purpose to one or more other States
2 to the extent the Secretary determines that such other
3 States will be able to use such additional amount of carry-
4 ing out such purpose. Any amount made available to a
5 State from any appropriation for a fiscal year in accord-
6 ance with the preceding sentence shall, for purposes of this
7 part, be regarded as part of such State's payment (as de-
8 termined under subsection (b)) for such year, but shall
9 remain available until the end of the succeeding fiscal
10 year.

11 “(e) RESERVATION OF FUNDS.—(1) If appropria-
12 tions under this part exceed \$50,000,000 for a fiscal year,
13 a State educational agency may reserve up to 20 percent
14 of its payment for redistribution through competitive
15 grants to local educational agencies within the State in
16 the following manner:

17 “(A) At least one-half of such grants shall be
18 made to local educational agencies within the State
19 with the highest numbers and percentages of immi-
20 grant children and youth.

21 “(B) Remaining funds may be distributed to
22 local educational agencies within the State with a
23 sudden influx of immigrant children and youth
24 which are otherwise not eligible for assistance under
25 this part.

1 “(2) Local educational agencies with the highest
2 number of immigrant children and youth receiving addi-
3 tional funds under this subsection may make information
4 available on serving immigrant children and youth to areas
5 in the State with sparse numbers of such children.

6 **“SEC. 7605. STATE APPLICATIONS.**

7 “(a) SUBMISSION.—No State educational agency
8 shall receive any payment under this part for any fiscal
9 year unless such agency submits an application to the Sec-
10 retary at such time, in such manner, and containing or
11 accompanied by such information, as the Secretary may
12 reasonably require. Each such application shall—

13 “(1) provide that the educational programs,
14 services, and activities for which payments under
15 this part are made will be administered by or under
16 the supervision of the agency;

17 “(2) provide assurances that payments under
18 this part will be used for purposes set forth in sec-
19 tions 7601 and 7607, including a description of how
20 local educational agencies receiving funds under this
21 part will use such funds to meet such purposes, and
22 how the program designs are consistent with other
23 education improvement plans, including any devel-
24 oped under Goals 2000: Educate America Act, if
25 such plan exists, or title I;

1 “(3) provide an assurance that local educational
2 agencies receiving funds under this part will coordi-
3 nate the use of such funds with programs funded
4 under other parts of this title or title I of this Act;

5 “(4) provide assurances that such payments,
6 with the exception of payments reserved under sec-
7 tion 7604(e), will be distributed among local edu-
8 cational agencies within that State on the basis of
9 the number of immigrant children and youth count-
10 ed with respect to each such local educational agency
11 under section 7604(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
19 Secretary may reasonably require to perform the
20 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 these children and
4 youth secular, neutral, and nonideological serv-
5 ices, materials, and equipment necessary for the
6 education of such children and youth;

7 “(B) that the control of funds provided
8 under this part and title to any materials,
9 equipment, and property repaired, remodeled,
10 or constructed with those funds shall be in a
11 public agency for the uses and purposes pro-
12 vided in this part, and a public agency shall ad-
13 minister such funds and property; and

14 “(C) that the provision of services pursu-
15 ant to this paragraph shall be provided by em-
16 ployees of a public agency or through contract
17 by such public agency with a person, associa-
18 tion, agency, or corporation who or which, in
19 the provision of such services, is independent of
20 such elementary or secondary nonpublic school
21 and of any religious organization; and such em-
22 ployment or contract shall be under the control
23 and supervision of such public agency, and the
24 funds provided under this paragraph shall not
25 be commingled with State or local funds;

1 “(8) provide that funds reserved under sub-
2 section (e) of section 7604 be awarded on the basis
3 of merit and need consistent with such subsection;
4 and

5 “(9) provide an assurance that State and local
6 educational agencies receiving funds under this part
7 will comply with the requirements of section
8 1121(b).

9 “(b) APPLICATION REVIEW.—The Secretary shall re-
10 view all applications submitted pursuant to this section by
11 State educational agencies.

12 “(1) The Secretary shall approve any applica-
13 tion submitted by a State educational agency that
14 meets the requirements of this section.

15 “(2) The Secretary shall disapprove any appli-
16 cation submitted by a State educational agency
17 which does not meet the requirements of this sec-
18 tion, but shall not finally disapprove an application
19 except after reasonable notice, provision of technical
20 assistance, and an opportunity for a hearing to the
21 State.

22 **“SEC. 7606. PAYMENTS.**

23 “(a) AMOUNT.—The Secretary shall pay by not later
24 than June 1 of each year to each State educational agency
25 that has its application approved under section 7605 the

1 amount of the State's allocation as determined under sec-
2 tion 7604.

3 “(b) SERVICES TO CHILDREN ENROLLED IN
4 NONPUBLIC SCHOOLS.—If by reason of any provision of
5 law a local educational agency is prohibited from providing
6 educational services for children enrolled in elementary
7 and secondary nonpublic schools, as required by section
8 7605(a)(6), or if the Secretary determines that a local
9 educational agency has substantially failed or is unwilling
10 to provide for the participation on an equitable basis of
11 children enrolled in such schools, the Secretary may waive
12 such requirement and shall arrange for the provision of
13 services to such children through arrangements which
14 shall be subject to the requirements of this part. Such
15 waivers shall be subject to consultation, withholding, no-
16 tice, and judicial review requirements in accordance with
17 the provisions of title I.

18 **“SEC. 7607. USES OF FUNDS.**

19 “(a) USE OF FUNDS.—Funds awarded under this
20 part shall be used to pay for enhanced instructional oppor-
21 tunities for immigrant children and youth, which may in-
22 clude—

23 “(1) family literacy, parent outreach, and train-
24 ing activities designed to assist parents to become
25 active participants in the education of their children;

1 “(2) salaries of personnel, including teacher
2 aides who have been specifically trained, or are being
3 trained, to provide services to immigrant children
4 and youth;

5 “(3) tutorials, mentoring, and academic or ca-
6 reer counseling for immigrant children and youth;

7 “(4) identification and acquisition of curricular
8 materials, educational software, and technologies to
9 be used in the program; and

10 “(5) such other activities, related to the pur-
11 poses of this part, as the Secretary may authorize.

12 “(b) CONSORTIA.—A local educational agency that
13 receives a grant under this part may collaborate or form
14 a consortium with one or more local educational agencies,
15 institutions of higher education, and non-profit organiza-
16 tions to carry out the approved program.

17 “(c) SUBGRANTS.—A local educational agency that
18 receives a grant under this part may, with the approval
19 of the Secretary, make a subgrant to, or enter into a con-
20 tract with, an institution of higher education, a non-profit
21 organization, or a consortium of such entities to carry out
22 an approved program, including a program to serve out-
23 of-school youth.

1 **“SEC. 7608. REPORTS.**

2 “(a) BIENNIAL REPORT.—Each State educational
3 agency receiving funds under this part shall submit, once
4 every 2 years, a report to the Secretary concerning the
5 expenditure of funds by local educational agencies under
6 this part. Each local educational agency receiving funds
7 under this part shall submit to the State educational agen-
8 cy such information as may be necessary for such report.

9 “(b) REPORT TO CONGRESS.—The Secretary shall
10 submit, once every 2 years, a report to the appropriate
11 committees of the Congress concerning programs under
12 this part.

13 **“SEC. 7609. AUTHORIZATION OF APPROPRIATIONS.**

14 “For the purpose of carrying out the provisions of
15 this part, there are authorized to be appropriated
16 \$75,000,000 in fiscal year 1995, and such sums as may
17 be necessary for each of the fiscal years 1996, 1997, 1998,
18 and 1999.

19 **“TITLE VIII—IMPACT AID**

20 **“SEC. 8001. FINDINGS.**

21 “The Congress finds that—

22 “(1) certain activities of the Federal Govern-
23 ment place a financial burden on the local edu-
24 cational agencies serving areas where such activities
25 are carried out; and

1 “(2) it is the shared responsibility of the Fed-
2 eral Government, the States, and local educational
3 agencies to provide for the education of children con-
4 nected to those activities.

5 **“SEC. 8002. PURPOSE.**

6 “‘In order to fulfill the Federal responsibility to assist
7 with the provision of educational services to federally con-
8 nected children, and to help them meet challenging State
9 standards, it is the purpose of this title to provide financial
10 assistance to local educational agencies that—

11 “(1) experience a substantial and continuing fi-
12 nancial burden due to the acquisition of real prop-
13 erty by the United States;

14 “(2) educate children who reside on Federal
15 property and whose parents are employed on Federal
16 property;

17 “(3) educate children of parents who are in the
18 military services and children who live in low-rent
19 housing;

20 “(4) experience sudden and substantial in-
21 creases in enrollments because of military
22 realignments; or

23 “(5) need special assistance with capital ex-
24 penditures for construction activities because of the
25 enrollments of substantial numbers of children who

1 reside on Indian lands or who are defined in sections
2 2 and 3 of the Act of September 23, 1950 (Public
3 Law 815, 81st Congress; 20 U.S.C. 631 et seq.).

4 **“SEC. 8003. PAYMENTS RELATING TO FEDERAL ACQUI-**
5 **TION OF REAL PROPERTY.**

6 “(a) IN GENERAL.—Where the Secretary, after con-
7 sultation with any local educational agency and with the
8 appropriate State educational agency, determines for a fis-
9 cal year ending prior to October 1, 1999—

10 “(1) that the United States owns Federal prop-
11 erty in the local educational agency, and that such
12 property—

13 “(A) has been acquired by the United
14 States since 1938;

15 “(B) was not acquired by exchange for
16 other Federal property in the local educational
17 agency which the United States owned before
18 1939; and

19 “(C) had an assessed value (determined as
20 of the time or times when so acquired) aggreg-
21 ating 10 percent or more of the assessed value
22 of all real property in the local educational
23 agency (similarly determined as of the time or
24 times when such Federal property was so ac-
25 quired); and

1 “(2) that such agency is not being substantially
2 compensated for the loss in revenue resulting from
3 such ownership by increases in revenue accruing to
4 the agency from the conduct of Federal activities
5 with respect to such Federal property,
6 then such agency shall be paid the amount described in
7 subsection (b).

8 “(b) AMOUNT.—

9 “(1) IN GENERAL.—(A) The amount that a
10 local educational agency shall be paid under sub-
11 section (a) for a fiscal year shall be calculated in ac-
12 cordance with paragraph (2), except that such
13 amount shall be reduced by the Secretary by an
14 amount equal to the amount of revenue, if any, that
15 such agency received from activities conducted on
16 such property during the previous fiscal year.

17 “(B) If funds appropriated under section
18 8013(a) are insufficient to pay the amount deter-
19 mined under subparagraph (A), the Secretary shall
20 ratably reduce the payment to each eligible local
21 educational agency.

22 “(C) Notwithstanding any other provision of
23 this subsection, a local educational agency may not
24 be paid an amount under this section which exceeds
25 the difference of—

1 “(i) the maximum amount that such agen-
2 cy is eligible to receive for such fiscal year
3 under section 8004(b)(1)(C); and

4 “(ii) the amount that such agency receives
5 in such fiscal year under section 8004(b)(2).

6 “(2) APPLICATION OF CURRENT LEVIED REAL
7 PROPERTY TAX RATE.—In calculating the amount
8 that a local educational agency shall be paid for a
9 fiscal year, the Secretary shall apply the current lev-
10 ied real property tax rate for current expenditures
11 levied by fiscally independent local educational agen-
12 cies or imputed, for fiscally dependent local edu-
13 cational agencies, to the current annually deter-
14 mined aggregate assessed value of such acquired
15 Federal property.

16 “(3) DETERMINATION OF AGGREGATE AS-
17 SESSED VALUE.—Such aggregate assessed value of
18 such acquired Federal property shall be determined
19 (on the basis of the highest and best use of property
20 adjacent to such acquired Federal property as of the
21 time such value is determined), and provided to the
22 Secretary, by the local official responsible for assess-
23 ing the value of real property located in the jurisdic-
24 tion of such local educational agency for the purpose
25 of levying a property tax.

1 “(c) APPLICABILITY TO TENNESSEE VALLEY AU-
2 THORITY ACT.—For the purposes of this section, any real
3 property with respect to which payments are being made
4 under section 13 of the Tennessee Valley Authority Act
5 of 1933 shall not be regarded as Federal property.

6 “(d) OWNERSHIP BY UNITED STATES.—The United
7 States shall be deemed to own Federal property for the
8 purposes of this Act, where—

9 “(1) prior to the transfer of Federal property,
10 the United States owned Federal property meeting
11 the requirements of subparagraphs (A), (B), and (C)
12 of subsection (a)(1); and

13 “(2) the United States transfers a portion of
14 the property referred to in paragraph (1) to another
15 nontaxable entity, and the United States—

16 “(A) restricts some or any construction on
17 such property;

18 “(B) requires that the property be used in
19 perpetuity for the public purposes for which it
20 was conveyed;

21 “(C) requires the grantee of the property
22 to report to the Federal government (or its
23 agent) containing information on the use of the
24 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
10 the national defense.

11 “(e) SCHOOL DISTRICT CONTAINING FOREST SERV-
12 ICE LAND AND SERVING CERTAIN COUNTIES.—Beginning
13 with fiscal year 1995, a school district shall be deemed
14 to meet the requirements of subsection (a)(1)(C) if such
15 school district meets the following requirements:

16 “(1) The school district contains between
17 50,000 and 55,000 acres of land that has been ac-
18 quired by the Forest Service of the Department of
19 Agriculture between 1915 and 1990, as dem-
20 onstrated by written evidence from the Forest Serv-
21 ice satisfactory to the Secretary.

22 “(2) The school district serves a county char-
23 tered by State law in 1875.

1 **“SEC. 8004. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
2 **NECTED CHILDREN.**

3 “(a) COMPUTATION OF PAYMENT.—

4 “(1) IN GENERAL.—For the purpose of comput-
5 ing the amount that a local educational agency is eli-
6 gible to receive under subsection (b), (d), or (f) for
7 any fiscal year, the Secretary shall determine the
8 number of children who were in average daily at-
9 tendance in the schools of such agency, and for
10 whom such agency provided free public education,
11 during the preceding school year and who, while in
12 attendance at such schools—

13 “(A) resided on Federal property with a
14 parent employed on Federal property situated
15 in whole or in part within the boundaries of the
16 school district of such agency;

17 “(B) resided on Federal property and had
18 a parent on active duty in the uniformed serv-
19 ices (as defined in section 101 of title 37,
20 United States Code);

21 “(C) resided on Indian lands;

22 “(D) had a parent on active duty in the
23 uniformed services (as defined by section 101 of
24 title 37, United States Code) but did not reside
25 on Federal property; or

26 “(E) resided in low-rent housing.

1 “(2) DETERMINATION OF WEIGHTED STUDENT
2 UNITS.—For purposes of computing the basic sup-
3 port payment under subsection (b), the Secretary
4 shall calculate the total number of weighted student
5 units for a local educational agency by adding to-
6 gether the results obtained by the following com-
7 putations:

8 “(A) Multiply the number of children de-
9 scribed in subparagraphs (A) and (B) of para-
10 graph (1) by a factor of 1.0.

11 “(B) Multiply the number of children de-
12 scribed in paragraph (1)(C) by a factor of 1.25.

13 “(C) Multiply the number of children de-
14 scribed in subparagraphs (A) and (B) of para-
15 graph (1) by a factor of .35 if the local edu-
16 cational agency has—

17 “(i) a number of such children de-
18 scribed in such subparagraphs which ex-
19 ceeds 6,500; and

20 “(ii) an average daily attendance for
21 all children which exceeds 100,000.

22 “(D) Multiply the number of children de-
23 scribed in subparagraphs (D) and (E) of para-
24 graph (1) by a factor of .20.

1 “(b) BASIC SUPPORT PAYMENTS AND PAYMENTS
2 WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFI-
3 CIENT FUNDS ARE APPROPRIATED.—

4 “(1) BASIC SUPPORT PAYMENTS.—

5 “(A) IN GENERAL.—From the amount ap-
6 propriated under section 8013(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 sub-
10 section (a).

11 “(B) ELIGIBILITY.—A local educational
12 agency shall be entitled to receive a basic sup-
13 port payment under subparagraph (A) for a fis-
14 cal year with respect to a number of children
15 determined under subsection (a) only if the
16 number of children so determined with respect
17 to such 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 num-
21 ber of children who were in average daily
22 attendance, during such year, at the
23 schools of such agency and for whom such
24 agency provided 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 fis-
4 cal year is the sum of the total weighted stu-
5 dent units, as computed under subsection
6 (a)(2), multiplied by—

7 “(i) the greater of—

8 “(I) one-half of the average per
9 pupil expenditure of the State in
10 which the local educational agency is
11 located for the 3rd preceding fiscal
12 year, or

13 “(II) one-half of the average per
14 pupil expenditure of all of the States
15 for the 3rd preceding fiscal year;

16 “(ii) 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
20 Law 874, 81st Congress), as in effect on
21 January 1, 1994; or

22 “(iii) the average per pupil expendi-
23 ture of the State in which the local edu-
24 cational agency is located, multiplied by
25 the local contribution percentage.

1 “(2) PAYMENTS WITH RESPECT TO FISCAL
2 YEARS 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 8013(b) are insufficient to pay to each local
7 educational agency the full amount computed
8 under paragraph (1), the Secretary shall make
9 payments based upon the provisions of this
10 paragraph.

11 “(B) LEARNING OPPORTUNITY THRESH-
12 OLD PAYMENTS.—(i) For fiscal years described
13 in subparagraph (A), the Secretary shall com-
14 pute a learning opportunity threshold payment
15 (hereinafter ‘threshold payment’) by multiplying
16 the amount obtained under paragraph (1)(C) by
17 the total percentage obtained by adding—

18 “(I) the percentage of federally con-
19 nected 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
24 which is the total number of children in av-

1 erage daily attendance at the schools
2 served by such agency; and

3 “(II) the percentage that funds under
4 this paragraph represent of the total budg-
5 et of the local educational agency, deter-
6 mined by calculating the fraction, the nu-
7 merator of which is the total amount of
8 funds calculated for each educational agen-
9 cy under this paragraph (not including
10 amounts received under subsection (f)),
11 and the denominator of which is the total
12 current expenditures for such agency.

13 “(ii) Such total percentage used to cal-
14 culate threshold payments under paragraph (1)
15 shall not exceed 100.

16 “(C) RATABLE DISTRIBUTION.—For fiscal
17 years described in subparagraph (A), the Sec-
18 retary shall make payments as a ratable dis-
19 tribution based upon the computation made
20 under subparagraph (B).

21 “(c) PRIOR YEAR DATA.—All calculations under this
22 section shall be based upon data for each local educational
23 agency from the fiscal year preceding the fiscal year for
24 which the agency is making application for payment.

1 “(d) USE OF FUNDS FOR CHILDREN WITH DISABIL-
2 ITIES.—

3 “(1) IN GENERAL.—From the amount appro-
4 priated under section 8013(c) for a fiscal year, the
5 Secretary shall pay to each eligible local educational
6 agency, on a pro rata basis, the amounts determined
7 by—

8 “(A) multiplying the number of children
9 described in subparagraphs (B) and (C) of sub-
10 section (a)(1) who are eligible to receive services
11 under the Individuals with Disabilities Edu-
12 cation Act (20 U.S.C. 1400 et seq.) by a factor
13 of 1.0; and

14 “(B) multiplying the number of children
15 described in subparagraph (D) of subsection
16 (a)(1) who are eligible to receive services under
17 such Act by a factor of .5.

18 “(2) USE OF FUNDS.—A local educational
19 agency that receives funds under paragraph (1) shall
20 use such funds to provide a free appropriate public
21 education to children described in paragraph (1) in
22 accordance with the Individuals with Disabilities
23 Education Act.

24 “(e) HOLD-HARMLESS AMOUNTS.—

1 “(1) IN GENERAL.—Notwithstanding any other
2 provision of this section, the total amount that the
3 Secretary shall pay to a local educational agency
4 under subsections (b) and (f)—

5 “(A) for fiscal year 1995, shall not be less
6 than 80 percent of the payment such agency re-
7 ceived for fiscal year 1994 under section 3(a) of
8 the Act of September 30, 1950 (Public Law
9 81–874, 81st Congress), as in effect for fiscal
10 year 1994;

11 “(B) for fiscal year 1996, shall not be less
12 than 60 percent of such payment received for
13 fiscal year 1994; and

14 “(C) for fiscal year 1997, shall not be less
15 than 40 percent of such payment received for
16 fiscal year 1994.

17 “(2) REDUCTION IN PAYMENTS.—In order to
18 make payments to local educational agencies in ac-
19 cordance with paragraph (1), the Secretary shall re-
20 duce payments to other local educational agencies
21 determined under subsection (b).

22 “(f) ADDITIONAL ASSISTANCE FOR HEAVILY IM-
23 PACTED LOCAL EDUCATIONAL AGENCIES.—

24 “(1) IN GENERAL.—From amounts appro-
25 priated under section 8013(d) for a fiscal year, the

1 Secretary shall provide additional assistance to meet
2 special circumstances relating to the provision of
3 education in local educational agencies eligible to re-
4 ceive assistance under this section.

5 “(2) ELIGIBILITY.—A local educational agency
6 shall be eligible to receive additional assistance
7 under this subsection only if such agency—

8 “(A)(i) has an enrollment of federally con-
9 nected children described in subsection (a)(1)
10 which constitutes at least 40 percent of the
11 total student enrollment of such agency; and

12 “(ii) has a tax rate for general fund pur-
13 poses which is at least 95 percent of the aver-
14 age tax rate for general fund purposes of com-
15 parable local educational agencies in the State;

16 “(B)(i) has an enrollment of federally con-
17 nected children described in subsection (a)(1)
18 which constitutes at least 35 percent of the
19 total student enrollment of such agency; and

20 “(ii) has a tax rate for general fund pur-
21 poses which is at least 125 percent of the aver-
22 age tax rate for general fund purposes of com-
23 parable local educational agencies in the State;

24 or

1 “(C) is a local education agency whose
2 boundaries are the same as a Federal military
3 installation or includes Federal property under
4 exclusive Federal jurisdiction.

5 “(3) MAXIMUM PAYMENTS.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), the Secretary shall determine the
8 maximum amount that a local educational
9 agency may receive under this subsection in ac-
10 cordance with the following computations:

11 “(i) The Secretary shall first deter-
12 mine the greater of—

13 “(I) the average per pupil ex-
14 penditure of the State in which the
15 local educational agency is located or
16 the average per pupil expenditure of
17 all the States;

18 “(II) the average per pupil ex-
19 penditure of generally comparable
20 school districts located in the State of
21 the local educational agency, as de-
22 fined by the Secretary in regulations;
23 or

24 “(III) the average per pupil ex-
25 penditure of three generally com-

1 parable school districts located in the
2 State of the local educational agency,
3 as defined by the Secretary in regula-
4 tions.

5 “(ii) The Secretary shall next subtract
6 from the amount determined under clause
7 (i) the average amount of State aid per
8 pupil received by the local educational
9 agency.

10 “(iii) The Secretary shall next mul-
11 tiply the amount determined under clause
12 (ii) by the sum of the total weighted units
13 of the local educational agency, as com-
14 puted under subsection (a)(2).

15 “(iv) If the tax rate of the local edu-
16 cational agency is greater than 94 percent,
17 but less than 100 percent, of the tax rate
18 of comparable school districts, the Sec-
19 retary shall next multiply the amount de-
20 termined under clause (iii) by the percent-
21 age that the tax rate of the local edu-
22 cational agency is of—

23 “(I) the average tax rate of its
24 generally comparable school districts;
25 or

1 “(II) the average tax rate of all
2 the school districts in the State in
3 which the local educational agency is
4 located.

5 “(v) The Secretary shall next subtract
6 the total amount of payments received by
7 a local educational agency under sub-
8 sections (b) and (d) for a fiscal year from
9 the amount determined under clause (iii)
10 or clause (iv), as the case may be.

11 “(B) SPECIAL RULE.—With respect to
12 payments to local educational agencies de-
13 scribed in subparagraphs (B) and (C) of para-
14 graph (2), the maximum amount of such pay-
15 ments shall be equal to the product of the aver-
16 age per pupil expenditure of all the States mul-
17 tiplied by .7, except that such amount may not
18 exceed 125 percent of the average per pupil ex-
19 penditure of all local educational agencies in the
20 State.

21 “(4) CURRENT YEAR DATA.—The Secretary
22 shall, for purposes of providing assistance under this
23 subsection, use—

1 “(A) data from the fiscal year in which the
2 local educational agency is applying for assist-
3 ance under this subsection; or

4 “(B) the most recent data available which
5 is adjusted to such fiscal year.

6 “(5) REDUCTION IN PAYMENTS.—If funds ap-
7 propriated to carry out this subsection are insuffi-
8 cient to pay in full the amounts determined under
9 paragraph (3), the Secretary shall ratably reduce the
10 payment to each eligible local educational agency.

11 **“SEC. 8005. POLICIES AND PROCEDURES RELATING TO**
12 **CHILDREN RESIDING ON INDIAN LANDS.**

13 “(a) IN GENERAL.—A local educational agency that
14 claims children residing on Indian lands for the purpose
15 of receiving funds under section 8004 shall establish poli-
16 cies and procedures to ensure that—

17 “(1) such children participate in programs and
18 activities supported by such funds on an equal basis
19 with all other children;

20 “(2) parents of such children and Indian tribes
21 are afforded an opportunity to present their views on
22 such programs and activities, including an oppor-
23 tunity to make recommendations on the needs of
24 those children and how they may help those children
25 realize the benefits of those programs and activities;

1 “(3) parents and Indian tribes are consulted
2 and involved in planning and developing such pro-
3 grams 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 on the agency’s
9 general educational program to such agency.

10 “(b) RECORDS.—A local educational agency that
11 claims children residing on Indian lands for the purpose
12 of receiving funds under section 8004 shall maintain
13 records demonstrating its compliance with requirements
14 contained in subsection (a).

15 “(c) WAIVER.—A local educational agency that
16 claims children residing on Indian lands for the purpose
17 of receiving funds under section 8004 is excused from the
18 requirements contained in subsections (a) and (b) for any
19 year with respect to any Indian tribe from which it has
20 received a written statement that the agency need not
21 comply with those subsections because the tribe is satisfied
22 with the provision of educational services by such agency
23 to such children.

24 “(d) TECHNICAL ASSISTANCE AND ENFORCE-
25 MENT.—The Secretary shall—

1 “(1) provide technical assistance to local edu-
2 cational agencies, parents, and Indian tribes to en-
3 able them to carry out this section; and

4 “(2) enforce this section through such actions,
5 which may include the withholding of funds, as the
6 Secretary determines to be appropriate, after afford-
7 ing the affected local educational agency, parents,
8 and Indian tribe an opportunity to present their
9 views.

10 **“SEC. 8006. APPLICATION FOR PAYMENTS UNDER SEC-**
11 **TIONS 8003 AND 8004.**

12 “(a) IN GENERAL.—A local educational agency desir-
13 ing to receive a payment under section 8003 or 8004
14 shall—

15 “(1) submit an application for such payment to
16 the Secretary; and

17 “(2) provide a copy of such application to the
18 State educational agency.

19 “(b) CONTENTS.—Each such application shall be
20 submitted in such form and manner, and shall contain
21 such information, as the Secretary may require, includ-
22 ing—

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 8005 (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 ap-
9 prove an application submitted under this section
10 that—

11 “(A) is filed by the deadline established
12 under subsection (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 up to 60 days after
17 a deadline established under subsection (c) that oth-
18 erwise meets the requirements of this title, except
19 that, notwithstanding section 8004(e), the Secretary
20 shall reduce the payment based on such late applica-
21 tion by 10 percent of the amount that would other-
22 wise 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
2 under subsection (c).

3 **“SEC. 8007. PAYMENTS FOR SUDDEN AND SUBSTANTIAL IN-**
4 **CREASES IN ATTENDANCE OF MILITARY DE-**
5 **PENDENTS.**

6 “(a) ELIGIBILITY.—A local educational agency is eli-
7 gible for a payment under this section if—

8 “(1) the number of children in average daily at-
9 tendance during the current school year is at least
10 ten percent or 100 more than the number of chil-
11 dren in average daily attendance in the preceding
12 school year; and

13 “(2) the number of children in average daily at-
14 tendance with a parent on active duty (as defined in
15 section 101(18) of title 37, United States Code) in
16 the Armed Forces who are in attendance at such
17 agency because of the assignment of their parent to
18 a new duty station between July 1 and September
19 30, inclusive, of the current year, as certified by an
20 appropriate local official of the Department of De-
21 fense, is at least ten percent or 100 more than the
22 number of children in average daily attendance in
23 the preceding school year.

24 “(b) APPLICATION.—A local educational agency that
25 wishes to receive a payment under this section shall file

1 an application with the Secretary by October 15 of the
2 current school year, in such manner and containing such
3 information as the Secretary may prescribe, including
4 information demonstrating that it is eligible for such a
5 payment.

6 “(c) CHILDREN TO BE COUNTED.—For each eligible
7 local educational agency that applies for a payment under
8 this section, the Secretary shall determine the lesser of—

9 “(1) the increase in the number of children in
10 average daily attendance from the preceding year;
11 and

12 “(2) the number of children described in sub-
13 section (a)(2).

14 “(d) PAYMENTS.—From the amount appropriated for
15 a fiscal year under section 8013(c), the Secretary shall
16 pay each local educational agency with an approved appli-
17 cation an amount, not to exceed \$200 per eligible child,
18 equal to—

19 “(1) the amount available to carry out this sec-
20 tion, including any funds carried over from prior
21 years, divided by the number of children determined
22 under subsection (c) for all such local educational
23 agencies; multiplied by

24 “(2) the number of such children determined
25 for that local educational agency.

1 “(e) NOTIFICATION PROCESS.—

2 “(1) ESTABLISHMENT.—The Secretary shall
3 endeavor to establish, with the Secretary of Defense,
4 a notification process relating to the closure of De-
5 partment of Defense facilities, or the adjustment of
6 personnel levels assigned to such facilities, which
7 may substantially affect the student enrollment lev-
8 els of local educational agencies which receive or
9 may receive payments under this title.

10 “(2) INFORMATION.—Such process shall pro-
11 vide timely information regarding such closures and
12 such adjustments—

13 “(A) by the Secretary of Defense to the
14 Secretary; and

15 “(B) by the Secretary to the affected local
16 educational agencies.

17 **“SEC. 8008. FACILITIES.**

18 “(a) CURRENT FACILITIES.—From the amount ap-
19 propriated for any fiscal year under section 8013(e), the
20 Secretary may continue to provide assistance for school
21 facilities that were supported by the Secretary under sec-
22 tion 10 of the Act of September 23, 1950 (Public Law
23 815, 81st Congress; 20 U.S.C. 640) as in effect prior to
24 the date of the enactment of the Improving America’s
25 Schools Act of 1994.

1 “(b) TRANSFER OF FACILITIES.—

2 “(1) IN GENERAL.—The Secretary shall, as
3 soon as practicable, transfer to the appropriate local
4 educational agency or another appropriate entity all
5 the right, title, and interest of the United States in
6 and to each facility provided under section 10 of the
7 Act of September 23, 1950 (Public Law 815, 81st
8 Congress; 20 U.S.C. 640), or under section 204 or
9 310 of the Act of September 30, 1950 (Public Law
10 874, 81st Congress), as in effect on January 1,
11 1958.

12 “(2) OTHER REQUIREMENTS.—Any such trans-
13 fer shall be without charge to such agency or entity,
14 and prior to such transfer, the transfer must be con-
15 sented to by the local education agency or other ap-
16 propriate entity, and may be made on such terms
17 and conditions as the Secretary deems appropriate
18 to carry out the purposes of this Act.

19 **“SEC. 8009. STATE CONSIDERATION OF PAYMENTS IN PRO-**
20 **VIDING STATE AID.**

21 “(a) GENERAL PROHIBITION.—Except as provided in
22 subsection (b), a State may not—

23 “(1) consider payments under this title or
24 under the Act of September 30, 1950 (Public Law

1 874, 81st Congress) in determining for any fiscal
2 year—

3 “(A) the eligibility of a local educational
4 agency for State aid for free public education;
5 or

6 “(B) the amount of such aid; or

7 “(2) make such aid available to local edu-
8 cational agencies in a manner that results in less
9 State aid to any local educational agency that is eli-
10 gible for such payment than it would receive if it
11 were not so eligible.

12 “(b) STATE EQUALIZATION PLANS.—

13 “(1) IN GENERAL.—A State may reduce State
14 aid to a local educational agency that receives a pay-
15 ment under sections 8003 and 8004(b) (except the
16 amount calculated in excess of 1.0 under subpara-
17 graph (B) of subsection (a)(2)) or under the Act of
18 September 30, 1950 (Public Law 874, 81st Con-
19 gress) as such Act existed prior to the enactment of
20 the Improving America’s Schools Act of 1994 (other
21 than an increase in payments described in para-
22 graphs (2)(B), (2)(C), (2)(D), or (3)(B)(ii) of sec-
23 tion 3(d) of such Act of September 30, 1950) for
24 any fiscal year if the Secretary determines, and cer-
25 tifies under subsection (c)(3)(A), that such State

1 has in effect a program of State aid that equalizes
2 expenditures for free public education among local
3 educational agencies in such State.

4 “(2) COMPUTATION.—

5 “(A) IN GENERAL.—(i) For purposes of
6 paragraph (1), a program of State aid equalizes
7 expenditures among local educational agencies
8 if, in the second preceding fiscal year, the
9 amount of per-pupil expenditures made by, or
10 per-pupil revenues available to, the local edu-
11 cational agency in the State with the highest
12 such per-pupil expenditures or revenues did not
13 exceed the amount of such per-pupil expendi-
14 tures made by, or per-pupil revenues available
15 to, the local educational agency in the State
16 with the lowest such expenditures or revenues
17 by more than 10 percent.

18 “(ii) If a program of State aid uses a
19 ‘weighted-pupil’, ‘classroom’, ‘instructional
20 unit’, or other designated unit of need in deter-
21 mining allocations of State aid in order to take
22 account of special cost differentials, the com-
23 putation of per-pupil revenue or current ex-
24 penditures may be made on the basis of any
25 such unit of need.

1 “(B) OTHER FACTORS.—In making a de-
2 termination under this subsection, the Secretary
3 shall—

4 “(i) disregard local educational agen-
5 cies with per-pupil expenditures or reve-
6 nues above the 95th percentile or below the
7 5th percentile of such expenditures or reve-
8 nues in the State; and

9 “(ii) take into account the extent to
10 which a program of State aid reflects the
11 additional cost of providing free public
12 education in particular types of local edu-
13 cational agencies, such as those that are
14 geographically isolated, or to particular
15 types of students, such as children with
16 disabilities.

17 “(3) EXCEPTION.—Notwithstanding paragraph
18 (2), if the Secretary determines that the State has
19 substantially revised its program of State aid, the
20 Secretary may certify such program for any fiscal
21 year only if—

22 “(A) the Secretary determines, on the
23 basis of projected data, that the State’s pro-
24 gram will meet the 10 percent disparity stand-

1 ard described in paragraph (2) in that fiscal
2 year; and

3 “(B) the State provides an assurance to
4 the Secretary that, if final data do not dem-
5 onstrate that the State’s program met such
6 standard for that year (or that it met such
7 standard with a greater percentage of disparity
8 than anticipated), the State will pay to each af-
9 fected local educational agency the amount by
10 which it reduced State aid to the local edu-
11 cational agency on the basis of such certifi-
12 cation, or a proportionate share thereof, as the
13 case may be.

14 “(c) PROCEDURES FOR REVIEW OF STATE EQUALI-
15 ZATION PLANS.—

16 “(1) WRITTEN NOTICE.—

17 “(A) IN GENERAL.—Any State that wishes
18 to consider payments described in subsection
19 (b)(1) in providing State aid to local edu-
20 cational agencies shall submit to the Secretary,
21 not later than 120 days before the beginning of
22 the State’s fiscal year, a written notice of its in-
23 tention to do so.

24 “(B) CONTENTS.—Such notice shall be in
25 the form and contain the information the Sec-

1 retary requires, including evidence that the
2 State has notified each local educational agency
3 in the State of its intention to consider such
4 payments in providing State aid.

5 “(2) OPPORTUNITY TO PRESENT VIEWS.—Be-
6 fore making a determination under subsection (b),
7 the Secretary shall afford the State, and local edu-
8 cational agencies in the State, an opportunity to
9 present their views.

10 “(3) QUALIFICATION PROCEDURES.—If the
11 Secretary determines that a program of State aid
12 qualifies under subsection (b), the Secretary shall—

13 “(A) certify the program and so notify the
14 State; and

15 “(B) afford an opportunity for a hearing,
16 in accordance with section 8011(a), to any local
17 educational agency adversely affected by such
18 certification.

19 “(4) NON-QUALIFICATION PROCEDURES.—If
20 the Secretary determines that a program of State
21 aid does not qualify under subsection (b), the Sec-
22 retary shall—

23 “(A) so notify the State; and

24 “(B) afford an opportunity for a hearing,
25 in accordance with section 8011(a), to the

1 State, and to any local educational agency ad-
2 versely affected by such determination.

3 “(d) REDUCTIONS OF STATE AID.—

4 “(1) IN GENERAL.—A State whose program of
5 State aid has been certified by the Secretary under
6 subsection (c)(3) may reduce the amount of such aid
7 provided to a local educational agency that receives
8 a payment under section 8003 and section 8004(b)
9 by any amount up to—

10 “(A) the amount of such payment (exclud-
11 ing amounts provided under subsections (d) and
12 (f) of section 8004 and the amount calculated
13 in excess of 1.0 under section 8004(a)(2)); mul-
14 tiplied by

15 “(B) 100 percent minus the percentage of
16 disparity determined under subsection (b).

17 “(2) PROHIBITION.—A State may not make a
18 reduction described in paragraph (1) before its pro-
19 gram of State aid has been certified by the Sec-
20 retary under subsection (c)(3).

21 “(e) REMEDIES FOR STATE VIOLATIONS.—

22 “(1) IN GENERAL.—The Secretary or any ag-
23 grieved local educational agency may, without ex-
24 hausting administrative remedies, bring an action in
25 a United States district court against any State that

1 violates subsection (a) or subsection (d)(2) or fails
2 to carry out an assurance provided under subsection
3 (b)(3)(B).

4 “(2) IMMUNITY.—A State shall not be immune
5 under the eleventh amendment to the Constitution of
6 the United States from an action described in para-
7 graph (1).

8 “(3) RELIEF.—The court shall grant such relief
9 as it determines is appropriate, which may include
10 attorney’s fees to a prevailing local educational
11 agency.

12 **“SEC. 8010. FEDERAL ADMINISTRATION.**

13 “(a) PAYMENTS IN WHOLE DOLLAR AMOUNTS—The
14 Secretary shall round any payments under this title to the
15 nearest whole dollar amount.

16 “(b) OTHER AGENCIES.—Each Federal agency ad-
17 ministering Federal property on which children reside, and
18 each agency principally responsible for an activity that
19 may occasion assistance under this title, shall, to the maxi-
20 mum extent practicable, comply with requests of the Sec-
21 retary for information the Secretary may require to carry
22 out this title.

1 **“SEC. 8011. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
2 **VIEW.**

3 “(a) ADMINISTRATIVE HEARINGS.—A local edu-
4 cational agency and a State that is adversely affected by
5 any action of the Secretary under this title shall be enti-
6 tled to a hearing on such action in the same manner as
7 if such agency were a person under chapter 5 of title 5,
8 United States Code.

9 “(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—

10 “(1) IN GENERAL.—A local educational agency
11 or a State aggrieved by the Secretary’s final decision
12 following an agency proceeding under subsection (a)
13 may, within 60 days after receiving notice of such
14 decision, file with the United States court of appeals
15 for the circuit in which such agency or State is lo-
16 cated a petition for review of that action. The clerk
17 of the court shall promptly transmit a copy of the
18 petition to the Secretary. The Secretary shall then
19 file in the court the record of the proceedings on
20 which the Secretary’s action was based, as provided
21 in section 2112 of title 28, United States Code.

22 “(2) FINDINGS OF FACT.—The findings of fact
23 by the Secretary, if supported by substantial evi-
24 dence, shall be conclusive, but the court, for good
25 cause shown, may remand the case to the Secretary
26 to take further evidence. The Secretary may there-

1 upon make new or modified findings of fact and may
2 modify the Secretary's previous action, and shall file
3 in the court the record of the further proceedings.
4 Such new or modified findings of fact shall likewise
5 be conclusive if supported by substantial evidence.

6 “(3) REVIEW.—The court shall have exclusive
7 jurisdiction to affirm the action of the Secretary or
8 to set it aside, in whole or in part. The judgment of
9 the court shall be subject to review by the Supreme
10 Court of the United States upon certiorari or certifi-
11 cation as provided in section 1254 of title 28, United
12 States Code.

13 **“SEC. 8012. DEFINITIONS.**

14 “For purposes of this title, the following definitions
15 apply:

16 “(1) ARMED FORCES.—The term ‘Armed
17 Forces’ means the Army, Navy, Air Force, and Ma-
18 rine Corps.

19 “(2) AVERAGE PER-PUPIL EXPENDITURE.—The
20 term ‘average per-pupil expenditure’ means—

21 “(A) the aggregate current expenditures of
22 all local educational agencies in the State; di-
23 vided by

1 “(B) the total number of children in aver-
2 age daily attendance for whom such agencies
3 provided free public education.

4 “(3) CONSTRUCTION.—The term ‘construction’
5 means—

6 “(A) the preparation of drawings and spec-
7 ifications for school facilities;

8 “(B) erecting, building, acquiring, altering,
9 remodeling, repairing, or extending school facili-
10 ties;

11 “(C) inspecting and supervising the con-
12 struction of school facilities; and

13 “(D) debt service for such activities.

14 “(4) FEDERAL PROPERTY.—

15 “(A) IN GENERAL.—Except as provided in
16 subparagraphs (B) through (F), the term ‘Fed-
17 eral property’ means real property that is not
18 subject to taxation by any State or any political
19 subdivision of a State due to Federal agree-
20 ment, law, or policy, and that is—

21 “(i) owned by the United States or
22 leased by the United States from another
23 entity;

1 “(ii)(I) held in trust by the United
2 States for individual Indians or Indian
3 tribes;

4 “(II) held by individual Indians or In-
5 dian tribes subject to restrictions on alien-
6 ation imposed by the United States;

7 “(III) conveyed at any time under the
8 Alaska Native Claims Settlement Act
9 (Public Law 92–203, 43 U.S.C. 1601 et
10 seq.) to a Native individual, Native group,
11 or Village or Regional corporation;

12 “(IV) public land owned by the
13 United States that is designated for the
14 sole use and benefit of individual Indians
15 or Indian tribes; or

16 “(V) used for low-rent housing, as
17 otherwise described in this paragraph, that
18 is located on land described in subclause
19 (I), (II), (III), or (IV) of this clause or on
20 land that met one of those descriptions im-
21 mediately before its use for such housing;

22 “(iii)(I) part of a low-rent housing
23 project assisted under the United States
24 Housing Act of 1937; or

1 “(II) used to provide housing for
2 homeless children at closed military instal-
3 lations pursuant to section 501 of the
4 Stewart B. McKinney Homeless Assistance
5 Act (42 U.S.C. 11411); or

6 “(iv) owned by a foreign government
7 or by an international organization.

8 “(B) SCHOOLS PROVIDING FLIGHT TRAIN-
9 ING TO MEMBERS OF AIR FORCE.—The term
10 ‘Federal property’ includes, so long as not sub-
11 ject to taxation by any State or any political
12 subdivision of a State, and whether or not that
13 tax exemption is due to Federal agreement, law,
14 or policy, any school providing flight training to
15 members of the Air Force under contract with
16 the Air Force at an airport owned by a State
17 or political subdivision of a State.

18 “(C) NON-FEDERAL EASEMENTS, LEASES,
19 LICENSES, PERMITS, IMPROVEMENTS, AND CER-
20 TAIN OTHER REAL PROPERTY.—The term ‘Fed-
21 eral property’ includes, whether or not subject
22 to taxation by a State or a political subdivision
23 of a State—

24 “(i) any non-Federal easement, lease,
25 license, permit, or other such interest in

1 Federal property as otherwise described in
2 this paragraph, but not including any non-
3 Federal fee-simple interest;

4 “(ii) any improvement on Federal
5 property as otherwise described in this
6 paragraph; and

7 “(iii) real property that, immediately
8 before its sale or transfer to a non-Federal
9 party, was owned by the United States and
10 otherwise qualified as Federal property de-
11 scribed in this paragraph, but only for one
12 year beyond the end of the fiscal year of
13 such sale or transfer.

14 “(D) CERTAIN POSTAL SERVICE PROPERTY
15 AND PIPELINES AND UTILITY LINES.—Notwith-
16 standing any other provision of this paragraph,
17 the term ‘Federal property’ does not include—

18 “(i) any real property under the juris-
19 diction of the United States Postal Service
20 that is used primarily for the provision of
21 postal services; or

22 “(ii) pipelines and utility lines.

23 “(E) PROPERTY WITH RESPECT TO WHICH
24 STATE OR LOCAL TAX REVENUES MAY NOT BE
25 EXPENDED, ALLOCATED, OR AVAILABLE FOR

1 FREE PUBLIC EDUCATION.—Notwithstanding
2 any other provision of this paragraph, ‘Federal
3 property’ does not include any property on
4 which children reside that is otherwise de-
5 scribed in this paragraph if—

6 “(i) no tax revenues of the State or of
7 any political subdivision of the State may
8 be expended for the free public education
9 of children who reside on that Federal
10 property; or

11 “(ii) no tax revenues of the State are
12 allocated or available for the free public
13 education of such children.

14 “(F) CERTAIN PROPERTY LOCATED IN
15 STATE OF OKLAHOMA OWNED BY INDIAN HOUS-
16 ING AUTHORITY FOR LOW-INCOME HOUSING.—
17 The term ‘Federal property’ includes any real
18 property located in the State of Oklahoma
19 that—

20 “(i) is owned by an Indian housing
21 authority and used for low-income housing
22 (including housing assisted under the mu-
23 tual help ownership opportunity program
24 under section 202 of the United States
25 Housing Act of 1937); and

1 “(ii) at any time—

2 “(I) was designated by treaty as
3 tribal land; or

4 “(II) satisfied the definition of
5 Federal property under section
6 403(1)(A) of the Act of September
7 30, 1950 (Public Law 874, 81st Con-
8 gress).

9 “(5) FREE PUBLIC EDUCATION.—The term
10 ‘free public education’ means education that is pro-
11 vided—

12 “(A) at public expense, under public super-
13 vision and direction, and without tuition charge;
14 and

15 “(B) as elementary or secondary edu-
16 cation, as determined under State law, except
17 that, notwithstanding State law, such term—

18 “(i) includes preschool education; and

19 “(ii) does not include any education
20 provided beyond grade 12.

21 “(6) INDIAN LANDS.—The term ‘Indian lands’
22 means any Federal property described in paragraph
23 (4)(A)(ii) or (4)(F).

24 “(7) LOCAL CONTRIBUTION PERCENTAGE.—

1 “(A) IN GENERAL.—The term ‘local con-
2 tribution percentage’ means the percentage of
3 current expenditures in the State derived from
4 local and intermediate sources, as reported to
5 and verified by the National Center for Edu-
6 cation Statistics.

