

**Union Calendar No. 325**

103D CONGRESS  
2D SESSION

**H. R. 6**

**[Report No. 103-425]**

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**A BILL**

To extend for six years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes.

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FEBRUARY 16, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. KILDEE (for himself, Mr. FORD of Michigan, and Mr. GOODLING) introduced the following bill; which was referred to the Committee on Education and Labor

OCTOBER 22, 1993

Additional sponsors: Mrs. UNSOELD, Ms. BYRNE, Mr. GUTIERREZ, Mr. DICK-  
EY, Mr. GENE GREEN of Texas, Mr. TRAFICANT, Mr. CLAY, Mr. MAR-  
TINEZ, Mr. JEFFERSON, Mr. SCOTT, Mr. ROMERO-BARCELÓ, Mr. PETER-  
SON of Minnesota, Mr. DURBIN, Mr. PENNY, Mr. TOWNS, Mrs.  
MALONEY, Mr. KLINK, Mrs. CLAYTON, Mr. LAFALCE, Mr. MINETA, Mr.  
RANGEL, Mr. FROST, Mr. FILNER, Mr. HASTINGS, Mr. MILLER of Cali-  
fornia, Mr. PARKER, Mr. PAYNE of New Jersey, Miss COLLINS of Michi-  
gan, Mr. BLACKWELL, Mr. FAZIO, Mr. HUGHES, Mr. INSLEE, and Mr.  
STUPAK

FEBRUARY 16, 1994

Additional sponsors: Mr. McCLOSKEY, Mr. ENGEL, and Mr. MARKEY

FEBRUARY 16, 1994

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 5, 1993]

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# A BILL

To extend for six 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”.*

6 (b) *TABLE OF CONTENTS.*—

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*Sec. 2. Effective dates; transition.*

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*“Sec. 1002. Authorization of appropriations.*

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*“Sec. 1116. Assessment and school and local educational agency improve-*  
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*“Sec. 1117. State assistance for school support and improvement.*

*“Sec. 1118. Parental involvement.*

*“Sec. 