7 “(B) HAWAII AND DISTRICT OF COLUM-
8 BIA.—Notwithstanding subparagraph (A), the
9 local contribution percentage for Hawaii and for
10 the District of Columbia shall be the local con-
11 tribution percentage computed for the Nation
12 as a whole.

13 “(8) LOCAL EDUCATIONAL AGENCY.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), the term ‘local educational
16 agency’—

17 “(i) means a board of education or
18 other legally constituted local school au-
19 thority having administrative control and
20 direction of free public education in a
21 county, township, independent school dis-
22 trict, or other school district; and

23 “(ii) includes any State agency that
24 directly operates and maintains facilities
25 for providing free public education.

1 “(B) EXCEPTION.—The term ‘local edu-
2 cational agency’ does not include any agency or
3 school authority that the Secretary determines
4 on a case-by-case basis—

5 “(i) was constituted or reconstituted
6 primarily for the purpose of receiving as-
7 sistance under this title or the Act of Sep-
8 tember 30, 1950 (Public Law 874, 81st
9 Congress) or increasing the amount of
10 such assistance; or

11 “(ii) is not constituted or reconsti-
12 tuted for legitimate educational purposes.

13 “(9) LOW-RENT HOUSING.—The term ‘low-rent
14 housing’ means housing located on property that is
15 described paragraph (4)(A)(iii).

16 “(10) REVENUE DERIVED FROM LOCAL
17 SOURCES.—The term ‘revenue derived from local
18 sources’ means—

19 “(A) revenue produced within the bound-
20 aries of a local educational agency and available
21 to such agency for its use; or

22 “(B) funds collected by another govern-
23 mental unit, but distributed back to a local edu-
24 cational agency in the same proportion as it
25 was collected as a local revenue source.

1 “(11) SCHOOL FACILITIES.—The term ‘school
2 facilities’ includes—

3 “(A) classrooms and related facilities; and

4 “(B) equipment, machinery, and utilities
5 necessary or appropriate for school purposes.

6 **“SEC. 8013. AUTHORIZATION OF APPROPRIATIONS.**

7 “(a) PAYMENTS FOR FEDERAL ACQUISITION OF
8 REAL PROPERTY.—For the purpose of making payments
9 under section 8003, there are authorized to be appro-
10 priated \$16,750,000 for fiscal year 1995 and such sums
11 as may be necessary for each of the fiscal years 1996,
12 1997, 1998, and 1999.

13 “(b) BASIC PAYMENTS.—For the purpose of making
14 payments under section 8004(a), there are authorized to
15 be appropriated \$775,500,000 for fiscal year 1995 and
16 such sums as may be necessary for each of the fiscal years
17 1996, 1997, 1998, and 1999.

18 “(c) PAYMENTS FOR CHILDREN WITH DISABIL-
19 ITIES.—For the purpose of making payments under sec-
20 tion 8004(d), there are authorized to be appropriated
21 \$45,000,000 for fiscal year 1995 and such sums as may
22 be necessary for each of the fiscal years 1996, 1997, 1998,
23 and 1999.

24 “(d) PAYMENTS FOR HEAVILY IMPACTED LOCAL
25 EDUCATIONAL AGENCIES.—

1 “(1) IN GENERAL.—For the purpose of making
2 payments under section 8004(f), there are author-
3 ized to be appropriated \$42,000,000 for fiscal year
4 1995 and such sums as may be necessary for each
5 of the fiscal years 1996, 1997, 1998, and 1999.

6 “(2) AVAILABILITY.—Amounts appropriated
7 pursuant to the authorization of appropriations
8 under paragraph (1) are authorized to remain avail-
9 able until expended.

10 “(e) PAYMENTS FOR INCREASES IN MILITARY CHIL-
11 DREN.—For the purpose of making payments under sec-
12 tion 8007, there are authorized to be appropriated
13 \$2,000,000 for fiscal year 1995 and such sums as may
14 be necessary for each of the fiscal years 1996, 1997, 1998,
15 and 1999.

16 “(f) FACILITIES MAINTENANCE.—For the purpose of
17 making payments under section 8008, there are author-
18 ized to be appropriated \$2,000,000 for fiscal year 1995
19 and such sums as may be necessary for each of the fiscal
20 years 1996, 1997, 1998, and 1999.

1 **“TITLE IX—GENERAL**
2 **PROVISIONS**

3 **“PART A—DEFINITIONS**

4 **“SEC. 9101. DEFINITIONS.**

5 “Except as otherwise provided, for the purposes of
6 this Act, the following terms have the following meanings:

7 “(1)(A) Except as provided otherwise by State
8 law or this paragraph, the term ‘average daily at-
9 tendance’ means—

10 “(i) the aggregate number of days of at-
11 tendance of all students during a school year;
12 divided by

13 “(ii) the number of days school is in ses-
14 sion during such school year.

15 “(B) The Secretary shall permit the conversion
16 of average daily membership (or other similar data)
17 to average daily attendance for local educational
18 agencies in States that provide State aid to local
19 educational agencies on the basis of average daily
20 membership or such other data.

21 “(C) If the local educational agency in which a
22 child resides makes a tuition or other payment for
23 the free public education of the child in a school lo-
24 cated in another school district, the Secretary shall,
25 for purposes of this Act—

1 “(i) consider the child to be in attendance
2 at a school of the agency making such payment;
3 and

4 “(ii) not consider the child to be in attend-
5 ance at a school of the agency receiving such
6 payment.

7 “(D) If a local educational agency makes a tui-
8 tion payment to a private school or to a public
9 school of another local educational agency for a child
10 with disabilities, as defined in section 602(a)(1) of
11 the Individuals with Disabilities Education Act, the
12 Secretary shall, for the purposes of this Act, con-
13 sider such child to be in attendance at a school of
14 the agency making such payment.

15 “(2) The term ‘average per-pupil expenditure’
16 means, in the case of a State or of the United
17 States—

18 “(A) without regard to the source of
19 funds—

20 “(i) the aggregate current expendi-
21 tures, during the third preceding fiscal
22 year (or, if satisfactory data for that year
23 are not available, during the most recent
24 preceding fiscal year for which satisfactory
25 data are available) of all local educational

1 agencies in the State or, in the case of the
2 United States for all States (which, for the
3 purpose of this paragraph, means the 50
4 States and the District of Columbia); plus

5 “(ii) any direct current expenditures
6 by the State for operation of such agen-
7 cies; divided by

8 “(B) the aggregate number of children in
9 average daily attendance to whom such agencies
10 provided free public education during such pre-
11 ceding year.

12 “(3) The term ‘child’ means any person within
13 the age limits for which the applicable State provides
14 free public education.

15 “(4) The term ‘community-based organization’
16 means a private nonprofit organization that—

17 “(A) is representative of a community or
18 significant segments of a community; and

19 “(B) provides educational or related serv-
20 ices to individuals in the community.

21 “(5) The term ‘consolidated State application’
22 means an application submitted by a State edu-
23 cational agency pursuant to section 9302 of this Act.

1 “(6) The term ‘county’ means one of those divi-
2 sions of a State used by the Secretary of Commerce
3 in compiling and reporting data regarding counties.

4 “(7) The term ‘covered program’ means each of
5 the programs authorized by—

6 “(A) part A of title I of this Act;

7 “(B) part C of title I of this Act;

8 “(C) part A of title II of this Act; and

9 “(D) part A of title IV of this Act except
10 section 4104.

11 “(8) The term ‘current expenditures’ means ex-
12 penditures for free public education—

13 “(A) including expenditures for adminis-
14 tration, instruction, attendance and health serv-
15 ices, pupil transportation services, operation
16 and maintenance of plant, fixed charges, and
17 net expenditures to cover deficits for food serv-
18 ices and student body activities; but

19 “(B) not including expenditures for com-
20 munity services, capital outlay, and debt serv-
21 ice, or any expenditures made from funds re-
22 ceived under title I and part A of title II of this
23 Act.

24 “(9) The term ‘Department’ means the Depart-
25 ment of Education.

1 “(10) The term ‘educational service agency’
2 means regional public multiservice agencies author-
3 ized by State statute to develop, manage, and pro-
4 vide services and programs to local educational agen-
5 cies.

6 “(11) The term ‘elementary school’ means a
7 nonprofit institutional day or residential school that
8 provides elementary education, as determined under
9 State law.

10 “(12) The term ‘free public education’ means
11 education that is provided—

12 “(A) at public expense, under public super-
13 vision and direction, and without tuition charge;
14 and

15 “(B) as elementary or secondary school
16 education as determined under applicable State
17 law, except that such term does not include any
18 education provided beyond grade 12.

19 “(13) The term ‘institution of higher education’
20 has the meaning given that term in section 1201(a)
21 of the Higher Education Act of 1965.

22 “(14)(A) The term ‘local educational agency’
23 means a public board of education or other public
24 authority legally constituted within a State for either
25 administrative control or direction of, or to perform

1 a service function for, public elementary or second-
2 ary schools in a city, county, township, school dis-
3 trict, or other political subdivision of a State, or for
4 such combination of school districts or counties as
5 are recognized in a State as an administrative agen-
6 cy for its public elementary or secondary schools.

7 “(B) The term includes any other public insti-
8 tution or agency having administrative control and
9 direction of a public elementary or secondary school.

10 “(15) The term ‘mentoring’ means a program
11 in which an adult works with a child or youth on a
12 1-to-1 basis, establishing a supportive relationship,
13 providing academic assistance, and exposing the
14 child or youth to new experiences that enhance the
15 child or youth’s ability to excel in school and become
16 a responsible citizen.

17 “(16) The term ‘other staff’ means pupil serv-
18 ices personnel, librarians, career guidance and coun-
19 seling personnel, education aides, and other instruc-
20 tional and administrative personnel.

21 “(17) The term ‘outlying area’ means the Vir-
22 gin Islands, Guam, American Samoa, the Common-
23 wealth of the Northern Mariana Islands, and Palau
24 (until the effective date of the Compact of Free As-
25 sociation with the Government of Palau).

1 “(18) The term ‘parent’ includes a legal guard-
2 ian or other person standing in loco parentis.

3 “(19) The terms ‘pupil-services personnel’ and
4 ‘pupil services’ mean, respectively—

5 “(A) school counselors, school social work-
6 ers, school psychologists, and other qualified
7 professional personnel involved in providing as-
8 sessment, diagnosis, counseling, educational,
9 therapeutic, and other necessary services as
10 part of a comprehensive program to meet stu-
11 dent needs; and

12 “(B) the services provided by such individ-
13 uals.

14 “(20) The term ‘secondary school’ means a
15 nonprofit institutional day or residential school that
16 provides secondary education, as determined under
17 State law, except that it does not include any edu-
18 cation beyond grade 12.

19 “(21) The term ‘Secretary’ means the Secretary
20 of Education.

21 “(22) The term ‘State’ means each of the 50
22 States, the District of Columbia, the Commonwealth
23 of Puerto Rico, and each of the outlying areas.

24 “(23) The term ‘State educational agency’
25 means the agency primarily responsible for the State

1 supervision of public elementary and secondary
2 schools.

3 **“SEC. 9102. APPLICABILITY OF THIS TITLE.**

4 “Parts B through F of this title do not apply to title
5 VIII of this Act.

6 **“SEC. 9103. REFERENCES IN OTHER ACTS.**

7 “References to section 1471 of this Act, as it existed
8 prior to the enactment of the Improving America’s Schools
9 Act of 1994, shall be deemed to refer to this section.

10 **“SEC. 9104. APPLICABILITY TO BUREAU OF INDIAN AFFAIRS
11 OPERATED SCHOOLS.**

12 “For purposes of any competitive program under this
13 Act, a consortia of schools operated by the Bureau of In-
14 dian Affairs, a school operated under a contract or grant
15 with the Bureau of Indian Affairs in consortia with an-
16 other contract or grant school or tribal or community or-
17 ganization, or a Bureau of Indian Affairs school in consor-
18 tia with an institution of higher education, a contract or
19 grant school and tribal or community organization shall
20 be given the same consideration as a local educational
21 agency. Such consortia shall apply through the Bureau of
22 Indian Affairs which shall apply to the Department of
23 Education on their behalf.

1 **“PART B—FLEXIBILITY IN THE USE OF**
2 **ADMINISTRATIVE AND OTHER FUNDS**

3 **“SEC. 9201. CONSOLIDATION OF STATE ADMINISTRATIVE**
4 **FUNDS FOR ELEMENTARY AND SECONDARY**
5 **EDUCATION PROGRAMS.**

6 “(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

7 (1) A State educational agency may consolidate the
8 amounts specifically made available to it for State admin-
9 istration under one or more of the programs specified
10 under paragraph (2) if such State educational agency can
11 demonstrate that the majority of such agency’s resources
12 come from non-Federal sources.

13 “(2) This section applies to title I of this Act and
14 the covered programs specified in sections 9101(7)(C) and
15 (D).

16 “(b) USE OF FUNDS.—(1) A State educational agen-
17 cy shall use the amount available under this section for
18 the administration of the programs included in the consoli-
19 dation under subsection (a).

20 “(2) A State educational agency may also use funds
21 available under this section for administrative activities
22 designed to enhance the effective and coordinated use of
23 funds under such programs, such as—

24 “(A) the coordination of programs specified in
25 subsection (a)(2) with other Federal and non-Fed-
26 eral programs;

1 “(B) the establishment and operation of peer-
2 review mechanisms under this Act;

3 “(C) the administration of this title;

4 “(D) the dissemination of information regard-
5 ing model programs and practices; and

6 “(E) technical assistance under programs speci-
7 fied in subsection (a)(2).

8 “(c) RECORDS.—A State educational agency that
9 consolidates administrative funds under this section shall
10 not be required to keep separate records, by individual
11 program, to account for costs relating to the administra-
12 tion of programs included in the consolidation under sub-
13 section (a).

14 “(d) REVIEW.—To determine the effectiveness of
15 State administration under this section, the Secretary may
16 periodically review the performance of State educational
17 agencies in using consolidated administrative funds under
18 this section and take such steps as the Secretary finds
19 appropriate to ensure the effectiveness of such administra-
20 tion.

21 “(e) UNUSED ADMINISTRATIVE FUNDS.—If a State
22 educational agency does not use all of the funds available
23 to it under this section for administration, it may use such
24 funds during the applicable period of availability as funds

1 available under one or more programs included in the con-
2 solidation under subsection (a).

3 **“SEC. 9202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

4 “A State educational agency that also serves as a
5 local educational agency shall, in its applications or State
6 plans under this Act, describe how it will eliminate dupli-
7 cation in the conduct of administrative functions.

8 **“SEC. 9203. CONSOLIDATION OF FUNDS FOR LOCAL ADMIN-
9 ISTRATION.**

10 “(a) GENERAL AUTHORITY.—In accordance with
11 regulations of the Secretary, a local educational agency,
12 with the approval of its State educational agency, may
13 consolidate and use for the administration of one or more
14 covered programs for any fiscal year not more than the
15 percentage, established in each covered program, of the
16 total amount available to that local educational agency
17 under those covered programs.

18 “(b) STATE PROCEDURES.—Within one year from
19 the date of enactment of the Improving America’s Schools
20 Act of 1994, a State educational agency shall, in collabora-
21 tion with local educational agencies in the State, establish
22 procedures for responding to requests from local edu-
23 cational agencies to consolidate administrative funds
24 under subsection (a) and for establishing limitations on

1 the amount of funds under covered programs that may
2 be used for administration on a consolidated basis.

3 “(c) CONDITIONS.—A local educational agency that
4 consolidates administrative funds under this section for
5 any fiscal year shall not use any other funds under the
6 programs included in the consolidation for administration
7 for that fiscal year.

8 “(d) USES OF ADMINISTRATIVE FUNDS.—A local
9 educational agency that consolidates administrative funds
10 under this section may use these consolidated funds for
11 the administration of covered programs and for the pur-
12 poses described in section 9201(b)(2).

13 “(e) RECORDS.—A local educational agency that con-
14 solidates administrative funds under this section shall not
15 be required to keep separate records, by individual covered
16 program, to account for costs relating to the administra-
17 tion of covered programs included in the consolidation.

18 **“SEC. 9204. ADMINISTRATIVE FUNDS STUDY.**

19 “(a) STUDY.—(1) The Secretary shall conduct a
20 study of the use of funds under this Act for the adminis-
21 tration, by State and local educational agencies, of covered
22 programs, including the percentage of grant funds used
23 for such purpose in covered programs.

24 “(2) Based on the results of such study, the Sec-
25 retary shall develop a definition of what types of activities

1 constitute the administration of programs under this Act
2 by State and local educational agencies.

3 “(3) Based on the results of such study, the Sec-
4 retary may publish regulations or guidelines regarding the
5 use of funds for administration under those programs, in-
6 cluding the use of such funds on a consolidated basis and
7 limitations on the amount of such funds that may be used
8 for administration where such limitation is not otherwise
9 specified in law.

10 “(b) REPORT.—The Secretary shall submit to the
11 President and the appropriate committees of the Congress
12 a report regarding the study conducted under this section
13 within 30 days of its completion.

14 **“SEC. 9205. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**
15 **OF THE INTERIOR FUNDS.**

16 “(a) GENERAL AUTHORITY.—(1) The Secretary shall
17 transfer to the Department of the Interior, as a consoli-
18 dated amount for covered programs, the Indian education
19 programs under part A of title VI of this Act, and the
20 education for homeless children and youth program under
21 subtitle B of title VII of the Stewart B. McKinney Home-
22 less Assistance Act, the amounts allotted to the Depart-
23 ment of the Interior under those programs.

24 “(2)(A) The Secretary and the Secretary of the Inte-
25 rior shall enter into an agreement, consistent with the re-

1 requirements of the programs specified in paragraph (1), for
2 the distribution and use of those funds under terms that
3 the Secretary determines best meet the purposes of those
4 programs.

5 “(B) The agreement shall—

6 “(i) set forth the plans of the Secretary of the
7 Interior for the use of the amount transferred, the
8 steps to be taken to achieve the National Education
9 Goals, and performance measures to assess program
10 effectiveness, including measurable goals and objec-
11 tives; and

12 “(ii) be developed in consultation with Indian
13 tribes.

14 “(b) ADMINISTRATION.—The Department of the In-
15 terior may use up to 1.5 percent of the funds consolidated
16 under this section for its costs related to the administra-
17 tion of the funds transferred under this section.

18 **“SEC. 9206. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.**

19 “(a) UNNEEDED PROGRAM FUNDS.—With the ap-
20 proval of its State educational agency, a local educational
21 agency that determines for any fiscal year that funds
22 under a covered program other than part A of title I of
23 this Act are not needed for the purpose of that covered
24 program may use such funds, not to exceed five percent

1 of the total amount of its funds under that covered pro-
2 gram, for the purpose of another covered program.

3 “(b) COORDINATION OF SERVICES.—A local edu-
4 cational agency, individual school, or consortium of schools
5 may use a total of up to 5 percent of the funds it receives
6 under this Act for the establishment and implementation
7 of a coordinated services project consistent with the re-
8 quirements of title X of this Act.”.

9 **“PART C—COORDINATION OF PROGRAMS; CON-**
10 **SOLIDATED STATE AND LOCAL APPLICA-**
11 **TIONS**

12 **“SEC. 9301. PURPOSE.**

13 “It is the purpose of this part to improve teaching
14 and learning by encouraging greater cross-program coordi-
15 nation, planning, and service delivery under this Act and
16 enhanced integration of programs under this Act with edu-
17 cational activities carried out with State and local funds.

18 **“SEC. 9302. OPTIONAL CONSOLIDATED STATE APPLICA-**
19 **TION.**

20 “(a) GENERAL AUTHORITY.—(1) In order to simplify
21 application requirements and reduce burden for State edu-
22 cational agencies under this Act, the Secretary shall, in
23 accordance with subsection (b), establish procedures and
24 criteria under which a State educational agency may sub-
25 mit a consolidated State application meeting the require-

1 ments of this section for each of the covered programs
2 in which the State participates.

3 “(2) A State educational agency may also include in
4 its consolidated application—

5 “(A) the Even Start program under part B of
6 title I of this Act;

7 “(B) the education of neglected and delinquent
8 youth program under part D of title I of this Act;

9 “(C) part A of title II of the Carl D. Perkins
10 Vocational and Applied Technology Education Act;

11 “(D) Goals 2000: Educate America Act;

12 “(E) School-to-Work Opportunities Act; and

13 “(F) such other programs as the Secretary may
14 designate.

15 “(3) A State educational agency that submits a con-
16 solidated State application under this section shall not be
17 required to submit separate State plans or applications
18 under any of the programs to which its consolidated appli-
19 cation under this section applies.

20 “(b) COLLABORATION.—(1) In establishing criteria
21 and procedures under this section, the Secretary shall col-
22 laborate with State educational agencies and, as appro-
23 priate, with other State agencies, local educational
24 agencies, public and private nonprofit agencies, organiza-

1 tions, and institutions, private schools, and representatives
2 of parents, students, and teachers.

3 “(2) Through the collaboration process described in
4 subsection (b), the Secretary shall establish, for each pro-
5 gram under the Act to which this section applies, the de-
6 scriptions, information, assurances, and other material
7 required to be included in a consolidated State application.

8 “(3) The Secretary shall require only descriptions, in-
9 formation, assurances, and other materials that are abso-
10 lutely necessary for the consideration of the State applica-
11 tion.

12 **“SEC. 9303. GENERAL APPLICABILITY OF STATE EDU-**
13 **CATIONAL AGENCY ASSURANCES.**

14 “(a) ASSURANCES.—A State educational agency that
15 submits a State plan or application under this Act, wheth-
16 er separately or under section 9302, shall have on file with
17 the Secretary a single set of assurances, applicable to each
18 program for which a plan or application is submitted, that
19 provides that—

20 “(1) each such program will be administered in
21 accordance with all applicable statutes, regulations,
22 program plans, and applications;

23 “(2)(A) the control of funds provided under
24 each such program and title to property acquired
25 with program funds will be in a public agency, in a

1 nonprofit private agency, institution, or organiza-
2 tion, or in an Indian tribe if the statute authorizing
3 the program provides for assistance to such entities;
4 and

5 “(B) the public agency, nonprofit private agen-
6 cy, institution, or organization, or Indian tribe will
7 administer such funds and property to the extent re-
8 quired by the authorizing statutes;

9 “(3) the State will adopt and use proper meth-
10 ods of administering each such program, including—

11 “(A) the enforcement of any obligations
12 imposed by law on agencies, institutions, orga-
13 nizations and other recipients responsible for
14 carrying out each program;

15 “(B) the correction of deficiencies in pro-
16 gram operations that are identified through au-
17 dits, monitoring, or evaluation; and

18 “(C) the adoption of written procedures for
19 the receipt and resolution of complaints alleging
20 violations of law in the administration of such
21 programs;

22 “(4) the State will cooperate in carrying out
23 any evaluation of each such program conducted by
24 or for the Secretary or other Federal officials;

1 “(5) the State will use such fiscal control and
2 fund accounting procedures as will ensure proper
3 disbursement of, and accounting for, Federal funds
4 paid to the State under each such program;

5 “(6) the State will—

6 “(A) make reports to the Secretary as may
7 be necessary to enable the Secretary to perform
8 the Secretary’s duties under each such pro-
9 gram; and

10 “(B) maintain such records, provide such
11 information to the Secretary, and afford access
12 to the records as the Secretary may find nec-
13 essary to carry out the Secretary’s duties; and

14 “(7) before the application was submitted to the
15 Secretary, the State has afforded a reasonable op-
16 portunity for public comment on the application and
17 has considered such comment.

18 “(b) GEPA PROVISION.—Section 440 of the General
19 Education Provisions Act does not apply to programs
20 under this Act.

21 **“SEC. 9304. CONSOLIDATED LOCAL APPLICATIONS.**

22 “(a) GENERAL AUTHORITY.—A local educational
23 agency receiving funds under more than one covered pro-
24 gram may submit applications to the State educational
25 agency under such programs on a consolidated basis.

1 “(b) REQUIRED CONSOLIDATED APPLICATIONS.—A
2 State educational agency that has submitted and had ap-
3 proved a consolidated State application under section
4 9302 may require local educational agencies in the State
5 receiving funds under more than one program included in
6 the consolidated State application to submit consolidated
7 local applications under such programs.

8 “(c) COLLABORATION.—A State educational agency
9 shall collaborate with local educational agencies in the
10 State in establishing procedures for the submission of the
11 consolidated applications under this section.

12 “(d) The State educational agency shall require only
13 descriptions, information, assurances, and other material
14 that are absolutely necessary for the consideration of the
15 application of the local educational agency.

16 **“SEC. 9305. OTHER GENERAL ASSURANCES.**

17 “(a) ASSURANCES.—Any applicant other than a
18 State educational agency that submits an application
19 under this Act, whether separately or pursuant to section
20 9304, shall have on file with the State educational agency
21 a single set of assurances, applicable to each program for
22 which an application is submitted, that provides that—

23 “(1) each such program will be administered in
24 accordance with all applicable statutes, regulations,
25 program plans, and applications;

1 “(2)(A) the control of funds provided under
2 each such program and title to property acquired
3 with program funds will be in a public agency or in
4 a nonprofit private agency, institution, organization,
5 or Indian tribe, if the statute authorizing the pro-
6 gram provides for assistance to such entities; and

7 “(B) the public agency, nonprofit private agen-
8 cy, institution, or organization, or Indian tribe will
9 administer such funds and property to the extent re-
10 quired by the authorizing statutes;

11 “(3) the applicant will adopt and use proper
12 methods of administering each such program, in-
13 cluding—

14 “(A) the enforcement of any obligations
15 imposed by law on agencies, institutions, orga-
16 nizations, and other recipients responsible for
17 carrying out each program; and

18 “(B) the correction of deficiencies in pro-
19 gram operations that are identified through au-
20 dits, monitoring, or evaluation;

21 “(4) the applicant will cooperate in carrying out
22 any evaluation of each such program conducted by
23 or for the State educational agency or the Secretary
24 or other Federal officials;

1 “(5) the applicant will use such fiscal control
2 and fund accounting procedures as will ensure prop-
3 er disbursement of, and accounting for, Federal
4 funds paid to such applicant under each such pro-
5 gram;

6 “(6) the applicant will—

7 “(A) make reports to the State educational
8 agency and the Secretary as may be necessary
9 to enable such agency and the Secretary to per-
10 form their duties under each such program; and

11 “(B) maintain such records, provide such
12 information, and afford access to the records as
13 the State educational agency or the Secretary
14 may find necessary to carry out the State edu-
15 cational agency’s or the Secretary’s duties; and

16 “(7) before the application was submitted, the
17 applicant afforded a reasonable opportunity for pub-
18 lic comment on the application and has considered
19 such comment.

20 “(b) GEPA PROVISION.—Section 442 of the General
21 Education Provisions Act does not apply to programs
22 under this Act.

“PART D—WAIVERS**2 “SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY
3 REQUIREMENTS.**

4 “(a) GENERAL.—Except as provided in subsection
5 (c), the Secretary may waive any requirement of this Act
6 or any regulation under this Act for a State educational
7 agency, local educational agency, Indian tribe, or school,
8 or that—

9 “(1) receives funds under a program authorized
10 by this Act; and

11 “(2) requests a waiver as prescribed in sub-
12 section (b).

13 “(b) REQUEST FOR WAIVER.—(1) A State edu-
14 cational agency, local educational agency, or Indian tribe
15 which desires a waiver shall submit a request to the Sec-
16 retary that—

17 “(A) identifies the Federal programs affected
18 by such requested waiver;

19 “(B) describes which Federal requirements are
20 to be waived and how the waiving of such require-
21 ments will—

22 “(i) increase the quality of instruction to
23 students; or

24 “(ii) improve the academic performance of
25 students;

1 “(C) if applicable, describes which similar State
2 and local requirements will be waived and how the
3 waiving of such requirements will assist the local
4 educational agencies or Indian tribes and schools to
5 achieve the objectives described in this paragraph;

6 “(D) describes specific, measurable educational
7 improvement goals and expected outcomes for all af-
8 fected students;

9 “(E) describes the methods to be used to meas-
10 ure progress in meeting such goals and outcomes;
11 and

12 “(F) describes how schools will continue to pro-
13 vide assistance to the same populations served by
14 programs for which waivers are requested.

15 “(2) Such requests under this section—

16 “(A) may provide for waivers of requirements
17 applicable to State educational agencies, local edu-
18 cational agencies, Indian tribes, and schools.

19 “(B) shall be developed and submitted—

20 “(i)(I) by local educational agencies (on
21 behalf of such agencies and schools) to State
22 educational agencies; and

23 “(II) by State educational agencies (on be-
24 half of, and based upon the requests of, local
25 educational agencies) to the Secretary; or

1 “(ii) by Indian tribes (on behalf of schools
2 operated by such tribes) to the Secretary.

3 “(c) NOTICE REQUIREMENT.—(1) Prior to request-
4 ing a waiver under subsection (b), a State educational
5 agency, local educational agency, or Indian tribe shall pro-
6 vide notice and information to the public regarding the
7 waiver or waivers to be requested.

8 “(2) Such notice and information shall be provided
9 in the manner that such agencies or tribes customarily
10 provide similar notices and information to the public.

11 “(d) RESTRICTIONS.—Nothing in this section shall be
12 construed to authorize any changes in—

13 “(1) requirements relating to—

14 “(A) the allocation of funds;

15 “(B) maintenance of effort;

16 “(C) comparability of services;

17 “(D) use of Federal funds to supplement,
18 not supplant non-Federal funds;

19 “(E) equitable participation of private
20 school students and teachers; and

21 “(F) parental participation and involve-
22 ment;

23 “(2) the elements of a charter school described
24 in section 3407(1); or

25 “(3) the prohibitions regarding—

1 “(A) State aid in section 9502; or

2 “(B) use of funds for religious worship or in-
3 struction in section 9507.

4 “(e) DURATION AND EXTENSION OF WAIVER.—(1)
5 The duration of a waiver approved by the Secretary may
6 be for a period not to exceed 3 years.

7 “(2) The Secretary may extend such period if the
8 Secretary determines that the use of such waiver has in-
9 creased the quality of instruction or the academic perform-
10 ance of students.

11 “(f) TERMINATION OF WAIVERS.—The Secretary
12 shall terminate a waiver under this section if—

13 “(1) the Secretary determines that the use of a
14 waiver has not increased the quality of instruction or
15 improved the academic performance of students; or

16 “(2) such waiver is no longer needed by the re-
17 cipient to achieve the objectives of such waiver.

18 “(g) REPORTS.—

19 “(1) A local educational agency that receives a
20 waiver under this section shall annually submit a re-
21 port to the State educational agency that—

22 “(A) describes the uses of such waiver by
23 such agency or by schools;

24 “(B) describes how schools continued to
25 provide assistance to the same populations

1 served by the programs for which waivers are
2 requested; and

3 “(C) evaluates the progress of such agency
4 and of schools in improving the quality of in-
5 struction or the academic performance of stu-
6 dents.

7 “(2) A State educational agency that receives
8 reports required by paragraph (1) shall annually
9 submit a report to the Secretary that summarizes
10 such reports.

11 “(3) An Indian tribe that receives a waiver
12 under this section shall annually submit a report to
13 the Secretary that—

14 “(A) describes the uses of such waiver by
15 schools operated by such tribe; and

16 “(B) evaluates the progress of such schools
17 in improving the quality of instruction or the
18 academic performance of students.

19 “(4) The Secretary annually shall submit to the
20 Committee on Education and Labor of the House of
21 Representatives and the Committee on Labor and
22 Human Resources of the Senate a report—

23 “(A) summarizing the uses of waivers by
24 State educational agencies, local educational
25 agencies, Indian tribes, and schools; and

1 “(B) describing whether such waivers—

2 “(i) increased the quality of instruc-
3 tion to students; or

4 “(ii) improved the academic perform-
5 ance of students.

6 **“PART E—UNIFORM PROVISIONS**

7 **“SEC. 9501. MAINTENANCE OF EFFORT.**

8 “(a) GENERAL.—A local educational agency may re-
9 ceive funds under a covered program for any fiscal year
10 only if the State educational agency finds that either the
11 combined fiscal effort per student or the aggregate ex-
12 penditures of that agency and the State with respect to
13 the provision of free public education by that agency for
14 the preceding fiscal year was not less than 90 percent of
15 such combined fiscal effort or aggregate expenditures for
16 the second preceding fiscal year.

17 “(b) REDUCTION IN CASE OF FAILURE TO MEET.—

18 (1) The State educational agency shall reduce the amount
19 of the allocation of funds under a covered program in any
20 fiscal year in the exact proportion to which a local edu-
21 cational agency fails to meet the requirement of subsection
22 (a) by falling below 90 percent of both the combined fiscal
23 effort per student and aggregate expenditures (using the
24 measure most favorable to such local agency).

1 “(2) No such lesser amount shall be used for comput-
2 ing the effort required under subsection (a) for subsequent
3 years.

4 “(c) WAIVER.—The Secretary may waive the require-
5 ments of this section if the Secretary determines that such
6 a waiver would be equitable due to—

7 “(1) exceptional or uncontrollable circumstances
8 such as a natural disaster; or

9 “(2) a precipitous decline in the financial re-
10 sources of the local educational agency.

11 **“SEC. 9502. PROHIBITION REGARDING STATE AID.**

12 “No State may take into consideration payments
13 under this Act (other than under title VIII) in determining
14 the eligibility of any local educational agency in that State
15 for State aid, or the amount of State aid, with respect
16 to free public education of children.

17 **“SEC. 9503. PARTICIPATION BY PRIVATE SCHOOL CHIL-
18 DREN AND TEACHERS.**

19 “(a) GENERAL REQUIREMENT.—(1) Except as other-
20 wise provided in this Act, to the extent consistent with
21 the number of eligible children in a State educational
22 agency, local educational agency, or intermediate edu-
23 cational agency or consortium receiving financial assist-
24 ance under a program specified in subsection (b), who are
25 enrolled in private elementary and secondary schools in

1 such agency or consortium, such agency or consortium
2 shall, after timely and meaningful consultation with ap-
3 propriate private school officials, provide such children
4 and their teachers or other educational personnel, on an
5 equitable basis, special educational services or other bene-
6 fits under such program.

7 “(2) Educational services or other benefits, including
8 materials and equipment, provided under this section,
9 must be secular, neutral, and nonideological.

10 “(3) Educational services and other benefits provided
11 under this section for such private school children, teach-
12 ers, and other educational personnel shall be equitable in
13 comparison to services and other benefits for public school
14 children, teachers, and other educational personnel partici-
15 pating in such program.

16 “(4) Expenditures for educational services and other
17 benefits provided under this section to eligible private
18 school children, their teachers, and other educational per-
19 sonnel serving them shall be equal, taking into account
20 the number and educational needs of the children to be
21 served, to the expenditures for participating public school
22 children.

23 “(5) Such agency or consortium may provide such
24 services directly or through contracts with public and pri-
25 vate agencies, organizations, and institutions.

1 “(b) APPLICABILITY.—(1) This section applies to—

2 “(A) each covered program;

3 “(B) subpart 1 of part B and part C of title

4 II; and

5 “(C) programs under title VII of this Act.

6 “(2) For the purposes of this section, the term ‘eligi-

7 ble children’ mean children eligible for services under a

8 program described in paragraph (1).

9 “(c) PUBLIC CONTROL OF FUNDS.—(1) The control

10 of funds used to provide services under this section, and

11 title to materials, equipment, and property purchased with

12 these funds, shall be in a public agency for the uses and

13 purposes provided in this Act, and a public agency shall

14 administer such funds and property.

15 “(2)(A) The provision of services under this section

16 shall be provided—

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

18 “(ii) through contract by such public agency

19 with an individual, association, agency, or organiza-

20 tion.

21 “(B) In the provision of such services, such employee,

22 person, association, agency, or organization shall be inde-

23 pendent of such private school and of any religious organi-

24 zation, and such employment or contract shall be under

25 the control and supervision of such public agency.

1 “(C) Funds used to provide services under this sec-
2 tion shall not be commingled with non-Federal funds.

3 **“SEC. 9504. STANDARDS FOR BY-PASS.**

4 “If, by reason of any provision of law, a State, local,
5 or intermediate educational agency or consortium is pro-
6 hibited from providing for the participation in programs
7 of children enrolled in, or teachers or other educational
8 personnel from, private elementary and secondary schools,
9 on an equitable basis, or if the Secretary determines that
10 such agency or consortium has substantially failed or is
11 unwilling to provide for such participation, as required by
12 section 9503, the Secretary shall—

13 “(1) waive the requirements of that section for
14 such agency or consortium; and

15 “(2) arrange for the provision of equitable serv-
16 ices to such children, teachers, or other educational
17 personnel through arrangements that shall be sub-
18 ject to the requirements of this section and of sec-
19 tions 9503, 9505, and 9506.

20 **“SEC. 9505. COMPLAINT PROCESS FOR PARTICIPATION OF**
21 **PRIVATE SCHOOL CHILDREN.**

22 “(a) PROCEDURES FOR COMPLAINTS.—The Sec-
23 retary shall develop and implement written procedures for
24 receiving, investigating, and resolving complaints from
25 parents, teachers, or other individuals and organizations

1 concerning violations by an agency or consortium of sec-
2 tion 9503 of this Act. Such individual or organization shall
3 submit such complaint to the State educational agency for
4 a written resolution by such agency within a reasonable
5 period of time.

6 “(b) APPEALS TO THE SECRETARY.—Such resolution
7 may be appealed by an interested party to the Secretary
8 within 30 days after the State educational agency resolves
9 the complaint or fails to resolve the complaint within a
10 reasonable period of time. Such appeal shall be accom-
11 panied by a copy of the State educational agency’s resolu-
12 tion, and a complete statement of the reasons supporting
13 the appeal. The Secretary shall investigate and resolve
14 each such appeal within 120 days after receipt of the ap-
15 peal.

16 **“SEC. 9506. BY-PASS DETERMINATION PROCESS.**

17 “(a) REVIEW.—(1)(A) The Secretary shall not take
18 any final action under section 9504 until the agency or
19 consortium affected by such action has had an oppor-
20 tunity, for at least 45 days after receiving written notice
21 thereof, to submit written objections and to appear before
22 the Secretary to show cause why that action should not
23 be taken.

24 “(B) Pending final resolution of any investigation or
25 complaint that could result in a determination under this

1 section, the Secretary may withhold from the allocation
2 of the affected State or local educational agency the
3 amount estimated by the Secretary to be necessary to pay
4 the cost of those services.

5 “(2)(A) If such affected agency or consortium is dis-
6 satisfied with the Secretary’s final action after a proceed-
7 ing under paragraph (1), it may, within 60 days after no-
8 tice of such action, file with the United States court of
9 appeals for the circuit in which such State is located a
10 petition for review of that action.

11 “(B) A copy of the petition shall be forthwith trans-
12 mitted by the clerk of the court to the Secretary.

13 “(C) The Secretary thereupon shall file in the court
14 the record of the proceedings on which the Secretary based
15 this action, as provided in section 2112 of title 28, United
16 States Code.

17 “(3)(A) The findings of fact by the Secretary, if sup-
18 ported by substantial evidence, shall be conclusive, but the
19 court, for good cause shown, may remand the case to the
20 Secretary to take further evidence and the Secretary may
21 thereupon make new or modified findings of fact and may
22 modify the Secretary’s previous action, and shall file in
23 the court the record of the further proceedings.

24 “(B) Such new or modified findings of fact shall like-
25 wise be conclusive if supported by substantial evidence.

1 “(4)(A) Upon the filing of such petition, the court
2 shall have jurisdiction to affirm the action of the Secretary
3 or to set it aside, in whole or in part.

4 “(B) The judgment of the court shall be subject to
5 review by the Supreme Court of the United States upon
6 certiorari or certification as provided in section 1254 of
7 title 28, United States Code.

8 “(b) DETERMINATION.—Any determination by the
9 Secretary under this section shall continue in effect until
10 the Secretary determines, in consultation with such agency
11 or consortium and representatives of the affected private
12 school children, teachers, or other educational personnel
13 that there will no longer be any failure or inability on the
14 part of such agency or consortium to meet the applicable
15 requirements of section 9503 or any other provision of this
16 Act.

17 “(c) PAYMENT FROM STATE ALLOTMENT.—When
18 the Secretary arranges for services pursuant to this sec-
19 tion, the Secretary shall, after consultation with the ap-
20 propriate public and private school officials, pay the cost
21 of such services, including the administrative costs of ar-
22 ranging for those services, from the appropriate allocation
23 or allocations under this Act.

24 “(d) PRIOR DETERMINATION.—Any by-pass deter-
25 mination by the Secretary under this Act as in effect on

1 the day before enactment of the Improving America's
2 Schools Act of 1994 shall remain in effect to the extent
3 the Secretary determines that it is consistent with the pur-
4 pose of this section.

5 **“SEC. 9507. PROHIBITION AGAINST FUNDS FOR RELIGIOUS**
6 **WORSHIP OR INSTRUCTION.**

7 “Nothing contained in this Act shall be construed to
8 authorize the making of any payment under this Act for
9 religious worship or instruction.

10 **“SEC. 9508. APPLICABILITY TO HOME SCHOOLS.**

11 “Nothing in this Act shall be construed to affect
12 home schools.

13 **“SEC. 9509. GENERAL PROVISION REGARDING**
14 **NONRECIPIENT NONPUBLIC SCHOOLS.**

15 “Nothing in this Act shall be construed to permit,
16 allow, encourage, or authorize any Federal control over
17 any aspect of any private, religious, or home school,
18 whether or not a home school is treated as a private school
19 or home school under state law. This section shall not be
20 construed to bar private, religious, or home schools from
21 participation in programs or services under the Act.

22 **“SEC. 9510. COMPLIANCE WITH BUY AMERICAN ACT.**

23 “No funds appropriated pursuant to this Act may be
24 expended by an entity unless the entity agrees that in ex-
25 pending the assistance the entity will comply with sections

1 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–
2 10c, popularly known as the ‘Buy American Act’).

3 **“SEC. 9511. SENSE OF CONGRESS; REQUIREMENT REGARD-**
4 **ING NOTICE.**

5 “(a) PURCHASE OF AMERICAN-MADE EQUIPMENT
6 AND PRODUCTS.—In the case of any equipment of prod-
7 ucts that may be authorized to be purchased with financial
8 assistance provided under this Act, it is the sense of the
9 Congress that entities receiving such assistance should, in
10 expending the assistance, purchase only American-made
11 equipment and products.

12 “(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
13 providing financial assistance under this Act, the head of
14 each Federal agency shall provide to each recipient of the
15 assistance a notice describing the statement made in sub-
16 section (a) by the Congress.

17 **“SEC. 9512. PROHIBITION OF CONTRACTS.**

18 “If it has been finally determined by a court or Fed-
19 eral agency that any person intentionally affixed a label
20 bearing a ‘Made in America’ inscription, or any inscription
21 with the same meaning, to any product sold in or shipped
22 to the United States that is not made in the United
23 States, such person shall be ineligible to receive any con-
24 tract or subcontract made with funds provided pursuant
25 to this Act, pursuant to the debarment, suspension, and

1 ineligibility procedures described in section 9.400 through
2 9.409 of title 48, Code of Federal Regulations.

3 **“SEC. 9513. PROHIBITION AGAINST FUNDS FOR PROTECTED**
4 **PRAYER.**

5 “Notwithstanding any provision of law, no funds
6 made available through the Department of Education
7 under this Act, or any other Act, shall be available to any
8 State or local educational agency which has a policy of
9 denying or which effectively prevents participation in, con-
10 stitutionally protected prayer in public schools by individ-
11 uals on a voluntary basis. Neither the United States nor
12 any State nor any local educational agency shall require
13 any person to participate in prayer or influence the form
14 or content of any constitutionally protected prayer in such
15 public schools.

16 **“SEC. 9514. SEX EDUCATION.**

17 “(a) SEX EDUCATION INSTRUCTION.—All public ele-
18 mentary and secondary schools receiving assistance under
19 this Act which use such funds to teach sex education or
20 discuss sexual intercourse, sexually transmitted diseases
21 (STDs), including acquired immune deficiency syndrome
22 (AIDS), shall continuously stress throughout the sex edu-
23 cation program and sexual intercourse discussion that ab-
24 stinence from sexual intercourse is the only protection that
25 is 100 percent effective against unwanted teenage preg-

1 nancy, STDs, and AIDS when transmitted sexually. All
2 material and instruction which use such funds to teach
3 sex education and discuss sexual intercourse shall be age
4 appropriate.

5 “(b) CRITERIA.—All sex education courses that dis-
6 cuss sexual intercourse may use the following criteria:

7 “(1) Course material and instruction shall be
8 age appropriate.

9 “(2) Course material and instruction shall
10 stress that abstinence is the only contraceptive
11 method which is 100 percent effective, and that all
12 other methods of contraception carry a risk of fail-
13 ure in preventing unwanted teenage pregnancy. Sta-
14 tistics based on the latest medical information shall
15 be provided to pupils citing the laboratory and real-
16 life failure and success rates of condoms and other
17 contraceptives in preventing pregnancy.

18 “(3) Course material and instruction shall
19 stress that STDs are serious possible hazards of sex-
20 ual intercourse. Pupils shall be provided with statis-
21 tics based on the latest medical information citing
22 the laboratory and real-life failure and success rates
23 of condoms in preventing AIDS and other STDs
24 among elementary and secondary pupils.

1 “(4) Course material and instruction shall in-
2 clude a discussion of the possible emotional and psy-
3 chological consequences of preadolescent and adoles-
4 cent sexual intercourse outside of marriage and the
5 consequences of unwanted adolescent pregnancy.

6 “(5) Course material and instruction shall
7 stress that pupils should abstain from sexual inter-
8 course until they are ready for marriage.

9 “(6) Course material and instruction shall teach
10 honor and respect for monogamous heterosexual
11 marriage.

12 “(7) Course material and instruction shall ad-
13 vise pupils of the laws pertaining to their financial
14 responsibility to children born in and out of wedlock.

15 “(8) Course material and instruction shall ad-
16 vise pupils that it is unlawful for males of any age
17 to have sexual relations with females under a certain
18 age to whom they are not married.

19 “(9) Course material and instruction shall em-
20 phasize that the pupil has the power to control per-
21 sonal behavior. Pupils shall be encouraged to base
22 their actions on reasoning, self-discipline, sense of
23 responsibility, self-control, and ethical consider-
24 ations, such as respect for one’s self and others.

1 “(10) Course material and instruction shall
2 teach pupils to refrain from making unwanted phys-
3 ical and verbal sexual advances and how to say ‘no’
4 to unwanted sexual advances. Pupils shall be taught
5 that it is wrong to take advantage of, or to exploit,
6 another person. The material and instruction shall
7 also encourage youth to resist negative peer pres-
8 sure.

9 “(c) NO FEDERAL CONTROL OF CURRICULUM.—
10 Nothing in this section shall be construed—

11 “(1) to authorize an officer or employee of the
12 Federal Government to mandate, direct, or control a
13 State, local educational agency, or schools’ instruc-
14 tional content curriculum, or related activities;

15 “(2) to limit the application of the General
16 Education Provisions Act;

17 “(3) to require the distribution of scientifically
18 or medically false or inaccurate materials or to pro-
19 hibit the distribution of scientifically or medically
20 true or accurate materials; or

21 “(4) to create any legally enforceable right.

22 “(d) RULE OF CONSTRUCTION.—In carrying out the
23 provisions of this section, the Secretary shall not—

24 “(1) review any curricula or instructional mate-
25 rials;

1 “(2) promulgate regulations; or

2 “(3) take any administrative or legal action
3 against a State or local educational agency or school.

4 **“SEC. 9515. PROHIBITION AGAINST FUNDS FOR HOMO-**
5 **SEXUAL SUPPORT.**

6 “(a) PROHIBITION.—No local educational agency
7 shall use funds made available under this Act to imple-
8 ment or carry out a program or activity that has either
9 the purpose or effect of encouraging or supporting homo-
10 sexuality as a positive lifestyle alternative. No local edu-
11 cational agency shall use funds under this Act to distrib-
12 ute or to aid in the distribution by any organization of
13 obscene material to minors on school grounds.

14 “(b) DEFINITION.—A program or activity, for pur-
15 poses of this section, includes the distribution of instruc-
16 tional materials, instruction, counseling, or other services
17 on school grounds, or referral of a pupil to an organization
18 that affirms a homosexual lifestyle.

19 “(c) NO FEDERAL CONTROL OF CURRICULUM.—
20 Nothing in this section shall be construed—

21 “(1) to authorize an officer or employee of the
22 Federal Government to mandate, direct, or control a
23 State, local educational agency, or schools’ instruc-
24 tional content, curriculum, and related activities;

1 “(2) to limit the application of the General
2 Education Provisions Act;

3 “(3) to require the distribution of scientifically
4 or medically false or inaccurate materials or to pro-
5 hibit the distribution of scientifically or medically
6 true or accurate materials; or

7 “(4) to create any legally enforceable right.

8 “(d) RULE OF CONSTRUCTION.—In carrying out the
9 provisions of this section, the Secretary shall not—

10 “(1) review any curricula or instructional mate-
11 rials;

12 “(2) promulgate regulations; or

13 “(3) take any administrative or legal action
14 against a State or local educational agency or school.

15 **“SEC. 9516. NONSMOKING POLICY.**

16 “(a) GENERAL RULE.—Each person who receives
17 Federal funds under this Act and provides services to ele-
18 mentary or secondary school students pursuant to this Act
19 shall, in providing such services, establish and make a
20 good-faith effort to enforce a nonsmoking policy that, ex-
21 cept as provided in subsection (b)—

22 “(1) prohibits smoking in each indoor portion
23 of a facility used in connection with the provision of
24 such services; and

1 “(2) where appropriate, requires that signs be
2 posted to communicate the nonsmoking policy.

3 “(b) PERMISSIBLE FEATURES.—(1) The nonsmoking
4 policy described in subsection (a) may permit smoking in
5 specially designated areas of a facility if—

6 “(A) services are not normally provided directly
7 to children in the designated areas; and

8 “(B) the designated areas are ventilated sepa-
9 rately from areas of the facility in which such serv-
10 ices are normally provided directly to children to en-
11 sure that air from the designated areas is directly
12 exhausted to the outside and does not recirculate or
13 drift to other areas within the facility.

14 “(2) Nothing in this subsection shall be construed to
15 require the establishment of a designated smoking area.

16 “(c) CIVIL PENALTIES.—

17 “(1) Any person subject to the requirements of
18 this section who fails to comply with such require-
19 ments shall be liable to the United States for a civil
20 penalty in an amount not to exceed \$1,000 for each
21 violation, but in no case shall the amount be in ex-
22 cess of the amount of the Federal funds received by
23 the person for the provision of elementary and sec-
24 ondary educational services for the fiscal year in

1 which the violation occurred. Each day a violation
2 continues shall constitute a separate violation.

3 “(2) A civil penalty for a violation of this sec-
4 tion shall be assessed by the Secretary to the person
5 by an order made on the record after opportunity
6 for a hearing in accordance with section 554 of title
7 5, United States Code. Before issuing the order, the
8 Secretary shall—

9 “(A) give written notice to the person to be
10 assessed a civil penalty under the order of the
11 proposal to issue the order; and

12 “(B) provide the person an opportunity to
13 request, not later than 15 days after the date
14 of receipt of the notice, a hearing on the order.

15 “(3) In determining the amount of a civil pen-
16 alty under this subsection, the Secretary shall take
17 into account the nature, circumstances, extent, and
18 gravity of the violation, the ability of the violator to
19 pay, any prior history of the same kind of violation,
20 the degree of culpability of the violator, a dem-
21 onstration by the violator of willingness to comply
22 with the requirements of this section, and such other
23 matters as justice may require.

24 “(4) The Secretary may compromise, modify, or
25 remit, with or without conditions, any civil penalty

1 that may be imposed under this subsection. The
2 amount of the penalty as finally determined or
3 agreed upon in compromise may be deducted from
4 any sums that the United States owes to the person
5 against whom the penalty is assessed.

6 “(5) A person who has requested a hearing con-
7 cerning the assessment of a penalty pursuant to
8 paragraph (2) and is aggrieved by an order assess-
9 ing a civil penalty may file a petition for judicial re-
10 view of the order with the United States Court of
11 Appeals for the District of Columbia Circuit or for
12 any other circuit in which the person resides or
13 transacts business. The petition may only be filed
14 during the 30-day period beginning on the date of
15 issuance of the order making the assessment.

16 “(6) If a person fails to pay an assessment of
17 a civil penalty—

18 “(A) after the order making the assess-
19 ment has become a final order and without fil-
20 ing a petition for judicial review in accordance
21 with paragraph (5); or

22 “(B) after a court has entered a final
23 judgment in favor of the Secretary,
24 the Attorney General shall recover the amount as-
25 sessed (plus interest at currently prevailing rates

1 from the last day of the 30-day period referred to
2 in paragraph (5) or the date of the final judgment,
3 as the case may be) in an action brought in an ap-
4 propriate district court of the United States. In the
5 action, the validity, amount, and appropriateness of
6 the penalty shall not be subject to review.

7 “(d) EFFECTIVE DATE.—

8 “(1) IN GENERAL.— This section shall take ef-
9 fect on the date which is 180 days after the date of
10 enactment of the Improving America’s Schools Act
11 of 1994, except as provided in paragraph (2).

12 “(2) COLLECTIVE BARGAINING AGREEMENTS.—

13 “(A) In the case of a person described in
14 subsection (a) who employs individuals who are
15 members of a labor organization and provide el-
16 elementary or secondary educational services pur-
17 suant to a collective bargaining agreement
18 that—

19 “(i) took effect before the date of en-
20 actment of the Improving America’s
21 Schools Act of 1994, and

22 “(ii) includes provisions relating to
23 smoking privileges that are in violation of
24 this section;

1 this section shall take effect on the date that is
2 180 days after the date of enactment of the Im-
3 proving America’s Schools Act of 1994 or the
4 date specified in subparagraph (B), whichever
5 is later.

6 “(B) The date specified in this subpara-
7 graph is the earlier of—

8 “(i) the first expiration date (after the
9 date of enactment of the Improving Ameri-
10 ca’s Schools Act of 1994) of the collective
11 bargaining agreement containing the provi-
12 sions relating to smoking privileges, or

13 “(ii) the date that is 1 year after the
14 date of enactment of the Improving Ameri-
15 ca’s Schools Act of 1994.

16 “(e) PREEMPTION.—Nothing in this section shall
17 preempt or otherwise affect any provision of law of a State
18 or political subdivision of a State that is as restrictive or
19 more restrictive than a provision of this section.

20 **“PART F—GUN POSSESSION**

21 **“SEC. 9601. POLICY FOR GUN POSSESSION.**

22 “(a) IN GENERAL.—Each local educational agency
23 which receives assistance under this Act shall have a policy
24 that addresses student possession and use of a gun on
25 school property.

1 “(b) POLICY CONTENT.—The content of such policy
2 may include—

3 “(1) punishment requirements for possession
4 and use of a gun on school property, including ex-
5 pulsion and suspension;

6 “(2) alternative placement for an individual
7 who violates the policy;

8 “(3) educational services for a student expelled
9 from school for violation of the policy; and

10 “(4) opportunities for a hearing to address ex-
11 pulsion or suspension decisions for violation of the
12 policy.

13 **“SEC. 9602. ETHICAL PRINCIPLES.**

14 “It is the sense of Congress that States, local edu-
15 cational agencies, and schools should encourage and sup-
16 port parents and families in teaching children certain ethi-
17 cal principles. Such principles may include trust-
18 worthiness, respect, responsibility, fairness, caring and
19 citizenship.

20 **“PART G—CUSTODIAL SERVICES.**

21 **“SEC. 9701. COMPENSATION OF CUSTODIANS.**

22 “Notwithstanding any other provisions of law, a local
23 educational agency which contains five counties in their
24 entirety and has a student population which exceeds
25 900,000 may not use any assistance under this Act to pro-

1 vide compensation or other financial benefits to personnel
2 who provide janitorial or custodial services to and within
3 schools.

4 **“PART H—SENSE OF THE CONGRESS TO IN-**
5 **CREASE THE TOTAL SHARE OF FEDERAL**
6 **SPENDING ON EDUCATION**

7 “(a) The Congress finds that—

8 “(1) in order to increase our Nation’s standard
9 of living and to increase the number of good jobs,
10 the United States must increase its productivity and
11 ability to compete in the international marketplace
12 by improving the educational level of our workforce;

13 “(2) although efforts are being made to estab-
14 lish higher educational standards and goals, there is
15 a substantial shortage of resources to meet such
16 standards and goals;

17 “(3) States and local communities are finding it
18 increasingly difficult to meet even higher educational
19 standards and goals, and States will not be able to
20 fund needed changes without Federal help to reach
21 such standards and goals;

22 “(4) the Federal Government has established
23 many educational programs but failed to provide
24 adequate funding for such programs, for example
25 one such program provides education to our Nation’s

1 disabled students and was established with a prom-
2 ise of 40 percent Federal funding but currently re-
3 ceives only 8 percent Federal funding;

4 “(5) the annual shortfall in Federal education
5 programs is approximately half of the promised
6 funding;

7 “(6) many needed educational improvements
8 will not need Federal funds, however, other sug-
9 gested changes such as lengthened school years, bet-
10 ter pay, after-school activities, mentoring for stu-
11 dents at risk, programs for gifted students, and re-
12 placing substandard buildings will require substan-
13 tial Federal assistance; and

14 “(7) the Federal contribution to education is
15 less than 2 percent of the total Federal budget, and
16 in order to make education a national priority, the
17 total percentage of Federal educational funding
18 should be increased by 1 percent each year over the
19 next 8 years to reach 10 percent of the total Federal
20 budget.

21 “(b) It is the sense of the Congress that the total
22 share of the Federal spending on education should in-
23 crease by at least 1 percent each year until such share
24 reaches 10 percent of the total Federal budget.

1 **“TITLE X—COORDINATED**
2 **SERVICES PROJECTS**

3 **“SEC. 10001. FINDINGS AND PURPOSE.**

4 “(a) FINDINGS.—The Congress makes the following
5 findings:

6 “(1) Growing numbers of children are nega-
7 tively affected by influences outside of the classroom
8 which increase their risk of academic failure.

9 “(2) Factors such as poor nutrition, unsafe liv-
10 ing conditions, physical and sexual abuse, family and
11 gang violence, inadequate health care, unemploy-
12 ment, lack of child care and substance abuse ad-
13 versely affect family relationships and the ability of
14 a child to learn.

15 “(3) Parents and other caregivers in today’s
16 high pressure society often face demands which
17 place restraints on their time and affect their ability
18 to adequately provide for the needs of their families.

19 “(4) Access to health and social service pro-
20 grams can address the basic physical and emotional
21 needs of children so that they can fully participate
22 in the learning experiences offered them in school.

23 “(5) Services for at-risk students need to be
24 more convenient, less fragmented, regulated and du-

1 plicative in order to meet the needs of children and
2 their families.

3 “(6) School personnel, parents, and support
4 service providers often lack knowledge of, and access
5 to, available services for at-risk students and their
6 families in the community, and have few resources
7 to coordinate services and make them accessible.

8 “(7) Service providers, such as teachers, social
9 workers, health care and child care providers, juve-
10 nile justice workers and others, are often trained in
11 separate disciplines that provide little support for
12 the coordination of services.

13 “(8) Coordination of services is more cost effec-
14 tive because it substitutes prevention for expensive
15 crisis intervention.

16 “(9) Coordinating health and social services
17 with education can help the Nation meet the Na-
18 tional Education Goals by ensuring better outcomes
19 for children.

20 “(b) PURPOSE OF COORDINATING SERVICES.—The
21 purpose of this section is to provide elementary and sec-
22 ondary school students and their families better access to
23 the social, health and education services necessary for stu-
24 dents to succeed in school and for their families to take

1 an active role in ensuring that children receive the best
2 possible education.

3 **“SEC. 10002. DEFINITIONS.**

4 “(a) The term ‘coordinated services project’ refers to
5 a comprehensive approach to meeting the educational,
6 health, social service, and other needs of children and their
7 families, including foster children and their foster families,
8 through a communitywide partnership that links public
9 and private agencies providing such services or access to
10 such services through a coordination site at or near a
11 school.

12 “(b) An ‘eligible entity’ is a local educational agency,
13 individual school, or consortium of schools.

14 **“SEC. 10003. PROJECT DEVELOPMENT AND IMPLEMENTA-**
15 **TION.**

16 “(a) PROJECT PLANS.—Eligible entities exercising
17 their authority under section 9206(b) shall submit to the
18 Secretary an application for the development of a plan or
19 a plan for the implementation of a coordinated services
20 project.

21 “(b) PROJECT DEVELOPMENT.—The application for
22 the development of the coordinated services project, which
23 can last for up to one year, shall—

24 “(1) demonstrate that an assessment will be
25 performed of the economic, social, and health bar-

1 riers to educational achievement experienced by chil-
2 dren and families, including foster children and their
3 foster families, in the community, and the local,
4 State, federal, and privately funded services avail-
5 able to meet such needs;

6 “(2) identify the measures that will be taken to
7 establish a communitywide partnership that links
8 public and private agencies providing services to
9 children and families; and

10 “(3) identify any other measures that will be
11 taken to develop a comprehensive plan for the imple-
12 mentation of a coordinated services project or
13 projects.

14 “(c) PROJECT IMPLEMENTATION.—Eligible entities
15 shall submit to the Secretary a plan for the implementa-
16 tion or expansion of a coordinated services project. Such
17 plan shall include—

18 “(1) the results of a children and families needs
19 assessment, which will include an assessment of the
20 needs of foster children;

21 “(2) the membership of the coordinated services
22 project partnership;

23 “(3) a description of the proposed coordinated
24 services project, its objectives, where it will be lo-

1 cated, and the staff that will be used to carry out
2 the purposes of the project;

3 “(4) a description of how the success of the co-
4 ordinated services project will be evaluated;

5 “(5) a description of the training to be provided
6 to teachers and appropriate personnel;

7 “(6) information regarding whether or not a
8 sliding scale fee for services will be employed, and if
9 not, an explanation of why such scale is not feasible;
10 and

11 “(7) when applicable, strategies to ensure that
12 the health and welfare needs from migratory families
13 are addressed.

14 **“SEC. 10004. USES OF FUNDS.**

15 “(a) Funds utilized under the authority of section
16 9206(b) may be used for activities under this title which
17 include—

18 “(1) hiring a services coordinator;

19 “(2) making minor renovations to existing
20 buildings;

21 “(3) purchasing basic operating equipment;

22 “(4) improving communications and informa-
23 tion-sharing between members of the coordinated
24 services project partnership;

1 “(5) providing training to teachers and appro-
2 priate personnel concerning their role in a coordi-
3 nated services project; and

4 “(6) conducting the needs assessment required
5 in section 10003(b)(1);

6 but shall not include the direct provision of any health
7 or health-related services.

8 “(b) Projects operating under the authority of this
9 title shall comply with the requirements of section
10 1121(b).

11 **“SEC. 10005. CONTINUING AUTHORITY.**

12 “The Secretary shall not approve the plan of any
13 project which fails to demonstrate that it is achieving ef-
14 fective coordination after 2 years of implementation.

15 **“SEC. 10006. FEDERAL AGENCY COORDINATION.**

16 “(a) AGENCY COORDINATION.—The Secretaries of
17 Education, Health and Human Services, Labor, Housing
18 and Urban Development, Treasury, and Agriculture, and
19 the Attorney General shall review the programs adminis-
20 tered by their agencies to identify barriers to service
21 coordination.

22 “(b) REPORT TO CONGRESS.—Such Secretaries and
23 the Attorney General shall submit jointly a report to the
24 Congress not later than 2 years after the date of the en-
25 actment of the Improving America’s Schools Act, based

1 on the review required under paragraph (a) recommending
2 legislative and regulatory action to address such barriers,
3 and during this time, shall use waiver authorities author-
4 ized under this and other Acts.

5 **“TITLE XI—SCHOOL FACILITIES**
6 **IMPROVEMENT ACT**

7 **“SEC. 11001. FINDINGS.**

8 “The Congress finds the following:

9 “(1) According to a 1991 survey conducted by
10 the American Association of School Administrators,
11 74 percent of all public school buildings in the Unit-
12 ed States need to be replaced.

13 “(2) Almost one-third of such buildings were
14 built prior to World War II.

15 “(3) It is estimated that 1 of every 4 public
16 school buildings in the United States is in inad-
17 equate condition, and of such buildings, 61 percent
18 need maintenance or major repairs, 43 percent are
19 obsolete, 42 percent contain environmental hazards,
20 25 percent are overcrowded, and 13 percent are
21 structurally unsound.

22 “(4) Large numbers of local educational agen-
23 cies have difficulties securing financing for school fa-
24 cility improvement.

1 **“SEC. 11002. PURPOSE.**

2 “The purpose of this Act is the leverage limited Fed-
3 eral funds to enable local educational agencies to finance
4 the costs associated with the improvement of school facili-
5 ties within their jurisdiction.

6 **“SEC. 11003. FEDERAL ASSISTANCE IN THE FORM OF**
7 **LOANS.**

8 “(a) AUTHORITY AND CONDITIONS FOR LOANS.—To
9 assist local educational agencies in the construction, recon-
10 struction, or renovation of schools, the Secretary may
11 make loans of funds to such agencies for the construction,
12 reconstruction, or renovation of such schools. Such assist-
13 ance shall only be provided—

14 “(1) to local educational agencies eligible for
15 grants under section 1124A of part A of title I,
16 schools located on Indian reservations, or local edu-
17 cational agencies eligible for payments under section
18 8004; and

19 “(2) if the Secretary finds that such construc-
20 tions will be undertaken in an economical manner,
21 and that any such construction, reconstruction or
22 renovation is not or will not be of elaborate or ex-
23 travagant design or materials.

24 “(b) PRIORITIES.—In approving loans under this
25 title, the Secretary shall consider—

1 “(1) the difficulty of the applicant in securing
2 affordable financing from other sources;

3 “(2) the threat the condition of the physical
4 plant poses to the safety and well-being of students;

5 “(3) the demonstrated need for the construc-
6 tion, reconstruction, or renovation as based on the
7 condition of the facility; and

8 “(4) the age of the facility to be renovated or
9 replaced.

10 “(c) AMOUNT AND CONDITIONS OF LOANS.—A loan
11 to a local educational agency—

12 “(1) may be in an amount not exceeding the
13 total development cost of the facility, as determined
14 by the Secretary;

15 “(2) shall be secured in such manner and be re-
16 paid within such period, not exceeding 50 years, as
17 may be determined by the Secretary; and

18 “(3) shall bear interest at a rate determined by
19 the Secretary which shall be the rate of interest paid
20 by the Secretary on funds obtained from the Sec-
21 retary of the Treasury minus 1 and one quarter per
22 cent each year.

23 **“SEC. 11004. GENERAL PROVISIONS.**

24 “(a) BUDGET AND ACCOUNTING.—In the perform-
25 ance of, and with respect to, the functions, powers, and

1 duties under this part, the Secretary, notwithstanding the
2 provisions of any other law, shall—

3 “(1) prepare annually and submit a budget pro-
4 gram as provided for wholly owned Government cor-
5 porations by chapter 91 of title 31, United States
6 Code; and

7 “(2) maintain a set of accounts which shall be
8 audited by the Comptroller General in accordance
9 with the provisions of chapter 35 of title 31, United
10 States Code, but such financial transactions of the
11 Secretary, as the making of loans and vouchers ap-
12 proved by the Secretary, in connection with such fi-
13 nancial transactions shall be final and conclusive
14 upon all officers of the Government.

15 “(b) USE OF FUNDS.—Funds made available to the
16 Secretary pursuant to the provisions of this part shall be
17 deposited in a checking account or accounts with the
18 Treasurer of the United States. Receipts and assets ob-
19 tained or held by the Secretary in connection with the per-
20 formance of functions under this part, and all funds avail-
21 able for carrying out the functions of the Secretary under
22 this part (including appropriations therefor, which are
23 hereby authorized), shall be available, in such amounts as
24 may from year to year be authorized by the Congress, for

1 the administrative expenses of the Secretary in connection
2 with the performance of such functions.

3 “(c) LEGAL POWERS.—In the performance of, and
4 with respect to, the functions, powers, and duties under
5 this part, the Secretary, notwithstanding the provisions of
6 any other law, may—

7 “(1) prescribe such rules and regulations as
8 may be necessary to carry out the purposes of this
9 part;

10 “(2) sue and be sued;

11 “(3) foreclose on any property or commence any
12 action to protect or enforce any right conferred upon
13 the Secretary by any law, contract, or other agree-
14 ment, and bid for and purchase at any foreclosure
15 or any other sale any property in connection with
16 which the Secretary has made a loan pursuant to
17 this part;

18 “(4) in the event of any such acquisition, not-
19 withstanding any other provision of law relating to
20 the acquisition, handling, or disposal of real property
21 by the United States, complete, administer, remodel
22 and convert, dispose of, lease, and otherwise deal
23 with, such property, but any such acquisition of real
24 property shall not deprive any State or political sub-
25 division thereof of its civil or criminal jurisdiction in

1 and over such property or impair the civil rights
2 under the State or local laws of the inhabitants on
3 such property;

4 “(5) sell or exchange at public or private sale,
5 or lease, real or personal property, and sell or ex-
6 change any securities or obligations, upon such
7 terms as the Secretary may fix;

8 “(6) obtain insurance against loss in connection
9 with property and other assets held; and

10 “(7) include in any contract or instrument
11 made pursuant to this part such other covenants,
12 conditions, or provisions as may be necessary to as-
13 sure that the purposes of this part will be achieved.

14 “(d) CONTRACTS FOR SUPPLIES OR SERVICES.—Sec-
15 tion 3709 of the Revised Statutes shall not apply to any
16 contract for services or supplies on account of any prop-
17 erty acquired pursuant to this part if the amount of such
18 contract does not exceed \$1,000.

19 “(e) APPLICABILITY OF GOVERNMENT CORPORATION
20 CONTROL ACT.—The provisions of section 9107(a) of title
21 31, United States Code, which are applicable to corpora-
22 tions or agencies subject to chapter 91 of such title, shall
23 also be applicable to the activities of the Secretary under
24 this part.

1 “(f) WAGE RATES.—The Secretary shall take such
2 action as may be necessary to ensure that all laborers and
3 mechanics employed by contractors or subcontractors on
4 any project assisted under this part—

5 “(1) shall be paid wages at rates not less than
6 those prevailing on the same type of work on similar
7 construction in the immediate locality as determined
8 by the Secretary of Labor in accordance with the
9 Act of March 3, 1931 (Davis-Bacon Act), as amend-
10 ed; and

11 “(2) shall be employed not more than 40 hours
12 in any one week unless the employee receives wages
13 for the employee’s employment in excess of the
14 hours specified above at a rate not less than one and
15 one-half times the regular rate at which the em-
16 ployee is employed,

17 but the Secretary may waive the application of this sub-
18 section in cases or classes of cases where laborers or me-
19 chanics, not otherwise employed at any time in the con-
20 struction of such project, voluntarily donate their services
21 without full compensation for the purpose of lowering the
22 costs of construction and the Secretary determines that
23 any amounts saved thereby are fully credited to the edu-
24 cational institution undertaking the construction.

1 “(g) LIMITATIONS.—(1) No loan shall be made under
2 this part to any local educational agency until 5 years
3 after the date on which a previous loan to that agency
4 was made under this part, unless the loan is intended to
5 be used to construct or reconstruct a facility damaged as
6 a result of a national disaster, as declared by the
7 President.

8 “(2) Not more than 12.5 percent of the amount of
9 the funds provided for in this part in the form of loans
10 annually shall be made available to educational institu-
11 tions within any one State.

12 **“SEC. 11005. DEFINITIONS.**

13 “The term ‘school’ is defined as structures suitable
14 for use as classrooms, laboratories, libraries, and related
15 facilities, the primary purpose of which is the instruction
16 of elementary and secondary school students.

17 **“SEC. 11006. AUTHORIZATION.**

18 “There are authorized to be appropriated to carry out
19 this title, \$200,000,000 for fiscal year 1995 and such
20 sums as may be necessary for each of the 4 succeeding
21 fiscal years.

1 **“TITLE XII—URBAN AND RURAL**
2 **EDUCATION ASSISTANCE**

3 **“PART A—URBAN EDUCATION DEMONSTRATION**
4 **GRANTS**

5 **“SEC. 12000. AUTHORIZATION OF APPROPRIATIONS.**

6 “(a) DEMONSTRATION GRANTS.—(1) There is au-
7 thorized to be appropriated \$200,000,000 for fiscal year
8 1995, and such sums as may be necessary for each of the
9 fiscal years 1996 through 1999 to carry out the provisions
10 of sections 12003 and 12103.

11 “(2) 50 percent of the amount appropriated under
12 paragraph (1) shall be reserved and made available only
13 for the purposes of section 12103. If the amount reserved
14 for any fiscal year for section 12103 is less than
15 \$50,000,000, the Secretary shall grant awards on a com-
16 petitive basis to local educational agencies serving rural
17 areas, making such that there is an equitable geographic
18 distribution of such awards. If the amount reserved for
19 any fiscal year for section 12103 exceeds \$50,000,000, the
20 Secretary shall grant awards in such a manner that a local
21 educational agency serving rural areas in each State re-
22 ceives such an award.

23 “(3) 50 percent of the amount appropriated under
24 paragraph (1) shall be reserved and made available only
25 for the purposes of section 12003.

1 “(b) HIGHER EDUCATION AND RESEARCH
2 GRANTS.—(1) There are authorized to be appropriated
3 \$50,000,000 for fiscal year 1995, and such sums as may
4 be necessary for each of the fiscal years 1996 through
5 1999 to carry out the provisions of sections 12004 and
6 12104.

7 “(2) 50 percent of the amount appropriated under
8 paragraph (1) shall be reserved and made available only
9 for the purposes of section 12004.

10 “(3) 50 percent of the amount appropriated under
11 paragraph (1) shall be reserved and made available only
12 for the purposes of section 12104.

13 “(c) COMMISSIONS.—There are authorized to be ap-
14 propriated for fiscal years 1995, 1996, and 1997 such
15 sums as may be necessary to carry out the provisions of
16 sections 12006 and 12105. Amounts appropriated pursu-
17 ant to this authority shall remain available until expended.

18 “(d) EVALUATION.—There are authorized to be ap-
19 propriated for each of the fiscal years 1995 through 1999
20 such sums as may be necessary to carry out the provisions
21 of section 12005.

22 **“SEC. 12001. FINDINGS.**

23 “The Congress finds that—

24 “(1) the ability of the Nation’s major urban
25 school systems to meet the Nation’s educational

1 goals will determine the country's economic competi-
2 tiveness and academic standing in the world commu-
3 nity;

4 “(2) the quality of public education in the Na-
5 tion's major urban areas has a direct effect on the
6 economic development of the Nation's inner cities;

7 “(3) the success of urban schools in boosting
8 the achievement of its minority youth attending such
9 schools will determine the ability of the Nation to
10 close the gap between the 'haves and have-nots' in
11 society;

12 “(4) the cost to America's businesses to provide
13 remedial education to high school graduates is ap-
14 proximately \$21,000,000,000 per year;

15 “(5) approximately $\frac{1}{3}$ of the Nation's work
16 force will be minority by the year 2000;

17 “(6) urban schools enroll a disproportionately
18 large share of the Nation's poor and 'at-risk' youth;

19 “(7) urban schools enroll approximately $\frac{1}{3}$ of
20 Nation's poor, 40 percent of the Nation's African
21 American children, and 30 percent of the Nation's
22 Hispanic youth;

23 “(8) nearly 20 percent of the Nation's limited
24 English proficient children and 15 percent of the

1 Nation's disabled youth are enrolled in urban
2 schools;

3 "(9) the academic performance of students in
4 the average inner-city public school system is below
5 that of students in most other kinds of school
6 systems;

7 "(10) urban schools systems have higher drop-
8 out rates, more problems with health care and less
9 parental participation than other kinds of school
10 systems;

11 "(11) urban preschoolers have one-half the ac-
12 cess to early childhood development programs as do
13 other children;

14 "(12) shortages of teachers in urban school sys-
15 tems are 2.5 times greater than such shortages in
16 other kinds of school systems;

17 "(13) declining numbers of urban minority high
18 school graduates are pursuing postsecondary edu-
19 cational opportunities;

20 "(14) urban schools systems have greater prob-
21 lems with teen pregnancy, discipline, drug abuse and
22 gangs than do other kinds of school systems;

23 "(15) 75 percent of urban school buildings are
24 over 25 years old, 33 percent of such buildings are
25 over 50 years old, and such buildings are often in

1 serious disrepair and create poor and demoralizing
2 working and learning conditions;

3 “(16) solving the challenges facing our Nation’s
4 urban schools will require the concerted and collabo-
5 rative efforts of all levels of government and all sec-
6 tors of the community;

7 “(17) State and Federal funding for urban
8 schools has not adequately reflected need; and

9 “(18) Federal funding that is well targeted,
10 flexible and accountable would contribute signifi-
11 cantly to addressing the comprehensive needs of
12 inner-city schools.

13 **“SEC. 12002. STATEMENT OF PURPOSE.**

14 “It is the purpose of this Act to provide financial
15 assistance to—

16 “(1) assist urban schools in meeting national
17 education goals;

18 “(2) improve the educational and social well
19 being of urban public school children;

20 “(3) close the achievement gap between urban
21 and nonurban school children, while improving the
22 achievement level of all children nationally;

23 “(4) renovate and repair urban school buildings
24 and facilities;

1 “(5) conduct coordinated research on urban
2 education problems, solutions and promising prac-
3 tices;

4 “(6) improve the Nation’s global economic and
5 educational competitiveness by improving the coun-
6 try’s urban schools;

7 “(7) encourage community, parental and busi-
8 ness collaboration in the improvement of urban
9 schools; and

10 “(8) review regulations whose simplification
11 might improve the achievement of urban school chil-
12 dren.

13 **“SEC. 12003. URBAN EDUCATION DEMONSTRATION GRANTS.**

14 “(a) **AUTHORITY.**—The Secretary is authorized to
15 make grants to eligible local educational agencies serving
16 an urban area or State educational agencies in the case
17 where the State educational agency is the local educational
18 agency for activities designed to assist in local school im-
19 provement efforts and school reform, and to assist the
20 schools of such agencies in meeting the National Edu-
21 cation Goals.

22 “(b) **AUTHORIZED ACTIVITIES.**—Funds under this
23 section may be used to—

24 “(1) increase academic achievement of urban
25 school children;

1 “(2) ensure the readiness of urban children for
2 school;

3 “(3) increase the graduation rates of urban
4 students;

5 “(4) prepare urban school graduates to enter
6 higher education, pursue careers, and exercise their
7 responsibilities as citizens;

8 “(5) recruit and retain qualified teachers, par-
9 ticularly minority teachers and teachers specializing
10 in areas of critical shortage;

11 “(6) provide for ongoing staff development to
12 increase the professional capacities of the teaching
13 staff and the skills of teacher aides and paraprofes-
14 sionals;

15 “(7) decrease the use of drugs and alcohol
16 among urban students and to ensure the physical
17 and emotional well-being of such students in a bias-
18 free school environment;

19 “(8) coordinate and collaborate with parents,
20 the community, the private sector, and with other
21 service providers and programs;

22 “(9) acquire and improve access to educational
23 technology; and

24 “(10) assist the schools most in need of services
25 by replicating successful efforts of other urban local

1 educational agencies and expanding successful pro-
2 grams within the eligible agency.

3 “(c) GENERAL PROVISIONS.—An eligible local edu-
4 cational agency desiring to receive a grant under this sec-
5 tion shall submit an application to the Secretary at such
6 time, in such manner, and accompanied by such informa-
7 tion as the Secretary may reasonably require, consistent
8 with this section.

9 “(d) DEFINITIONS.—Except as otherwise provided,
10 for the purposes of this part—

11 “(1) CENTRAL CITY.—The term ‘central city’
12 has the same meaning as that used by the United
13 States Census Bureau.

14 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
15 CY.—The term ‘eligible local educational agency’
16 means a local educational agency which—

17 “(A) serves the largest central city in a
18 State;

19 “(B) enrolls more than 30,000 students
20 and serves a central city with a population of
21 at least 200,000 in a metropolitan statistical
22 area; or

23 “(C) enrolls between 25,000 and 30,000
24 students and serves a central city with a popu-

1 lation of at least 140,000 in a metropolitan sta-
2 tistical area.

3 “(3) METROPOLITAN STATISTICAL AREA.—The
4 term ‘metropolitan statistical area’ has the same
5 meaning as that used by the United States Census
6 Bureau.

7 **“SEC. 12004. RESEARCH AND EVALUATION GRANTS.**

8 “The Secretary is authorized to make grants and
9 enter into contracts with eligible local educational agen-
10 cies, and institutions of higher education jointly with eligi-
11 ble local educational agencies to conduct research and
12 evaluate programs for improving and reforming the Na-
13 tion’s urban schools.

14 **“SEC. 12005. USE OF FUNDS.**

15 “Funds allotted to eligible local educational agencies
16 and institutions of higher education under section 12004
17 may be used for—

18 “(1) collaborative and coordinated research and
19 evaluation of educational techniques or approaches
20 used in multiple eligible local educational agencies;

21 “(2) evaluation of projects assisted under title
22 I;

23 “(3) collection and dissemination of information
24 on successful projects and approaches assisted under
25 title I;

1 “(4) design and implementation of extension
2 service programs to allow an eligible local edu-
3 cational agency to provide technical assistance to in-
4 dividual schools and teachers involved in projects as-
5 sisted under title I;

6 “(5) provision of data and information manage-
7 ment services to individual schools assisted under
8 title I;

9 “(6) provision of staff training in schools as-
10 sisted under title I;

11 “(7) evaluation of progress made by eligible
12 local educational agencies assisted under this Act in
13 meeting national education goals;

14 “(8) provision of staff training in test interpre-
15 tation and use for diagnostic purposes;

16 “(9) provision of information to parents on test
17 results and test interpretation;

18 “(10) provision of technology and training in its
19 research and evaluation uses;

20 “(11) development of assessment tools of stu-
21 dents in individualized instruction;

22 “(12) research on school policies and practices
23 which may be barriers to the success of students in
24 school; and

1 “(13) development and testing of new multiple,
2 alternative assessments of student progress toward
3 the national education goals which are race and gen-
4 der bias-free and sensitive to limited-English pro-
5 ficient and disabled students.

6 **“SEC. 12006. AUGUSTUS F. HAWKINS NATIONAL COMMIS-**
7 **SION ON URBAN EDUCATION.**

8 “(a) ESTABLISHMENT.—There is established a Na-
9 tional Commission on Urban Education (in this Act re-
10 ferred to as the ‘Commission’).

11 “(b) MEMBERSHIP.—

12 “(1) IN GENERAL.—The Commission shall be
13 composed of 12 members as follows:

14 “(A) 4 of the Members shall be appointed
15 by the President.

16 “(B) 4 of the Members shall be appointed
17 by the Speaker of the House, including 2 Mem-
18 bers of the House, of which 1 shall be from
19 each political party.

20 “(C) 4 of the members shall be appointed
21 by the President pro tempore of the Senate, in-
22 cluding 2 Members of the Senate, of which 1
23 shall be from each political party.

24 “(2) CHAIRPERSON.—The Chairperson of the
25 Commission shall be elected by the members of the

1 Commission and shall continue to serve for the dura-
2 tion of the Commission.

3 “(3) VACANCIES.—Any vacancy in the Commis-
4 sion shall be filled in the same manner as the origi-
5 nal appointment.

6 “(c) DUTIES.—The Commission shall study the fol-
7 lowing issues:

8 “(1) DEMOGRAPHIC CHANGES.—Demographic
9 changes in student enrollment and classroom teach-
10 ers in the 10-year period prior to the date of enact-
11 ment of this Act.

12 “(2) SPECIAL NEEDS.—Numbers and types of
13 special needs of students in urban schools.

14 “(3) UNSERVED OR UNDERSERVED STU-
15 DENTS.—Number of unserved or underserved stu-
16 dents in urban schools eligible for assistance under
17 the Head Start Act, chapter 1 of title 1 of the Ele-
18 mentary and Secondary Education Act of 1965,
19 School Dropout Demonstration Assistance Act of
20 1988, Drug Free Schools and Communities Act of
21 1986, Carl D. Perkins Vocational and Applied Tech-
22 nology Education Act, Education of the Handi-
23 capped Act and other Federal programs.

24 “(4) STUDENT PERFORMANCE.—Program and
25 management efforts in urban schools designed to en-

1 hance student performance, and reasons for the ef-
2 fectiveness of such efforts.

3 “(5) FINANCIAL SUPPORT.—Financial support
4 and funding needs of urban schools from local,
5 State, and Federal sources.

6 “(6) COLLABORATE EFFORTS.—Collaborative
7 efforts and programs between urban schools, the pri-
8 vate sector, and community groups.

9 “(7) SUPPLY NEEDS.—Supply needs for teach-
10 ers in urban schools in the 10-year period beginning
11 on the date of enactment of this Act.

12 “(d) REPORTS.—

13 “(1) IN GENERAL.—The Commission shall sub-
14 mit a report that includes recommendations to the
15 President and to the appropriate committees of the
16 Congress on the findings of the study required by
17 this section. The report shall be submitted as soon
18 as practicable.

19 “(2) PROPOSAL FOR CHANGES IN FEDERAL
20 LEGISLATION.—The report submitted under this sec-
21 tion shall include proposals for changes in Federal
22 legislation.

23 “(e) STAFF.—Such personnel as the Commission
24 deems necessary may be appointed by the Commission
25 without regard to the provisions of title 5, United States

1 Code, governing appointments in the competitive service,
2 and may be paid without regard to the provisions of chap-
3 ter 51 and subtitle III of chapter 53 of such title relating
4 to classification and General Schedule pay rates, but no
5 individual so appointed shall be paid in excess of the rate
6 of basic pay for level III of the Executive Schedule.

7 “(f) COMPENSATION.—

8 “(1) IN GENERAL.—Members of the Commis-
9 sion who are officers or full-time employees of the
10 United States shall receive no additional pay, allow-
11 ances, or benefits by reason of their service on the
12 Commission.

13 “(2) TRAVEL EXPENSES.—Each member shall
14 receive travel expenses, including per diem in lieu of
15 subsistence, as authorized by section 5702 and 5703
16 of title 5, United States Code.

17 “(3) SPECIAL RULE.—Members of the Commis-
18 sion who are not officers or full-time employees of
19 the United States may receive a per diem and travel
20 allowance as is provided by the United States Code
21 for persons in the Government service employed
22 intermittently.

23 “(g) ADMINISTRATION.—

24 “(1) IN GENERAL.—The Commission or, on the
25 authorization of the Commission, any committee

1 thereof, may, for the purpose of carrying out the
2 provisions of this section, hold such hearings and
3 site and act at such times and such places within the
4 United States as the Commission or such committee
5 considers advisable.

6 “(2) CONSULTATION.—In carrying out its du-
7 ties under this section, the Commission shall consult
8 with other Federal agencies, representatives of State
9 and local governments, and private organizations to
10 the extent feasible.

11 “(3) INFORMATION.—The Commission may se-
12 cure directly from any department or agency of the
13 United States information necessary to enable it to
14 carry out this section. Upon request of the Chair-
15 person of the Commission, the head of such depart-
16 ment or agency shall furnish that information to the
17 Commission.

18 “(4) CONTRACTS.—The Commission is author-
19 ized to enter into contracts to secure the necessary
20 data and information to conduct its work and to ob-
21 tain the services of experts and consultants.

22 “(5) COOPERATION.—The heads of all Federal
23 agencies are, to the extent practicable, directed to
24 cooperate with the Commission in carrying out this
25 section.

1 “(6) SPECIAL RULE.—The Commission is au-
2 thorized to utilize, with the consent of such agencies,
3 the services, personnel, information, and facilities of
4 other Federal, State, local, and private agencies with
5 or without reimbursement.

6 “(h) TERMINATION.—The Commission shall termi-
7 nate 3 years after the date of its first meeting.

8 **“SEC. 12007. EVALUATION.**

9 “The Secretary is authorized directly, or through
10 grants or contracts to evaluate the programs and activities
11 funded under this title, broadly disseminate such informa-
12 tion to other school districts, and to report the results of
13 such evaluation to the Education and Labor Committee
14 of the House of Representatives and the Labor and
15 Human Resources Committee of the Senate.

16 **“PART B—RURAL EDUCATION DEMONSTRATION**
17 **GRANTS**

18 **“SEC. 12101. FINDINGS.**

19 “The Congress finds that—

20 “(1) rural schools are essential to national ef-
21 forts to meet the National Education Goals;

22 “(2) approximately 60 percent of the Nation’s
23 public school districts are rural, with populations of
24 less than 2,500;

1 “(3) about 1 out of every 4 of America’s rural
2 school children are living below the poverty level;

3 “(4) the quality of public education in rural
4 areas has a direct effect on the economic develop-
5 ment of our country’s rural communities;

6 “(5) the academic performance of students in
7 the average rural school system is below that of stu-
8 dents in most other suburban school systems;

9 “(6) the average age of rural public school
10 buildings is more than 45 years old, creating poor
11 and demoralizing working and learning conditions;

12 “(7) shortages of teachers for rural school
13 systems is greater than in other kinds of school
14 systems;

15 “(8) solving the challenges facing the Nation’s
16 rural schools will require the concerted and collabo-
17 rative efforts of all levels of government and all sec-
18 tors of the education community; and

19 “(9) additional Federal funding would contrib-
20 ute significantly to addressing the comprehensive
21 needs of rural schools.

22 **“SEC. 12102. STATEMENT OF PURPOSE.**

23 “‘It is the purpose of this part to provide financial
24 assistance to rural schools to encourage innovative school
25 reform programs, the enhanced use of telecommunications

1 technology for learning, and inservice training and teacher
2 recruitment initiatives in cooperation with institutions of
3 higher education designed to augment local school im-
4 provement activities.

5 **“SEC. 12103. RURAL SCHOOL GRANTS.**

6 “(a) AUTHORITY.—The Secretary is authorized to
7 make grants to local education agencies serving rural
8 areas or State educational agencies in the case where the
9 State educational agency is the local educational agency
10 for activities designed to assist in local school improve-
11 ment efforts.

12 “(b) AUTHORIZED ACTIVITIES.—Funds under this
13 title may be used to—

14 “(1) assist rural schools in meeting National
15 Education goals and undertaking local school im-
16 provement initiatives;

17 “(2) develop pilot projects that experiment with
18 innovative ways to teach rural public school children
19 more effectively;

20 “(3) encourage rural school consortia for the
21 purpose of increasing efficiency and course offerings;

22 “(4) provide meaningful inservice training op-
23 portunities for rural public school teachers; and

1 “(5) assist rural schools in acquiring and im-
2 proving access to educational technology, including
3 distance learning technologies.

4 “(c) GENERAL PROVISIONS.—Each eligible entity de-
5 siring a grant under this title shall submit an application
6 to the Secretary at such time, in such manner, and accom-
7 panied by such information as the Secretary may reason-
8 ably require. Awards made by the Secretary shall be of
9 sufficient size and scope to achieve significant rural school
10 improvement.

11 **“SEC. 12104. HIGHER EDUCATION GRANTS.**

12 “(a) GRANTS.—The Secretary is authorized to make
13 grants to institutions of higher education, consortia of
14 such institutions, or partnerships between institutions of
15 higher education and local education agencies to assist
16 rural schools and local education agencies serving rural
17 areas in undertaking local school improvement activities.

18 “(b) AUTHORIZED ACTIVITIES.—Funds under this
19 section may be used to—

20 “(1) assist rural schools in meeting National
21 Education Goals;

22 “(2) assist in the recruitment and training of
23 teachers in rural schools;

1 “(3) assist rural schools in the development of
2 appropriate innovative school improvement initia-
3 tives;

4 “(4) provide inservice training opportunities for
5 teachers in rural schools; and

6 “(5) provide technical assistance in the use and
7 installation of innovative telecommunications tech-
8 nology.

9 “(c) GENERAL PROVISIONS.—Each eligible entity de-
10 siring a grant under this section shall submit an applica-
11 tion to the Secretary at such time, in such manner, and
12 accompanied by such information as the Secretary may
13 reasonably require.

14 **“SEC. 12105. NATIONAL COMMISSION ON RURAL EDU-**
15 **CATION.**

16 “(a) ESTABLISHMENT.—There is established a Na-
17 tional Commission on Rural Education.

18 “(b) MEMBERSHIP.—The Commission shall be com-
19 posed of 12 members, 4 of whom shall be appointed by
20 the President of the United States, 4 of whom shall be
21 appointed by the Speaker of the House upon the rec-
22 ommendation of the majority leader and the minority lead-
23 er, and 4 of whom shall be appointed by the President
24 pro tempore of the Senate upon the recommendation of
25 the majority leader and the minority leader. A majority

1 of the members of the Commission shall be individuals in-
2 volved in rural education, with at least 2 individuals in-
3 volved in rural postsecondary education. The Chair of the
4 Commission shall be elected by the President from among
5 his 4 appointees and shall continue to serve during the
6 duration of the Commission. Vacancies in the Commission
7 shall be filled in the same manner as the original appoint-
8 ment.

9 “(c) STUDIES.—The Commission shall conduct a full
10 and complete study on the State of rural education in
11 America. Included in this analysis should be the impact
12 of demographic changes in rural schools, the special needs
13 of these schools, the current and future teacher needs of
14 these schools, the effectiveness of existing Federal edu-
15 cation programs in meeting the needs of these schools, the
16 adequacy of financial support for these schools, and any
17 other issues that the Commission deems to be important
18 and essential for a complete and exhaustive examination
19 of the state and condition of rural schools in America.

20 “(d) STAFF.—The Commission may appoint such
21 staff as may be necessary by the Chair without regard to
22 the provisions of title 5, United States Code, governing
23 appointments in the competitive service, and may pay such
24 staff without regard to the provisions of chapter 51 of sub-
25 chapter III of chapter 53 of such title relating to classi-

1 fication and General Schedule pay rates, but no individual
2 so appointed shall be paid in excess of the rate authorized
3 for GS-18 of the General Schedule.

4 “(e) COMPENSATION AND EXPENSES.—(1) Members
5 of the Commission who are officers or full-time employees
6 of the United States shall serve without compensation in
7 addition to that received for their services as officers and
8 employees of the United States. Such members may be
9 allowed travel expenses and per diem in lieu of subsist-
10 ence, as authorized by section 5703 of title 5, United
11 States Code.

12 “(2) Members of the Commission who are not officers
13 or full-time employees of the United States may each re-
14 ceive per diem and travel allowance as is provided by the
15 United States Code for persons in the Government service
16 employed intermittently.

17 “(f) ADMINISTRATION.—(1) The Commission may
18 organize itself in whatever manner is most appropriate for
19 the conduct of its activities. It may hold such hearings
20 and act at such time and such places within the United
21 States as it may consider advisable. In carrying out its
22 duties, the Commission may consult with other Federal
23 agencies, representatives of State and local governments,
24 and private organizations to the extent feasible.

1 “(2) The Commission is authorized to secure directly
2 from any executive department, bureau, agency, board,
3 commission, office, independent establishment, or instru-
4 mentality, information, suggestions, estimates, and statis-
5 tics for the purpose of this section, and each such depart-
6 ment, bureau, agency, board, commission, office, inde-
7 pendent establishment, or instrumentality is authorized
8 and directed, to the extent permitted by law, to furnish
9 such information, suggestions, estimates, and statistics di-
10 rectly to the Commission, upon request by the Chair.

11 “(3) The Commission may enter into contracts for
12 the acquisition of information, suggestions, estimates, and
13 statistics for the purpose of this section. The Commission
14 is authorized to obtain the services of experts and consult-
15 ants without regard to section 3109 of title 5, United
16 States Code, and to set pay in accordance with such
17 section.

18 “(4) The head of such Federal agency shall, to the
19 extent not prohibited by law, cooperate with the Commis-
20 sion in carrying out this section. The Commission is au-
21 thorized to utilize, with their consent, the services, person-
22 nel, information, and facilities of other Federal, State,
23 local, and private agencies with or without reimbursement.

24 “(g) FINAL REPORT.—The Commission shall report
25 to Congress its findings not later than 3 years after the

1 date of enactment of this Act. Such report may include
2 legislative recommendations. The Commission may make
3 whatever interim reports to Congress that it deems
4 necessary.”.

5 **TITLE II—AMENDMENTS TO THE**
6 **GENERAL EDUCATION PROVI-**
7 **SIONS ACT**

8 **PART A—APPLICABILITY OF THE GENERAL**
9 **EDUCATION PROVISIONS ACT**

10 **SEC. 211. TITLE; APPLICABILITY; DEFINITIONS.**

11 Section 400 of the General Education Provisions Act
12 (20 U.S.C. 1221 et seq.; referred to in this title as “the
13 Act”) is amended to read as follows:

14 “TITLE; APPLICABILITY; DEFINITIONS

15 “SEC. 400. (a) This title may be cited as the ‘General
16 Education Provisions Act’.

17 “(b)(1) Except as otherwise provided, this title ap-
18 plies to each applicable program of the Department of
19 Education.

20 “(2) Except as otherwise provided, this title does not
21 apply to any contract made by the Department of
22 Education.

23 “(c) As used in this title, the following terms have
24 the following meanings:

25 “(1) The term ‘applicable program’ means any
26 program for which the Secretary or the Department

1 has administrative responsibility as provided by law
2 or by delegation of authority pursuant to law. The
3 term includes each program for which the Secretary
4 or the Department has administrative responsibility
5 under the Department of Education Organization
6 Act or under statutes effective after the effective
7 date of that Act.

8 “(2) The term ‘applicable statute’ means—

9 “(A) the Act or the title, part, section, or
10 any other subdivision of an Act, as the case
11 may be, that authorizes the appropriation for
12 an applicable program;

13 “(B) this title; and

14 “(C) any other statute that by its terms
15 expressly controls the administration of an ap-
16 plicable program.

17 “(3) The term ‘Department’ means the Depart-
18 ment of Education.

19 “(4) The term ‘Secretary’ means the Secretary
20 of Education.

21 “(d) Nothing in this title shall be construed to affect
22 the applicability of title VI of the Civil Rights Act of 1964,
23 title IX of the Education Amendments of 1972, title V
24 of the Rehabilitation Act of 1973, the Age Discrimination

1 Act, or other statutes prohibiting discrimination, to any
2 applicable program.”.

3 **SEC. 212. REPEAL AND REDESIGNATION.**

4 (a) The following provisions of the Act are repealed—

5 (1) sections 400A, 401, 402, 405, 406, 406A,
6 406B, 406C, 407, 413, 416, 419, 421, 423, 424,
7 426A, and 429; and

8 (2) part D.

9 (b) Sections 403, 408, 409, 411, 412, 414, 415, 417,
10 420, 421A, 422, 425, 426, 427, 428, 430, 431, 432, 433,
11 434, 435, 436, 437, 438, 439, and 440 are redesignated
12 as 401, 410, 411, 420, 421, 422, 423, 425, 426, 430, 431,
13 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442,
14 443, 444, 445, and 446 respectively.

15 (c) Part E is redesignated as part D.

16 **PART B—THE DEPARTMENT OF EDUCATION**

17 **SEC. 221. NEW HEADING FOR PART A.**

18 The heading for part A of the Act is amended to read
19 as follows:

20 “PART A—FUNCTIONS OF THE DEPARTMENT OF
21 EDUCATION”.

22 **SEC. 222. OFFICE OF NON-PUBLIC EDUCATION.**

23 Section 401 of the Act (as redesignated) is amended
24 by—

1 (1) striking the heading of such section and in-
2 serting the following new heading:

3 “OFFICE OF NON-PUBLIC EDUCATION”;

4 (2) striking subsections (a), (b), and (c); and

5 (3) striking “(d)(1) There” and inserting “SEC.
6 401. (1) There”.

7 **SEC. 223. GENERAL AUTHORITY OF THE SECRETARY.**

8 Section 410 of the Act (as redesignated) is amended
9 to read as follows:

10 “GENERAL AUTHORITY OF THE SECRETARY

11 “SEC. 410. The Secretary, in order to carry out func-
12 tions otherwise vested by law or by delegation of authority
13 pursuant to law, and subject to limitations as may be oth-
14 erwise imposed by law, is authorized to make, promulgate,
15 issue, rescind, and amend rules and regulations governing
16 the manner of operation of, and governing the applicable
17 programs administered by, the Department.”.

18 **PART C—APPROPRIATIONS AND EVALUATIONS**

19 **SEC. 230. FORWARD FUNDING.**

20 Section 420 of the Act (as redesignated) is amended
21 to read as follows:

22 “FORWARD FUNDING

23 “SEC. 420. (a) To the end of affording the respon-
24 sible State, local, and Federal officers adequate notice of
25 available Federal financial assistance for carrying out on-
26 going education activities and projects, appropriations for

1 grants, contracts, or other payments under any applicable
2 program are authorized to be included in the appropria-
3 tions Act for the fiscal year preceding the fiscal year dur-
4 ing which such activities and projects shall be carried out.

5 “(b) In order to effect a transition to the timing of
6 appropriation action authorized by subsection (a), the ap-
7 plication of this section may result in the enactment, in
8 a fiscal year, of separate appropriations for an applicable
9 program (whether in the same appropriations Act or oth-
10 erwise) for 2 consecutive fiscal years.”.

11 **SEC. 231. AVAILABILITY OF APPROPRIATIONS.**

12 (a) The heading for section 421 of the Act (as redes-
13 igned) is amended to read as follows: “AVAILABILITY OF
14 APPROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS;
15 ADDITIONAL PERIOD FOR EXPENDITURE OF FUNDS”.

16 (b) Section 421 of the Act (as redesignated) is fur-
17 ther amended—

18 (1) in subsection (b) by striking “(b) Notwith-
19 standing” and inserting “(b)(1) Notwithstanding”;
20 and

21 (2) in subsection (c) by striking “section
22 3679(d)(2) of the Revised Statutes” and inserting
23 “section 1341(a) of title 31 of the United States
24 Code”.

1 **SEC. 232. CONTINGENT EXTENSION OF PROGRAMS.**

2 Section 422 of the Act (as redesignated) is amended
3 to read as follows:

4 “CONTINGENT EXTENSION OF PROGRAMS

5 “SEC. 422. (a) The authorization of appropriations
6 for, or duration of, an applicable program shall be auto-
7 matically extended for one additional fiscal year unless
8 Congress, in the regular session that ends prior to the be-
9 ginning of the terminal fiscal year of such authorization
10 or duration, has passed legislation that becomes law and
11 extends or repeals the authorization or duration of such
12 program.

13 “(b) The amount authorized to be appropriated for
14 the period of automatic extension of an applicable program
15 under subsection (a) shall be the amount that was author-
16 ized to be appropriated for that program during its termi-
17 nal fiscal year.

18 “(c) During the period of automatic extension of an
19 applicable program under subsection (a), the Secretary
20 shall administer such program, including the performance
21 of all required acts and determinations, in the same man-
22 ner required in the termination fiscal year by the applica-
23 ble statute.

24 “(d) This section shall not apply to the authorization
25 of appropriations for a commission, council or committee

1 which is required by an applicable statute to terminate on
2 a date certain.”.

3 **SEC. 233. STATE REPORTS.**

4 Subpart 2 of part B of the Act is amended by insert-
5 ing the following new section 424 at the beginning of such
6 subpart.

7 “RESPONSIBILITY OF STATES TO FURNISH INFORMATION

8 “SEC. 424. (a) Each State educational agency shall
9 submit to the Secretary a report on or before March 15
10 of every second year. Each such report shall include—

11 “(1) information with respect to the uses of
12 Federal funds in such State in the 2 preceding fiscal
13 years under any applicable program under the juris-
14 diction of the State educational agency; and

15 “(2) information with respect to the uses of
16 Federal funds in such State in the 2 preceding fiscal
17 years under any Federal program administered by
18 the State that provided grants or contracts to a local
19 educational agency in the State.

20 “(b) Each report submitted as required by subsection
21 (a) shall—

22 “(1) list, with respect to each program for
23 which information is provided, all grants made to
24 and contracts entered into with local educational
25 agencies and other public and private agencies and

1 institutions within the State during each fiscal year
2 concerned;

3 “(2) analyze the information included in the re-
4 port by local educational agency and by program;

5 “(3) include the total amount of funds available
6 to the State under each such program for each fiscal
7 year concerned; and

8 “(4) be made readily available by the State to
9 local educational agencies and institutions within the
10 State and to the public.

11 “(c) If the Secretary does not receive a report by the
12 date required under subsection (a), or receives an incom-
13 plete report, the Secretary, not later than 30 days after
14 such report is required to be submitted, shall take all rea-
15 sonable measures to obtain the delinquent or incomplete
16 information from the State educational agency.

17 “(d) When the Secretary receives a report required
18 under subsection (a), the Secretary shall provide such in-
19 formation to the National Center for Education Statistics,
20 and shall make such information available, at a reasonable
21 cost, to any individual who requests it.

22 “(e) The Secretary shall consult with the Speaker
23 and Minority Leader of the House of Representatives and
24 the Majority and Minority Leaders of the Senate regard-
25 ing the costs and feasibility of making the information de-

1 scribed in subsection (a) available as part of a tele-
2 communications network that is readily accessible to every
3 member of Congress and other interested parties.

4 “(f) On or before August 15th of each year in which
5 reports are submitted under subsection (a), the Secretary
6 shall submit a report to the Committee on Education and
7 Labor of the House of Representatives and the Committee
8 on Labor and Human Resources of the Senate. Such re-
9 port shall include—

10 “(1) an analysis of the content and data quality
11 of such reports;

12 “(2) a compilation of statistical data derived
13 from such reports; and

14 “(3) information obtained by the Secretary with
15 respect to—

16 “(A) direct grants made to local edu-
17 cational agencies by the Federal Government;
18 and

19 “(B) contracts entered into between such
20 agencies and the Federal Government.”.

21 **SEC. 234. BIENNIAL EVALUATION REPORT.**

22 Section 425 of the Act (as redesignated) is amended
23 to read as follows:

24 “BIENNIAL EVALUATION REPORT

25 “SEC. 425. Not later than March 31 of each second
26 year beginning with 1995, the Secretary shall transmit to

1 the Committee on Education and Labor of the House of
2 Representatives and the Committee on Labor and Human
3 Resources of the Senate an evaluation report on the effec-
4 tiveness of applicable programs during the two preceding
5 fiscal years in achieving their legislated purposes. Such re-
6 port shall—

7 “(1) contain program profiles that include legis-
8 lative citations, multi-year funding histories, and leg-
9 islated purposes;

10 “(2) contain recent evaluation information on
11 the progress being made toward the achievement of
12 program objectives, including listings of program
13 performance indicators, data from performance
14 measurement based on the indicators, evaluation in-
15 formation on the costs and benefits of the applicable
16 programs being evaluated.

17 “(3) contain selected significant program activi-
18 ties, such as initiatives for program improvement,
19 regulations, and program monitoring and evaluation;

20 “(4) list the principal analyses and studies sup-
21 porting the major conclusions in such report; and

22 “(5) be prepared in concise summary form with
23 necessary detailed data and appendices, including
24 available data to indicate the effectiveness of the

1 programs and projects by the race, sex, disability
2 and age of their beneficiaries.”.

3 **SEC. 235. TECHNICAL AMENDMENT.**

4 (a) Section 423 of the Act (as redesignated) is
5 amended by striking “Commissioner” and inserting
6 “Secretary”.

7 (b) Section 426 of the Act (as redesignated) is
8 amended by—

9 (1) striking “title I of” and all that follows
10 through “Congress)” and inserting “title VIII of the
11 Elementary and Secondary Education Act of 1965”;
12 and

13 (2) striking “subparagraph (C) of section
14 3(d)(2) or section 403(1)(C)” and inserting in lieu
15 thereof “sections 8003(c) or residing on property de-
16 scribed in section 8012(4)(B)(ii)”.

17 **SEC. 236. COORDINATION.**

18 The National Assessment Governing Board, the Advi-
19 sory Council on Statistics, the National Education Goals
20 Panel, the National Education Statistics and Improve-
21 ment Council, and any other Board established to analyze,
22 address, or approve standards and assessments shall co-
23 ordinate and interact with one another in order to ensure
24 that each entity does not duplicate activities to assist
25 States in their efforts to reform their educational systems.

1 **PART D—ADMINISTRATION OF EDUCATION**

2 **PROGRAMS**

3 **SEC. 241. JOINT FUNDING OF PROGRAMS.**

4 Section 430 of the Act (as redesignated) is amended
5 to read as follows:

6 “JOINT FUNDING OF PROGRAMS

7 “SEC. 430. (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 so transferred or received shall be used
14 only in accordance with the statutes authorizing the ap-
15 propriation of such funds, and shall be made available by
16 contract or grant only to recipients eligible to receive such
17 funds under such statutes.

18 “(3) If the Secretary enters into an agreement under
19 this subsection for the administration of a project, the
20 agency administering the project shall use its procedures
21 to award contracts or grants and to administer such
22 awards, unless the parties to the agreement specify the
23 use of procedures of another agency that is a party to the
24 agreement.

25 “(4) If the Secretary has entered into an agreement
26 authorized under subsection (a) of this section and the

1 Secretary and the heads of the other agencies participat-
2 ing in the agreement determine that joint funding is nec-
3 essary to address a special need consistent with the
4 purposes and authorized activities of each program that
5 provides funding, the Secretary and the heads of the other
6 participating agencies may develop a single set of criteria
7 for jointly funded projects and require each applicant for
8 those projects to submit a single application for review by
9 the participating agencies.

10 “(b) The Secretary may develop the criteria for, and
11 require the submission of, joint applications under two or
12 more applicable programs under which awards are made
13 on a competitive basis, and may jointly review and approve
14 such applications separately from other applications under
15 such programs, when the Secretary determines that such
16 joint awards are necessary to address a special need con-
17 sistent with the purposes and authorized activities of each
18 such program. An applicant for such a joint award must
19 meet the eligibility requirements of each such program.

20 “(c) The Secretary may not construe the provisions
21 of this section to take precedence over a limitation on joint
22 funding contained in an applicable statute.

23 “(d)(1) The Secretary shall provide notice to the
24 Committee on Education and Labor of the House of Rep-
25 resentatives and to the Committee on Labor and Human

1 Resources of the Senate of each joint funding agreement
2 made with other Federal agencies not later than 60 days
3 following the making of such agreements.

4 “(2) Such notice shall include—

5 “(A) a description of the purpose and objectives
6 of the joint funding arrangement;

7 “(B) the amounts and sources, by program, of
8 the funds dedicated to such arrangement; and

9 “(C) the criteria developed to govern the award
10 of contracts and grants.”.

11 **SEC. 242. COLLECTION AND DISSEMINATION OF INFORMA-**
12 **TION.**

13 Section 431 of the Act (as redesignated) is amended
14 by—

15 (1) striking “(a) The Commissioner” and in-
16 sserting “The Secretary”;

17 (2) inserting “and” at the end of paragraph
18 (2);

19 (3) striking “; and” at the end of paragraph (3)
20 and inserting “.”; and

21 (4) striking paragraph (4) and subsections (b)
22 and (c).

23 **SEC. 243. REVIEW OF APPLICATIONS.**

24 (a) Section 432 of the Act (as redesignated) is
25 amended—

1 (1) in subsection (a)—

2 (A) by striking “Commissioner” and in-
3 serting “Secretary”;

4 (B) by striking “and in the case of the
5 program provided for in title I of the Elemen-
6 tary and Secondary Education Act of 1965,”;

7 (C) in the third sentence thereof, by insert-
8 ing a comma after “the hearing”; and

9 (D) in the fourth sentence thereof—

10 (i) by striking the comma after
11 “guidelines”; and

12 (ii) by inserting a comma after “pro-
13 gram”;

14 (2) in subsection (b), by striking “Commis-
15 sioner” each place it appears and inserting “Sec-
16 retary”; and

17 (3) in subsection (d), by striking “Commis-
18 sioner” each time it appears and inserting “Sec-
19 retary” and by inserting before the period “or issue
20 such other orders as the Secretary may deem appro-
21 priate to achieve such compliance”.

22 (b) All statistics and other data collection and analy-
23 sis reported under this section shall, whenever feasible, be
24 collected cross-tabulated, analyzed, and reported by sex
25 within race or ethnicity and socioeconomic status. In the

1 event that the Secretary determines that such statistics
2 or data collection and analysis reveals no significant dif-
3 ferences among such categories, the Secretary shall in-
4 clude in the relevant report incorporating such statistics
5 or data an explanation of such determination.

6 **SEC. 244. TECHNICAL AMENDMENT.**

7 Section 434 of the Act (as redesignated) is amended
8 in the first sentence by striking “the Commissioner” and
9 “he” and inserting “the Secretary” in lieu of each.

10 **SEC. 245. USE OF FUNDS WITHHELD.**

11 Section 435 of the Act (as redesignated) is amended
12 to read as follows:

13 “USE OF FUNDS WITHHELD

14 “SEC. 435. (a) At any time that the Secretary makes
15 an allotment or reallocation to any State under any appli-
16 cable program, the Secretary shall reduce such allotment
17 or reallocation by such amount as the Secretary deter-
18 mines such allotment or reallocation would have been re-
19 duced, had the data on which the allotment or reallocation
20 is based excluded all data relating to local educational
21 agencies of the State that, on the date of the Secretary’s
22 action, are ineligible to receive the Federal financial assist-
23 ance involved because of failure to comply with title VI
24 of the Civil Rights Act of 1964, title IX of the Education
25 Amendments of 1972, section 504 of the Rehabilitation
26 Act of 1973, or the Age Discrimination Act of 1975.

1 “(b) The Secretary may use any funds withheld
2 under subsection (a)—

3 “(1) to increase the allotments of other local
4 educational agencies within the State, or the allot-
5 ments of all States, in accordance with the statutes
6 governing the program; or

7 “(2) for grants to local educational agencies of
8 that State in accordance with section 405 of the
9 Civil Rights Act of 1964, or for any other program
10 administered by the Department that is designed to
11 enhance equity in education or redress discrimina-
12 tion on the basis of race, color, national origin, sex,
13 age, or disability.”.

14 **SEC. 246. APPLICATIONS.**

15 Section 436 of the Act (as redesignated) is amended
16 by striking “for three fiscal years” and inserting “for
17 more than one fiscal year”.

18 **SEC. 247. REGULATIONS.**

19 Section 437 of the Act (as redesignated) is amend-
20 ed—

21 (1) in the heading by striking “: REQUIRE-
22 MENTS AND ENFORCEMENT”;

23 (2) in subsection (a) by—

24 (A) striking, in paragraph (1), “Commis-
25 sioner” and inserting “Secretary”; and

1 (B) striking, in paragraph (2), “Depart-
2 ment of Health, Education, and Welfare or the
3 Office of Education, or by an official of such
4 agencies” and inserting “Secretary”;

5 (3) in subsection (b) by—

6 (A) striking “Commissioner” each place it
7 appears and inserting “Secretary”; and

8 (B) striking the last sentence of paragraph
9 (2)(B);

10 (4) in subsection (d) by—

11 (A) striking, in paragraph (1)—

12 (i) in the second sentence, “trans-
13 mission unless the Congress shall, by con-
14 current resolution, find that the final regu-
15 lation is inconsistent with the Act from
16 which it derives its authority, and dis-
17 approve such final regulation, in whole or
18 in part” and insert “transmission”;

19 (ii) the last sentence; and

20 (iii) “(1)”; and

21 (B) striking paragraph (2);

22 (5) by striking subsections (e) and (f); and

23 (6) in subsection (g), by striking “Commis-
24 sioner” each place it appears and inserting “Sec-
25 retary”.

1 **SEC. 248. RECORDS; REDUCTION IN RETENTION REQUIRE-**
2 **MENTS.**

3 Section 443 of the Act (as redesignated) is amend-
4 ed—

5 (1) in subsection (a)—

6 (A) by striking out “grant, subgrant, con-
7 tract, subcontract, loan, or other arrangement
8 (other than procurement contracts awarded by
9 an administrative head of an educational agen-
10 cy)” and inserting in lieu thereof “grant,
11 subgrant, cooperative agreement, loan or other
12 agreement”;

13 (B) by inserting “financial or pro-
14 grammatic” immediately before “audit.”; and

15 (C) by striking “five” in the last sentence
16 and inserting “three”; and

17 (2) in subsection (b), by striking out “to any
18 records of a recipient which may be related, or perti-
19 nent to, the grants, subgrants, contracts, sub-
20 contracts, loans, or other arrangements” and insert-
21 ing in lieu thereof “to any records currently main-
22 tained by a recipient that may be related, or perti-
23 nent to, grants, subgrants, cooperative agreements,
24 loans, or other arrangements”.

1 **SEC. 249. RELEASE OF RECORDS.**

2 Section 444(b)(1)(E) of the Act (as redesignated) is
3 amended to read as follows:

4 “(E) State and local officials or authorities to
5 whom such information is specifically allowed to be
6 reported or disclosed pursuant to State statute
7 adopted—

8 “(i) before November 19, 1974, if the al-
9 lowed reporting or disclosure concerns the juve-
10 nile justice system and its ability to effectively
11 serve the student whose records are released, or

12 “(ii) after November 19, 1974, if—

13 “(I) the allowed reporting or disclo-
14 sure concerns the juvenile justice system
15 and its ability to effectively serve the stu-
16 dent whose records are released, and

17 “(II) the officials and authorities to
18 whom such information is disclosed certify
19 in writing to the educational agency or in-
20 stitution that the information will not be
21 disclosed to any other party except as pro-
22 vided under State law without the prior
23 written consent of the parent.”.

24 **SEC. 250. PROTECTION OF PUPIL RIGHTS.**

25 Section 445 of the Act (as redesignated) is amended
26 to read as follows:

1 “PROTECTION OF PUPIL RIGHTS

2 “SEC. 445. (a) All instructional materials, including
3 teacher’s manuals, films, tapes, or other supplementary
4 material which will be used in connection with any survey,
5 analysis, or evaluation as part of any applicable program
6 shall be available for inspection by the parents or guard-
7 ians of the children.

8 “(b) No student shall be required, as part of any ap-
9 plicable program, to submit to a survey, analysis, or eval-
10 uation that reveals information concerning—

11 “(1) political affiliations;

12 “(2) mental and psychological problems poten-
13 tially embarrassing to the student or his family;

14 “(3) sex behavior and attitudes;

15 “(4) illegal, antisocial, self-incriminating, and
16 demeaning behavior;

17 “(5) critical appraisals of other individuals with
18 whom respondents have close family relationships;

19 “(6) legally recognized privileged or analogous
20 relationships, such as those of lawyers, physicians,
21 and ministers; or

22 “(7) income (other than that required by law to
23 determine eligibility for participation in a program
24 or for receiving financial assistance under such
25 program),

1 without the prior consent of the student (if the student
2 is an adult or emancipated minor), or in the case of an
3 unemancipated minor, without the prior written consent
4 of the parent.

5 “(c) Educational agencies and institutions shall give
6 parents and students effective notice of their rights under
7 this section.

8 “(d) The Secretary shall take such action as the Sec-
9 retary determines appropriate to enforce this section, ex-
10 cept that action to terminate assistance provided under
11 an applicable program shall be taken only if the Secretary
12 determines that—

13 “(1) there has been a failure to comply with
14 such section; and

15 “(2) compliance with such section cannot be se-
16 cured by voluntary means.

17 “(e) The Secretary shall establish or designate an of-
18 fice and review board within the Department of Education
19 to investigate, process, review, and adjudicate violations
20 of the rights established under this section.”.

21 **SEC. 251. ENFORCEMENT.**

22 (a) Section 452 of the Act is amended—

23 (1) in the first sentence of paragraph (2) of
24 subsection (a), by striking “stating” and all that fol-
25 lows through the end of such sentence and inserting

1 “establishing a prima facia case for the recovery of
2 funds, including an analysis reflecting the value of
3 the program services actually obtained in a deter-
4 mination of harm to the federal interest.”;

5 (2) in the first sentence of paragraph (1) of
6 subsection (b), by striking “30” and inserting “60”;
7 and

8 (3) in subsection (d) by—

9 (A) striking “(d) Upon” and inserting
10 “(d)(1) Upon”; and

11 (B) adding a new paragraph (2) as follows:

12 “(2) During the conduct of such review, there shall
13 not be any ex parte contact between the Secretary and
14 individuals representing the Department or the recipi-
15 ent.”.

16 (b) Section 459 of the Act is amended—

17 (1) in paragraph (1) of subsection (a) by strik-
18 ing “, and that the recipient is in all other respects
19 in compliance with the requirements of that pro-
20 gram”; and

21 (2) subsection (c) is amended to read as fol-
22 lows:

23 “(c) Notwithstanding any other provisions of law, the
24 funds made available under this section shall remain avail-
25 able for expenditure for a period of time deemed reason-

1 able by the Secretary, but in no case to exceed more than
2 3 fiscal years following the later of—

3 “(1) the fiscal year in which final agency action
4 under section 452(e) is taken; or

5 “(2) if such recipient files a petition for judicial
6 review, the fiscal year in which final judicial action
7 under section 458 is taken.”.

8 **SEC. 252. TECHNICAL AMENDMENTS.**

9 (a) The heading for Part C of the Act is amended
10 by striking “COMMISSIONER OF EDUCATION” and insert-
11 ing “SECRETARY”.

12 (b) Section 434 of the Act (as redesignated) is
13 amended in the second sentence thereof, by inserting “is
14 made” after “such determination”.

15 (c) Section 436 of the Act (as redesignated) is
16 amended by striking “Commissioner” each place it ap-
17 pears and inserting “Secretary”.

18 (d)(1) The heading of section 440 of the Act (as re-
19 designated) is amended by striking “EDUCATIONAL”.

20 (2) Section 440 of the Act (as redesignated) is
21 amended—

22 (A) by striking “Commissioner” each place it
23 appears and inserting “Secretary”; and

1 (B) by inserting “(c)” before the last sentence
2 and by deleting “paragraph (3)” in such sentence
3 and inserting “subsection (b)(3)”.

4 (e) Section 441 of the Act (as redesignated) is
5 amended—

6 (1) by striking “Commissioner” each place it
7 appears and inserting “Secretary”; and

8 (2) in subsection (a)—

9 (A) by striking the comma after “submits
10 a plan”; and

11 (B) by striking “(subject, in the case of
12 programs under chapter 1 and chapter 2 of title
13 I of the Elementary and Secondary Education
14 Act of 1965, to the provisions of title V of such
15 Act)”.

16 (f) Section 442 of the Act (as redesignated) is amend-
17 ed—

18 (1) in subsection (a), by striking “that local
19 education agency” and inserting “that local edu-
20 cational agency”; and

21 (2) in subsection (b)—

22 (A) in paragraph (2), by inserting a
23 comma after “program”;

1 (B) in paragraph (4), by striking “Com-
2 missioner” each place it appears and inserting
3 “Secretary”; and

4 (C) in paragraph (7), by striking “handi-
5 capped individuals” and inserting “individuals
6 with disabilities”.

7 (g) Section 444 of the Act (as redesignated) is
8 amended—

9 (1) in subsection (a)(4)(B)(ii), by striking the
10 period at the end thereof and inserting a semicolon;

11 (2) in subsection (b)—

12 (A) in paragraph (1)(C), by striking “(iii)
13 an administrative head of an education agency
14 (as defined in section 408(c)), or (iv)” and in-
15 serting “or (iii)”;

16 (B) in paragraph (1)(H), by striking
17 “1954” and inserting “1986”; and

18 (C) in paragraph (3)—

19 (i) by striking “(C) an administrative
20 head of an education agency or (D)” and
21 inserting “or (C)”;

22 (ii) by striking “education program”
23 and inserting “education programs”;

24 (3) in subsection (d), by inserting a comma
25 after “education”;

1 (4) in subsection (f)—

2 (A) by striking “The Secretary, or an ad-
3 ministrative head of an education agency,” and
4 inserting “The Secretary”;

5 (B) by striking “provisions of” after “en-
6 force”;

7 (C) by striking “according to the provi-
8 sions of” and inserting “in accordance with”;
9 and

10 (D) by striking “the provisions of” after
11 “with”; and

12 (5) in subsection (g)—

13 (A) by striking “Health, Education, and
14 Welfare” and inserting “Education”; and

15 (B) by striking “the provisions of”.

16 **SEC. 253. EQUITY FOR STUDENTS, TEACHERS, AND OTHER**
17 **PROGRAM BENEFICIARIES.**

18 The Act is further amended by inserting after section
19 426 (as redesignated) a new section 427 to read as follows:

20 “EQUITY FOR STUDENTS, TEACHERS, AND OTHER
21 PROGRAM BENEFICIARIES

22 “SEC. 427. (a) The purpose of this section is to assist
23 the Department in implementing its mission to ensure
24 equal access to education and to promote educational ex-
25 cellence throughout the Nation, by ensuring equal oppor-
26 tunities to participate for all eligible students, teachers,

1 and other program beneficiaries in any project or activity
2 carried out under an applicable program and promoting
3 their ability to meet high standards.

4 “(b) The Secretary shall require each applicant for
5 assistance under an applicable program (other than an in-
6 dividual) to develop and describe in its application the
7 steps it proposes to take to ensure equitable access to, and
8 equitable participation in, the project or activity to be con-
9 ducted with such assistance, by addressing the special
10 needs of students, teachers, and other program bene-
11 ficiaries in order to overcome barriers to equitable partici-
12 pation, including barriers based on gender, race, color, na-
13 tional origin, disability, and age.

14 “(c) The Secretary may establish criteria and provide
15 technical assistance for meeting the requirements of this
16 section.

17 “(d) Nothing in this section is intended to alter in
18 any way the rights or responsibilities established under the
19 statutes cited in section 400(d) of this Act.”.

20 **SEC. 254. DISCLOSURE REQUIREMENTS.**

21 Each educational organization, prior to accepting
22 funds for the cost of a minor’s participation in an edu-
23 cational program operated by such organization, shall dis-
24 close the following information in written form to the
25 minor or the minor’s parent:

1 (1) METHOD OF SOLICITATION AND SELEC-
2 TION.—The method of solicitation and selection of
3 participants in the educational program, including—

4 (A) the origin of any mailing list used for
5 such solicitation and selection;

6 (B) any recruitment through teacher or
7 school personnel, including any enticements of-
8 fered to such teacher or personnel for the rec-
9 ommendation of a minor for participation in the
10 educational program;

11 (C) any open enrollment activity, including
12 the method of outreach; and

13 (D) any cooperation with, or sponsorship
14 by, a membership organization, including a de-
15 scription of the cooperation or sponsorship and
16 the name of each such organization.

17 (2) COST AND FEES.—Information regarding
18 the cost of the educational program and information
19 regarding the distribution of any enrollment fee, in-
20 cluding—

21 (A) the amount paid for, and the percent-
22 age of the total educational program cost of,
23 each feature of the educational program, includ-
24 ing—

25 (i) food;

- 1 (ii) lodging;
- 2 (iii) transportation;
- 3 (iv) program staffing;
- 4 (v) textbooks, syllabi, or other scholas-
- 5 tic educational program materials;
- 6 (vi) speaker fees; and
- 7 (vii) administrative expenses, includ-
- 8 ing expenses related to—
- 9 (I) the preparation of non-scho-
- 10 lastic educational program materials;
- 11 (II) the provision of financial as-
- 12 sistance;
- 13 (III) mailing list rental or other
- 14 recruitment activity; and
- 15 (IV) administrative salaries and
- 16 consulting fees;
- 17 (B) the identity of the organization or
- 18 business providing each of the features de-
- 19 scribed in clauses (i) through (vii) of subpara-
- 20 graph (A); and
- 21 (C) the nature of any relationship of any
- 22 board member, officer, or employee of the edu-
- 23 cational organization to any organization or
- 24 business described in subparagraph (B), includ-
- 25 ing the salary or other compensation paid by

1 such organization or business to such board
2 member, officer, or employee.

3 (3) NONDISCRIMINATORY ENROLLMENT AND
4 SERVICE POLICY.—

5 (A) IN GENERAL.—Each educational orga-
6 nization shall include a verifiable statement on
7 all enrollment or recruitment material that the
8 educational organization does not—

9 (i) fail or refuse to hire, or discharge,
10 any individual, or otherwise discriminate
11 against any individual with respect to com-
12 pensation, terms, conditions, or privileges
13 of employment; or

14 (ii) exclude any student from partici-
15 pation in an educational program, discrimi-
16 nate against any student in providing the
17 benefits associated with such program (in-
18 cluding any scholarship or financial assist-
19 ance, and use of any facility), or subject
20 the student to discrimination under such
21 program, on the basis of race, disability, or
22 residence in a low-income area.

23 (B) CONSTRUCTION.—Nothing in this sec-
24 tion shall be construed to entitle a student to—

1 (i) participation in an educational pro-
2 gram or any benefit associated with such
3 program; or

4 (ii) a waiver of any fee charged for
5 such participation or benefit.

6 (4) ENFORCEMENT.—

7 (A) IN GENERAL.—The Secretary of Edu-
8 cation shall monitor compliance with the provi-
9 sions of this section.

10 (B) CIVIL PENALTY.—If an educational or-
11 ganization knowingly violates any provision of
12 this Act, the Secretary of Education, after no-
13 tice and opportunity for hearing, may impose
14 on such organization a civil fine of not more
15 than \$1,000 for each such violation.

16 (5)(A) Educational organization, as defined by
17 this section, means an organization or group
18 which—

19 (i) provides special honors programs, semi-
20 nars, citizenship experiences, government study
21 programs, educational vacations, student ex-
22 change programs, or other educational experi-
23 ences or honors generally directed toward mi-
24 nors or high school students and charges a tui-
25 tion or enrollment fee;

1 (ii) offers its program away from a stu-
2 dent's regular place of school attendance, in-
3 cludes not less than 1 supervised night away
4 from home, and is intended to enhance a stu-
5 dent's regular course of study; and

6 (iii) advertises and recruits students
7 through commercial media, direct mailings,
8 school recruitment programs, or school adminis-
9 trators or teachers.

10 (B) The definition in subparagraph (A) shall
11 not include—

12 (i) a local educational agency, State edu-
13 cational agency, a State department of edu-
14 cation, or an elementary or secondary school as
15 defined by this Act;

16 (ii) an institution of higher education as
17 defined by the Higher Education Act of 1965;
18 or

19 (iii) a local organization sponsored by an
20 elementary or secondary school, a recreational
21 or entertainment organization, a local sports ac-
22 tivity group, or a social club.

1 **PART E—RELATED AMENDMENTS TO OTHER**2 **ACTS**3 **SEC. 261. DEPARTMENT OF EDUCATION ORGANIZATION**4 **ACT**

5 The Department of Education Organization Act is
6 amended—

7 (1) by repealing sections 414 and 427;

8 (2) by redesignating sections 209, 210, 211,
9 212, 214, 215, 303, 304, 305, 306, 307, 415, 416,
10 417, 418, 419, 420, 421, 422, 423, 424, 425, 426,
11 and 428 as sections 208, 209, 210, 211, 212, 213,
12 302, 303, 304, 305, 306, 414, 415, 416, 417, 418,
13 419, 420, 421, 422, 423, 424, 425, and 426;

14 (3) the table of contents is amended to read as
15 follows:

“TABLE OF CONTENTS

“Sec. 1. Short title; table of contents.

“TITLE I—GENERAL PROVISIONS

“Sec. 101. Findings.

“Sec. 102. Purposes.

“Sec. 103. Federal-State Relationships.

“Sec. 104. Definitions.

“TITLE II—ESTABLISHMENT OF THE DEPARTMENT

“Sec. 201. Establishment.

“Sec. 202. Principal officers.

“Sec. 203. Office for Civil Rights.

“Sec. 204. Office of Elementary and Secondary Education.

“Sec. 205. Office of Postsecondary Education.

“Sec. 206. Office of Vocational and Adult Education.

“Sec. 207. Office of Special Education and Rehabilitative Services.

“Sec. 208. Office of Educational Research and Improvement.

“Sec. 209. Office of Bilingual Education and Minority Languages Affairs.

“Sec. 210. Office of General Counsel.

“Sec. 211. Office of Inspector General.

- “Sec. 212. Office of Correctional Education.
- “Sec. 213. Federal Interagency Committee on Education.

“TITLE III—TRANSFERS OF AGENCIES AND FUNCTIONS

- “Sec. 301. Transfers from the Department of Health, Education, and Welfare.
- “Sec. 302. Transfers from the Department of Labor.
- “Sec. 303. Transfers of programs from the National Science Foundation.
- “Sec. 304. Transfers from the Department of Justice.
- “Sec. 305. Transfers from the Department of Housing and Urban Development.
- “Sec. 306. Effect of transfers.

“TITLE IV—ADMINISTRATIVE PROVISIONS

“PART A—PERSONNEL PROVISIONS

- “Sec. 401. Officers and employees.
- “Sec. 402. Experts and consultants.
- “Sec. 403. Personnel reduction and annual limitations.

“PART B—GENERAL ADMINISTRATIVE PROVISIONS

- “Sec. 411. General authority.
- “Sec. 412. Delegation.
- “Sec. 413. Reorganization.
- “Sec. 414. Contracts.
- “Sec. 415. Regional and field offices.
- “Sec. 416. Acquisition and maintenance of property.
- “Sec. 417. Facilities at remote locations.
- “Sec. 418. Use of facilities.
- “Sec. 419. Copyrights and patents.
- “Sec. 420. Gifts and bequests.
- “Sec. 421. Technical advice.
- “Sec. 422. Working capital fund.
- “Sec. 423. Funds transfer.
- “Sec. 424. Seal of department.
- “Sec. 425. Annual report.
- “Sec. 426. Authorization of appropriations.

“TITLE V—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

- “Sec. 501. Transfer and allocation of appropriations and personnel.
- “Sec. 502. Effect on personnel.
- “Sec. 503. Agency terminations.
- “Sec. 504. Incidental transfers.
- “Sec. 505. Savings provisions.
- “Sec. 506. Separability.
- “Sec. 507. Reference.
- “Sec. 508. Amendments.
- “Sec. 509. Redesignation.
- “Sec. 510. Coordination of programs affecting handicapped individuals.
- “Sec. 511. Transition.

“TITLE VI—EFFECTIVE DATE AND INTERIM APPOINTMENTS

- “Sec. 601. Effective date.

“Sec. 602. Interim appointments.”;

1 and

2 (4) in section 202(b), by inserting after para-
3 graph (2) the following:

4 “(3) There shall be in the Department, a Special As-
5 sistant for Gender Equity who shall be appointed by the
6 Secretary. The Special Assistant shall promote, coordi-
7 nate, and evaluate gender equity programs, including the
8 dissemination of information, technical assistance, and co-
9 ordination of research activities. The Special Assistant
10 shall advise the Secretary and Deputy Secretary on all
11 matters relating to gender equity.”.

12 **TITLE III—AMENDMENTS TO**
13 **OTHER ACTS**

14 **PART A—AMENDMENTS TO THE INDIVIDUALS**
15 **WITH DISABILITIES EDUCATION ACT**

16 **SEC. 311. ALLOCATIONS UNDER SECTION 611 OF THE IDEA.**

17 (a) GRANT AMOUNTS.—Section 611(a) of the Indi-
18 viduals with Disabilities Education Act (referred to in this
19 title as the “IDEA”) is amended—

20 (1) by amending paragraph (1) to read as
21 follows:

22 “(1) Except as provided in paragraph (5), the maxi-
23 mum amount of the grant for which a State is eligible
24 under this section for any fiscal year is—

25 “(A) the sum of—

1 “(i) the number of children with disabil-
2 ities in the State, aged six through 21, who are
3 receiving special education and related services,
4 as determined under paragraph (3); and

5 “(ii) the number of such children in the
6 State, aged three through five, if the State is
7 eligible for a grant under section 619; multi-
8 plied by

9 “(B) 40 percent of the average per-pupil ex-
10 penditure in public elementary and secondary
11 schools in the United States.”;

12 (2) by amending paragraph (2) to read as
13 follows:

14 “(2) For the purpose of this section, the term ‘State’
15 means each of the 50 States, the District of Columbia,
16 and the Commonwealth of Puerto Rico.”; and

17 (3) in paragraph (5)(A)—

18 (A) in clause (i)—

19 (i) by striking “and the State” and
20 inserting “or the combined percentage of
21 such children counted by the Secretary for
22 the purpose of making fiscal year 199—
23 allocations under this section and under
24 subpart 2 of part D of chapter 1 of title
25 I of the Elementary and Secondary Edu-

1 cation Act of 1965, as in effect the day be-
2 fore the date of the enactment of the Im-
3 proving America's Schools Act of 1994,
4 whichever is greater, if the State''; and

5 (ii) by inserting "and" at the end
6 thereof;

7 (B) in clause (ii)—

8 (i) by striking "and the State" and
9 inserting "or the combined percentage of
10 such children counted by the Secretary for
11 the purpose of making fiscal year 1994 al-
12 locations under this section and under sub-
13 part 2 of part D of chapter 1 of title I of
14 the Elementary and Secondary Education
15 Act of 1965, as in effect the day before the
16 date of the enactment of the Improving
17 America's Schools Act of 1994, whichever
18 is greater, if the State''; and

19 (ii) by striking out the semicolon and
20 "and" at the end thereof and inserting in
21 lieu thereof a period; and

22 (C) by striking out clause (iii).

23 (b) AMOUNT RECEIVED.—Section 611(b) of the
24 IDEA is amended to read as follows:

1 “(b)(1) Notwithstanding subsections (a) and (g) of
2 this section, no State shall receive an amount under this
3 section for any of the fiscal years 1995 through 1999 that
4 is less than the combined amount it received for fiscal year
5 1994 under—

6 “(A) this section; and

7 “(B) subpart 2 of part D of chapter 1 of title
8 I of the Elementary and Secondary Education Act
9 of 1965 as in effect the day before the date of the
10 enactment of the Improving America’s Schools Act
11 of 1994, for children with disabilities aged three
12 through 21.

13 “(2) If, for fiscal year 1998 or 1999, the number of
14 children determined under subsection (a)(3) for any State
15 is less than the total number of children with disabilities,
16 aged three through 21, counted for such State’s fiscal year
17 1994 grants under this section and under subpart 2 of
18 part D of chapter 1 of title I of the Elementary and Sec-
19 ondary Education Act of 1965, as in effect the day before
20 the date of the enactment of the Improving America’s
21 Schools Act of 1994, the amount determined under para-
22 graph (1) for such State shall be reduced by the same
23 percentage by which the number of such children so
24 declined.

1 “(3) In any fiscal year in which the amount appro-
2 priated for grants under this section is less, in real dollar
3 terms, than the amount appropriated in the immediate
4 preceding fiscal year, the amount for each State under this
5 subsection will be reduced proportionately.”.

6 (c) USES OF FUNDS.—Section 611(c) of the IDEA
7 is amended—

8 (1) by amending paragraph (1) to read as
9 follows:

10 “(1) Of the funds received under subsection (a) by
11 any State for any fiscal year—

12 “(A) the State may use up to 25 percent in ac-
13 cordance with paragraph (2); and

14 “(B) except as provided in paragraph (4), the
15 State shall distribute at least 75 percent to local
16 educational agencies and intermediate educational
17 units, in accordance with subsection (d), for use in
18 accordance with priorities established under section
19 612(3).”;

20 (2) in paragraph (2), by amending subpara-
21 graph (A) to read as follows:

22 “(A) From the funds that any State may use under
23 paragraph (1)(A) for any fiscal year, the State—

24 “(i) may use 5 percent of the funds received
25 under this section or \$450,000, whichever is greater,

1 for administrative costs related to carrying out sec-
2 tions 612 and 613; and

3 “(ii) shall use the remainder—

4 “(I) to provide support services and direct
5 services, subject to subparagraph (B), in ac-
6 cordance with priorities established under sec-
7 tion 612(3); and

8 “(II) for the administrative costs of mon-
9 itoring and complaint investigation, but only to
10 the extent that such costs exceed the costs of
11 administration incurred during fiscal year
12 1985.”.

13 (d) STATE FUNDS.—Section 611(d) of the IDEA is
14 amended to read as follows:

15 “(d)(1) From the total amount of funds available for
16 any fiscal year under subsection (c)(1)(B), the State shall
17 provide to each local educational agency or intermediate
18 educational unit an amount that bears the same ratio to
19 such total amount as the number of children, aged 3
20 through 21, determined under subsection (a)(3) for such
21 agency or unit bears to the total number of such children
22 determined for all such agencies and units that apply for
23 such funds.

24 “(2)(A) To the extent necessary, the State—

1 “(i) shall use funds available under subsection
2 (c)(2)(A)(ii) to ensure that each State-owned or
3 State-operated school or program or State-supported
4 school or program that received fiscal year 1994
5 funds under subpart 2 of part D of chapter 1 of title
6 I of the Elementary and Secondary Education Act
7 of 1965 receives, from the combination of such
8 funds and funds provided under paragraph (1), an
9 amount equal to—

10 “(I) the number of children, aged 6
11 through 21, determined under subsection (a)(3)
12 for such agency; multiplied by

13 “(II) the per-child amount provided under
14 such subpart for fiscal year 1994; and

15 “(ii) may use such funds to ensure that each
16 local educational agency that received fiscal year
17 1994 funds under such subpart for children who had
18 transferred from a State-owned, State-operated, or
19 State-supported school or program assisted under
20 such subpart receives, from the combination of such
21 funds and funds provided under paragraph (1), an
22 amount for each such child, aged 3 through 21, de-
23 termined under subsection (a)(3) for such agency,
24 equal to the per-child amount the agency received
25 under such subpart for fiscal year 1994.

1 “(B) For the purpose of subparagraph (A), the num-
2 ber of children determined under subsection (a)(3) for any
3 State agency or local educational agency shall not exceed
4 the number of children aged 3 through 21 for whom such
5 agency received funds under such subpart for such fiscal
6 year.

7 “(3) In any fiscal year in which the amount appro-
8 priated for grants under this section is less, in real dollar
9 terms, than the amount appropriated in the preceding fis-
10 cal year, the amount for each State under this subsection
11 will be reduced proportionately.”.

12 (e) JURISDICTION.—Section 611(e)(1) of the IDEA
13 is amended to read as follows:

14 “(1) The jurisdictions to which this subsection ap-
15 plies are Guam, American Samoa, the Virgin Islands, the
16 Commonwealth of the Northern Mariana Islands, and
17 Palau (until the effective date of the Compact of Free As-
18 sociation with the Government of Palau).”.

19 (f) POSSIBLE RATABLE REDUCTION.—Section
20 611(g) of the IDEA is amended to read as follows:

21 “(g)(1)(A) If the sums appropriated under subsection
22 (h) for any fiscal year are not sufficient to pay in full the
23 total of the amounts that all States are eligible to receive
24 under subsection (a), each such amount shall be ratably
25 reduced.

1 “(B) If additional funds become available for making
2 such payments for any fiscal year, such reduced amounts
3 shall be increased on the same basis as they were reduced.

4 “(C) Any State that receives any such additional
5 funds shall distribute them in accordance with this section,
6 except that any State that has used funds available under
7 subsection (c)(2)(A)(ii) for the purposes described in sub-
8 section (d)(2) may—

9 “(i) deduct, from the amount that it would oth-
10 erwise be required to make available to local edu-
11 cational agencies and intermediate educational units,
12 the same amount of such additional funds as it so
13 used; and

14 “(ii) use such funds in accordance with sub-
15 section (c)(2)(A)(ii).

16 “(2)(A) In any fiscal year for which payments have
17 been reduced and additional funds have not been made
18 available under paragraph (1) to pay in full the amounts
19 for which all States are eligible under this section, each
20 State educational agency shall fix dates by which each
21 local educational agency or intermediate educational unit
22 shall report to the State agency the amount of funds avail-
23 able to it under this section that it estimates it will
24 expend.

1 “(B) The State educational agency shall, in accord-
2 ance with this section, reallocate any funds that it deter-
3 mines will not be used during the period of availability
4 by such local educational agencies and intermediate edu-
5 cational units, and by any such agency or unit to which
6 such funds would be available if it applied for them under
7 this part, to such local educational agencies and intermedi-
8 ate educational units that the State educational agency de-
9 termines will need, and be able to use, additional funds
10 to carry out approved programs.”.

11 **SEC. 312. TREATMENT OF CHAPTER 1 STATE AGENCIES.**

12 Part B of the IDEA is further amended by inserting
13 after section 614 the following new section:

14 “TREATMENT OF CHAPTER 1 STATE AGENCIES

15 “SEC. 614A. (a) For the purpose of making pay-
16 ments under sections 611 and 619 of this Act, any State
17 agency that received funds for fiscal year 1994 under sub-
18 part 2 of part D of chapter 1 of title I of the Elementary
19 and Secondary Education Act of 1965 shall be treated as
20 if it were a local educational agency.

21 “(b) The State educational agency shall ensure that
22 each State agency that owns or operates or supports a
23 program or school for children with disabilities with funds
24 under this part—

25 “(1) provides each child with a disability in
26 such school or program a free appropriate public

1 education in accordance with this part, including the
2 due process protections of section 615, as if it were
3 a local educational agency; and

4 “(2) has on file with the State educational
5 agency an application that meets the requirements
6 of section 614 that the Secretary finds appropriate.

7 “(c) Section 611(c)(4) shall not apply with respect
8 to a State agency that is eligible for a payment under this
9 part by virtue of this section.”.

10 **SEC. 313. INFANTS AND TODDLERS WITH DISABILITIES.**

11 (a) ALLOTMENTS.—Section 684(c) of the IDEA is
12 amended—

13 (1) by redesignating paragraph (2) as para-
14 graph (5); and

15 (2) by striking paragraph (1) and inserting
16 paragraphs (1) through (4) to read as follows:

17 “(1) Except as provided in paragraphs (3) and (4),
18 from the funds remaining for each fiscal year after the
19 reservation and payments under subsections (a) and (b),
20 the Secretary shall first allot to each State an amount that
21 bears the same ratio to the amount of such remainder as
22 the number of infants and toddlers in the State bears to
23 the number of infants and toddlers in all States.

24 “(2) For fiscal year 1995 only, the Secretary shall
25 allot \$34,000,000 of the remaining funds described in

1 paragraph (1) among the States in proportion to the rel-
2 ative numbers of infants and toddlers who—

3 “(A) are counted on December 1, 1994; and

4 “(B) would have been eligible to be counted
5 under section 1221(c)(1) of the Elementary and Sec-
6 ondary Education Act of 1965 as in effect before the
7 enactment of the Improving America’s Schools Act
8 of 1994.

9 “(3) Except as provided in paragraph (4), no State
10 shall receive an amount under this section for any fiscal
11 year that is less than the greater of—

12 “(A) one-half of one percent of the remaining
13 amount described in paragraph (1), not including
14 any amounts allotted under paragraph (2); or

15 “(B) \$500,000.

16 “(4)(A) No State shall receive an amount under this
17 section for any of the fiscal years 1995 through 1999 that
18 is less than the combined amount it received for fiscal year
19 1994 under—

20 “(i) this part; and

21 “(ii) subpart 2 of part D of chapter 1 of title
22 I of the Elementary and Secondary Education Act
23 of 1965 for children with disabilities from birth
24 through age two.

1 **“Subtitle A—Adult Education for**
2 **the Homeless**

3 **“SEC. 701. STATE LITERACY INITIATIVES.**

4 “(a) GENERAL AUTHORITY.—(1) The Secretary of
5 Education is authorized to make grants to State edu-
6 cational agencies to enable each such agency to implement,
7 either directly or through contracts and grants, a program
8 of literacy training and academic remediation for adult
9 homeless individuals within the State, which program
10 shall—

11 “(A) include outreach activities; and

12 “(B) be coordinated with other agencies or or-
13 ganizations, such as community-based organizations,
14 nonprofit literacy-action organizations, and funding
15 recipients under the Adult Education Act, title II of
16 the Job Training Partnership Act, the Youth Fair
17 Chance program under title IV of the Job Training
18 Partnership Act, the Volunteers in Service to Amer-
19 ica program under the Domestic Volunteers Service
20 Act, part C of this title, or the Job Opportunity and
21 Basic Skills program under the Social Security Act.

22 “(2) The Secretary of Education shall, in awarding
23 grants under this section, give special consideration to the
24 estimates submitted in the application submitted under
25 subsection (b) and make such awards in whatever amounts

1 he or she determines would best serve the purposes of this
2 section.

3 “(b) APPLICATION.—Each State educational agency
4 desiring to receive a grant under this section shall submit
5 to the Secretary of Education an application at such time,
6 in such manner, and containing such information as the
7 Secretary may reasonably require. Each such application
8 shall include an estimate of the number of homeless indi-
9 viduals in the State and the number of such individuals
10 expected to be served.

11 “(c) AUTHORIZATION OF APPROPRIATIONS.—For the
12 purpose of carrying out the adult literacy and academic
13 remediation programs authorized by this section, there are
14 authorized to be appropriated such sums as may be nec-
15 essary for each of the fiscal years 1995 through 1999.

16 “(d) DEFINITION.—As used in this section, the term
17 ‘State’ means each of the 50 States, the District of Colum-
18 bia, the Commonwealth of Puerto Rico, the Virgin Islands,
19 Guam, American Samoa, the Commonwealth of the North-
20 ern Mariana Islands, and Palau (until the effective date
21 of the Compact of Free Association with the Government
22 of Palau).”.

1 **SEC. 322. EDUCATION FOR HOMELESS CHILDREN AND**
2 **YOUTH.**

3 Subtitle B of title VII of the Stewart B. McKinney
4 Homeless Assistance Act is amended to read as follows:

5 **“Subtitle B—Education for**
6 **Homeless Children and Youth**

7 **“SEC. 721. STATEMENT OF POLICY.**

8 “It is the policy of the Congress that—

9 “(1) each State educational agency shall ensure
10 that each child of a homeless individual and each
11 homeless youth has equal access to the same free,
12 appropriate public education, including a public pre-
13 school education, as provided to other children and
14 youth;

15 “(2) in any State that has a compulsory resi-
16 dency requirement as a component of its compulsory
17 school attendance laws or other laws, regulations,
18 practices, or policies that may act as a barrier to the
19 enrollment, attendance, or success in school of home-
20 less children and youth, the State will review and
21 undertake steps to revise such laws, regulations,
22 practices, or policies to ensure that homeless chil-
23 dren and youth are afforded the same free, appro-
24 priate public education as provided to other children
25 and youth;

1 “(3) homelessness alone should not be sufficient
2 reason to separate students from the mainstream
3 school environment; and

4 “(4) homeless children and youth should have
5 access to the education and other services that they
6 need to ensure that they have an opportunity to
7 meet the same challenging State performance stand-
8 ards to which all students are held.

9 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
10 **THE EDUCATION OF HOMELESS CHILDREN**
11 **AND YOUTH.**

12 “(a) GENERAL AUTHORITY.—The Secretary is, in ac-
13 cordance with the provisions of this section, authorized to
14 make grants to States to carry out the activities described
15 in subsections (d), (e), (f), and (g).

16 “(b) APPLICATION.—No State may receive a grant
17 under this section unless the State educational agency
18 submits an application to the Secretary at such time, in
19 such manner, and containing or accompanied by such in-
20 formation as the Secretary may reasonably require.

21 “(c) ALLOCATION AND RESERVATIONS.—(1) Subject
22 to paragraph (2) and section 724(c), from the amounts
23 appropriated for each fiscal year pursuant to section 726,
24 the Secretary is authorized to allot to each State an
25 amount that bears the same ratio to the amount appro-

1 priated in each such year as the amount allocated under
2 section 1123 of the Elementary and Secondary Education
3 Act of 1965 to the State in that year bears to the total
4 amount allocated to all States, except that no State shall
5 receive less than \$100,000.

6 “(2)(A) The Secretary is authorized to reserve 0.1
7 percent of the amount appropriated for each fiscal year
8 pursuant to section 726 to be allocated by the Secretary
9 among the Virgin Islands, Guam, American Samoa, the
10 Commonwealth of the Northern Mariana Islands, and
11 Palau (until the effective date of the Compact of Free As-
12 sociation with the Government of Palau), according to
13 their respective need, as determined by the Secretary.

14 “(B)(i) The Secretary is authorized to transfer one
15 percent of the amount appropriated for each fiscal year
16 under section 726 to the Department of the Interior for
17 programs for Indian students served by schools funded by
18 the Secretary of the Interior, as determined under the In-
19 dian Self-Determination and Education Assistance Act,
20 that are consistent with the purposes of this Act.

21 “(ii) The Secretary and the Secretary of the Interior
22 shall enter into an agreement, consistent with the require-
23 ments of this part, for the distribution and use of these
24 funds under terms that the Secretary determines best
25 meet the purposes of the covered programs. Such agree-

1 ment shall set forth the plans of the Secretary of the Inte-
2 rior for the use of the amounts transferred, including ap-
3 propriate goals, objectives, and milestones.

4 “(3) As used in this subsection, the term ‘State’ shall
5 not include the Virgin Islands, Guam, American Samoa,
6 the Commonwealth of the Northern Mariana Islands, or
7 Palau.

8 “(d) ACTIVITIES.—Grants under this section shall be
9 used—

10 “(1) to carry out the policies set forth in sec-
11 tion 721 in the State;

12 “(2) to provide activities for, and services to,
13 homeless children, including preschool-aged children,
14 and homeless youth that enable such children and
15 youth to enroll in, attend, and succeed in school, or,
16 if appropriate, in preschool programs;

17 “(3) to establish or designate an Office of Coor-
18 dinator of Education of Homeless Children and
19 Youth in the State educational agency in accordance
20 with subsection (f);

21 “(4) to prepare and carry out the State plan
22 described in subsection (g); and

23 “(5) to develop and implement professional de-
24 velopment programs for school personnel to heighten
25 their awareness of, and capacity to respond to, spe-

1 cific problems in the education of homeless children
2 and youth.

3 “(e) STATE AND LOCAL GRANTS.—(1)(A) Subject to
4 subparagraph (B), if the amount allotted to the State edu-
5 cational agency for any fiscal year under this subtitle ex-
6 ceeds the amount such agency received for fiscal year
7 1990 under this subtitle, such agency shall provide grants
8 to local educational agencies for purposes of section 723.

9 “(B) The State educational agency may reserve not
10 more than the greater of five percent of the amount it
11 receives under this subtitle for any fiscal year, or the
12 amount such agency received under this subtitle for fiscal
13 year 1990, to conduct activities under subsection (f) di-
14 rectly or through grants or contracts.

15 “(2) If the amount allotted to a State educational
16 agency for any fiscal year under this subtitle is less than
17 the amount such agency received for fiscal year 1990
18 under this subtitle, such agency, at its discretion, may pro-
19 vide such grants or may conduct activities under sub-
20 section (f) directly or through grants or contracts.

21 “(f) FUNCTIONS OF THE OFFICE OF COORDINA-
22 TOR.—The Coordinator of Education of Homeless Chil-
23 dren and Youth established in each State shall—

24 “(1) estimate the number of homeless children
25 and youth in the State and the number of such chil-

1 dren and youth served with assistance provided
2 under the grants under this subtitle;

3 “(2) gather, to the extent possible, reliable,
4 valid, and comprehensive information on the nature
5 and extent of the problems homeless children and
6 youth have in gaining access to public preschool pro-
7 grams and to public elementary and secondary
8 schools, the difficulties in identifying the special
9 needs of such children and youth, any progress made
10 by the State educational agency and local edu-
11 cational agencies in the State in addressing such
12 problems and difficulties, and the success of the pro-
13 gram under this subtitle in allowing homeless chil-
14 dren and youth to enroll in, attend, and succeed in
15 school;

16 “(3) develop and carry out the State plan de-
17 scribed in subsection (g);

18 “(4) prepare and submit to the Secretary not
19 later than October 1, 1997, and on October 1 of
20 every third year thereafter, a report on the informa-
21 tion gathered pursuant to paragraphs (1) and (2)
22 and such additional information as the Secretary
23 may require to carry out responsibilities under this
24 subtitle;

1 “(5) facilitate coordination between the State
2 educational agency, the State social services agency,
3 and other agencies providing services to homeless
4 children and youth and their families, including chil-
5 dren who are preschool age; and

6 “(6) develop relationships and coordinate with
7 other relevant education, child development, or pre-
8 school programs and providers of services to home-
9 less children, homeless families, and runaway and
10 homeless youth (including domestic violence agen-
11 cies, shelter operators, transitional housing facilities,
12 runaway and homeless youth centers, and transi-
13 tional living programs for homeless youth), to im-
14 prove the provision of comprehensive services to
15 homeless children and youth and their families.

16 “(g) STATE PLAN.—(1) Each State shall submit to
17 the Secretary a plan to provide for the education of home-
18 less children and youth within the State, which plan shall
19 describe how such children and youth are or will be given
20 the opportunity to meet the same challenging State per-
21 formance standards all students are expected to meet,
22 shall describe the procedures the State educational agency
23 will use to identify such children and youth in the State
24 and to assess their special needs, and shall—

1 “(A) describe procedures for the prompt resolu-
2 tion of disputes regarding the educational placement
3 of homeless children and youth;

4 “(B) describe programs for school personnel
5 (including principals, attendance officers, teachers
6 and enrollment personnel), to heighten the aware-
7 ness of such personnel of the specific needs of run-
8 away and homeless youth;

9 “(C) describe procedures that ensure that
10 homeless children and youth who meet the relevant
11 eligibility criteria are able to participate in Federal,
12 State, or local food programs;

13 “(D) describe procedures that ensure that—

14 “(i) homeless children have equal access to
15 the same public preschool programs, adminis-
16 tered by the State agency, as provided to other
17 children; and

18 “(ii) homeless children and youth who
19 meet the relevant eligibility criteria are able to
20 participate in Federal, State, or local before-
21 and after-school care programs;

22 “(E) address problems set forth in the report
23 provided to the Secretary under subsection (f)(4);

1 “(F) address other problems with respect to the
2 education of homeless children and youth, including
3 problems caused by—

4 “(i) transportation issues; and

5 “(ii) enrollment delays that are caused
6 by—

7 “(I) immunization requirements;

8 “(II) residency requirements;

9 “(III) lack of birth certificates, school
10 records, or other documentation; or

11 “(IV) guardianship issues;

12 “(G) demonstrate that the State and local edu-
13 cational agencies in the State have developed, and
14 will review and revise, policies to remove barriers to
15 the enrollment and retention of homeless children
16 and youth in schools in the State; and

17 “(H) contain an assurance that the State edu-
18 cational agency and local educational agencies in the
19 State will adopt policies and practices to ensure that
20 homeless children and youth are not isolated or stig-
21 matized.

22 “(2) Each plan adopted under this subsection shall
23 also show how the State will ensure that local educational
24 agencies in the State will comply with the requirements
25 of paragraphs (3) through (9).

1 “(3)(A) The local educational agency that serves each
2 homeless child and youth shall, according to the child’s
3 or youth’s best interest, either—

4 “(i) continue the child’s or youth’s education in
5 the school of origin—

6 “(I) for the remainder of the academic
7 year; or

8 “(II) in any case in which a family be-
9 comes homeless between academic years, for the
10 following academic year; or

11 “(ii) enroll the child or youth in any public
12 school that nonhomeless students who live in the at-
13 tendance area in which the child or youth is actually
14 living are eligible to attend.

15 “(B) In determining the best interests of the child
16 or youth under subparagraph (A), the local educational
17 agency shall comply with the request made by a parent
18 or guardian regarding school selection unless there is a
19 compelling reason for not complying with this request.

20 “(C) For purposes of this paragraph, the term ‘school
21 of origin’ means the school that the child or youth at-
22 tended when permanently housed, or the school in which
23 the child or youth was last enrolled.

24 “(D) The choice regarding placement shall be made
25 regardless of whether the child or youth lives with the

1 homeless parents or has been temporarily placed elsewhere
2 by the parents.

3 “(4) Each homeless child or youth shall be provided
4 services comparable to services offered to other students
5 in the school selected according to the provisions of para-
6 graph (3), including—

7 “(A) transportation services;

8 “(B) educational services for which the child or
9 youth meets the eligibility criteria, such as services
10 provided under title I of the Elementary and Sec-
11 ondary Education Act of 1965 or similar State or
12 local programs, educational programs for children
13 with disabilities, and educational programs for stu-
14 dents with limited-English proficiency;

15 “(C) programs in vocational education;

16 “(D) programs for gifted and talented students;

17 and

18 “(E) school meals programs.

19 “(5) Any record ordinarily kept by the school, includ-
20 ing immunization records, academic records, birth certifi-
21 cates, guardianship records, and evaluations for special
22 services or programs, of each homeless child or youth shall
23 be maintained—

1 “(A) so that the records are available, in a
2 timely fashion, when a child or youth enters a new
3 school district; and

4 “(B) in a manner consistent with section 438 of
5 the General Education Provisions Act.

6 “(6) Each local educational agency serving homeless
7 children and youth that receives assistance under this sub-
8 title shall coordinate with local social services agencies and
9 other agencies or programs providing services to such chil-
10 dren or youth and their families, including services and
11 programs funded under the Runaway and Homeless Youth
12 Act.

13 “(7)(A) Each local educational agency in a State that
14 receives a grant under this subtitle shall designate a home-
15 lessness liaison to ensure that—

16 “(i) homeless children and youth enroll and suc-
17 ceed in the schools of such agency; and

18 “(ii) homeless families, children, and youth re-
19 ceive educational services for which they are eligible,
20 including preschool programs administered by the
21 local educational agency, and referrals to health care
22 services, dental services, mental health services, and
23 other appropriate services.

24 “(B) State coordinators and local educational agen-
25 cies shall inform school personnel, service providers, and

1 advocates working with homeless families of the duties of
2 the liaisons.

3 “(8) Each State and local educational agency shall
4 review and revise any policies that may act as barriers
5 to the enrollment of homeless children and youth in
6 schools selected in accordance with paragraph (3). In re-
7 viewing and revising such policies, consideration shall be
8 given to issues concerning transportation, immunization,
9 residency, birth certificates, school records, and other doc-
10 umentation, and guardianship. Special attention shall be
11 given to ensuring the enrollment and attendance of home-
12 less children and youth who are not currently attending
13 school.

14 “(9) A State and local educational agency shall coordi-
15 nate with State and local housing agencies responsible for
16 developing the comprehensive housing affordability strat-
17 egy. Consideration shall be given to State and local hous-
18 ing and shelter policies described in the Comprehensive
19 Housing Affordability Strategy to minimize educational
20 disruption for children who become homeless.

21 **“SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE**
22 **EDUCATION OF HOMELESS CHILDREN AND**
23 **YOUTH.**

24 “(a) GENERAL AUTHORITY.—(1) The State edu-
25 cational agency shall, in accordance with section 722(e)

1 and with amounts made available to such agency under
2 section 726, make grants to local educational agencies for
3 the purpose of facilitating the enrollment, attendance, and
4 success in school of homeless children and youth.

5 “(2) Unless otherwise specified, services under para-
6 graph (1) may be provided through programs on school
7 grounds or at other facilities. Where services are provided
8 through programs to homeless students on school grounds,
9 schools may provide services to other children and youth
10 who are determined by the local educational agency to be
11 at risk of failing in, or dropping out of, schools, on an
12 incidental basis. To the maximum extent practicable, serv-
13 ices shall be provided through existing programs and
14 mechanisms that integrate homeless individuals with
15 nonhomeless individuals.

16 “(3) Services provided under this section are not in-
17 tended to replace the regular academic program and shall
18 be designed to expand upon or improve services provided
19 as part of the school’s regular academic program.

20 “(b) APPLICATION.—A local educational agency that
21 desires to receive a grant under this section shall submit
22 an application to the State educational agency at such
23 time, in such manner, and containing or accompanied by
24 such information as the State educational agency may rea-

1 sonably require according to guidelines issued by the Sec-
2 retary. Each such application shall include—

3 “(1) a description of the services and programs
4 for which assistance is sought and the problems to
5 be addressed through the provision of such services
6 and programs;

7 “(2) an assurance that the local educational
8 agency’s combined fiscal effort per student or the
9 aggregate expenditures of that agency and the State
10 with respect to the provision of free public education
11 by such agency for the preceding fiscal year was not
12 less than 90 percent of such combined fiscal effort
13 or aggregate expenditures for the second preceding
14 fiscal year;

15 “(3) an assurance that the applicant complies
16 with, or will use requested funds to come into com-
17 pliance with, paragraphs (3) through (9) of section
18 722(g); and

19 “(4) a description of policies and procedures
20 that the agency will implement to ensure that activi-
21 ties carried out by the agency will not isolate or stig-
22 matize homeless children and youth.

23 “(c) AWARDS.—(1) The State educational agency
24 shall, in accordance with section 722(g) and with amounts
25 made available to such agency under section 726, award

1 grants under this section to local educational agencies sub-
2 mitting an application under subsection (b) on the basis
3 of the need of such agencies.

4 “(2) In determining need under paragraph (1), the
5 State educational agency may consider the number of
6 homeless children and youth enrolled in preschool, elemen-
7 tary, and secondary schools within the area served by the
8 agency, and shall consider the needs of such children and
9 youth and the ability of the agency to meet such needs.
10 Such agency may also consider—

11 “(A) the extent to which the proposed use of
12 funds would facilitate the enrollment, retention, and
13 educational success of homeless children and youth;

14 “(B) the extent to which the application reflects
15 coordination with other local and State agencies that
16 serve homeless children and youth, as well as the
17 State plan required by section 722(g);

18 “(C) the extent to which the applicant exhibits
19 in the application and in current practice a commit-
20 ment to education for all homeless children and
21 youth; and

22 “(D) such other criteria as the agency deter-
23 mines appropriate.

24 “(3) Grants awarded under this section shall be for
25 terms not to exceed three years.

1 “(d) AUTHORIZED ACTIVITIES.—(1) A local edu-
2 cational agency may use funds awarded under this section
3 for activities to carry out the purpose of this subtitle, in-
4 cluding—

5 “(A) the provision of tutoring and accelerated
6 instruction and enriched educational services that
7 are linked to the achievement of the same challeng-
8 ing standards the State establishes for other chil-
9 dren or youth;

10 “(B) the provision of expedited evaluations of
11 the strengths and needs of homeless children and
12 youth, including needs and eligibility for programs
13 and services (such as educational programs for gift-
14 ed and talented students, children with disabilities,
15 and students with limited-English proficiency, serv-
16 ices provided under title I of the Elementary and
17 Secondary Education Act of 1965 or similar State
18 or local programs, programs in vocational education,
19 and school meals programs);

20 “(C) professional development and other activi-
21 ties for educators and other school personnel that is
22 designed to heighten the understanding and sensitiv-
23 ity of such personnel to the needs of homeless chil-
24 dren and youth, the rights of such children and

1 youth under this Act, and the specific educational
2 needs of runaway and homeless youth;

3 “(D) the provision of referral services to home-
4 less children and youth for medical, dental, mental,
5 and other health services;

6 “(E) the provision of assistance to defray the
7 excess cost of transportation for students pursuant
8 to sections 722(g)(4) or 722(g)(9), not otherwise
9 provided through Federal, State, or local funding,
10 where necessary to enable students to attend the
11 school selected under section 722(g)(3);

12 “(F) the provision of developmentally appro-
13 priate early childhood education programs, not oth-
14 erwise provided through Federal, State, or local
15 funding, for preschool-aged children;

16 “(G) the provision of before- and after-school,
17 mentoring, and summer programs for homeless chil-
18 dren and youth in which a teacher or other qualified
19 individual provides tutoring, homework assistance,
20 and supervision of educational activities;

21 “(H) where necessary, the payment of fees and
22 other costs associated with tracking, obtaining, and
23 transferring records necessary to enroll homeless
24 children and youth in school, including birth certifi-
25 cates, immunization records, academic records,

1 guardianship records, and evaluations for special
2 programs or services;

3 “(I) the provision of education and training to
4 the parents of homeless children and youth about
5 the rights of, and resources available to, such chil-
6 dren and youth;

7 “(J) the development of coordination between
8 schools and agencies providing services to homeless
9 children and youth, including programs funded
10 under the Runaway and Homeless Youth Act;

11 “(K) the provision of counseling (including vio-
12 lence prevention counseling), social work, and psy-
13 chological services, and referrals for such services;

14 “(L) activities to address the particular needs
15 of homeless children and youth that may arise from
16 domestic violence;

17 “(M) the adaptation of space and purchase of
18 supplies for nonschool facilities made available under
19 subsection (a)(2) to provide services under this sub-
20 section;

21 “(N) the provision of school supplies; and

22 “(O) the provision of other extraordinary or
23 emergency assistance needed to enable homeless chil-
24 dren and youth to attend school.

1 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

2 “(a) REVIEW OF PLANS.—In reviewing the State
3 plans submitted by the State educational agencies under
4 section 722(g), the Secretary shall use a peer review proc-
5 ess and shall evaluate whether State laws, policies, and
6 practices described in such plans adequately address the
7 problems of homeless children and youth relating to access
8 to education and placement as described in such plans.

9 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
10 provide support and technical assistance to the State edu-
11 cational agencies to assist such agencies to carry out their
12 responsibilities under this subtitle.

13 “(c) EVALUATION AND DISSEMINATION.—The Sec-
14 retary shall conduct evaluation and dissemination activi-
15 ties of programs designed to meet the educational needs
16 of homeless elementary and secondary school students,
17 and may use funds appropriated under section 726 to con-
18 duct such activities.

19 “(d) SUBMISSION AND DISTRIBUTION.—The Sec-
20 retary shall require applications for grants under this sub-
21 title to be submitted to the Secretary not later than the
22 expiration of the 60-day period beginning on the date that
23 funds are available for purposes of making such grants
24 and shall make such grants not later than the expiration
25 of the 120-day period beginning on such date.

1 “(e) DETERMINATION BY SECRETARY.—The Sec-
2 retary, based on the information received from the States
3 and information gathered by the Secretary under sub-
4 section (d), shall determine the extent to which State edu-
5 cational agencies are ensuring that each homeless child
6 and homeless youth has access to a free appropriate public
7 education as described in section 721(1).

8 “(f) REPORTS.—The Secretary shall prepare and
9 submit a report to the Committee on Education and Labor
10 of the House of Representatives and the Committee on
11 Labor and Human Resources of the Senate on the pro-
12 grams and activities authorized by this subtitle by Decem-
13 ber 31, 1997, and every third year thereafter.

14 **“SEC. 725. DEFINITIONS.**

15 “For the purpose of this subtitle, unless otherwise
16 stated—

17 “(1) the term ‘Secretary’ means the Secretary
18 of Education; and

19 “(2) the term ‘State’ means each of the 50
20 States, the District of Columbia, and the Common-
21 wealth of Puerto Rico.

22 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

23 “For the purpose of carrying out this subtitle, there
24 are authorized to be appropriate \$30,000,000 for fiscal

1 year 1995 and such sums as may be necessary for each
2 of the fiscal years 1996, 1997, 1998, and 1999.”.

3 **PART C—IMPACT AID STATUTES**

4 **SEC. 331. AMENDMENTS TO PUBLIC LAW 815.**

5 (a) SECTION 1.—Section 1 of the Act of September
6 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 631)
7 is amended—

8 (1) by striking the 2nd sentence of subsection
9 (a); and

10 (2) by amending subsection (b) to read as fol-
11 lows:

12 “(b) There are authorized to be appropriated to carry
13 out this Act \$12,500,000 for fiscal year 1995 and such
14 sums as may be necessary for each of the fiscal years
15 1996, 1997, 1998, and 1999.”.

16 (b) SECTION 2.—Section 2 of such Act is amended
17 to read as follows:

18 **“SEC. 2. PORTION OF APPROPRIATIONS AVAILABLE FOR**
19 **PAYMENTS.**

20 “For each fiscal year the Secretary shall distribute
21 the funds appropriated in accordance with section 1 which
22 shall be available for carrying out the provisions of sec-
23 tions 5, 9, 10, and 14. The funds provided under section
24 1 for the schools serving military dependents and Indian
25 lands shall be divided equally between section 5 and sec-

1 tion 14 of this Act. Funds provided under section 5 of
2 this Act shall be divided equally between the priority cat-
3 egories of section 1(a)(1) and 1(a)(2) of this Act.”.

4 (c) SECTION 3.—Section 3 of such Act (20 U.S.C.
5 633) is amended to read as follows:

6 **“SEC. 3. ESTABLISHMENT OF PRIORITIES.**

7 “Applications for construction or modification
8 projects provided for under this Act must be filed by June
9 30 of the fiscal year prior to the year in which funds are
10 first requested. The Secretary shall use the following order
11 of priority in approving applications under section 5 and
12 funded in accordance with section 1(a)(1) and section
13 1(a)(2) of this Act. The priority of payment of application
14 under section 1(a)(1) shall be based on the highest per-
15 centage of number of children in need of minimum school
16 facilities. The priority of payment of applications under
17 section 1(a)(2) shall be based on the highest percentage
18 of federally connected students eligible for payment. The
19 Secretary shall use the priorities stated in this section in
20 approving applications in the event the funds appropriated
21 under section 1 of this title and remaining available on
22 any such date for payment to local educational agencies
23 are less than the Federal share of the cost of the projects
24 with respect to which applications have been filed prior
25 to such date (and for which funds under section 1 have

1 not already been obligated). Only applications meeting the
2 conditions for approval under this Act (other than section
3 6(b)(2)(C)) shall be considered applications for purposes
4 of the preceding sentence. Such order of priority shall pro-
5 vide that applications payments based upon increases in
6 the number of children residing on, or residing with a par-
7 ent employed on property which is party of a low-rent
8 housing project assisted under the United States Housing
9 Act of 1937 shall not be approved for any fiscal year until
10 all other applications under paragraph (2) of subsection
11 (a) of section 5 have been approved for the fiscal year.”.

12 (d) SECTION 5.—Section 5 of such Act (20 U.S.C.
13 635) is amended to read as follows:

14 **“SEC. 5. LIMITATION ON TOTAL PAYMENTS TO ANY LOCAL**
15 **EDUCATIONAL AGENCY.**

16 “(a) Subject to the limitations in subsection (c) the
17 total of the payments to a local educational agency under
18 this Act may not exceed the sum of—

19 “(1) the estimated increase, since the base year,
20 in the number of children determined with respect to
21 such agency who live on Federal property and have
22 a parent who works on Federal property multiplied
23 by 100 percent of the average per pupil cost of con-
24 structing minimum school facilities in the State in
25 which the school district of such agency is situated;

1 “(2) the estimated increase, since the base year,
2 in the number of children determined with respect to
3 such agency who have a parent who lives on or
4 works on Federal property multiplied by 50 percent
5 of such cost; and

6 “(3) In computing for any local educational
7 agency the number of children in an increase under
8 paragraph (1) or (2), the estimated number of chil-
9 dren described in such paragraph who will be in the
10 membership of the schools of such agency at the
11 close of the increase period shall be compared with
12 the estimated number of such children in average
13 daily membership of the schools of such agency dur-
14 ing the base year. However, the base year average
15 daily membership shall be adjusted to exclude the
16 number of children that formed the basis for pre-
17 vious payments on applications approved 30 or more
18 years prior to the close of the increased period for
19 the current application.

20 “(b) If two of the paragraphs of subsection (a) apply
21 to a child, the local educational agency shall elect which
22 of such paragraphs shall apply to such child, except that,
23 notwithstanding the election of a local educational agency
24 to have paragraph (2) apply to a child instead of para-
25 graph (1), the determination of the maximum amount for

1 such agency under subsection (a) shall be made without
2 regard to such election.

3 “(c) A local educational agency shall not be eligible
4 to have any amount included in its maximum by reason
5 of paragraphs (1), (2), and (3) of subsection (a) unless
6 the increase in children referred to in such paragraph is
7 at least 20, and in the case of paragraphs (1), (2), and
8 (3) of subsection (a), is—

9 “(1) equal to at least 6 percent of the number
10 of federally connected children who were in the aver-
11 age daily membership of the schools of such agency
12 during the base year, or

13 “(2) at least 750,
14 whichever is the lesser.

15 “(d) Notwithstanding the provisions of subsection (c)
16 of this section, whenever and to the extent that, in his
17 judgment, exceptional circumstances exist which make
18 such action necessary to avoid inequity and avoid defeat-
19 ing the purposes of the Act, the Secretary may waive or
20 reduce the minimum number requirement or any percent-
21 age requirement or requirements in subsection (c).

22 “(e) In determining under this section the total of
23 the payments which may be made to a local educational
24 agency on the basis of any application, the total number

1 of children counted for purposes of paragraph (1) or (2),
2 as the case may be, of subsection (a) may not exceed—

3 “(1) the number of children whose membership
4 at the close of the increase period for the application
5 is compared with average daily membership in the
6 base period for purposes of that paragraph, provided
7 that the base year average daily membership does
8 not include any children which formed the basis of
9 payment in the applications approved 30 or more
10 years ago, minus

11 “(2) the number of such children whose mem-
12 bership at the close of the increase period was com-
13 pared with membership in the base year for pur-
14 poses of such paragraph under the last previous ap-
15 plication, provided the application was funded within
16 the last 4 years, if any, of the agency on the basis
17 of which any payments have been or may be made
18 to that agency.”.

19 (e) SECTION 6.—Section 6 of such Act (20 U.S.C.
20 636) is amended by adding at the end the following new
21 subsection:

22 “(d) If the application has not been funded within
23 the 3-year period, the local educational agency must
24 recertify their need to have the application remain
25 active.”.

1 **SEC. 332. REPEAL OF PUBLIC LAW 874.**

2 The Act of September 30, 1950 (Public Law 874,
3 81st Congress; 20 U.S.C. 236 et seq.) is hereby repealed.

4 **PART D—AMENDMENTS TO ADULT**
5 **EDUCATION ACT**

6 **SEC. 335. AMENDMENTS TO ADULT EDUCATION ACT.**

7 (a) Section 342(c)(11) of the Adult Education Act
8 is amended by inserting “Even Start,” after “1963,”.

9 (b) Section 384(n) is amended by striking “and
10 1995” and inserting “1995, and 1996”.

11 **PART E—AMENDMENTS TO EDUCATION**
12 **COUNCIL ACT OF 1991**

13 **SEC. 341. FINDINGS.**

14 Section 201 of the Education Council Act of 1991
15 (hereafter in this Act referred to as the “Act”) is amend-
16 ed—

17 (1) by amending paragraph (2) to read as fol-
18 lows:

19 “(2) the writing problem has been magnified by
20 the rapidly changing student populations in the
21 Nation’s schools and the growing number of stu-
22 dents who are at risk because of limited-English pro-
23 ficiency;”;

24 (2) in paragraph (6)—

25 (A) by inserting “writing and reading are
26 both fundamental to learning, yet writing has

1 been historically neglected in the schools and
2 colleges, and” before “most”; and

3 (B) by striking the comma before “have”;

4 (3) by amending paragraph (10) to read as
5 follows:

6 “(10) the National Writing Project has become
7 a model for programs to improve teaching in such
8 other fields as mathematics, science, history, lit-
9 erature, performing arts, and foreign languages;”;

10 (4) by amending paragraph (15) to read as
11 follows:

12 “(15) 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 in-service programs through one of the 154 re-
16 gional sites located in 45 States, the Commonwealth
17 of Puerto Rico, and in 4 sites that serve United
18 States teachers teaching in United States dependent
19 and independent schools;”;

20 (5) by striking paragraph (17);

21 (6) by redesignating paragraph (18) as para-
22 graph (17);

23 (7) in paragraph (17) (as redesignated in para-
24 graph (6)), by striking the period at the end thereof
25 and inserting a semicolon; and

1 (8) by adding at the end the following new
2 paragraphs:

3 “(18) independent evaluation studies have
4 found the National Writing Project to be highly cost
5 effective compared to other professional development
6 programs for teachers; and

7 “(19) during 1991, the first year of Federal
8 support for the National Writing Project, the Na-
9 tional Writing Project matched the \$1,951,975 in
10 Federal support with \$9,485,504 in matching funds
11 from State, local, and other sources.”.

12 **SEC. 342. NATIONAL WRITING PROJECT.**

13 Section 202 of the Act is amended—

14 (1) in subsection (d)—

15 (A) in paragraph (3)—

16 (i) by striking the subparagraph des-
17 gnation “(A)”; and

18 (ii) by striking subparagraph (B); and

19 (B) by striking paragraph (4);

20 (2) in subsection (e)—

21 (A) in the matter preceding subparagraph

22 (A) of paragraph (1), by striking “to enable”

23 and inserting “to pay the Federal share of the

24 cost of enabling”; and

1 (B) by adding at the end the following new
2 paragraph:

3 “(4) FEDERAL SHARE.—For the purpose of
4 this subsection the term ‘Federal share’ means, with
5 respect to the costs of activities assisted under this
6 subsection, 50 percent of such costs to the elemen-
7 tary or secondary school teacher.”;

8 (3) by amending subsection (g) to read as
9 follows:

10 “(g) EVALUATION.—

11 “(1) IN GENERAL.—The Secretary shall con-
12 duct an independent evaluation of the teacher train-
13 ing programs assisted under this section. Such eval-
14 uation shall specify the amount of funds expended
15 by the National Writing Project and each contractor
16 receiving assistance under this section. The results
17 of such evaluation shall be made available to the ap-
18 propriate committees of the Congress.

19 “(2) FUNDING LIMITATION.—The Secretary
20 shall reserve not more than \$150,000 from the total
21 amount appropriated pursuant to the authority of
22 subsection (i) for fiscal year 1994 and the 4 suc-
23 ceeding fiscal years to conduct the evaluation de-
24 scribed in paragraph (1).”;

1 (4) by amending subsection (h) to read as
2 follows:

3 “(h) RESEARCH AND DEVELOPMENT ACTIVITIES.—

4 “(1) GRANTS AUTHORIZED.—From amounts
5 appropriated pursuant to the authority of subsection
6 (i)(2), the National Writing Project shall make
7 grants to individuals and institutions of higher edu-
8 cation that either have participated in a National
9 Writing Project institute or are institutions des-
10 igned as National Writing Project sites, to enable
11 such individuals and institutions to conduct research
12 activities involving the teaching of writing.

13 “(2) APPLICATION REVIEW.—The National
14 Writing Project shall establish and operate a Na-
15 tional Review Board that shall consist of—

16 “(A) leaders in the field of research in
17 writing; and

18 “(B) such other individuals as the Na-
19 tional Writing Project deems necessary.

20 “(3) DUTIES.—The National Review Board
21 shall—

22 “(A) review all applications for assistance
23 under this subsection; and

1 “(B) recommended applications for assist-
2 ance under this subsection for funding by the
3 National Writing Project.

4 “(4) JUNIOR RESEARCHER PRIORITY AND
5 FUNDING RULE.—(A) In awarding grants pursuant
6 to paragraph (1), the National Writing Project shall
7 give priority to awarding such grants to junior re-
8 searchers.

9 “(B) The National Writing Project shall award
10 not less than 25 percent of the funds received pursu-
11 ant to subsection (i)(2) to junior researchers.

12 “(5) AVAILABILITY OF FINDINGS.—The Na-
13 tional Writing Project shall make available to the
14 Secretary and to the network of National Writing
15 Project sites the findings of the research conducted
16 pursuant to the authority of paragraph (1).”; and

17 (5) in subsection (i)—

18 (A) in paragraph (1)—

19 (i) by striking “1991” and inserting
20 “1994”; and

21 (ii) by striking “fiscal years 1992 and
22 1993” and inserting “each of the 4 suc-
23 ceeding fiscal years”; and

24 (B) by amending paragraph (2) to read as
25 follows:

1 “(2) RESEARCH AND DEVELOPMENT.—In each
2 fiscal year in which the amount appropriated pursu-
3 ant to the authority of paragraph (1) equals or ex-
4 ceeds \$10,000,000, there are authorized to be appro-
5 priated \$500,000 to carry out the provisions of sub-
6 section (h).”.

7 **PART F—AMENDMENTS TO STATUTES**

8 **PERTAINING TO INDIAN EDUCATION**

9 **SEC. 351. BUREAU OF INDIAN AFFAIRS.**

10 Part B of title XI of Public Law 95–561 (25 U.S.C.
11 2001 et seq.) is amended to read as follows:

12 **“PART B—BUREAU OF INDIAN AFFAIRS**

13 **PROGRAMS**

14 **“SEC. 1121. STANDARDS FOR THE BASIC EDUCATION OF IN-**

15 **DIAN CHILDREN IN BUREAU OF INDIAN AF-**

16 **FAIRS SCHOOLS.**

17 “(a) The purpose of the standards developed under
18 this section shall be to afford Indian students being served
19 by a Bureau funded school with the same opportunities
20 as all other students to achieve the high goals embodied
21 in the Goals 2000: Educate America Act. Consistent with
22 the provisions of this section and section 1131 of this part,
23 the Secretary shall take such actions as are necessary to
24 coordinate standards developed and implemented under
25 this section with those in the State plans developed and

1 implemented pursuant to the Goals 2000: Educate Amer-
2 ica Act for the States in which each Bureau funded school
3 operates. In developing and reviewing these standards and
4 such coordination, the Secretary shall utilize the findings
5 and recommendations of the panel established by the
6 Goals 2000: Educate America Act.

7 “(b) The Secretary, in consultation with the Sec-
8 retary of Education, and in consultation with Indian orga-
9 nizations and tribes, shall carry out or cause to be carried
10 out by contract with an Indian organization such studies
11 and surveys, making the fullest use possible of other exist-
12 ing studies, surveys, and plans, as are necessary to estab-
13 lish and revise standards for the basic education of Indian
14 children attending Bureau funded schools. Such studies
15 and surveys shall take into account factors such as aca-
16 demic needs, local cultural differences, type and level of
17 language skills, geographic isolation, and appropriate
18 teacher-student ratios for such children, and shall be di-
19 rected toward the attainment of equal educational oppor-
20 tunity for such children.

21 “(c)(1) Within 18 months of the date of enactment
22 of this Act, the Secretary shall revise the minimum aca-
23 demic standards published in the Federal Register of No-
24 vember 1983 for the basic education of Indian children
25 which are consistent with subsections (a) and (b) of this

1 section and section 1131, and shall distribute such revised
2 standards in the Federal Register for the purpose of re-
3 ceiving comments from the tribes and other interested par-
4 ties. Within 21 months of the date of enactment of the
5 Elementary and Secondary Education Act Amendments of
6 1993, the Secretary shall establish final standards, distrib-
7 ute such standards to all the tribes and publish such
8 standards in the Federal Register. The Secretary shall re-
9 vise such standards periodically as necessary. Prior to any
10 revision of such standards, the Secretary shall distribute
11 such proposed revision to all the tribes, and publish such
12 proposed revision in the Federal Register, for the purpose
13 of receiving comments from the tribes and other interested
14 parties.

15 “(2) Such standards shall apply to Bureau schools,
16 and subject to subsection (f), to contract and grant
17 schools, and may also serve as a model for educational
18 programs for Indian children in public schools. In estab-
19 lishing and revising such standards, the Secretary shall
20 take into account the special needs of Indian students and
21 the support and reinforcement of the specific cultural her-
22 itage of each tribe. Such standards shall include a require-
23 ment, developed in coordination with Indian tribes, the af-
24 fected local school boards, the Indian Health Service of
25 the Department of Health and Human Services, the State

1 health departments, and the Centers for Disease Control
2 and Prevention, on immunization for childhood diseases,
3 including provisions for in-school immunization, where
4 necessary.

5 “(d) The Secretary shall provide alternative or modi-
6 fied standards in lieu of the standards established under
7 subsection (c), where necessary, so that the programs of
8 each school shall be in compliance with the minimum
9 standards required for accreditation of schools in the State
10 where the school is located.

11 “(e) A tribal governing body, or the local school board
12 so designated by the tribal governing body, shall have the
13 local authority to waive, in part or in whole, the standards
14 established under subsections (c) and (d), where such
15 standards are deemed by such body to be inappropriate
16 or ill-conceived. The tribal governing body or designated
17 school board shall, within 60 days thereafter, submit to
18 the Secretary a proposal for alternative standards that
19 takes into account the specific needs of the tribe’s chil-
20 dren. Such revised standards shall be established by the
21 Secretary unless specifically rejected by the Secretary for
22 good cause and in writing to the affected tribes or local
23 school board, which rejection shall be final and
24 unreviewable.

1 “(f)(1) The Secretary, through contracting and
2 grant-making procedures, shall assist school boards of
3 contract and grant schools in the implementation of the
4 standards established under subsection (c) and (d), if the
5 school boards request that such standards, in part or in
6 whole, be implemented. At the request of a contract or
7 grant school board, the Secretary shall provide alternative
8 or modified standards for the standards established under
9 subsections (c) and (d) to take into account the needs of
10 the Indian children and the contract or grant school.

11 “(2) Within 1 year of the date of the enactment of
12 the Indian Education Technical Amendments Act of 1985,
13 the Bureau shall, either directly or through contract with
14 an Indian organization, establish a consistent system of
15 reporting standards for fiscal control and fund accounting
16 for all contract schools. Such standards shall yield data
17 results comparable to those used by Bureau schools.

18 “(g) Subject to subsections (e) and (f), the Secretary
19 shall begin to implement the standards established under
20 this section immediately upon the date of their establish-
21 ment. No later than January 1, 1995, and at each time
22 thereafter that the annual budget request for Bureau edu-
23 cational services is presented, the Secretary shall submit
24 to the appropriate committees of Congress a detailed plan
25 to bring all Bureau and contract and grant schools up to

1 the level required by the applicable standards established
2 under this section. Such plan shall include, but not be lim-
3 ited to, detailed information on the status of each school's
4 educational program in relation to the applicable stand-
5 ards established under this section, specific cost estimates
6 for meeting such standards at each school, and specific
7 time lines for bringing each school up to the level required
8 by such standards.

9 “(h)(1) Except as specifically required by statute, no
10 school or peripheral dormitory operated by the Bureau of
11 Indian Affairs on or after January 1, 1992, may be closed
12 or consolidated or have its program substantially curtailed
13 unless done according to the requirements of this sub-
14 section, except that, in those cases where the tribal govern-
15 ing body, or the local school board concerned (if so des-
16 igned by the tribal governing body), requests closure or
17 consolidation, the requirements of this subsection shall not
18 apply. The requirements of this subsection shall not apply
19 when a temporary closure, consolidation, or substantial
20 curtailment is required by plant conditions which con-
21 stitute an immediate hazard to health and safety.

22 “(2) The Secretary shall, by regulation, promulgate
23 standards and procedures for the closing, consolidation,
24 or substantial curtailment of Bureau schools in accordance
25 with the requirements of this subsection.

1 “(3) Whenever closure, transfer to any other author-
2 ity, consolidation, or substantial curtailment of a school
3 is under active consideration or review by any division of
4 the Bureau or the Department of the Interior, the affected
5 tribe, tribal governing body, and designated local school
6 board, will be notified as soon as such consideration or
7 review begins, kept fully and currently informed, and af-
8 forded an opportunity to comment with respect to such
9 consideration or review. When a formal decision is made
10 to close, transfer to any other authority, consolidate, or
11 substantially curtail a school, the affected tribe, tribal gov-
12 erning body, and designated local school board shall be
13 notified at least 6 months prior to the end of the school
14 year preceding the proposed effective date. Copies of any
15 such notices and information shall be transmitted prompt-
16 ly to the Congress and published in the Federal Register.

17 “(4) The Secretary shall make a report to Congress,
18 the affected tribe, and the designated local school board
19 describing the process of the active consideration or review
20 referred to in paragraph (3). At a minimum, the report
21 shall include a study of the impact of such action on the
22 student population, with every effort to identify those stu-
23 dents with particular educational and social needs, and to
24 ensure that alternative services are available to such stu-
25 dents. Such report shall include the description of the con-

1 sultation conducted between the potential service provider,
2 current service provider, parents, tribal representative and
3 the tribe or tribes involved, and the Director of the Office
4 of Indian Education Programs within the Bureau regard-
5 ing such students. No irreversible action may be taken in
6 furtherance of any such proposed school closure, transfer
7 to any other authority, consolidation, or substantial cur-
8 tailment (including any action which would prejudice the
9 personnel or programs of such school) until the end of the
10 first full academic year after such report is made.

11 “(5) The Secretary may terminate, contract, transfer
12 to any other authority, or consolidate or substantially cur-
13 tail the operation or facilities of—

14 “(A) any Bureau funded school that is operated
15 on or after April 1, 1987,

16 “(B) any program of such a school that is oper-
17 ated on or after April 1, 1987, or

18 “(C) any school board of a school operated
19 under a grant under the Tribally Controlled Schools
20 Act of 1988 (Public Law 100–297),

21 only if the tribal governing body approves such action.

22 “(i) There are hereby authorized to be appropriated
23 such sums as may be necessary, for academic program
24 costs, in order to bring all Bureau and contract schools

1 up to the level required by the applicable standards estab-
2 lished under this section.

3 “(j)(1) All schools funded by the Bureau of Indian
4 Affairs shall include within their curriculum a program of
5 instruction relating to alcohol and substance abuse preven-
6 tion and treatment. The Assistant Secretary shall provide
7 the technical assistance necessary to develop and imple-
8 ment such a program for students in kindergarten and
9 grades 1 through 12, at the request of—

10 “(A) any Bureau of Indian Affairs school (sub-
11 ject to the approval of the school board of such
12 school);

13 “(B) any school board of a school operating
14 under a contract entered into under the Indian Self-
15 Determination and Education Assistance Act (25
16 U.S.C. 450 et seq.); or

17 “(C) any school board of a school operating
18 under a grant under the Tribally Controlled Schools
19 Act of 1988 (Public Law 100–297).

20 “(2) In schools operated directly by the Bureau of
21 Indian Affairs, the Secretary shall provide for—

22 “(A) accurate reporting of all incidents relating
23 to alcohol and substance abuse; and

24 “(B) individual student crisis intervention.

1 “(3) The programs requested under paragraph (1)
2 shall be developed in consultation with the Indian tribe
3 that is to be served by such program and health personnel
4 in the local community of such tribe.

5 “(4) Schools requesting program assistance under
6 this subsection are encouraged to involve family units and,
7 where appropriate, tribal elders and Native healers in such
8 instructions.

9 “(k) For purposes of this section, the term ‘tribal
10 governing body’ means, with respect to any school, the
11 tribal governing body, or tribal governing bodies, that rep-
12 resent at least 90 percent of the students served by such
13 school.

14 “(l)(1)(A) The Secretary shall only consider the fac-
15 tors described in subparagraphs (B) and (C) in review-
16 ing—

17 “(i) applications from any tribe for the award-
18 ing of a contract or grant for a school that is not
19 a Bureau funded school, and

20 “(ii) applications from any tribe or school board
21 of any Bureau funded school for—

22 “(I) a school which is not a Bureau funded
23 school; or

24 “(II) the expansion of a Bureau funded
25 school which would increase the amount of

1 funds received by the Indian tribe or school
2 board under section 1127.

3 The Secretary shall give consideration to all of such fac-
4 tors, but none of such applications may be denied based
5 primarily upon the geographic proximity of public edu-
6 cation.

7 “(B) The Secretary shall consider the following fac-
8 tors relating to the program that is the subject of an appli-
9 cation described in subparagraph (A):

10 “(i) The adequacy of facilities or the potential
11 to obtain or provide adequate facilities.

12 “(ii) Geographic and demographic factors in the
13 affected areas.

14 “(iii) Adequacy of the applicant’s program
15 plans or, in the case of a Bureau funded school, of
16 projected needs analysis done either by a tribe or by
17 Bureau personnel.

18 “(iv) Geographic proximity of comparable public
19 education.

20 “(v) The stated needs of all affected parties, in-
21 cluding (but not limited to) students, families, tribal
22 governments at both the central and local levels, and
23 school organizations.

24 “(C) The Secretary shall consider with respect to ap-
25 plications described in subparagraph (A) the following fac-

1 tors relating to all the educational services available at the
2 time the application is considered:

3 “(i) Geographic and demographic factors in the
4 affected areas.

5 “(ii) Adequacy and comparability of programs
6 already available.

7 “(iii) Consistency of available programs with
8 tribal educational codes or tribal legislation on edu-
9 cation.

10 “(iv) The history and success of these services
11 for the proposed population to be served, as deter-
12 mined from all factors and not just standardized ex-
13 amination performance.

14 “(2)(A) The Secretary shall make a determination of
15 whether to approve any application described in paragraph
16 (1)(A) by no later than the date that is 180 days after
17 the day on which such application is submitted to the
18 Secretary.

19 “(B) If the Secretary fails to make the determination
20 described in subparagraph (A) with respect to an applica-
21 tion by the date described in subparagraph (A), the appli-
22 cation shall be treated as having been approved by the
23 Secretary.

24 “(3)(A) Any application described in paragraph
25 (1)(A) may be submitted to the Secretary only if—

1 “(i) the application has been approved by the
2 tribal governing body of the students served by (or
3 to be served by) the school or program that is the
4 subject of the application, and

5 “(ii) written evidence of such approval is sub-
6 mitted with the application.

7 “(B) Each application described in paragraph
8 (1)(A)—

9 “(i) shall provide information concerning each
10 of the factors described in paragraph (1)(B), and

11 “(ii) may provide information concerning the
12 factors described in paragraph (1)(C).

13 “(4) Whenever the Secretary makes a determination
14 to deny approval of any application described in paragraph
15 (1)(A), the Secretary shall—

16 “(A) state the objections in writing to the appli-
17 cant by no later than the date that is 180 days after
18 the day on which the application is submitted to the
19 Secretary,

20 “(B) provide assistance to the applicant to over-
21 come stated objections, and

22 “(C) provide the applicant a hearing, under the
23 same rules and regulations pertaining to the Indian
24 Self-Determination and Education Assistance Act,

1 and an opportunity to appeal the objections raised
2 by the Secretary.

3 “(5)(A) Except as otherwise provided in this para-
4 graph, the action which is the subject of any application
5 described in paragraph (1)(A) that is approved by the Sec-
6 retary shall become effective with the commencement of
7 the academic year succeeding the fiscal year in which the
8 application is approved, or at an earlier date determined
9 by the Secretary.

10 “(B) If an application is treated as having been ap-
11 proved by the Secretary by reason of paragraph (2)(B),
12 the action that is the subject of the application shall be-
13 come effective on the date that is 18 months after the
14 date on which the application is submitted to the Sec-
15 retary, or at an earlier date determined by the Secretary.

16 **“SEC. 1122. NATIONAL CRITERIA FOR DORMITORY SITUA-**
17 **TIONS.**

18 “(a) The Secretary, in consultation with the Sec-
19 retary of the Department of Education, and in consulta-
20 tion with Indian organizations and tribes, shall conduct
21 or cause to be conducted by contract with an Indian orga-
22 nization, a study of the costs applicable to boarding ar-
23 rangements for Indian students provided in Bureau and
24 contract and grant schools, for the purpose of establishing
25 national criteria for such dormitory situations. Such cri-

1 teria shall include adult-child ratios, needs for counselors
2 (including special needs related to off-reservation boarding
3 arrangements), space, and privacy.

4 “(b) No later than January 1, 1996, the Secretary
5 shall propose such criteria, and shall distribute such pro-
6 posed criteria to the tribes and publish such proposed cri-
7 teria in the Federal Register for the purpose of receiving
8 comments from the tribes and other interested parties.
9 Within eighteen months of the date of the enactment of
10 this Act, the Secretary shall establish final criteria, dis-
11 tribute such criteria to all the tribes, and publish such cri-
12 teria in the Federal Register. The Secretary shall revise
13 such criteria periodically as necessary. Any revisions to the
14 standards established under this section shall be developed
15 subject to requirements established under section 1131.

16 “(c) The Secretary shall begin to implement the cri-
17 teria established under this section immediately upon the
18 date of their establishment. No later than January 1,
19 1981, and at each time thereafter that the annual budget
20 request for Bureau educational services is presented, the
21 Secretary shall submit to the appropriate committees of
22 Congress a detailed plan to bring all Bureau and contract
23 boarding schools up to the criteria established under this
24 section. Such plan shall include, but not be limited to, pre-
25 dictions for the relative need for each boarding school in

1 the future, detailed information on the status of each
2 school in relation to the criteria established under this sec-
3 tion, specific cost estimates for meeting such criteria at
4 each school, and specific time lines for bringing each
5 school up to the level required by such criteria.

6 “(d)(1) The criteria established under this section
7 may be waived in the same manner as the standards pro-
8 vided under section 1121(c) may be waived under section
9 1121(e).

10 “(2) No school in operation on or before January 1,
11 1987 (regardless of compliance or noncompliance with the
12 criteria established under this section) may be closed,
13 transferred to another authority, consolidated or have its
14 program substantially curtailed for failure to meet the
15 criteria.

16 “(3) By no later than May 1, 1996, the Secretary
17 shall submit to the Congress a report detailing the costs
18 associated with, and the actions necessary for, complete
19 compliance with the criteria established under this section.

20 “(e) There are hereby authorized to be appropriated
21 such sums as may be necessary in order to bring each
22 school up to the level required by the criteria established
23 under this section.

1 **“SEC. 1123. REGULATIONS.**

2 “(a) The provisions of part 32 of title 25 of the Code
3 of Federal Regulations, as in effect on January 1, 1987,
4 are hereby incorporated into this Act and shall be treated
5 as though such provisions are set forth in this subsection.
6 Accordingly, such provisions may be altered only by means
7 of an amendment to this subsection that is contained in
8 an Act or joint resolution which is enacted into law. To
9 the extent that such provisions of part 32 do not conform
10 with this Act or any statutory provision of law enacted
11 before the date of enactment of this Act, the provisions
12 of this Act and the provisions of such other statutory law
13 shall govern.

14 “(b) The provisions of parts 31, 33, 36, 39, 42, and
15 43 of title 25 of the Code of Federal Regulations, as in
16 effect on January 1, 1987, shall be applied by the Federal
17 Government and shall not, before July 1, 1989, be amend-
18 ed, revoked, or altered in any manner. No officer or em-
19 ployee of the Executive Branch shall have the authority
20 to issue any other regulations, prior to July 1, 1989, that
21 supersede, supplement, or otherwise affect the provisions
22 of such parts. To the extent that the provisions of such
23 parts do not conform with this Act or any statutory provi-
24 sion of law enacted before the date of enactment of this
25 Act, the provisions of this Act and the provisions of such
26 other statutory law shall govern.

1 “(c) After June 30, 1989, no regulation prescribed
2 for the application of any program provided under this
3 title shall become effective unless—

4 “(1) the regulation has been published as a pro-
5 posed regulation in the Federal Register,

6 “(2) an opportunity of no less than 90 days has
7 been afforded the public to comment on the pub-
8 lished proposed regulation, and

9 “(3) the regulation has, after such period for
10 public comment, been published in the Federal Reg-
11 ister as a final regulation.

12 “(d) For purposes of this section, the term ‘regula-
13 tion’ means any rules, regulations, guidelines, interpreta-
14 tions, orders, or requirements of general applicability pre-
15 scribed by any officer or employee of the Executive
16 Branch.

17 **“SEC. 1124. SCHOOL BOUNDARIES.**

18 “(a) The Secretary shall, in accordance with this sec-
19 tion, establish separate geographical attendance areas for
20 each Bureau school.

21 “(b)(1) Except as provided in paragraph (2), on or
22 after July 1, 1985, no attendance area shall be changed
23 or established with respect to any such school unless the
24 tribal governing body or the local school board concerned
25 (if so designated by the tribal governing body) has been

1 (i) afforded at least six months notice of the intention of
2 the Bureau to change or establish such attendance area,
3 and (ii) given the opportunity to propose alternative
4 boundaries. Any tribe may petition the Secretary for revi-
5 sion of existing attendance area boundaries. The Secretary
6 shall accept such proposed alternative or revised bound-
7 aries unless the Secretary finds, after consultation with
8 the affected tribe or tribes, that such revised boundaries
9 do not reflect the needs of the Indian students to be served
10 or do not provide adequate stability to all of the affected
11 programs.

12 “(2) In any case where there is more than 1 Bureau
13 funded school located on an Indian reservation, at the di-
14 rection of the tribal governing body, the relevant school
15 boards of the Bureau funded schools on the reservation
16 may, by mutual consent, establish the relevant attendance
17 areas for such schools, subject to the approval of the tribal
18 governing body. Any such boundaries so established shall
19 be accepted by the Secretary.

20 “(c) In any case where there is only 1 Bureau oper-
21 ated program located on an Indian reservation, the attend-
22 ance area for the program shall be the boundaries of the
23 reservation served, and those students residing near the
24 reservation shall also receive services from such program.

1 “(d) The Bureau of Indian Affairs shall include in
2 the final rules the requirement that each appropriate edu-
3 cation line officer coordinate and consult with the affected
4 tribes and relevant school boards in the establishment of
5 such geographic boundaries.

6 **“SEC. 1125. FACILITIES CONSTRUCTION.**

7 “(a) The Secretary shall immediately begin to bring
8 all schools, dormitories, and other facilities operated by
9 the Bureau or under contract or grant with the Bureau
10 in connection with the education of Indian children into
11 compliance with all applicable Federal, tribal, or State
12 health and safety standards, whichever provide greater
13 protection (except that the tribal standards to be applied
14 shall be no greater than any otherwise applicable Federal
15 or State standards), and with section 504 of the Rehabili-
16 tation Act of 1973 (29 U.S.C. 794) and with the Ameri-
17 cans with Disabilities Act of 1990, except that nothing in
18 this section shall require termination of the operations of
19 any facility which does not comply with such provisions
20 and which is in use on the date of enactment of this Act.

21 “(b) By January 1, 1996, and at each time thereafter
22 that the annual budget request for Bureau educational
23 services is presented, the Secretary shall submit to the ap-
24 propriate committees of Congress a detailed plan to bring
25 such facilities into compliance with such standards. Such

1 plan shall include, but not be limited to, detailed informa-
2 tion on the status of each facility's compliance with such
3 standards, specific cost estimates for meeting such stand-
4 ards at each school, and specific time lines for bringing
5 each school into compliance with such standards.

6 “(c) Within six months of the date of enactment of
7 this Act, the Secretary shall submit to the appropriate
8 committees of Congress, and publish in the Federal Reg-
9 ister, the system used to establish priorities for school con-
10 struction projects. At the time any budget request for
11 school construction is presented, the Secretary shall pub-
12 lish in the Federal Register and submit with the budget
13 request the current list of all school construction priorities.

14 “(d)(1) A Bureau school may be closed or consoli-
15 dated, and the programs of a Bureau school may be sub-
16 stantially curtailed, by reason of plant conditions that con-
17 stitute an immediate hazard to health and safety only if
18 a health and safety officer of the Bureau determines that
19 such conditions exist at the Bureau school.

20 “(2)(A) In making determinations described in para-
21 graph (1) before July 1, 1989, health and safety officers
22 of the Bureau shall use the health and safety guidelines
23 of the Bureau that were in effect on January 1, 1988.

24 “(B)(i) If—

1 “(I) the Secretary fails to publish in the Fed-
2 eral Register in final form before July 1, 1989, and

3 “(II) action described in paragraph (1) is taken
4 after June 30, 1989, and before the date on which
5 such regulations are published in final form in the
6 Federal Register by reason of the condition of any
7 plant,

8 an inspection of the condition of such plant shall be con-
9 ducted by an appropriate tribal, county, municipal, or
10 State health and safety officer to determine whether condi-
11 tions at such plant constitute an immediate hazard to
12 health and safety. Such inspection shall be completed by
13 no later than the date that is 30 days after the date on
14 which the action described in paragraph (1) is taken.

15 “(ii) The inspection required under clause (i) shall
16 be conducted by a health and safety officer designated
17 jointly by the Secretary and the tribes affected by the ac-
18 tion described in paragraph (1). If the Secretary and such
19 tribes are unable to agree on the designation of the health
20 and safety officer, the Secretary shall designate the health
21 and safety officer and shall provide notice of such designa-
22 tion to each of such tribes before the inspection is con-
23 ducted by such officer.

24 “(iii) If the health and safety officer conducting an
25 inspection of a plant required under clause (i) determines

1 that conditions at the plant do not constitute an imme-
2 diate hazard to health and safety, any consolidation or
3 curtailment that was made by reason of conditions at the
4 plant shall immediately cease and any school closed by rea-
5 son of conditions at the plant shall be reopened imme-
6 diately.

7 “(3) If—

8 “(A) a Bureau school is temporarily closed or
9 consolidated, or the programs of a Bureau school
10 are substantially curtailed, by reason of plant condi-
11 tions that constitute an immediate hazard to health
12 and safety, and

13 “(B) the Secretary estimates that the closure,
14 consolidation, or curtailment will be more than 1
15 year in duration,

16 the Secretary shall submit to the Congress, by no later
17 than the date that is 6 months after the date on which
18 the closure, consolidation, or curtailment is initiated, a re-
19 port which sets forth the reasons for such temporary ac-
20 tions and the actions the Secretary is taking to eliminate
21 the conditions that constitute the hazard.

22 “(e) There are hereby authorized to be appropriated
23 such sums as may be necessary to carry out subsection
24 (a).

1 **“SEC. 1126. BUREAU OF INDIAN AFFAIRS EDUCATION FUNC-**
2 **TIONS.**

3 “(a) The Secretary shall vest in the Assistant Sec-
4 retary for Indian Affairs all functions with respect to for-
5 mulation and establishment of policy and procedure, and
6 supervision of programs and expenditures of Federal
7 funds for the purpose of Indian education administered
8 by the Bureau. The Assistant Secretary shall carry out
9 such functions through the Director of the Office of Indian
10 Education.

11 “(b) The Director of the Office shall direct and su-
12 pervise the operations of all personnel directly and sub-
13 stantially involved with provision of education services by
14 the Bureau, including (but not limited to) school or insti-
15 tution custodial or maintenance personnel. The Assistant
16 Secretary for Indian Affairs shall provide for the adequate
17 coordination between the affected Bureau Offices and the
18 Office to facilitate the consideration of all contract func-
19 tions relating to education. Except as required by section
20 1129(d), nothing in this Act shall be construed to require
21 the provision of separate support services for Indian
22 education.

23 “(c) Education personnel who are under the direction
24 and supervision of the Director of the Office in accordance
25 with the first sentence of subsection (b) shall—

1 “(1) monitor and evaluate Bureau education
2 programs,

3 “(2) provide all services and support functions
4 for education programs with respect to personnel
5 matters involving staffing actions and functions, and

6 “(3) provide technical and coordinating assist-
7 ance in areas such as procurement, contracting,
8 budgeting, personnel, and curriculum.

9 “(d)(1) The Assistant Secretary shall submit in the
10 annual Budget a plan—

11 “(A) for school facilities to be constructed
12 under the system required by section 1125(c);

13 “(B) for establishing priorities among projects
14 and for the improvement and repair of education fa-
15 cilities, which together shall form the basis for the
16 distribution of appropriated funds; and

17 “(C) including a 5-year plan for capital im-
18 provements.

19 “(2) The Assistant Secretary shall establish a pro-
20 gram, including the distribution of appropriated funds, for
21 the operation and maintenance of education facilities.

22 Such program shall include, but not be limited to—

23 “(A) a method of computing the amount nec-
24 essary for each education facility;

1 “(B) similar treatment of all Bureau funded
2 schools;

3 “(C) a notice of an allocation of appropriated
4 funds from the Director of the Office directly to the
5 appropriate education line officers; and

6 “(D) a system for the conduct of routine pre-
7 ventive maintenance.

8 The appropriate education line officers shall make ar-
9 rangements for the maintenance of education facilities
10 with the local supervisors of the Bureau maintenance per-
11 sonnel who are under the authority of the agency super-
12 intendent or area directors, respectively. The local super-
13 visors of Bureau maintenance personnel shall take appro-
14 priate action to implement the decisions made in this re-
15 gard by the appropriate education line officers, except that
16 no funds from this program may be authorized for expend-
17 iture unless such appropriate education line officer is as-
18 sured that the necessary maintenance has been, or will be,
19 provided in a reasonable manner. Subject to the require-
20 ments of subsection (b) of this section, nothing in this Act
21 shall be construed to require the provision of separate op-
22 erations and maintenance personnel for the Office.

23 “(3) The requirements of this subsection shall be im-
24 plemented no later than July 1, 1995.

1 “(e) Any other provision of law notwithstanding, the
2 Director shall promulgate guidelines for the establishment
3 of mechanisms for the acceptance of gifts and bequests
4 for the use of, and benefit of, particular schools or des-
5 ignated Bureau operated education programs, including,
6 where appropriate, the establishment and administration
7 of trust funds. When a Bureau operated program is the
8 beneficiary of such a gift or bequest, the Director shall
9 make provisions for monitoring its use, and shall report
10 to the appropriate committees of Congress the amount
11 and terms of such gift and bequest, the use to which it
12 is put, and any positive results achieved by such action.

13 “(f) For the purpose of this section the term ‘func-
14 tions’ includes powers and duties.

15 **“SEC. 1127. ALLOTMENT FORMULA.**

16 “(a) The Secretary shall establish, by regulation
17 adopted in accordance with section 1139, a formula for
18 determining the minimum annual amount of funds nec-
19 essary to sustain each Bureau funded school. In establish-
20 ing such formula, the Secretary shall consider—

21 “(1) the number of eligible Indian students
22 served and size of the school;

23 “(2) special cost factors, such as—

24 “(A) isolation of the school;

1 “(B) need for special staffing, transpor-
2 tation, or educational programs;

3 “(C) food and housing costs;

4 “(D) maintenance and repair costs associ-
5 ated with the physical condition of the edu-
6 cational facilities;

7 “(E) special transportation and other costs
8 of isolated and small schools;

9 “(F) the costs of boarding arrangements,
10 where determined necessary by a tribal govern-
11 ing body or designated local school board;

12 “(G) costs associated with greater lengths
13 of service by educational personnel; and

14 “(H) special programs for gifted and tal-
15 ented students;

16 “(3) the cost of providing academic services
17 which are at least equivalent to those provided by
18 public schools in the State in which the school is lo-
19 cated; and

20 “(4) such other relevant factors as the Sec-
21 retary determines are appropriate.

22 Upon the establishment of the standards required by sec-
23 tions 1121 and 1122 of this Act, the Secretary shall revise
24 the formula established under this subsection to reflect the
25 cost and funding standards so established. Prior to Janu-

1 ary 1, 1995, the Secretary shall review the formula estab-
2 lished under this section and shall take such steps as may
3 be necessary to increase the availability of counseling serv-
4 ices for students in off-reservation boarding schools and
5 other Bureau operated residential facilities. Concurrent
6 with such action, the Secretary shall review the standards
7 established under section 1121 of this title to be certain
8 that adequate provision is made for parental notification
9 regarding, and consent for, such counseling services.

10 “(b) Notwithstanding any other provisions of law,
11 Federal funds appropriated for the general local operation
12 of Bureau funded schools, shall be allotted pro rata in ac-
13 cordance with the formula established under subsection
14 (a).

15 “(c)(1) For fiscal year 1990, and for each subsequent
16 fiscal year, the Secretary shall adjust the formula estab-
17 lished under subsection (a) to—

18 “(A) use a weighted unit of 1.2 for each eligible
19 Indian student enrolled in the seventh and eighth
20 grades of the school in considering the number of el-
21 igible Indian students served by the school;

22 “(B) consider a school with an enrollment of
23 less than 50 eligible Indian students as having an
24 average daily attendance of 50 eligible Indian stu-

1 dents for purposes of implementing the adjustment
2 factor for small schools; and

3 “(C) take into account the provision of residen-
4 tial services on a less than 9-month basis at a school
5 when the school board and supervisor of the school
6 determine that a less than 9-month basis will be im-
7 plemented for the school year involved.

8 “(2)(A) The Secretary shall reserve for national
9 school board training 0.2 percent of the funds appro-
10 priated for each fiscal year for distribution under this sec-
11 tion. Such training shall be conducted through the same
12 organizations through which, and in the same manner in
13 which, the training was conducted in fiscal year 1992. If
14 the contract for such training is not awarded before May
15 1 of each fiscal year, the contract under which such train-
16 ing was provided for the fiscal year preceding such fiscal
17 year shall be renewed by the Secretary for such fiscal year.
18 The agenda for the training sessions shall be established
19 by the school boards through their regional or national
20 organizations.

21 “(B) For each year in which the Secretary uses a
22 weighted unit formula established under subsection (a) to
23 fund Bureau schools, a Bureau school which generates less
24 than 168 weighted units shall receive an additional 2
25 weighted units to defray school board activities.

1 “(C) From the funds allotted in accordance with the
2 formula established under subsection (a) for each Bureau
3 school, the local school board of such school may reserve
4 an amount which does not exceed the greater of—

5 “(i) \$5,000, or

6 “(ii) the lesser of—

7 “(I) \$15,000, or

8 “(II) 1 percent of such allotted funds,

9 for school board activities for such school, including but
10 not limited to, and notwithstanding any other provision
11 of law, meeting expenses and the cost of membership in,
12 and support of, organizations engaged in activities on be-
13 half of Indian education.

14 “(3)(A) The Secretary shall adjust the formula estab-
15 lished under subsection (a) to use a weighted unit of 2.0
16 for each eligible Indian student that—

17 “(i) is gifted and talented (as determined pur-
18 suant to section 6204 of the Indian Education Act
19 of 1988), and

20 “(ii) is enrolled in the school on a full-time
21 basis,

22 in considering the number of eligible Indian students
23 served by the school.

1 “(B) The adjustment required under subparagraph
2 (A) shall be used for the later of the following fiscal years
3 and for each fiscal year succeeding such later fiscal year—

4 “(i) the second fiscal year succeeding the fiscal
5 year in which the Secretary of Education makes the
6 report required under section 6204(c)(6)(B) of the
7 Indian Education Act of 1988, or

8 “(ii) the first fiscal year for which an increase
9 in the amount of funds appropriated for allotment
10 under this section is designated by the law that ap-
11 propriates such funds as the amount necessary to
12 implement such adjustment without reducing allot-
13 ments made under this section to any school.

14 “(d) The Secretary shall reserve from the funds avail-
15 able for distribution for each fiscal year under this section
16 an amount which, in the aggregate, shall equal 1 percent
17 of the funds available for such purpose for that fiscal year.
18 Such funds shall be used, at the discretion of the Director
19 of the Office, to meet emergencies and unforeseen contin-
20 gencies affecting the education programs funded under
21 this section. Funds reserved under this subsection may
22 only be expended for education services or programs at
23 a schoolsite (as defined in section 5204(c)(2) of the Trib-
24 ally Controlled Schools Act of 1988). Funds reserved
25 under this subsection shall remain available without fiscal

1 year limitation until expended. However, the aggregate
2 amount available from all fiscal years may not exceed 1
3 percent of the current year funds. Whenever the Secretary
4 makes funds available under this subsection, the Secretary
5 shall report such action to the appropriate committees of
6 Congress within the annual budget submission.

7 “(e) Supplemental appropriations enacted to meet in-
8 creased pay costs attributable to school level personnel
9 shall be distributed under this section.

10 “(f) In this section ‘eligible Indian student’ means a
11 student who—

12 “(1) is a member of or is at least a $\frac{1}{4}$ degree
13 Indian blood descendant of a member of an Indian
14 tribe which is eligible for the special programs and
15 services provided by the United States through the
16 Bureau of Indian Affairs to Indians because of their
17 status as Indians, and

18 “(2) resides on or near an Indian reservation or
19 meets the criteria for attendance at a Bureau off-
20 reservation boarding school.

21 “(g)(1) An eligible Indian student may not be
22 charged tuition for attendance at a Bureau or contract
23 school. A student attending a Bureau school under clause
24 (2)(C) of this subsection may not be charged tuition.

1 “(2) The Secretary may permit the attendance at a
2 Bureau school of a student who is not an eligible Indian
3 student if—

4 “(A) the Secretary determines that the stu-
5 dent’s attendance will not adversely affect the
6 school’s program for eligible Indian students because
7 of cost, overcrowding, or violation of standards,

8 “(B) the school board consents, and

9 “(C) the student is a dependent of a Bureau,
10 Indian Health Service, or tribal government em-
11 ployee who lives on or near the school site, or

12 “(D) a tuition is paid for the student that is
13 not more than that charged by the nearest public
14 school district for out-of-district students. The tui-
15 tion collected is in addition to the school’s allocation
16 under this section.

17 “(3) The school board of a contract school or grant
18 school may permit students who are not eligible Indian
19 students under this subsection to attend its contract
20 school or grant school and any tuition collected for those
21 students is in addition to funding under this section.

22 “(h)(1) The Secretary shall conduct, through contact
23 or cooperative agreement with an entity having proven ex-
24 pertise in the field of school finance, and after consultation
25 with tribes and national Indian organizations, a study to

1 determine the feasibility and desirability of changing the
2 method of financing for Bureau funded schools from the
3 weighted student unit formula method in effect on the
4 date of enactment of this Act to a school based budget
5 system of financing. The Assistant Secretary shall take
6 such steps as are necessary to immediately implement this
7 provision.

8 “(2) For the purposes of this study, the term ‘school-
9 based budget system’ means a system based upon an ini-
10 tial determination, at each school site, of the number of
11 students who shall be served at the site, the needs of those
12 students, the standards which will best meet those needs
13 (including any standards or conditions reflecting local
14 community input and the program developed under this
15 part), the personnel profile necessary to establish such
16 program and the cost (determined on an actual basis) of
17 funding such a program. Such a system would include pro-
18 cedures to aggregate the determinations for each school
19 site to determine the amount needed to fund all Bureau-
20 funded schools, to prepare a budget submission based
21 upon such aggregate and would provide for a mechanism
22 for distributing such sums as may be appropriated based
23 upon the determination at each school site.

24 “(3) No later than January 20, 1996, the Secretary
25 shall transmit to the Committees on Education and Labor

1 and Appropriations of the House of Representatives and
2 the Committees on Indian Affairs and Appropriations of
3 the Senate of the United States the study required under
4 this subsection, along with any views or comments of the
5 Secretary on such study.

6 “(i) Any other provision of law notwithstanding, at
7 the election of the school board made at any time during
8 the fiscal year, a portion equal to no more than 15 percent
9 of the funds allocated with respect to a school under this
10 section for any fiscal year shall remain available to the
11 school for expenditure without fiscal year limitation. The
12 Assistant Secretary shall take steps as may be necessary
13 to implement this provision immediately.

14 “(j) Tuition for the out-of-State students boarding at
15 the Richfield Dormitory in Richfield, Utah, who attend
16 Sevier County high schools in Richfield, Utah, may be paid
17 from the Indian School Equalization Program funds at a
18 rate not to exceed the amount per Weighted Student Unit
19 for that year for instruction. No additional administrative
20 cost funds will be added to the grant.

21 **“SEC. 1128. ADMINISTRATIVE COST GRANTS.**

22 “(a)(1) The Secretary shall, subject to the availability
23 of appropriated funds, provide grants to each tribe or trib-
24 al organization operating a contract or grant school in the
25 amount determined under this section with respect to the

1 tribe or tribal organization for the purpose of paying the
2 administrative and indirect costs incurred in operating
3 contract schools in order to—

4 “(A) enable tribes and tribal organizations op-
5 erating such schools, without reducing direct pro-
6 gram services to the beneficiaries of the program, to
7 provide all related administrative overhead services
8 and operations necessary to meet the requirements
9 of law and prudent management practice, and

10 “(B) carry out other necessary support func-
11 tions which would otherwise be provided by the Sec-
12 retary or other Federal officers or employees, from
13 resources other than direct program funds, in sup-
14 port of comparable Bureau operated programs.

15 “(2) Amounts appropriated to fund the grants pro-
16 vided under this section shall be in addition to, and shall
17 not reduce, the amounts appropriated for the program
18 being administered by the contract schools.

19 “(b)(1) The amount of the grant provided to each
20 tribe or tribal organization under this section for each fis-
21 cal year shall be determined by applying the administra-
22 tive cost percentage rate of the tribe or tribal organization
23 to the aggregate of the Bureau elementary and secondary
24 functions operated by the tribe or tribal organization for
25 which funds are received from or through the Bureau. The

1 administrative cost percentage rate determined under sub-
2 section (c) does not apply to other programs operated by
3 the tribe or tribal organization.

4 “(2) The Secretary shall—

5 “(A) reduce the amount of the grant deter-
6 mined under paragraph (1) to the extent that pay-
7 ments for administrative costs are actually received
8 by an Indian tribe or tribal organization under any
9 Federal education program included in the direct
10 cost base of the tribe or tribal organization, and

11 “(B) take such actions as may be necessary to
12 be reimbursed by any other department or agency of
13 the Federal Government for the portion of grants
14 made under this section for the costs of administer-
15 ing any program for Indians that is funded by ap-
16 propriations made to such other department or
17 agency.

18 “(c) For purposes of this section, the administrative
19 cost percentage rate for a contract or grant school for a
20 fiscal year is equal to the percentage determined by divid-
21 ing—

22 “(1) the sum of—

23 “(A) the amount equal to—

1 “(i) the direct cost base of the tribe or
2 tribal organization for the fiscal year, mul-
3 tiplied by

4 “(ii) the minimum base rate, plus
5 “(B) the amount equal to—

6 “(i) the standard direct cost base,
7 multiplied by

8 “(ii) the maximum base rate, by

9 “(2) the sum of—

10 “(A) the direct cost base of the tribe or
11 tribal organization for the fiscal year, plus

12 “(B) the standard direct cost base.

13 The administrative cost percentage rate shall be deter-
14 mined to the $\frac{1}{100}$ of a decimal point.

15 “(d)(1)(A) Funds received by a tribe or contract or
16 grant school as grants under this section for tribal elemen-
17 tary or secondary educational programs may be combined
18 by the tribe or contract school into a single administrative
19 cost account without the necessity of maintaining separate
20 funding source accounting.

21 “(B) Indirect cost funds for programs at the school
22 which share common administrative services with tribal el-
23 ementary or secondary educational programs may be in-
24 cluded in the administrative cost account described in sub-
25 paragraph (A).

1 “(2) Funds received as grants under this section with
2 respect to tribal elementary or secondary education pro-
3 grams shall remain available to the contract or grant
4 school without fiscal year limitation and without diminish-
5 ing the amount of any grants otherwise payable to the
6 school under this section for any fiscal year beginning
7 after the fiscal year for which the grant is provided.

8 “(3) Funds received as grants under this section for
9 Bureau funded programs operated by a tribe or tribal or-
10 ganization under a contract or agreement shall not be
11 taken into consideration for purposes of indirect cost
12 underrecovery and overrecovery determinations by any
13 Federal agency for any other funds, from whatever source
14 derived.

15 “(4) In applying this section and section 106 of the
16 Indian Self-Determination and Education Assistance Act
17 with respect to an Indian tribe or tribal organization
18 that—

19 “(A) receives funds under this section for ad-
20 ministrative costs incurred in operating a contract
21 school or a school operated under the Tribally Con-
22 trolled Schools Act of 1988, and

23 “(B) operates 1 or more other programs under
24 a contract or grant provided under the Indian Self-
25 Determination and Education Assistance Act,

1 the Secretary shall ensure that the Indian tribe or tribal
2 organization is provided with the full amount of the ad-
3 ministrative costs, and of the indirect costs, that are asso-
4 ciated with operating the contract school, a school oper-
5 ated under the Tribally Controlled Schools Act of 1988,
6 and all of such other programs, except that funds appro-
7 priated for implementation of this section shall be used
8 only to supply the amount of the grant required to be pro-
9 vided by this section.

10 “(e) For purposes of this section—

11 “(1)(A) The term ‘administrative cost’ means
12 the costs of necessary administrative functions
13 which—

14 “(i) the tribe or tribal organization incurs
15 as a result of operating a tribal elementary or
16 secondary educational program,

17 “(ii) are not customarily paid by com-
18 parable Bureau operated programs out of direct
19 program funds, and

20 “(iii) are either—

21 “(I) normally provided for comparable
22 Bureau programs by Federal officials
23 using resources other than Bureau direct
24 program funds, or

1 “(II) are otherwise required of tribal
2 self-determination program operators by
3 law or prudent management practice.

4 “(B) The term ‘administrative cost’ may in-
5 clude, but is not necessarily limited to—

6 “(i) contract (or other agreement) adminis-
7 tration;

8 “(ii) executive, policy, and corporate lead-
9 ership and decisionmaking;

10 “(iii) program planning, development, and
11 management;

12 “(iv) fiscal, personnel, property, and pro-
13 curement management;

14 “(v) related office services and record
15 keeping; and

16 “(vi) costs of necessary insurance, audit-
17 ing, legal, safety and security services.

18 “(2) The term ‘Bureau elementary and second-
19 ary functions’ means—

20 “(A) all functions funded at Bureau
21 schools by the Office of Indian Education Pro-
22 grams of the Bureau;

23 “(B) all programs—

1 “(i) funds for which are appropriated
2 to other agencies of the Federal Govern-
3 ment, and

4 “(ii) which are administered for the
5 benefit of Indians through Bureau schools;
6 and

7 “(C) all operation, maintenance, and repair
8 funds for facilities and government quarters
9 used in the operation or support of elementary
10 and secondary education functions for the bene-
11 fit of Indians, from whatever source derived.

12 “(3) The term ‘tribal elementary or secondary
13 educational programs’ means all Bureau elementary
14 and secondary functions, together with any other
15 Bureau programs or portions of programs (excluding
16 funds for social services that are appropriated to
17 agencies other than the Bureau and are expended
18 through the Bureau, funds for major subcontracts,
19 construction, and other major capital expenditures,
20 and unexpended funds carried over from prior years)
21 which share common administrative cost functions,
22 that are operated directly by a tribe or tribal organi-
23 zation under a contract or agreement with the
24 Bureau.

1 “(4)(A) Except as otherwise provided in this
2 paragraph, the direct cost base of a tribe or tribal
3 organization for the fiscal year is the aggregate di-
4 rect cost program funding for all tribal elementary
5 or secondary educational programs operated by the
6 tribe or tribal organization during—

7 “(i) the second fiscal year preceding such
8 fiscal year, or

9 “(ii) if such programs have not been oper-
10 ated by the tribe or tribal organization during
11 the 2 preceding fiscal years, the first fiscal year
12 preceding such fiscal year.

13 “(B) In the case of Bureau elementary or sec-
14 ondary education functions which have not pre-
15 viously been operated by a tribe or tribal organiza-
16 tion under contract or agreement with the Bureau,
17 the direct cost base for the initial year shall be the
18 projected aggregate direct cost program funding for
19 all Bureau elementary and secondary functions to be
20 operated by the tribe or tribal organization during
21 that fiscal year.

22 “(5) The term ‘maximum base rate’ means 50
23 percent.

24 “(6) The term ‘minimum base rate’ means 11
25 percent.

1 “(7) The term ‘standard direct cost base’
2 means \$600,000.

3 “(f)(1) Upon the enactment of the Indian Education
4 Amendments of 1988, the Secretary shall—

5 “(A) conduct such studies as may be needed to
6 establish an empirical basis for determining relevant
7 factors substantially affecting the required adminis-
8 trative costs of tribal elementary and secondary edu-
9 cational programs, using the formula set forth in
10 subsection (c), and

11 “(B) a study to determine—

12 “(i) a maximum base rate which ensures
13 that the amount of the grants provided under
14 this section will provide adequate (but not ex-
15 cessive) funding of the administrative costs of
16 the smallest tribal elementary or secondary edu-
17 cational programs,

18 “(ii) a minimum base rate which ensures
19 that the amount of the grants provided under
20 this section will provide adequate (but not ex-
21 cessive) funding of the administrative costs of
22 the largest tribal elementary or secondary edu-
23 cational programs, and

24 “(iii) a standard direct cost base which is
25 the aggregate direct cost funding level for which

1 the percentage determined under subsection (c)
2 will—

3 “(I) be equal to the median between
4 the maximum base rate and the minimum
5 base rate, and

6 “(II) ensure that the amount of the
7 grants provided under this section will pro-
8 vide adequate (but not excessive) funding
9 of the administrative costs of tribal ele-
10 mentary or secondary educational pro-
11 grams closest to the size of the program.

12 “(2) The studies required under paragraph (1)
13 shall—

14 “(A) be conducted in full consultation (in ac-
15 cordance with section 1130) with—

16 “(i) the tribes and tribal organizations that
17 are affected by the application of the formula
18 set forth in subsection (c), and

19 “(ii) all national and regional Indian orga-
20 nizations of which such tribes and tribal organi-
21 zations are typically members;

22 “(B) be conducted on-site at a representative
23 statistical sample of the tribal elementary or second-
24 ary educational programs under a contract entered

1 into with a nationally reputable public accounting
2 and business consulting firm;

3 “(C) take into account the availability of skilled
4 labor, commodities, business and automatic data
5 processing services, related Indian preference and
6 Indian control of education requirements, and any
7 other market factors found substantially to affect
8 the administrative costs and efficiency of each such
9 tribal elementary or secondary educational program
10 studied in order to assure that all required adminis-
11 trative activities can reasonably be delivered in a
12 cost effective manner for each such program, given
13 an administrative cost allowance generated by the
14 values, percentages, or other factors found in the
15 studies to be relevant in such formula;

16 “(D) identify, and quantify in terms of percent-
17 ages of direct program costs, any general factors
18 arising from geographic isolation, or numbers of pro-
19 grams administered, independent of program size
20 factors used to compute a base administrative cost
21 percentage in such formula; and

22 “(E) identify any other incremental cost factors
23 substantially affecting the costs of required adminis-
24 trative cost functions at any of the tribal elementary
25 or secondary educational programs studied and de-

1 termine whether the factors are of general applica-
2 bility to other such programs, and (if so) how they
3 may effectively be incorporated into such formula.

4 “(3) In carrying out the studies required under this
5 subsection, the Secretary shall obtain the input of, and
6 afford an opportunity to participate to, the Inspector Gen-
7 eral of the Department of the Interior.

8 “(4) Determinations described in paragraph (2)(C)
9 shall be based on what is pragmatically possible to do at
10 each location studied, given prudent management practice,
11 irrespective of whether required administrative services
12 were actually or fully delivered at these sites, or other
13 services were delivered instead, during the period of the
14 study.

15 “(5) Upon completion of the studies conducted under
16 paragraph (1), but in no case later than October 1, 1989,
17 the Secretary shall submit to the Congress a report on
18 the findings of the studies, together with determinations
19 based upon such findings that would affect the definitions
20 of terms used in the formula that is set forth in subsection
21 (c).

22 “(6) The Secretary shall include in the Bureau’s jus-
23 tification for each appropriations request for each fiscal
24 year beginning after fiscal year 1989, a projection of the
25 overall costs associated with the formula set forth in sub-

1 section (c) for all tribal elementary or secondary edu-
2 cational programs which the Secretary expects to be fund-
3 ed in the fiscal year for which the appropriations are
4 sought.

5 “(7) For purposes of this subsection, the size of tribal
6 elementary or secondary educational programs is deter-
7 mined by the aggregate direct cost program funding level
8 for all Bureau funded programs which share common ad-
9 ministrative cost functions.

10 “(g)(1) There are authorized to be appropriated for
11 each fiscal year such sums as may be necessary to carry
12 out the provisions of this section.

13 “(2) If the total amount of funds necessary to provide
14 grants to tribes and tribal organizations in the amounts
15 determined under subsection (b) for a fiscal year exceeds
16 the amount of funds appropriated to carry out this section
17 for such fiscal year, the Secretary shall reduce the amount
18 of each grant determined under subsection (b) for such
19 fiscal year by an amount that bears the same relationship
20 to such excess as the amount of such grant determined
21 under subsection (b) bears to the total of all grants deter-
22 mined under subsection (b) for all tribes and tribal organi-
23 zations for such fiscal year.

1 “(h)(1) Notwithstanding any other provision of this
2 section, the amount of the grants provided under this sec-
3 tion for fiscal year 1989 shall—

4 “(A) in lieu of being determined under sub-
5 section (b), be determined for each tribal elementary
6 or secondary educational program on the same basis
7 that indirect costs were determined for such pro-
8 grams for fiscal year 1988, and

9 “(B) be subject to the provisions of subsection
10 (d).

11 “(2) Notwithstanding any other provision of this sec-
12 tion, the amount of the grant provided under this section
13 for fiscal year 1990 with respect to each tribal elementary
14 and secondary educational program that was operated by
15 a tribe or tribal organization in fiscal year 1989 shall be
16 equal to—

17 “(A) if the amount of the grant determined
18 under subsection (b) for fiscal year 1990 with re-
19 spect to such program exceeds the amount received
20 by the tribe or tribal organization with respect to
21 such program for administrative costs for fiscal year
22 1988 (or fiscal year 1989 if such program was not
23 operated by the tribe or tribal organization during
24 fiscal year 1988), the sum of—

25 “(i) such amount received, plus

1 “(ii) $\frac{1}{3}$ of the excess of—

2 “(I) such amount determined under
3 subsection (b), over

4 “(II) such amount received, or

5 “(B) if such amount received exceeds such
6 amount determined under subsection (b), the excess
7 of—

8 “(i) such amount received, over

9 “(ii) an amount equal to $\frac{1}{3}$ of the excess
10 of—

11 “(I) such amount received, over

12 “(II) such amount determined under
13 subsection (b).

14 “(3) Notwithstanding any other provision of this sec-
15 tion, the amount of the grants provided under this section
16 for fiscal year 1991 with respect to each tribal elementary
17 and secondary educational program that was operated by
18 a tribe or tribal organization in fiscal year 1989 shall be
19 equal to—

20 “(A) if the amount of the grant determined
21 under subsection (b) for fiscal year 1991 with re-
22 spect to such program exceeds the amount received
23 by the tribe or tribal organization with respect to
24 such program for administrative costs for fiscal year
25 1990, the sum of—

1 “(i) such amount received, plus

2 “(ii) 1/2 of the excess of—

3 “(I) such amount determined under
4 subsection (b), over

5 “(II) such amount received, or

6 “(B) if such amount received exceeds such
7 amount determined under subsection (b), the excess
8 of—

9 “(i) such amount received, over

10 “(ii) an amount equal to 1/2 of the excess
11 of—

12 “(I) such amount received over,

13 “(II) such amount determined under
14 subsection (b).

15 “(i) The provisions of this section shall also apply to
16 those schools operating under the Tribally Controlled
17 Schools Act of 1988.

18 **“SEC. 1129. BUDGET PREPARATION AND SUBMISSION.**

19 “(a) For each fiscal year beginning after October 1,
20 1994, and ending before October 1, 1998, the Secretary
21 shall enter into an interagency agreement with the Sec-
22 retary of Education for the purpose of carrying out this
23 section. The Secretary shall take such actions as are nec-
24 essary to transfer information requested by the Secretary
25 of Education or the entity designated under subsection (b)

1 of this section needed to carry out this section in a timely
2 and accurate fashion.

3 “(b) The Secretary of Education, through the Na-
4 tional Center for Education Statistics, shall prepare and
5 submit to Congress the study set forth in subsection (c)
6 of this section no later than January 20, 1995, and Janu-
7 ary 20 of each of the next 3 succeeding years. The Sec-
8 retary of Education shall transmit the report directly and
9 without substantive amendment to the Secretary of the In-
10 terior, the Assistant Secretary for Indian Affairs of the
11 Department of the Interior, and the Committees on Edu-
12 cation and Labor and Appropriations of the House of Rep-
13 resentatives and the Committees on Indian Affairs and
14 Appropriations of the Senate of the United States.

15 “(c)(1) The National Center for Educational Statis-
16 tics (hereinafter referred to as the ‘Center’) shall prepare
17 for each of the fiscal years covered under subsection (a)
18 of this section a report on the amount needed to achieve
19 academic and residential programs set forth in this part
20 for Bureau-funded schools funded under section 1127.
21 Such study shall be based on (A) the standards developed
22 and implemented for Bureau-funded schools under section
23 1121 and 1122 of this part or such other standards as
24 may apply to Bureau-funded contract schools or schools
25 funded under the Tribally Controlled Schools Act of 1988,

1 (B) the student count and characteristics of such schools,
2 as determined pursuant to the formula developed and im-
3 plemented pursuant to section 1127 of this part for the
4 preceding academic year, adjusted for any changes in stu-
5 dent demographics which the Center may project, (C) the
6 employee statistics with respect to such schools for the
7 preceding fiscal year, and (D) such other factors as the
8 Center may set forth, including but not limited to age or
9 physical condition of the schools and changes in isolation.

10 “(2) Each study shall include a total projected cost
11 for attaining the standards set forth under paragraph (1),
12 and shall presume compliance with those standards. Such
13 study shall also include a projection of the cost for meeting
14 such standards for each Bureau-funded school. Such study
15 shall also include a report on any shortfall in the amount
16 needed to fund Bureau-funded schools, as determined by
17 the study conducted pursuant to this section and the ap-
18 propriations amount requested and enacted for the period
19 covered by the study.

20 “(d)(1) Within 24 months of the date of enactment
21 of this Act, the Secretary shall establish within the Office
22 of Indian Education Programs a Division of Budget Anal-
23 ysis (hereinafter referred to as the ‘Division’). Such Divi-
24 sion shall be under the direct supervision and control of
25 the Director of the Office.

1 “(2) The Division shall have the capacity to conduct
2 such studies, surveys, or other activities as are necessary
3 to gather demographic information on Bureau-funded
4 schools (current and future) and project the amount nec-
5 essary to provide Indian students in such schools the edu-
6 cational program set forth in this part.

7 “(3) The Division shall prepare projections on such
8 amounts, along with such other information as the Direc-
9 tor of the Office shall require, for each fiscal year begin-
10 ning after October 1, 1996. The Director of the Office
11 and the Assistant Secretary for Indian Affairs shall use
12 such reports when preparing their annual budget submis-
13 sions.

14 **“SEC. 1130. UNIFORM DIRECT FUNDING AND SUPPORT.**

15 “(a)(1) Within six months after the date of enact-
16 ment of this Act, the Secretary shall establish, by regula-
17 tion adopted in accordance with section 1139, a system
18 for the direct funding and support of all Bureau-funded
19 schools. Such system shall allot funds, in accordance with
20 section 1127. Amounts appropriated for distribution
21 under this section may be made available under paragraph
22 (2) or under paragraph (3), as provided in the appropria-
23 tion Act.

24 “(2)(A) For the purpose of affording adequate notice
25 of funding available pursuant to the allotments made by

1 section 1127, amounts appropriated in an appropriation
2 Act for any fiscal year shall become available for obligation
3 by the affected schools on July 1 of the fiscal year in which
4 they are appropriated without further action by the Sec-
5 retary, and shall remain available for obligation through
6 the succeeding fiscal year.

7 “(B) The Secretary shall, on the basis of the amount
8 appropriated in accordance with this paragraph—

9 “(i) publish, on July 1 preceding the fiscal year
10 for which the funds are appropriated, allotments to
11 each affected school made under section 1127 of 85
12 percent of such appropriation; and

13 “(ii) publish, no later than September 30 of
14 such preceding fiscal year, the allotments to be made
15 under section 1127 of the remaining 15 percent of
16 such appropriation, adjusted to reflect actual stu-
17 dent attendance.

18 “(3) Notwithstanding any law or regulation, the su-
19 pervisor of a Bureau school may expend an aggregate of
20 no more than \$35,000 of the amount allotted the school
21 under section 1127 to acquire supplies and equipment for
22 the school without competitive bidding if—

23 “(A) the cost for any single item purchased
24 does not exceed \$10,000;

1 “(B) the school board approves the procure-
2 ment;

3 “(C) the supervisor certifies that the cost is fair
4 and reasonable;

5 “(D) the documents relating to the procure-
6 ment executed by the supervisor or other school staff
7 cite this paragraph as authority for the procure-
8 ment; and

9 “(E) the transaction is documented in a journal
10 maintained at the school clearly identifying when the
11 transaction occurred, what was acquired and from
12 whom, the prices paid, the quantities acquired, and
13 any other information the supervisor or school board
14 considers relevant.

15 The Director shall be responsible for determining the ap-
16 plication of this paragraph, including the authorization of
17 specific individuals to carry out this authority, and shall
18 be responsible for the provision of guidelines on the use
19 of this authority and adequate training on such guidelines.

20 “(4) If a sequestration order issued under the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985
22 reduces the amount of funds available for allotment under
23 section 1127 for any fiscal year by more than 7 percent
24 of the amount of funds available for allotment under such
25 section during the preceding fiscal year—

1 “(A) the Secretary may, notwithstanding any
2 other provision of law, use—

3 “(i) funds appropriated for the operation
4 of any Bureau school that is closed or consoli-
5 dated, and

6 “(ii) funds appropriated for any program
7 that has been curtailed at any Bureau school,
8 to fund allotments made under section 1127, and

9 “(B) the Secretary may waive the application of
10 the provisions of section 1121(h) with respect to the
11 closure or consolidation of a school, or the curtail-
12 ment of a program at a school, during such fiscal
13 year if the funds described in clauses (i) and (ii) of
14 subparagraph (A) with respect to such school are
15 used to fund allotments made under section 1127
16 for such fiscal year.

17 “(b) In the case of all Bureau schools, allotted funds
18 shall be expended on the basis of local financial plans
19 which shall be prepared by the local school supervisor in
20 active consultation with the local school board for each
21 school, and the local school board for each school shall
22 have the authority to ratify, reject, or amend such finan-
23 cial plan, and expenditures thereunder, and, on its own
24 determination or in response to the supervisor of the
25 school, to revise such financial plan to meet needs not fore-

1 seen at the time of preparation of the financial plan. The
2 supervisor shall provide the appropriate union representa-
3 tive of the education employees with copies of proposed
4 draft financial plans and all amendments or modifications
5 thereto, at the same time they are submitted to the local
6 school board. The supervisor of the school may appeal any
7 such action of the local school board to the appropriate
8 education officer of the Bureau agency by filing a written
9 statement describing the action and the reasons the super-
10 visor believes such action should be overturned. A copy
11 of such statement shall be submitted to the local school
12 board and such board shall be afforded an opportunity to
13 respond, in writing, to such appeal. After reviewing such
14 written appeal and response, the appropriate education of-
15 ficer may, for good cause, overturn the action of the local
16 school board. The appropriate education officer shall
17 transmit the determination of such appeal in the form of
18 a written opinion to such board and to such supervisor
19 identifying the reasons for overturning such action.

20 “(c) Funds for self-determination grants under sec-
21 tion 103(a)(2) of the Indian Self-Determination and Edu-
22 cation Assistance Act shall not be used for providing tech-
23 nical assistance and training in the field of education by
24 the Bureau unless such services are provided in accord-
25 ance with a plan, agreed to by the tribe or tribes affected

1 and the Bureau, under which control of education pro-
2 grams is intended to be transferred to such tribe or tribes
3 within a specific period of time negotiated under such
4 agreement. The Secretary may approve applications for
5 funding tribal divisions of education and the development
6 of tribal codes of education from funds appropriated pur-
7 suant to section 104(a) of such Act.

8 “(d) In the exercise of its authority under this sec-
9 tion, a local school board may request technical assistance
10 and training from the Secretary, and he shall, to the
11 greatest extent possible, provide such services, and make
12 appropriate provisions in the budget of the Office for such
13 services.

14 “(e)(1) A financial plan under subsection (b) for a
15 school may include, at the discretion of the local adminis-
16 trator and the school board of such school, a provision for
17 a summer program of academic and support services for
18 students of the school. Any such program may include ac-
19 tivities related to the prevention of alcohol and substance
20 abuse. The Assistant Secretary of Indian Affairs shall pro-
21 vide for the utilization of any such school facility during
22 any summer in which such utilization is requested.

23 “(2) Notwithstanding any other provision of law,
24 funds authorized under the Act of April 16, 1934 (25
25 U.S.C. 452 et seq.) and the Indian Education Act may

1 be used to augment the services provided in each summer
2 program at the option, and under the control, of the tribe
3 or Indian controlled school receiving such funds.

4 “(3) The Assistant Secretary of Indian Affairs, act-
5 ing through the Director of the Office of Indian Education
6 Programs, shall provide technical assistance and coordina-
7 tion for any program described in paragraph (1) and shall,
8 to the extent possible, encourage the coordination of such
9 programs with any other summer programs that might
10 benefit Indian youth, regardless of the funding source or
11 administrative entity of any such program.

12 “(f)(1) From funds allotted to a Bureau school under
13 section 1127, the Secretary shall, if specifically requested
14 by the tribal governing body (within the meaning of sec-
15 tion 1121(k)), implement any cooperative agreement en-
16 tered into between the tribe, the Bureau school board, and
17 the local public school district which meets the require-
18 ments of paragraph (2) and involves the school. The tribe,
19 the Bureau school board, and the local public school dis-
20 trict shall determine the terms of the agreement. Such
21 agreement may encompass coordination of all or any part
22 of the following:

23 “(A) Academic program and curriculum, unless
24 the Bureau school is currently accredited by a State

1 or regional accrediting entity and would not continue
2 to be so accredited.

3 “(B) Support services, including procurement
4 and facilities maintenance.

5 “(C) Transportation.

6 “(2) Each agreement entered into pursuant to the
7 authority provided in paragraph (1) shall confer a benefit
8 upon the Bureau school commensurate with the burden
9 assumed, though this requirement shall not be construed
10 so as to require equal expenditures or an exchange of simi-
11 lar services.

12 “(g) Any other provision of law notwithstanding,
13 where there is agreement on such action between the su-
14 perintendent and school board of a B.I.A. funded school,
15 the product or result of a project conducted in whole or
16 in major part by a student may be given to that student
17 upon the completion of said project.

18 “(h) Notwithstanding any other provision of law,
19 funds received by Bureau funded schools under this title
20 shall not be considered Federal funds for purposes of
21 meeting a match requirement in any Federal program.

22 **“SEC. 1131. POLICY FOR INDIAN CONTROL OF INDIAN EDU-**
23 **CATION.**

24 “(a) It shall be the policy of the Secretary and the
25 Bureau, in carrying out the functions of the Bureau, to

1 facilitate Indian control of Indian affairs in all matters
2 relating to education.

3 “(b)(1) All actions under this Act shall be done with
4 active consultation with tribes.

5 “(2) The consultation required under paragraph (1)
6 means a process involving the open discussion and joint
7 deliberation of all options with respect to potential issues
8 or changes between the Bureau and all interested parties.
9 During such discussions and joint deliberations, interested
10 parties (including, but not limited to, tribes and school of-
11 ficials) shall be given an opportunity to present issues in-
12 cluding proposals regarding changes in current practices
13 or programs which will be considered for future action by
14 the Bureau. All interested parties shall be given an oppor-
15 tunity to participate and discuss the options presented or
16 to present other alternatives, with the views and concerns
17 of the interested parties given effect unless the Secretary
18 determines, from information educed or presented by the
19 interested parties during 1 or more of the discussions and
20 deliberations, that there is a substantial reason for an-
21 other course of action. The Secretary shall submit to any
22 Member of Congress, within 18 days of the receipt of a
23 written request by such Member, a written explanation of
24 any decision made by the Secretary which is not consistent
25 with the views of the interested parties.

1 **“SEC. 1132. EDUCATION PERSONNEL.**

2 “(a)(1) Chapter 51, subchapter III of chapter 53,
3 and chapter 63 of title 5, United States Code, relating
4 to leave, pay, and classification, and the sections relating
5 to the appointment, promotion and removal of civil service
6 employees, shall not apply to educators or to education
7 positions (as defined in subsection (n)).

8 “(2) Paragraph (1) shall take effect 1 year after the
9 date of enactment of this Act.

10 “(b) Not later than the effective date of subsection
11 (a)(2), the Secretary shall prescribe regulations to carry
12 out this section. Such regulations shall govern—

13 “(1) the establishment of education positions,

14 “(2) the establishment of qualifications for edu-
15 cators,

16 “(3) the fixing of basic compensation for edu-
17 cators and education positions,

18 “(4) the appointment of educators,

19 “(5) the discharge of educators,

20 “(6) the entitlement of educators to compensa-
21 tion,

22 “(7) the payment of compensation to educators,

23 “(8) the conditions of employment of educators,

24 “(9) the length of the school year applicable to
25 education positions described in subsection
26 (n)(1)(A),

1 “(10) the leave system for educators, and

2 “(11) such other matters as may be appro-
3 priate.

4 “(c)(1) In prescribing regulations to govern the quali-
5 fications of educators, the Secretary shall require—

6 “(A)(i) that lists of qualified and interviewed
7 applicants for education positions be maintained in
8 each agency and area office of the Bureau from
9 among individuals who have applied at the agency or
10 area level for an education position or who have ap-
11 plied at the national level and have indicated in such
12 application an interest in working in certain areas or
13 agencies; and

14 “(ii) that a list of qualified and interviewed ap-
15 plicants for education positions be maintained in the
16 Office from among individuals who have applied at
17 the national level for an education position and who
18 have expressed interest in working in an education
19 position anywhere in the United States;

20 “(B) that a local school board shall have the
21 authority to waive on a case-by-case basis, any for-
22 mal education or degree qualifications established by
23 regulation pursuant to subsection (b)(2), in order for
24 a tribal member to be hired in an education position
25 to teach courses on tribal culture and language and

1 that subject to subsection (d)(2)(A), a determination
2 by a school board that such a person be hired shall
3 be followed by the supervisor; and

4 “(C) that it shall not be a prerequisite to the
5 employment of an individual in an education position
6 at the local level that such individual’s name appear
7 on the national list maintained pursuant to sub-
8 section (c)(1)(A)(ii) or that such individual has ap-
9 plied at the national level for an education position.

10 “(2) The Secretary may authorize the temporary em-
11 ployment in an education position of an individual who
12 has not met the certification standards established pursu-
13 ant to regulations, if the Secretary determines that failure
14 to do so would result in that position remaining vacant.

15 “(d)(1) In prescribing regulations to govern the ap-
16 pointment of educators, the Secretary shall require—

17 “(A)(i) that educators employed in a school
18 (other than the supervisor of the school) shall be
19 hired by the supervisor of the school unless there are
20 no qualified applicants available, in which case the
21 vacant position shall be filed at the national level
22 from the list maintained pursuant to subsection
23 (c)(1)(A)(ii);

1 “(ii) each school supervisor shall be hired by
2 the superintendent for education of the agency office
3 of the Bureau in which the school is located, and

4 “(iii) educators employed in an agency office of
5 the Bureau shall be hired by the superintendent for
6 education of the agency office;

7 “(B) that before an individual is employed in
8 an education position in a school by the supervisor
9 of a school (or, with respect to the position of super-
10 visor, by the appropriate agency superintendent for
11 education), the local school board for the school shall
12 be consulted, and that subject to subsection (d)(2),
13 a determination by the school board that such indi-
14 vidual should or should not be so employed shall be
15 followed by the supervisor (or with respect to the po-
16 sition of supervisor, by the agency superintendent
17 for education); and

18 “(C) that before an individual may be employed
19 in an education position at the agency level, the ap-
20 propriate agency school board shall be consulted,
21 and that, subject to subsection (d)(3), a determina-
22 tion by such school board that such individual
23 should or should not be employed shall be followed
24 by the agency superintendent for education.

1 “(2)(A) The supervisor of a school may appeal to the
2 appropriate agency superintendent for education any de-
3 termination by the local school board for the school that
4 an individual be employed, or not be employed, in an edu-
5 cation position in the school (other than that of super-
6 visor) by filing a written statement describing the deter-
7 mination and the reasons the supervisor believes such de-
8 termination should be overturned. A copy of such state-
9 ment shall be submitted to the local school board and such
10 board shall be afforded an opportunity to respond, in writ-
11 ing, to such appeal. After reviewing such written appeal
12 and response, the superintendent may, for good cause,
13 overturn the determination of the local school board. The
14 superintendent shall transmit the determination of such
15 appeal in the form of a written opinion to such board and
16 to such supervisor identifying the reasons for overturning
17 such determination.

18 “(B) The superintendent for education of an agency
19 office of the Bureau may appeal to the Director of the
20 Office any determination by the local school board for the
21 school that an individual be employed, or not be employed,
22 as the supervisor of a school by filing a written statement
23 describing the determination and the reasons the super-
24 visor believes such determination should be overturned. A
25 copy of such statement shall be submitted to the local

1 school board and such board shall be afforded an oppor-
2 tunity to respond, in writing, to such appeal. After review-
3 ing such written appeal and response, the Director may,
4 for good cause, overturn the determination of the local
5 school board. The Director shall transmit the determina-
6 tion of such appeal in the form of a written opinion to
7 such board and to such superintendent identifying the rea-
8 sons for overturning such determination.

9 “(3) The superintendent for education of an agency
10 office of the Bureau may appeal to the Director of the
11 Office any determination by the agency school board that
12 an individual be employed, or not be employed, in an edu-
13 cation position in such agency office by filing a written
14 statement describing the determination and the reasons
15 the supervisor believes such determination should be over-
16 turned. A copy of such statement shall be submitted to
17 the agency school board and such board shall be afforded
18 an opportunity to respond, in writing, to such appeal.
19 After reviewing such written appeal and response, the Di-
20 rector may, for good cause, overturn the determination of
21 the agency school board. The Director shall transmit the
22 determination of such appeal in the form of a written opin-
23 ion to such board and to such superintendent identifying
24 the reasons for overturning such determination.

1 “(4) Any individual who applies at the local level for
2 an education position shall state on such individual’s ap-
3 plication whether or not such individual has applied at the
4 national level for an education position in the Bureau. If
5 such individual is employed at the local level, such individ-
6 ual’s name shall immediately be forwarded to the Sec-
7 retary, who shall, as soon as possible but in no event in
8 more than thirty days, ascertain the accuracy of the state-
9 ment made by such individual pursuant to the first sen-
10 tence of this subparagraph. If the individual’s statement
11 is found to have been false, such individual, at the Sec-
12 retary’s discretion, may be disciplined or discharged. If the
13 individual had applied at the national level for an edu-
14 cation position in the Bureau, if the appointment of such
15 individual at the local level shall be conditional for a period
16 of ninety days, during which period the Secretary may ap-
17 point a more qualified individual (as determined by the
18 Secretary) from the list maintained at the national level
19 pursuant to subsection (c)(1)(A)(ii) to the position to
20 which such individual was appointed.

21 “(5) Except as expressly provided, nothing in this
22 section shall be construed as conferring upon local school
23 boards, authority over, or control of, educators.

1 “(e)(1) In prescribing regulations to govern the dis-
2 charge and conditions of employment of educators, the
3 Secretary shall require—

4 “(A) that procedures be established for the
5 rapid and equitable resolution of grievances of edu-
6 cators;

7 “(B) that no educator may be discharged with-
8 out notice of the reasons therefore and opportunity
9 for a hearing under procedures that comport with
10 the requirements of due process; and

11 “(C) educators employed in Bureau schools
12 shall be notified sixty days prior to the end of the
13 school year whether their employment contract will
14 be renewed for the coming year.

15 “(2) The supervisor of a Bureau school may dis-
16 charge (subject to procedures established under paragraph
17 (1)(B) for cause (as determined under regulations pre-
18 scribed by the Secretary) any educator employed in such
19 school. Upon giving notice of proposed discharge to an ed-
20 ucator, the supervisor involved shall immediately notify
21 the local school board for the school of such action. A de-
22 termination by the local school board that such educator
23 shall not be discharged shall be followed by the supervisor.
24 The supervisor shall have the right to appeal such action
25 to the superintendent for education of the appropriate

1 agency office of the Bureau. Upon such an appeal, the
2 agency superintendent for education may, for good cause
3 and in writing to the local school board, overturn the de-
4 termination of the local school board with respect to the
5 employment of such individual.

6 “(3) Each local school board for a Bureau school
7 shall have the right (A) to recommend to the supervisor
8 of such school that an educator employed in the school
9 be discharged, and (B) to recommend to the superintend-
10 ent of education of the appropriate agency office of the
11 Bureau and to the Director of the Office, that the super-
12 visor of the school be discharged.

13 “(f)(1) Notwithstanding any provision of the Indian
14 preference laws, such laws shall not apply in the case of
15 any personnel action within the purview of this section re-
16 specting an applicant or employee not entitled to Indian
17 preference if each tribal organization concerned grants, in
18 writing, a waiver of the application of such laws with re-
19 spect to such personnel action, where such a waiver is in
20 writing deemed to be a necessity by the tribal organiza-
21 tion, except that this shall in no way relieve the Bureau
22 of its responsibility to issue timely and adequate an-
23 nouncements and advertisements concerning any such per-
24 sonnel action if it is intended to fill a vacancy (no matter
25 how such vacancy is created).

1 “(2) For purposes of this subsection, the term ‘tribal
2 organization’ means—

3 “(A) the recognized governing body of any In-
4 dian tribe, band, nation, pueblo, or other organized
5 community, including a Native village (as defined in
6 section 3(c) of the Alaska Native Claims Settlement
7 Act (43 U.S.C. 1602(c); 85 Stat. 688)); or

8 “(B) in connection with any personnel action
9 referred to in this subsection, any local school board
10 as defined in section 1139, and which has been dele-
11 gated by such governing body the authority to grant
12 a waiver under such subsection with respect to such
13 personnel action.

14 “(3) The term ‘Indian preference laws’ means section
15 12 of the Act of June 18, 1934 (25 U.S.C. 472; 48 Stat.
16 986) or any other provision of law granting a preference
17 to Indians in promotions and other personnel actions, ex-
18 cept that such term shall not be considered to include sec-
19 tion 7(b) of the Indian Self-Determination and Education
20 Assistance Act (25 U.S.C. 450e(b); 88 Stat. 2295).

21 “(g) Subject to the authority of the Civil Service
22 Commission to determine finally the applicability of chap-
23 ter 51 of title 5, United States Code, to specific positions
24 and employees in the executive branch, the Secretary shall
25 determine in accordance with subsection (a)(1) the appli-

1 cability or inapplicability of such chapter to positions and
2 employees in the Bureau.

3 “(h)(1)(A) Except as otherwise provided in this sec-
4 tion, the Secretary shall fix the basic compensation or an-
5 nual salary rate for educators and education positions at
6 rates comparable to the rates in effect under the General
7 Schedule for individuals with comparable qualifications,
8 and holding comparable positions, to whom chapter 51 is
9 applicable or on the basis of the Federal Wage System
10 schedule in effect for the locality.

11 “(B) By no later than October 28, 1988, the Sec-
12 retary shall establish, for contracts for the 1991–1992
13 academic year, and thereafter, the rates of basic com-
14 pensation, or annual salary rates, for the positions of
15 teachers and counselors (including dormitory counselors
16 and home-living counselors) at the rates of basic com-
17 pensation applicable (on the date of enactment of such
18 Amendments and thereafter) to comparable positions in
19 overseas schools under the Defense Department Overseas
20 Teachers Pay and Personnel Practices Act, unless the Sec-
21 retary establishes such rates within such 6-month period
22 through collective bargaining with the appropriate union
23 representative of the education employees that is recog-
24 nized by the Bureau.

1 “(C) By no later than October 28, 1988, the Sec-
2 retary shall establish the rates of basic compensation or
3 annual salary rates for the positions of teachers and coun-
4 selors (including dormitory and home-living counselors)—

5 “(i) for contracts for the 1989–1990 academic
6 year, at rates which reflect $\frac{1}{3}$ of the changes in the
7 rates applicable to such positions on April 28, 1988,
8 that must be made to conform the rates to the rates
9 established under subparagraph (B) for such posi-
10 tions for contracts for the 1991–1992 academic
11 year, and

12 “(ii) for contracts for the 1990–1991 academic
13 year, at rates which reflect $\frac{2}{3}$ of such changes.

14 “(D) The establishment of rates of basic compensa-
15 tion and annual salary rates by the Secretary under sub-
16 paragraphs (B) and (C) shall not preclude the use of regu-
17 lations and procedures used by the Bureau before the en-
18 actment of the Indian Education Amendments of 1988 in
19 making determinations regarding promotions and ad-
20 vancements through levels of pay that are based on the
21 merit, education, experience, or tenure of the educator.

22 “(E)(i) Except as provided in clause (ii), the estab-
23 lishment of rates of basic compensation and annual salary
24 rates by the Secretary under subparagraphs (B) and (C)
25 shall not affect the continued employment or compensa-

1 tion of an educator who was employed in an education po-
2 sition on October 31, 1979, and who did not make the
3 election under paragraph (2) of subsection (o).

4 “(ii) Any individual described in clause (i) may, dur-
5 ing the 5-year period beginning on the date on which the
6 Secretary establishes rates of basic compensation and an-
7 nual salary rates under subparagraph (B), make an irrev-
8 ocable election to have the basic compensation rate or an-
9 nual salary rate of such individual determined in accord-
10 ance with this paragraph.

11 “(iii) If an individual makes the election described in
12 clause (ii), such election shall not affect the application
13 to the individual of the same retirement system and leave
14 system that applies to the individual during the fiscal year
15 preceding the fiscal year in which such election is made,
16 except that the individual must use leave accrued during
17 a contract period by the end of that contract period.

18 “(F) The President shall include with the budget sub-
19 mitted under section 1105 of title 31, United States Code,
20 for each of the fiscal years 1990, 1991, and 1992 a writ-
21 ten statement by the Secretary which specifies—

22 “(i) the amount of funds the Secretary needs to
23 pay basic compensation and the annual salaries of
24 educators for such fiscal year, and

1 “(ii) the amount of funds the Secretary esti-
2 mates would be needed to pay basic compensation
3 and the annual salaries of educators for such fiscal
4 year if the amendments made to this paragraph by
5 the Indian Education Amendments of 1988 had not
6 been enacted.

7 “(2) Each educator employed in an education posi-
8 tion in Alaska shall be paid a cost-of-living allowance equal
9 to 25 per centum of the rate of basic compensation to
10 which such educator is entitled.

11 “(3)(A) The Secretary may pay a postdifferential not
12 to exceed 25 per centum of the rate of basic compensation,
13 on the basis of conditions of environment or work which
14 warrant additional pay as a recruitment and retention
15 incentive.

16 “(B)(i) Upon the request of the supervisor and the
17 local school board of a Bureau school, the Secretary shall
18 grant the supervisor of the school authorization to provide
19 1 or more post differentials under subparagraph (A) un-
20 less the Secretary determines for clear and convincing rea-
21 sons (and advises the board in writing of those reasons)
22 that certain of the requested post differentials should be
23 disapproved or decreased because there is no disparity of
24 compensation for the involved employees or positions in

1 the Bureau school, as compared with the nearest public
2 school, that is either—

3 “(I) at least 5 percent, or

4 “(II) less than 5 percent and affects the re-
5 cruitment or retention of employees at the school.

6 The request under this subparagraph shall be deemed
7 granted as requested at the end of the 60th day after the
8 request is received in the Central Office of the Bureau
9 unless before that time it is approved, approved with modi-
10 fication, or disapproved by the Secretary.

11 “(ii) The Secretary or the supervisor of a Bureau
12 school may discontinue or decrease a post differential au-
13 thorized by reason of this subparagraph at the beginning
14 of a school year after either—

15 “(I) the local school board requests that it be
16 discontinued or decreased, or

17 “(II) the Secretary or the supervisor determines
18 for clear and convincing reasons (and advises the
19 board in writing of those reasons) that there is no
20 disparity of compensation that would affect the re-
21 cruitment or retention of employees at the school
22 after the differential is discontinued or decreased.

23 “(iii) On or before February 1 of each year, the Sec-
24 retary shall submit to Congress a report describing the
25 requests and grants of authority under this subparagraph

1 during the previous fiscal year and listing the positions
2 contracted under those grants of authority.

3 “(i) Any individual—

4 “(1) who on the date of enactment of this Act
5 is holding a position which is determined under sub-
6 section (f) to be an education position and who
7 elects under subsection (o)(2) to be covered under
8 the provisions of this section, or

9 “(2) who is an employee of the Federal Govern-
10 ment or the municipal government of the District of
11 Columbia and is transferred, promoted, or
12 reappointed, without break in service, from a posi-
13 tion under a different leave system to an education
14 position,

15 shall be credited for the purpose of the leave system pro-
16 vided under regulations prescribed pursuant to subsection
17 (b)(10), with the annual and sick leave to his credit imme-
18 diately before the effective date of such election, transfer,
19 promotion, or reappointment.

20 “(j) Upon termination of employment with the Bu-
21 reau, any annual leave remaining to the credit of an indi-
22 vidual within the purview of this section shall be liquidated
23 in accordance with sections 5551(a) and 6306 of title 5,
24 United States Code, except that leave earned or accrued

1 under regulations prescribed pursuant to subsection
2 (b)(10) shall not be so liquidated.

3 “(k) In the case of any educator who is transferred,
4 promoted, or reappointed, without break in service, to a
5 position in the Federal Government under a different leave
6 system, any remaining leave to the credit of such person
7 earned or credited under the regulations prescribed pursu-
8 ant to subsection (b)(10) shall be transferred to his credit
9 in the employing agency on an adjusted basis in accord-
10 ance with regulations which shall be prescribed by the
11 Civil Service Commission.

12 “(l) An educator who voluntarily terminates employ-
13 ment with the Bureau before the expiration of the existing
14 employment contract between such educator and the Bu-
15 reau shall not be eligible to be employed in another edu-
16 cation position in the Bureau during the remainder of the
17 term of such contract.

18 “(m) In the case of any educator employed in an edu-
19 cation position described in subsection (n)(1)(A) who—

20 “(1) is employed at the close of a school year,

21 “(2) agrees in writing to serve in such a posi-
22 tion for the next school year, and

23 “(3) is employed in another position during the
24 recess period immediately preceding such next school
25 year, or during such recess period receives additional

1 compensation referred to in subsection (g)(2) or
2 (g)(3), section 5533 of title 5, United States Code,
3 relating to dual compensation, shall not apply to
4 such educator by reason of any such employment
5 during a recess period for any such receipt of addi-
6 tional compensation.

7 “(n) For the purpose of this section—

8 “(1) The term ‘education position’ means a po-
9 sition in the Bureau the duties and responsibilities
10 of which—

11 “(A) are performed on a school-year basis
12 principally in a Bureau school and involve—

13 “(i) classroom or other instruction or
14 the supervision or direction of classroom or
15 other instruction;

16 “(ii) any activity (other than teach-
17 ing) which requires academic credits in
18 educational theory and practice equal to
19 the academic credits in educational theory
20 and practice required for a bachelor’s de-
21 gree in education from an accredited insti-
22 tution of higher education;

23 “(iii) any activity in or related to the
24 field of education notwithstanding that
25 academic credits in educational theory and

1 practice are not a formal requirement for
2 the conduct of such activity; or

3 “(iv) support services at, or associated
4 with, the site of the school; or

5 “(B) are performed at the agency level of
6 the Bureau and involve the implementation of
7 education-related programs other than the posi-
8 tion for agency superintendent for education.

9 “(2) The term ‘educator’ means an individual
10 whose services are required, or who is employed, in
11 an education position.

12 “(o)(1) Subsections (a) through (n) of this section
13 apply to an educator hired after November 1, 1979 (and
14 to an educator who elected application under paragraph
15 (2)) and to the position in which such individual is em-
16 ployed. Subject to paragraph (2), the enactment of this
17 Act shall not affect the continued employment of an indi-
18 vidual employed on October 31, 1979 in an education posi-
19 tion, or such individual’s right to receive the compensation
20 attached to such position.

21 “(2) Any individual employed in an education posi-
22 tion on October 31, 1979, may, not later than November
23 1, 1983, make an irrevocable election to be covered under
24 the provisions of subsection (a) through (n) of this section.

1 “(p)(1) An educator who was employed in an edu-
2 cation position on October 31, 1979, who was eligible to
3 make an election under paragraph (2) of subsection (o)
4 at that time, and who did not make the election under
5 paragraph (2) of subsection (o), may not be placed on fur-
6 lough (within the meaning of section 7511(a)(5) of title
7 5, United States Code) without the consent of such educa-
8 tor for an aggregate of more than 4 weeks within the same
9 calendar year, unless—

10 “(A) the supervisor, with the approval of the
11 local school board (or of the agency superintendent
12 for education upon appeal under paragraph (2)), of
13 the Bureau school at which such educator provides
14 services determines that a longer period of furlough
15 is necessary due to an insufficient amount of funds
16 available for personnel compensation at such school,
17 as determined under the financial plan process as
18 determined under section 1129(b) of this Act, and

19 “(B) all educators (other than principals and
20 clerical employees) providing services at such Bureau
21 school are placed on furloughs of equal length, ex-
22 cept that the supervisor, with the approval of the
23 local school board (or of the agency superintendent
24 for education upon appeal under paragraph (2)),
25 may continue 1 or more educators in pay status if

1 (i) they are needed to operate summer programs, at-
2 tend summer training sessions, or participate in spe-
3 cial activities including (but not limited to) curricu-
4 lum development committees, and (ii) they are se-
5 lected based upon their qualifications, after public
6 notice of the minimum qualifications reasonably nec-
7 essary and without discrimination as to supervisory,
8 nonsupervisory, or other status of the educators who
9 apply.

10 “(2) The supervisor of a Bureau school may appeal
11 to the appropriate agency superintendent for education
12 any refusal by the local school board to approve any deter-
13 mination of the supervisor that is described in paragraph
14 (1)(A) by filing a written statement describing the deter-
15 mination and the reasons the supervisor believes such de-
16 termination should be approved. A copy of such statement
17 shall be submitted to the local school board and such
18 board shall be afforded an opportunity to respond, in writ-
19 ing, to such appeal. After reviewing such written appeal
20 and response, the superintendent may, for good cause, ap-
21 prove the determination of the supervisor. The super-
22 intendent shall transmit the determination of such appeal
23 in the form of a written opinion to such local school board
24 and to the supervisor identifying the reasons for approving
25 such determination.

1 **“SEC. 1133. MANAGEMENT INFORMATION SYSTEM.**

2 “The Secretary shall establish within the Office, with-
3 in 1 year after the date of the enactment of the Indian
4 Education Amendments of 1984, a computerized manage-
5 ment information system, which shall provide information
6 to the Office. Such information shall include but shall not
7 be limited to—

8 “(1) student enrollment;

9 “(2) curriculum;

10 “(3) staff;

11 “(4) facilities;

12 “(5) community demographics;

13 “(6) student assessment information; and

14 “(7) information on the administrative and pro-
15 gram costs attributable to each Bureau program, di-
16 vided into discreet elements.

17 **“SEC. 1134. BUREAU EDUCATION POLICIES.**

18 “Within 180 days of the date of enactment of this
19 Act, the Secretary shall develop, publish in the Federal
20 Register, and submit to all agency and area offices of the
21 Bureau, all tribal governments, and the appropriate com-
22 mittees of the Congress, a draft set of education policies,
23 procedures, and practices for education-related action of
24 the Bureau. The Secretary shall, within 1 year of the date
25 of enactment of this Act, provide that such uniform poli-
26 cies, procedures, and practices shall be finalized and pro-

1 mulgated. Thereafter, such policies, procedures, and prac-
2 tices and their periodic revisions, shall serve as the foun-
3 dation for future Bureau actions in education.

4 **“SEC. 1135. UNIFORM EDUCATION PROCEDURES AND PRAC-**
5 **TICES.**

6 “The Secretary shall cause the various divisions of
7 the Bureau to formulate uniform procedures and practices
8 with respect to such concerns of those divisions as relate
9 to education, and shall report such practices and proce-
10 dures to the Congress.

11 **“SEC. 1136. RECRUITMENT OF INDIAN EDUCATORS.**

12 “The Secretary shall institute a policy for the recruit-
13 ment of qualified Indian educators and a detailed plan to
14 promote employees from within the Bureau. Such plan
15 shall include opportunities for acquiring work experience
16 prior to actual work assignment.

17 **“SEC. 1137. ANNUAL REPORT.**

18 “(a) The Secretary shall submit to each appropriate
19 committee of the Congress a detailed annual report on the
20 state of education within the Bureau and any problems
21 encountered in the field of education during the year. Such
22 report shall contain suggestions for improving the Bureau
23 educational system and increasing local Indian control of
24 such system. Such report shall also include the current
25 status of tribally controlled community colleges. The an-

1 nual budget submission for the Bureau's education pro-
2 grams shall, among other things, include (1) information
3 on the funds provided previously private schools under sec-
4 tion 208 of the Indian Self-Determination and Education
5 Assistance Act (25 U.S.C. 458d; 88 Stat. 2216) and rec-
6 ommendations with respect to the future use of such
7 funds; (2) the needs and costs of operation and mainte-
8 nance of tribally controlled community colleges eligible for
9 assistance under the Tribally Controlled Community Col-
10 lege Assistance Act of 1978 (92 Stat. 1325; 25 U.S.C.
11 1801 et seq.) and recommendations with respect to meet-
12 ing such needs and costs; and (3) the plans required by
13 section 1121(f), and 1122(c); and 1125(b) of this Act (25
14 U.S.C. 2001(f), 2002(c), and 2005(b)).

15 “(b) The Inspector General of the Department of the
16 Interior shall establish a system to ensure that financial
17 and compliance audits are conducted of each Bureau
18 school at least once in every three years. Audits of Bureau
19 schools shall be based upon the extent to which such
20 school has complied with its local financial plan under
21 section 1129.

22 **“SEC. 1138. RIGHTS OF INDIAN STUDENTS.**

23 “Within six months of the date of enactment of this
24 Act, the Secretary shall prescribe such rules and regula-
25 tions as are necessary to insure the constitutional and civil

1 rights of Indian students attending Bureau schools, in-
2 cluding, but not limited to, their right to privacy under
3 the laws of the United States, their right to freedom of
4 religion and expression and their right to due process in
5 connection with disciplinary actions, suspensions, and ex-
6 pulsions.

7 **“SEC. 1139. REGULATIONS.**

8 “Regulations required to be adopted under sections
9 1126 through 1138 and any revisions of the standards de-
10 veloped under section 1121 or 1122 of this Act shall be
11 deemed rules of general applicability prescribed for the ad-
12 ministration of an applicable program for the purposes of
13 section 431 of the General Education Provisions Act and
14 shall be promulgated, submitted for congressional review,
15 and take effect in accordance with the provisions of such
16 section. Such regulations shall contain, immediately fol-
17 lowing each substantive provision of such regulations, cita-
18 tions to the particular section or sections of statutory law
19 or other legal authority upon which such provision is
20 based.

21 **“SEC. 1140. DEFINITIONS.**

22 “For the purpose of this part—

23 “(1) the term ‘agency school board’ means a
24 body, the members of which are appointed by the
25 school boards of the schools located within such

1 agency, and the number of such members shall be
2 determined by the Secretary in consultation with the
3 affected tribes, except that, in agencies serving a
4 single school, the school board of such school shall
5 fulfill these duties;

6 “(2) the term ‘Bureau’ means the Bureau of
7 Indian Affairs of the Department of the Interior;

8 “(3) the term ‘Bureau funded school’ means—

9 “(A) a Bureau school;

10 “(B) a contract school; or

11 “(C) a school for which assistance is pro-
12 vided under the Tribally Controlled Schools Act
13 of 1988;

14 “(4) the term ‘Bureau school’ means a Bureau
15 operated elementary or secondary day or boarding
16 school or a Bureau operated dormitory for students
17 attending a school other than a Bureau school;

18 “(5) the term ‘contract school’ means an ele-
19 mentary or secondary school or a dormitory which
20 receives financial assistance for its operation under
21 a contract or agreement with the Bureau under sec-
22 tion 102, 103(a), or 208 of the Indian Self-Deter-
23 mination and Education Assistance Act (25 U.S.C.
24 450f, 450h(a), and 458d);

1 “(6) the term ‘education line officer’ means
2 education personnel under the supervision of the Di-
3 rector, whether located in central, area, or agency
4 offices;

5 “(7) the term ‘financial plan’ means a plan of
6 services to be provided by each Bureau school;

7 “(8) the term ‘grant school’ means a school
8 which is provided assistance under the Tribally Con-
9 trolled Schools Act of 1988;

10 “(9) the term ‘Indian organization’ means any
11 group, association, partnership, corporation, or other
12 legal entity owned or controlled by a federally recog-
13 nized Indian tribe or tribes, or a majority of whose
14 members are members of federally recognized Indian
15 tribes;

16 “(10) the term ‘local educational agency’ means
17 a board of education or other legally constituted
18 local school authority having administrative control
19 and direction of free public education in a county,
20 township, independent, or other school district lo-
21 cated within a State, and includes any State agency
22 which directly operates and maintains facilities for
23 providing free public education;

24 “(11) the term ‘local school board’, when used
25 with respect to a Bureau school, means a body cho-

1 sen in accordance with the laws of the tribe to be
2 served or, in the absence of such laws, elected by the
3 parents of the Indian children attending the school,
4 except that in schools serving a substantial number
5 of students from different tribes, the members shall
6 be appointed by the governing bodies of the tribes
7 affected; and the number of such members shall be
8 determined by the Secretary in consultation with the
9 affected tribes;

10 “(12) the term ‘Office’ means the Office of In-
11 dian Education Programs within the Bureau;

12 “(13) the term ‘Secretary’ means the Secretary
13 of the Interior;

14 “(14) the term ‘supervisor’ means the individ-
15 ual in the position of ultimate authority at a Bureau
16 school; and

17 “(15) the term ‘tribe’ means any Indian tribe,
18 band, nation, or other organized group or commu-
19 nity, including any Alaska Native village or regional
20 or village corporation as defined in or established
21 pursuant to the Alaska Native Claims Settlement
22 Act (85 Stat. 688) which is recognized as eligible for
23 the special programs and services provided by the
24 United States to Indians because of their status as
25 Indians.

1 **“SEC. 1141. VOLUNTARY SERVICES.**

2 “Notwithstanding section 1342 of title 31, United
3 States Code, the Secretary may, subject to the approval
4 of the local school board concerned, accept voluntary serv-
5 ices on behalf of Bureau schools. Nothing in this title shall
6 be construed to require Federal employees to work without
7 compensation or to allow the use of volunteer services to
8 displace or replace Federal employees. An individual pro-
9 viding volunteer services under this section is a Federal
10 employee only for purposes of chapter 81 of title 5, United
11 States Code, and chapter 171 of title 28, United States
12 Code.

13 **“SEC. 1142. PRORATION OF PAY.**

14 “(a) Notwithstanding any other provision of law, in-
15 cluding laws relating to dual compensation, the Secretary,
16 at the election of the employee, shall prorate the salary
17 of an employee employed in an education position for the
18 academic school-year over the entire twelve month period.
19 Each educator employed for the academic school-year shall
20 annually elect to be paid on a twelve month basis or for
21 those months while school is in session. No educator shall
22 suffer a loss of pay or benefits, including benefits under
23 unemployment or other Federal or federally-assisted pro-
24 grams, because of such election.

25 “(b) During the course of such year the employee
26 may change election once.

1 “(c) That portion of the employee’s pay which would
2 be paid between academic school years may be paid in
3 lump sum at the election of the employee.

4 “(d) For the purposes of this section the terms ‘edu-
5 cator’ and ‘education position’ have the meaning contained
6 in section 1132(n)(1) and (n)(2) of this title. This section
7 applies to those individuals employed under the provisions
8 of section 1132 of this title or title 5, United States Code.

9 **“SEC. 1143. EXTRACURRICULAR ACTIVITIES.**

10 “(a) Notwithstanding any other provision of law, the
11 Secretary may provide, for each Bureau area, a stipend
12 in lieu of overtime premium pay or compensatory time off.
13 Any employee of the Bureau who performs additional ac-
14 tivities to provide services to students or otherwise support
15 the school’s academic and social programs may elect to
16 be compensated for all such work on the basis of the sti-
17 pend. Such stipend shall be paid as a supplement to the
18 employee’s base pay.

19 “(b) If an employee elects not to be compensated
20 through the stipend established by this section, the appro-
21 priate provisions of title 5, United States Code, shall
22 apply.

23 “(c) This section applies to all Bureau employees,
24 whether employed under section 1132 of this title or title
25 5, United States Code.

1 **“SEC. 1144. EARLY CHILDHOOD DEVELOPMENT PROGRAM.**

2 “(a) The Secretary shall provide grants to tribes,
3 tribal organizations, and consortia of tribes and tribal or-
4 ganizations to fund early childhood development programs
5 that are operated by such tribes, organizations, or consor-
6 tia.

7 “(b)(1) The total amount of the grants provided
8 under subsection (a) with respect to each tribe, tribal or-
9 ganization, or consortium of tribes or tribal organizations
10 for each fiscal year shall be equal to the amount which
11 bears the same relationship to the total amount appro-
12 priated under the authority of subsection (f) for such fis-
13 cal year (less amounts provided under subsection (e)) as—

14 “(A) the total number of children under 6 years
15 of age who are members of—

16 “(i) such tribe,

17 “(ii) the tribe that authorized such tribal
18 organization, or

19 “(iii) any tribe that—

20 “(I) is a member of such consortium,

21 or

22 “(II) authorizes any tribal organiza-
23 tion that is a member of such consortium,
24 bears to

25 “(B) the total number of all children under 6
26 years of age who are members of any tribe that—

1 “(i) is eligible to receive funds under sub-
2 section (a),

3 “(ii) is a member of a consortium that is
4 eligible to receive such funds, or

5 “(iii) authorizes a tribal organization that
6 is eligible to receive such funds.

7 “(2) No grant may be provided under subsection
8 (a)—

9 “(A) to any tribe that has less than 500 mem-
10 bers,

11 “(B) to any tribal organization which is author-
12 ized—

13 “(i) by only 1 tribe that has less than 500
14 members, or

15 “(ii) by 1 or more tribes that have a com-
16 bined total membership of less than 500 mem-
17 bers, or

18 “(C) to any consortium composed of tribes, or
19 tribal organizations authorized by tribes, that have
20 a combined total tribal membership of less than 500
21 members.

22 “(c)(1) A grant may be provided under subsection (a)
23 to a tribe, tribal organization, or consortia of tribes and
24 tribal organizations only if the tribe, organization or con-
25 sortia submits to the Secretary an application for the

1 grant at such time and in such form as the Secretary shall
2 prescribe.

3 “(2) Applications submitted under paragraph (1)
4 shall set forth the early childhood development program
5 that the applicant desires to operate.

6 “(d) The early childhood development programs that
7 are funded by grants provided under subsection (a)—

8 “(1) shall coordinate existing programs and
9 may provide services that meet identified needs of
10 parents and children under 6 years of age which are
11 not being met by existing programs, including—

12 “(A) prenatal care,

13 “(B) nutrition education,

14 “(C) health education and screening,

15 “(D) educational testing, and

16 “(E) other educational services,

17 “(2) may include instruction in the language,
18 art, and culture of the tribe, and

19 “(3) shall provide for periodic assessment of the
20 program.

21 “(e) The Secretary shall, out of funds appropriated
22 under the authority of subsection (f), include in the grants
23 provided under subsection (a) amounts for administrative
24 costs incurred by the tribe or tribal organization in estab-

1 lishing and maintaining the early childhood development
2 program.

3 “(f) For the purpose of carrying out the provisions
4 of this section, there are authorized to be appropriated
5 \$5,000,000 for fiscal year 1995 and such sums as may
6 be necessary for each of the fiscal years 1996, 1997, 1998,
7 and 1999.

8 **“SEC. 1145. TRIBAL DEPARTMENTS OF EDUCATION.**

9 “(a) Subject to the availability of appropriations, the
10 Secretary shall provide grants and technical assistance to
11 tribes for the development and operation of tribal depart-
12 ments of education for the purpose of planning and coordi-
13 nating all educational programs of the tribe.

14 “(b) Grants provided under this section shall—

15 “(1) be based on applications from the govern-
16 ing body of the tribe,

17 “(2) reflect factors such as geographic and pop-
18 ulation diversity,

19 “(3) facilitate tribal control in all matters relat-
20 ing to the education of Indian children on Indian
21 reservations and on former Indian reservations in
22 Oklahoma,

23 “(4) provide for the development of coordinated
24 educational programs on Indian reservations (includ-
25 ing all preschool, elementary, secondary, and higher

1 or vocational educational programs funded by tribal,
2 Federal, or other sources) by encouraging tribal ad-
3 ministrative support of all Bureau funded edu-
4 cational programs as well as encouraging tribal co-
5 operation and coordination with all educational pro-
6 grams receiving financial support from State agen-
7 cies, other Federal agencies, or private entities,

8 “(5) provide for the development and enforce-
9 ment of tribal educational codes, including tribal
10 educational policies and tribal standards applicable
11 to curriculum, personnel, students, facilities, and
12 support programs, and

13 “(6) otherwise comply with regulations for
14 grants under section 103(a) of the Indian Self-De-
15 termination and Educational Assistance Act (25
16 U.S.C. 450h) that are in effect on the date applica-
17 tion for such grants are made.

18 “(c)(1) In approving and funding applications for
19 grants under this section, the Secretary shall give priority
20 to any application that—

21 “(A) includes assurances from the majority of
22 Bureau funded schools located within the boundaries
23 of the reservation of the applicant that the tribal de-
24 partment of education to be funded under this sec-
25 tion will provide coordinating services and technical

1 assistance to all of such schools, including (but not
2 limited to) the submission to each applicable agency
3 of a unified application for funding for all of such
4 schools which provides that—

5 “(i) no administrative costs other than
6 those attributable to the individual programs of
7 such schools will be associated with the unified
8 application, and

9 “(ii) the distribution of all funds received
10 under the unified application will be equal to
11 the amount of funds provided by the applicable
12 agency to which each of such schools is entitled
13 under law,

14 “(B) includes assurances from the tribal gov-
15 erning body that the tribal department of education
16 funded under this section will administer all con-
17 tracts or grants (except those covered by the other
18 provisions of this title and the Tribally Controlled
19 Community College Assistance Act of 1978) for edu-
20 cation programs administered by the tribe and will
21 coordinate all of the programs to the greatest extent
22 possible,

23 “(C) includes assurances for the monitoring
24 and auditing by or through the tribal department of
25 education of all education programs for which funds

1 are provided by contract or grant to ensure that the
2 programs meet the requirements of law, and

3 “(D) provides a plan and schedule for—

4 “(i) the assumption over the term of the
5 grant by the tribal department of education of
6 all assets and functions of the Bureau agency
7 office associated with the tribe, insofar as those
8 responsibilities relate to education, and

9 “(ii) the termination by the Bureau of
10 such operations and office at the time of such
11 assumption,

12 but when mutually agreeable between the tribal gov-
13 erning body and the Assistant Secretary, the period
14 in which such assumption is to occur may be modi-
15 fied, reduced, or extended after the initial year of
16 the grant.

17 “(2) Subject to the availability of appropriated funds,
18 grants provided under this section shall be provided for
19 a period of 3 years and the grant may, if performance
20 by the grantee is satisfactory to the Secretary, be renewed
21 for additional 3-year terms.

22 “(d) The Secretary shall not impose any terms, condi-
23 tions, or requirements on the provision of grants under
24 this section that are not specified in this section.

1 “(e) For the purpose of carrying out the provisions
2 of this section, there are authorized to be appropriated
3 \$2,000,000 for fiscal year 1995 and such sums as may
4 be necessary for each of the fiscal years 1996, 1997, 1998,
5 and 1999.

6 **“SEC. 1146. PAYMENTS.**

7 “(a)(1) Except as otherwise provided in this sub-
8 section, the Secretary shall make payments to grantees
9 under this part in 2 payments—

10 “(A) one payment to be made no later than
11 July 1 of each year in an amount equal to one-half
12 of the amount which the grantee was entitled to re-
13 ceive during the preceding academic year, and

14 “(B) the second payment, consisting of the re-
15 mainder to which the grantee is entitled for the aca-
16 demic year, shall be made no later than December
17 1 of each year.

18 “(2) For any school for which no payment was made
19 from Bureau funds in the preceding academic year, full
20 payment of the amount computed for the first academic
21 year of eligibility under this part shall be made no later
22 than December 1 of the academic year.

23 “(3) With regard to funds for grantees that become
24 available for obligation on October 1 of the fiscal year for
25 which they are appropriated, the Secretary shall make

1 payments to grantees no later than December 1 of the
2 fiscal year.

3 “(4) The provisions of the Prompt Payment Act (31
4 U.S.C. 3901 et seq.) shall apply to the payments required
5 to be made by paragraphs (1), (2), and (3) of this sub-
6 section.”.

7 (b) Paragraph (3) is amended by striking “Para-
8 graphs (1) and (2)” and inserting in lieu thereof “Para-
9 graphs (1), (2), and (3)”, and is renumbered as paragraph
10 “(5)”.

11 **SEC. 352. APPLICATION WITH RESPECT TO INDIAN SELF-**
12 **DETERMINATION AND EDUCATION ASSIST-**
13 **ANCE ACT.**

14 Section 5209(a) of the Tribally Controlled Schools
15 Act of 1988 (25 U.S.C. 2508(a)) is amended to read as
16 follows:

17 “(a) CERTAIN PROVISIONS TO APPLY TO GRANTS.—
18 All provisions of section 5, 6, 7, 104, 105(f), 109, and
19 111 of the Indian Self-Determination and Education As-
20 sistance Act, except those provisions relating to indirect
21 costs and length of contract, shall apply to grants provided
22 under this part.”.

23 **SEC. 353. PAYMENTS.**

24 Section 5209(e) of Public Law 100–297, the Tribally
25 Controlled Schools Act of 1988, is amended—

1 (1) by striking “the amount of the grant under
2 section 5205 (and the amount of funds referred to
3 in that section), any payments to be made under
4 section 5208 of this Act,” and inserting in lieu
5 thereof: “a grant authorized to be made pursuant to
6 this part or any amendment to such grant”;

7 (2) by striking “the amount of, or payment of,
8 the administrative grant” and inserting in lieu there-
9 of “an administrative cost grant”; and

10 (3) by adding at the end thereof “and the
11 Equal Access to Justice Act shall apply to adminis-
12 trative appeals filed after January 1, 1994, by
13 grantees regarding the Tribally Controlled Schools
14 Grant and Administrative Cost Grants.”.

15 **SEC. 354. ENDOWMENT FUNDS.**

16 Section 302 of Public Law 95–471, the Tribally Con-
17 trolled Community Colleges Assistance Act of 1978, is
18 amended—

19 (1) in subsection (a), by striking “section 333”
20 and inserting in lieu thereof “section 331”;

21 (2) in subsection (b), by deleting paragraph (1)
22 and inserting in lieu thereof the following:

23 “(1) provides for the investment and mainte-
24 nance of funds covered by such endowment account
25 under the same conditions and limitations as are in

1 section 331 of the Higher Education Act and the
2 regulations implementing such provisions in effect at
3 the time such funds are invested;” and

4 (3) in subsection (b)(3) by striking “same” the
5 first time it appears.

6 **SEC. 355. HIGHER EDUCATION AMENDMENTS OF 1992.**

7 Section 1518 of title XV of the Higher Education
8 Amendments of 1992 (relating to the Santa Fe Arts Insti-
9 tute) is amended—

10 (1) in subsection (b), by adding at the end the
11 following new paragraph:

12 “(6) For the purpose of complying with the
13 contribution requirement in this subsection, the In-
14 stitute may use funds or in-kind contributions of
15 real or personal property. For the purposes of this
16 paragraph, all contributions, in-kind and real estate,
17 which are on hand as of November 29, 1990, and
18 which were received after June 2, 1988, but which
19 have not been included in their entirety in computa-
20 tions under this section shall be eligible for matching
21 with Federal funds appropriated in any year.”; and

22 (2) in subsection (c), by striking paragraph (1)
23 and inserting in lieu thereof the following:

24 “(1) Funds in the trust funds described in sub-
25 sections (a) and (b) shall be invested under the same

1 conditions and limitations as are in section 331 of
2 the Higher Education Act, and the regulations im-
3 plementing such provisions in effect at the time such
4 funds are invested.”.

5 **TITLE IV—NATIONAL**
6 **EDUCATION STATISTICS**

7 **SEC. 401. SHORT TITLE.**

8 This title may be cited as the “National Education
9 Statistics Act of 1994”.

10 **SEC. 402. FINDINGS; PURPOSE; DEFINITIONS.**

11 (a) FINDINGS.—The Congress finds that—

12 (1) a Department of Education was established
13 in 1867 “for the purpose of collecting such statistics
14 and facts as shall show the condition and progress
15 of education in the several States and territories,
16 and of diffusing such information respecting the or-
17 ganization and management of schools and school
18 systems and methods of teaching as shall aid the
19 people of the United States in the establishment and
20 maintenance of efficient school systems, and other-
21 wise promote the cause of education throughout the
22 country”;

23 (2) today, while the role of the current Depart-
24 ment of Education is much broader, the National
25 Center for Education Statistics within the Depart-

1 ment’s Office of Educational Research and Improve-
2 ment continues to perform those crucial original
3 purposes; and

4 (3) looking to the 21st century, the National
5 Center for Education Statistics must be able to de-
6 sign and undertake, effectively and efficiently, statis-
7 tical activities that will aid in reform of the Nation’s
8 educational systems.

9 (b) PURPOSE.—It is the purpose of this title to en-
10 sure the continuation of an effective mechanism for col-
11 lecting and reporting statistics and information showing
12 the condition and progress of education in the United
13 States and other nations in order to promote and acceler-
14 ate the improvement of American education.

15 (c) DEFINITIONS.—For the purpose of this title, the
16 term—

17 (1) “Assistant Secretary” means the Assistant
18 Secretary for Educational Research and Improve-
19 ment, provided for under section 202(b)(1)(E) of the
20 Department of Education Organization Act;

21 (2) “Department” means the Department of
22 Education;

23 (3) “institution of higher education” has the
24 same meaning given such term in section 1201 of
25 the Higher Education Act of 1965;

1 (4) “local educational agency” has the same
2 meaning given such term in section 9101(13) of the
3 Elementary and Secondary Education Act of 1965;

4 (5) “Secretary” means the Secretary of Edu-
5 cation;

6 (6) “State educational agency” has the same
7 meaning given such term in section 9101(20) of the
8 Elementary and Secondary Education Act of 1965;
9 and

10 (7) “United States” and “State” mean—

11 (A) other than for the purpose of section
12 411, each of the 50 States, the District of Co-
13 lumbia, and the Commonwealth of Puerto Rico;
14 and

15 (B) for the purpose of section 411, mean
16 the same as in subparagraph (A) and include
17 Guam, American Samoa, the Virgin Islands, the
18 Commonwealth of the Northern Mariana Is-
19 lands, and the Republic of Palau (until the ef-
20 fective date of the Compact of Free Association
21 with the Government of Palau).

22 **SEC. 403. NATIONAL CENTER FOR EDUCATION STATISTICS.**

23 (a) ESTABLISHMENT.—There is established, within
24 the Office of Educational Research and Improvement es-
25 tablished under section 209 of the Department of Edu-

1 cation Organization Act, a National Center for Education
2 Statistics (the “Center”).

3 (b) COMMISSIONER AND ASSOCIATE COMMIS-
4 SIONERS.—(1) The Center shall be headed by a Commis-
5 sioner of Education Statistics (the “Commissioner”) who
6 shall be appointed by the President, by and with the advice
7 and consent of the Senate, and who shall—

8 (A) have substantial knowledge of programs en-
9 compassed by the Center;

10 (B) be paid in accordance with section 5315 of
11 title 5, United States Code; and

12 (C) serve for a term of 4 years, with the terms
13 to expire every fourth June 21, beginning in 1995.

14 (2) The Commissioner may appoint such Associate
15 Commissioners as the Commissioner determines are nec-
16 essary and appropriate.

17 **SEC. 404. DUTIES OF THE CENTER.**

18 (a) DUTIES.—The duties of the Center are to collect,
19 analyze, and disseminate statistics and other information
20 related to education in the United States and in other na-
21 tions, including—

22 (1) collecting, acquiring, compiling (where ap-
23 propriate, on a State by State basis), and dissemi-
24 nating full and complete statistics on the condition
25 and progress of education, at the preschool, elemen-

1 tary, secondary, and postsecondary levels in the
2 United States, including data on—

3 (A) State and local school reform activities;

4 (B) student achievement and other edu-
5 cational outcomes at all levels of education;

6 (C) out of school youth and adults;

7 (D) teachers, administrators, counselors,
8 and other educational personnel at all levels of
9 education, including the supply and demand for
10 such teachers;

11 (E) the learning and teaching environment,
12 including the nature and incidence of violence
13 affecting students, school personnel, and other
14 individuals participating in school activities;

15 (F) violence against teachers and students,
16 and other indices of school safety;

17 (G) financing and management of edu-
18 cation; and

19 (H) the socioeconomic status of children;

20 (2) conducting and publishing reports and anal-
21 yses of the meaning and significance of such statis-
22 tics;

23 (3) conducting longitudinal studies, as well as
24 regular and special surveys and data collections, nec-

1 essary to report on the condition and progress of
2 education;

3 (4) collecting, analyzing, cross-tabulating, and
4 reporting, to the extent feasible, so as to provide in-
5 formation by gender, race, socioeconomic status, lim-
6 ited-English proficiency, and other population char-
7 acteristics when such disaggregated information
8 would facilitate educational and policy decisionmak-
9 ing;

10 (5) assisting public and private educational
11 agencies, organizations, and institutions in improv-
12 ing and automating statistical and data collection
13 activities; and

14 (6) acquiring and disseminating data on edu-
15 cational activities and student achievement in the
16 United States compared with foreign nations.

17 (b) TRAINING PROGRAM.—The Commissioner may
18 establish a program to train employees of public and pri-
19 vate educational agencies, organizations, and institutions
20 in the use of the Center’s standard statistical procedures
21 and concepts and may establish a fellows program to ap-
22 point such employees as temporary fellows at the Center
23 in order to assist the Center in carrying out its duties.

1 **SEC. 405. PERFORMANCE OF DUTIES.**

2 (a) IN GENERAL.—In carrying out the duties under
3 this title, the Commissioner may enter into grants, con-
4 tracts, and cooperative agreements.

5 (b) GATHERING INFORMATION.—(1) The Commis-
6 sioner may use the statistical method known as sampling
7 to carry out the purpose of this title.

8 (2) The Commissioner may, as the Commissioner
9 considers appropriate, use information collected—

10 (A) from States, local educational agencies,
11 public and private schools, preschools, institutions of
12 higher education, libraries, administrators, teachers,
13 students, the general public, and such other individ-
14 uals, organizations, agencies, and institutions as the
15 Commissioner may consider appropriate; and

16 (B) by other offices within the Department and
17 by other Federal departments, agencies, and instru-
18 mentalities.

19 (3) The Commissioner may—

20 (A) enter into interagency agreements for the
21 collection of statistics;

22 (B) arrange with an agency, organization, or in-
23 stitution for the collection of statistics; and

24 (C) assign employees of the Center to any such
25 agency, organization, or institution to assist in such
26 collection.

1 (4) In order to maximize the effectiveness of Federal
2 efforts to serve the educational needs of children and
3 youth, the Commissioner shall—

4 (A) provide technical assistance to Department
5 offices that gather data for statistical purposes; and

6 (B) coordinate closely with other Department
7 offices in the collection of data.

8 **SEC. 406. REPORTS.**

9 (a) REPORT ON THE CONDITION AND PROGRESS OF
10 EDUCATION.—The Commissioner shall, no later than
11 June 1 of each year, submit to the President and the Con-
12 gress a statistical report regarding the condition and
13 progress of education in the United States.

14 (b) STATISTICAL REPORTS.—The Commissioner
15 shall issue regular statistical reports to the President and
16 Congress on such education topics as the Commissioner
17 determines to be appropriate.

18 (c) SPECIAL REPORTS.—The Commissioner may,
19 whenever the Commissioner considers it appropriate, issue
20 special reports on particular education topics.

21 **SEC. 407. ADVISORY COUNCIL ON EDUCATION STATISTICS.**

22 (a) ESTABLISHMENT.—There is established, within
23 the Center, the Advisory Council on Education Statistics
24 (referred to in this title as the “Council”).

1 (b) MEMBERSHIP.—(1) The Council shall be com-
2 posed of—

3 (A) 18 voting members who are users of edu-
4 cation data and who are appointed by the Secretary
5 on the basis of their experience and eminence within
6 the field, of whom at least—

7 (i) 3 shall be practicing educators at the
8 preschool, elementary, or secondary level;

9 (ii) 3 shall be education policymakers;

10 (iii) 3 shall be professional statisticians;

11 (iv) 3 shall be education researchers; and

12 (v) 3 shall be experts in educational meas-
13 urement;

14 (B) 3 individuals representing the general pub-
15 lic, appointed by the Secretary;

16 (C) the Director of the Census and the Com-
17 missioner of Labor Statistics, as voting, ex officio
18 members; and

19 (D) the Assistant Secretary and the Commis-
20 sioner, as nonvoting, ex officio members.

21 (2) The Commissioner shall appoint the presiding of-
22 ficer of the Council from among the voting members.

23 (3) Members of the Council appointed under para-
24 graph (1)(A) shall be appointed for 3-year terms except
25 that, in the case of initial appointments, the Secretary

1 shall make appointments for shorter terms to the extent
2 necessary to avoid the expiration of the terms of more
3 than 6 members in the same calendar year.

4 (4)(A) The Council shall meet in public session at the
5 call of the presiding officer, except that it shall meet—

6 (i) at least 2 times during each calendar year;

7 and

8 (ii) in addition, whenever 10 voting members
9 request in writing that the presiding officer call a
10 meeting.

11 (B) 11 voting members of the Council shall constitute
12 a quorum.

13 (5) The Council shall—

14 (A) review general policies for the operation of
15 the Center and shall advise the Commissioner on
16 standards to ensure that statistics and other infor-
17 mation disseminated by the Center are of high qual-
18 ity and are not subject to partisan political influ-
19 ence; and

20 (B) advise the Commissioner and the National
21 Assessment Governing Board on matters related to
22 the National Assessment of Education Progress.

23 (6) The Council shall appoint a staff to enable the
24 Council to carry out its duties.

1 **SEC. 408. CONFIDENTIALITY.**

2 (a) GENERAL.—(1)(A) The Center shall develop and
3 enforce standards designed to protect the confidentiality
4 of persons in the collection, reporting, and publication of
5 data under this section.

6 (B) This section shall not be construed to protect the
7 confidentiality of information about institutions, organiza-
8 tions, and agencies that receive grants from, or have con-
9 tracts or cooperative agreements with, the Federal Gov-
10 ernment.

11 (2) No person may—

12 (A) use any individually identifiable information
13 furnished under this title for any purpose other than
14 a statistical purpose;

15 (B) make any publication whereby the data fur-
16 nished by any particular person under this title can
17 be identified; or

18 (C) permit anyone other than the individuals
19 authorized by the Commissioner to examine the indi-
20 vidual reports.

21 (b) ADMINISTRATION.—(1)(A) No department, bu-
22 reau, agency, officer, or employee of the Government, ex-
23 cept the Commissioner in carrying out the purposes of this
24 title, shall require, for any reason, copies of reports that
25 have been filed under this title with the Center or retained
26 by any individual respondent.

1 (B) Copies of such reports that have been so filed
2 or retained with the Center or any of its employees, con-
3 tractors, or agents shall be immune from legal process,
4 and shall not, without the consent of the individual con-
5 cerned, be admitted as evidence or used for any purpose
6 in any action, suit, or other judicial or administrative
7 proceeding.

8 (C) This paragraph shall apply only to individually
9 identifiable information (as defined in paragraph (5)(A)).

10 (2) Whoever, being or having been an employee or
11 staff member of the Department, having taken or sub-
12 scribed the oath of office, or having sworn to observe the
13 limitations imposed by subsection (a)(2), knowingly pub-
14 lishes or communicates any individually identifiable infor-
15 mation (as defined in paragraph (5)(A)), the disclosure
16 of which is prohibited by subsection (a)(2), and that comes
17 into such individual's possession by reason of employment
18 (or otherwise providing services) under this title, shall be
19 found guilty of a class E felony and imprisoned for not
20 more than 5 years, or fined as specified in 18 U.S.C.
21 3571, or both.

22 (3) The Commissioner may utilize temporary staff,
23 including employees of Federal, State, or local agencies
24 or instrumentalities including local educational agencies,
25 and employees of private organizations to assist the Cen-

1 ter in performing its responsibilities, but only if such tem-
2 porary staff are sworn to observe the limitations imposed
3 by this section.

4 (4) No collection of information or data acquisition
5 activity undertaken by the Center shall be subject to any
6 review, coordination, or approval procedure except as re-
7 quired by the Director of the Office of Management and
8 Budget under the rules and regulations established pursu-
9 ant to chapter 35 of title 44, United States Code, except
10 such collection of information or data acquisition activity
11 may be subject to review or coordination if the Commis-
12 sioner determines that such review or coordination would
13 be beneficial.

14 (5) For the purposes of this section—

15 (A) the term “individually identifiable informa-
16 tion” means any record, response form, completed
17 survey, or aggregation thereof from which informa-
18 tion about individuals may be revealed; and

19 (B) the term “report” means a response pro-
20 vided by or about an individual to an inquiry from
21 the Center and does not include a statistical aggre-
22 gation from which individually identifiable informa-
23 tion cannot be revealed.

24 (6) This paragraph shall not apply to—

1 (A) the survey required by section 1303(c) of
2 the Higher Education Amendments of 1986; or

3 (B) to any longitudinal study concerning access,
4 choice, persistence progress, or attainment in post-
5 secondary education.

6 (7) Any person who uses any data provided by the
7 Center, in conjunction with any other information or tech-
8 nique, to identify any individual student, teacher, adminis-
9 trator, or other individual and who knowingly discloses,
10 publishes, or uses for a purpose other than a statistical
11 purpose, or who otherwise violates subsection (a)(2)(A) or
12 (B), shall be found guilty of a class E felony and impris-
13 oned for not more than 5 years, or fined as specified in
14 section 3571 of title 18 of the United States Code, or both.

15 (8) Nothing in this section shall restrict the right of
16 the Secretary, the Comptroller General of the United
17 States, the Director of the Congressional Budget Office,
18 and the Librarian of Congress to gain access to any re-
19 ports or other records, including information identifying
20 individuals, in the Center's possession, except that the
21 same restrictions on disclosure that apply to the Center
22 under subsection (b)(1) and (7) shall apply.

23 **SEC. 409. DISSEMINATION.**

24 (a) GENERAL REQUESTS.—(1) The Center may fur-
25 nish transcripts or copies of tables and other statistical

1 records and make special statistical compilations and sur-
2 veys for State and local officials, public and private orga-
3 nizations, and individuals.

4 (2) The Center shall provide State and local edu-
5 cational agencies opportunities to suggest the development
6 of particular compilations of statistics, surveys, and analy-
7 ses that would assist such educational agencies.

8 (b) CONGRESSIONAL REQUESTS.—The Center shall
9 furnish such special statistical compilations and surveys
10 as the Congress may request.

11 (c) JOINT STATISTICAL PROJECTS.—The Secretary
12 may engage in joint statistical projects related to the pur-
13 poses of this Act or other statistical purposes authorized
14 by law with nonprofit organizations or agencies, and the
15 cost of such projects shall be shared equitably as deter-
16 mined by the Secretary.

17 (d) FEES.—(1) Statistical compilations and surveys
18 under this section, other than those carried out pursuant
19 to subsections (b) and (c), may be made subject to the
20 payment of the actual or estimated cost of such work.

21 (2) All funds received in payment for work or services
22 described in this paragraph shall be deposited in a sepa-
23 rate account that may be used to pay directly the costs
24 of such work or services, to repay appropriations that ini-

1 tially bore all or part of such costs, or to refund excess
2 sums when necessary.

3 (e) ACCESS.—(1) The Center shall cooperate with
4 other Federal agencies having a need for educational data
5 in providing access to educational data received by the
6 Center.

7 (2) The Center shall, in accordance with such terms
8 and conditions as the Secretary may prescribe, provide all
9 interested parties, including public and private agencies
10 and individuals, direct access to data collected by the Cen-
11 ter for the purposes of research and acquiring statistical
12 information.

13 **SEC. 410. COOPERATIVE EDUCATION STATISTICS SYSTEMS.**

14 The Commissioner shall establish 1 or more national
15 cooperative education statistics systems for the purpose of
16 producing and maintaining, with the cooperation of the
17 States, comparable and uniform information and data on
18 elementary and secondary education, postsecondary edu-
19 cation, and libraries that are useful for policymaking at
20 the Federal, State, and local levels. In carrying out this
21 section, the Commissioner may provide technical assist-
22 ance and make grants and enter into contracts and coop-
23 erative agreements.

1 **SEC. 411. NATIONAL ASSESSMENT OF EDUCATIONAL**
2 **PROGRESS.**

3 (a) ESTABLISHMENT.—The Commissioner shall, with
4 the advice of the Council established by section 407, carry
5 out, through grants, contracts, or cooperative agreements
6 with 1 or more qualified organizations, or consortia there-
7 of, a National Assessment of Educational Progress (the
8 “National Assessment”).

9 (b) PURPOSE; CONTENTS.—(1) The purpose of the
10 National Assessment is to provide a fair and accurate
11 presentation of educational achievement in reading, writ-
12 ing, and other subjects that are included in National
13 Education Goal Three.

14 (2) The Commissioner, in carrying out the National
15 Assessment, shall use sampling techniques that produce
16 data that are representative on a national and regional
17 basis and on a State basis pursuant to paragraph (3). In
18 addition, the Commissioner shall—

19 (A) collect and report data on a periodic basis,
20 but at least once every 2 years, on students at ages
21 9, 13, and 17 and in grades 4, 8, and 12 in public
22 and private schools;

23 (B) report achievement data on a basis that en-
24 sures valid and reliable trend reporting;

25 (C) include information on special groups; and

1 (D) ensure that achievement data are made
2 available on a timely basis following official report-
3 ing, in a manner that facilitates further analysis.

4 (3)(A)(i) The Commissioner, in carrying out the Na-
5 tional Assessment, may conduct State assessments of stu-
6 dent achievement in grades 4, 8, and 12.

7 (ii) Each such State assessment, in each subject area
8 and at each grade level shall be conducted on a trial basis.

9 (B)(i) States wishing to participate in State assess-
10 ments shall enter into an agreement with the Secretary
11 pursuant to subsection (d)(2).

12 (ii) Such agreement shall contain information suffi-
13 cient to give States full information about the process for
14 consensus decisionmaking on objectives to be tested, and
15 of the standards for sampling, test administration, test se-
16 curity, data collection, validation, and reporting.

17 (C) A participating State shall review and give per-
18 mission for the release of results from any test of its stu-
19 dents administered as a part of a State assessment prior
20 to the release of such data. Refusal by a State to release
21 its data shall not restrict the release of data from other
22 States that have approved the release of such data.

23 (4) In carrying out the National Assessment, the
24 Commissioner shall not collect any data that are not di-
25 rectly related to the appraisal of educational performance,

1 achievement, and traditional demographic reporting vari-
2 ables, or to the fair and accurate presentation of such
3 information.

4 (5) In carrying out the National Assessment, the
5 Commissioner may provide technical assistance to States,
6 localities, and other parties.

7 (c) ACCESS.—(1) Except as provided in paragraph
8 (2), the public shall have access to all data, questions, and
9 test instruments of the National Assessment.

10 (2)(A) The Commissioner shall ensure that all per-
11 sonally identifiable information about students, their edu-
12 cational performance, and their families, and that infor-
13 mation with respect to individual schools, remains con-
14 fidential, in accordance with section 552a of title 5, United
15 States Code.

16 (B) Notwithstanding any other provision of law, the
17 Commissioner may decline to make available to the public
18 for a period, not to exceed 10 years after initial use, cog-
19 nitive questions that the Commissioner intends to reuse
20 in the future.

21 (C)(i) The Commissioner may, upon the request of
22 a State educational agency or a local educational agency,
23 in a limited number of cases and on a trial basis, make
24 National Assessment test instruments available for assess-

1 ing aggregate student achievement at the local educational
2 agency level.

3 (ii)(I) Participation by a local educational agency
4 shall be voluntary.

5 (II) A State requesting the participation of a local
6 educational agency must accompany this request with a
7 statement of full written concurrence by such agency and
8 that such agency is requesting to participate in the local
9 assessment.

10 (iii) Before receiving such instruments, an agency
11 shall provide the Commissioner with assurances that con-
12 fidentiality and security requirements and testing proto-
13 cols, prescribed by the Commissioner, will be complied
14 with in the use of such instruments.

15 (d) PARTICIPATION.—(1) Participation in the na-
16 tional and regional assessments by State and local edu-
17 cational agencies shall be voluntary.

18 (2) Participation in assessments made on a State
19 basis shall be voluntary. The Commissioner shall enter
20 into an agreement with any State that desires to carry
21 out an assessment for the State under this subsection.
22 Each such agreement shall contain provisions designed to
23 ensure that the State will—

24 (A) participate in the assessment; and

1 (B) pay from non-Federal sources the non-Fed-
2 eral share of participation.

3 (3)(A) For each fiscal year, the non-Federal share
4 for the purpose of paragraph (2)(B) shall be—

5 (i) the cost of conducting the assessment at the
6 school level for all public schools in the State sam-
7 ple, including the analysis and reporting of the data;

8 (ii) the cost of coordination within the State;
9 and

10 (iii) other reasonable costs specified by the Sec-
11 retary in the agreement described in paragraph (2).

12 (B) The non-Federal share of payments under this
13 paragraph may be in cash or in kind, fairly valued.

14 (C) The agreement described in paragraph (2) shall
15 describe the manner in which, the costs of administering
16 the assessment to private nonprofit schools included in the
17 State sample may be met.

18 (4) The implementation of subparagraph (C) of para-
19 graph (2) of subsection (d) shall involve no cost to the
20 Federal Government.

21 (e) STUDENT PERFORMANCE LEVELS.—(1) The Na-
22 tional Assessment Governing Board established under sec-
23 tion 412, working with the Assistant Secretary, shall de-
24 velop appropriate student performance levels for each age

1 and grade in each subject area to be tested under the Na-
2 tional Assessment.

3 (2) The Commissioner, with the advice of the Council,
4 shall establish rigorous standards for the evaluation of
5 such levels.

6 (3)(A) Such levels shall be—

7 (i) devised through a national consensus ap-
8 proach, providing for active participation of teachers,
9 curriculum specialists, local school administrators,
10 parents, and concerned members of the general
11 public;

12 (ii) used on a trial basis until the Commissioner
13 determines, through an evaluation under subsection
14 (f), that such levels meet the standards under para-
15 graph (2) and are reasonable, valid, and informative
16 to the public; and

17 (iii) updated as appropriate.

18 (B) In using such levels on a trial basis, the Commis-
19 sioner and the Board may only issue reports on such levels
20 separate and apart from the regular reports on the Na-
21 tional Assessment and State assessments.

22 (4) After determining that such levels are reasonable,
23 valid and informative, the Commissioner may use such lev-
24 els or other methods or indicators for reporting results of
25 the National Assessment and State assessments.

1 (f) REVIEW OF NATIONAL AND STATE ASSESS-
2 MENTS.—(1) The Commissioner shall provide for continu-
3 ing reviews by the National Academy of Education or the
4 National Academy of Sciences of the National Assessment,
5 State assessments, local educational agency assessments,
6 and student performance levels. Such reviews shall ad-
7 dress whether each trial state assessment is properly ad-
8 ministered, produces high quality data that is valid and
9 reliable, produces data on student achievement that is not
10 otherwise available to the State exclusive of data compar-
11 ing participating States to each other and the Nation, and
12 is a cost-effective method of producing the data. The Com-
13 missioner shall also carry out evaluation studies by the
14 Center and solicitation of public comment on the conduct
15 and usefulness of the National Assessment. The Commis-
16 sioner shall report to the Congress, the President, and the
17 Nation on the findings and recommendations of such
18 reviews.

19 (2) The Commissioner shall consider the findings and
20 recommendations in designing the competition to select
21 the organization, or organizations, through which the Of-
22 fice carries out the National Assessment.

23 (g) COVERAGE AGREEMENTS.—(1) The Secretary
24 and the Secretary of Defense may enter into an agree-
25 ment, including such terms as are mutually satisfactory,

1 to include in the National Assessment the defense depend-
2 ents education system established under the Defense De-
3 pendants' Education Act of 1978.

4 (2) The Secretary and the Secretary of the Interior
5 may enter into an agreement, including such terms as are
6 mutually satisfactory, to include in the National Assess-
7 ment schools for Indian children operated or supported by
8 the Bureau of Indian Affairs.

9 **SEC. 412. NATIONAL ASSESSMENT GOVERNING BOARD.**

10 (a) ESTABLISHMENT.—There is established the Na-
11 tional Assessment Governing Board (the “Board”) which
12 shall formulate policy guidelines for the National Assess-
13 ment, as provided in subsection (e).

14 (b) MEMBERSHIP.—(1) The Board shall be appointed
15 by the Secretary and shall be composed of—

16 (A) 2 Governors, or former Governors, who
17 shall not be members of the same political party;

18 (B) 2 State legislators, who shall not be mem-
19 bers of the same political party;

20 (C) 2 chief State school officers;

21 (D) 1 member of a State board of education;

22 (E) 1 superintendent of a local educational
23 agency;

24 (F) 1 member of a local board of education;

1 (G) 3 classroom teachers representing the grade
2 levels at which the National Assessment is con-
3 ducted;

4 (H) 1 representative of business or industry;

5 (I) 2 curriculum specialists;

6 (J) 3 testing and measurement experts;

7 (K) 1 nonpublic school administrator or policy-
8 maker;

9 (L) 2 school principals, one of whom is an ele-
10 mentary school principal and the other of whom is
11 a secondary principal; and

12 (M) 4 additional members who are representa-
13 tives of the general public, including parents.

14 (2) The Assistant Secretary for Educational Re-
15 search and Improvement shall serve an an ex officio and
16 nonvoting member of the Board.

17 (3) In making appointments under this subsection
18 and filling vacancies under subsection (d), the Secretary
19 shall ensure that the membership of the Board reflects
20 regional, racial, gender, and cultural diversity and balance.

21 (c) TERMS.—(1) Terms of service of members of the
22 Board shall be staggered and may not exceed a period of
23 3 years, as determined by the Secretary.

24 (2) Members of the Board may serve not more than
25 two consecutive terms.

1 (3) A member of the Board who changes status under
2 subsection (b) during the term of the appointment of the
3 member may continue to serve as a member until the expi-
4 ration of such term.

5 (d) VACANCIES.—The Secretary shall appoint new
6 members to fill vacancies on the Board—

7 (1) after soliciting recommendations from a
8 wide variety of organizations, including those rep-
9 resenting the types of individuals listed in subsection
10 (b)(1); and

11 (2) in a manner which maintains the composi-
12 tion, diversity and balance of the Board required
13 under subsection (b).

14 (e) DUTIES.—(1) The Board, working with the As-
15 sistant Secretary, shall develop—

16 (A) appropriate student performance levels as
17 provided in section 411(e);

18 (B) assessment objectives and test specifica-
19 tions through a national consensus approach which
20 includes the active participation of teachers, curricu-
21 lum specialists, local school administrators, parents,
22 and concerned members of the public;

23 (C) guidelines for analysis plans and for report-
24 ing and disseminating National Assessment results;
25 and

1 (D) recommendations for actions needed to im-
2 prove the form and use of the National Assessment.

3 (2) The Board, working with the Commissioner, shall
4 take steps to ensure that all items selected for use in the
5 National Assessment are free from racial, cultural, gender,
6 or regional bias.

7 (3) In carrying out the duties required by paragraph
8 (1), the Board shall seek technical advice, as appropriate,
9 from the Commissioner and the Advisory Council on Edu-
10 cation Statistics.

11 (4) Within 90 days following an evaluation of the stu-
12 dent performance levels under section 411(f), the Board
13 shall make a report to the Secretary of Education, the
14 Committee on Education and Labor of the House of Rep-
15 resentatives, and the Committee on Labor and Human Re-
16 sources of the Senate describing the steps the Board is
17 taking to respond to each of the recommendations con-
18 tained in such evaluation.

19 (f) PERSONNEL.—(1) The Secretary may appoint, at
20 the request of the Board, such staff as will enable the
21 Board to carry out its responsibilities under subsection
22 (e)(1).

23 (2) Such appointments may include, for terms not to
24 exceed 3 years and without regard to the provisions of title
25 5, United States Code, governing appointments in the

1 competitive service, not more than 6 technical employees
2 who may be paid without regard to the provisions of chap-
3 ter 51 and subchapter III of chapter 53 of such title relat-
4 ing to classification and General Schedule pay rates.

5 (g) COORDINATION.—The Commissioner and the
6 Board shall meet periodically to ensure coordination of
7 their duties and activities relating to the National Assess-
8 ment.

9 (h) ADMINISTRATION.—(1) Sections 10, 11, and 12
10 of the Federal Advisory Committee Act are the only sec-
11 tions of such Act that shall apply with respect to the
12 Board.

13 (2)(A) No member or employee of the Board, in the
14 course of the official duties of such member or employee,
15 may engage in activities designed to directly or indirectly
16 influence legislation which is or may be considered by the
17 Congress, except in instances where a representative of the
18 Board has been invited to provide testimony before a
19 committee of the Congress.

20 (B) Any member or employee of the Board who know-
21 ingly engages in the conduct prohibited by subparagraph
22 (A) may be subject to either confinement for a period not
23 to exceed 6 months or a fine not to exceed \$10,000, or
24 both.

1 **SEC. 413. AUTHORIZATION OF APPROPRIATIONS.**

2 (1) There are authorized to be appropriated to carry
3 out this title (except section 412), \$103,200,000 for fiscal
4 year 1995 and such sums as may be necessary for each
5 of the fiscal years 1996, 1997, 1998, and 1999.

6 (2) There are authorized to be appropriated to carry
7 out section 412 \$2,000,000 for each of the fiscal years
8 1995 and 1996.

9 **TITLE V—MISCELLANEOUS**

10 **SEC. 501. EVALUATION OF FEDERAL EFFORTS TO ASSIST IN**
11 **SCHOOL REFORM.**

12 (a)(1) In collaboration with the national assessment
13 conducted pursuant to title I of the Elementary and Sec-
14 ondary Education Act as amended by this Act, the Sec-
15 retary of Education shall conduct a comprehensive evalua-
16 tion of how the Federal Government has assisted the
17 States to reform their educational systems through the
18 various education laws enacted during the 103d Congress.

19 (2) Such evaluation shall encompass the changes
20 made in Federal programs pursuant to this Act as well
21 as in any other law enacted during this Congress amend-
22 ing a Federal program assisting pre-elementary, elemen-
23 tary, or secondary education. In addition, such evaluation
24 shall encompass new initiatives enacted into law, such as
25 the Goals 2000: Educate America Act, and the School-

1 to-Work Opportunities Act and shall be coordinated with
2 evaluations of such Acts.

3 (b)(1) This evaluation shall include a comprehensive
4 review of these laws and programs to determine their over-
5 all effect on—

6 (A) the readiness of children for schooling,

7 (B) the improvement in educational attainment
8 of students in elementary and secondary education,
9 and

10 (C) the improvement in skills needed by stu-
11 dents to obtain employment upon completion of high
12 school or further education.

13 (2) This evaluation shall also include a comprehensive
14 review of these programs to determine their overall ef-
15 fect—

16 (A) on school reform efforts undertaken by
17 States,

18 (B) on efforts by States to adopt educational
19 standards to improve schooling for all children, to
20 align their curricula, teacher training, and assess-
21 ments with such standards, and to bring flexibility
22 to the rules governing how education is to be pro-
23 vided, and

24 (C) on student populations who have been the
25 traditional beneficiaries of Federal assistance to de-

1 termine whether their educational attainment has
2 been improved through these changes.

3 (3) This evaluation shall also evaluate how the Na-
4 tional Assessment Governing Board, the Advisory Council
5 on Education Statistics, the National Education Goals
6 Panel, the National Education Statistics and Improve-
7 ment Council and any other Board established to analyze,
8 address, or approve standards and assessments coordi-
9 nates, interacts, and/or duplicates efforts to assist the
10 States to reform their educational systems.

11 (4) This evaluation shall also include a review of
12 these laws and programs in such detail as the Secretary
13 deems appropriate and may involve cooperation with other
14 Federal departments and agencies in order to incorporate
15 their evaluations and recommendations.

16 (c)(1) The Secretary shall appoint an independent
17 panel to review the plan for this evaluation, to advise on
18 its progress, and to comment, if it so wishes, on the final
19 report. The panel shall not be subject to the Federal Advi-
20 sory Committee Act.

21 (2) The Secretary shall submit this report by Janu-
22 ary 1, 1998, to the Committee on Education and Labor
23 of the United States House of Representatives and to the
24 Committee on Labor and Human Resources.

1 **SEC. 502. STUDY OF THE EFFECTIVENESS AND IMPACT OF**
2 **FEDERAL CATEGORICAL AID PROGRAMS.**

3 (a) STUDY.—In addition to the national assessment
4 conducted pursuant to section 1501 of the Elementary
5 and Secondary Education Act of 1965, as amended by sec-
6 tion 101 of this Act, the Secretary of Education shall con-
7 duct a comprehensive study of the effectiveness of other
8 Federal categorical aid programs and the administrative
9 impact of such programs on schools and local educational
10 agencies.

11 (b) CONTENTS.—Such study shall—

12 (1) examine the effectiveness of elementary and
13 secondary school categorical programs, including
14 those authorized in this Act and elsewhere, in im-
15 proving the educational achievement of participating
16 students;

17 (2) encompass an in-depth evaluation of the ad-
18 ministrative impact of the broad range of categorical
19 programs on participating schools and local edu-
20 cational agencies;

21 (3) include a comprehensive review of the pro-
22 grams to determine their effect on—

23 (A) the improvement in educational
24 achievement of participating students;

25 (B) school and local educational agencies'
26 administrative responsibilities and structure, in-

1 cluding the use of local and State resources,
2 with particular attention to schools and agen-
3 cies serving a high concentration of disadvan-
4 taged students; and

5 (C) overall school reform efforts, including
6 efforts undertaken by States and encouraged by
7 Federal laws, such as the Goals 2000: Educate
8 America Act;

9 (4) evaluate the effect of Federal categorical
10 programs at the elementary and secondary levels on
11 the proliferation of State categorical education aid
12 programs and regulations, and the impact on stu-
13 dent achievement and school and local educational
14 agency administrative responsibilities and structure;
15 and

16 (5) examine the effect of waivers on categorical
17 program requirements and other flexibility provi-
18 sions in this Act, the School-to-Work Opportunities
19 Act, and the Goals 2000: Educate America Act on
20 improvement in educational achievement of partici-
21 pating students and on school and local educational
22 agency administrative responsibilities, structure, and
23 resources.

24 (c) PANEL.—The Secretary shall appoint an inde-
25 pendent panel to review the plan for the study, to advise

1 on the progress of the study, and to comment, if it so
2 wishes, on the final report.

3 (d) REPORT.—The Secretary shall submit the report
4 not later than January 1, 1997, to the Committee on Edu-
5 cation and Labor of the House of Representatives, to the
6 Senate Committee on Labor and Human Resources, and
7 to the Labor, Health and Human Services, and Education
8 Subcommittees of the House and Senate Appropriations
9 Committees.

10 **SEC. 503. BUDGET COMPLIANCE.**

11 Any authority or requirement to make funds available
12 under this Act shall be effective only to the extent provided
13 in appropriations Acts.

Passed the House of Representatives March 24,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.

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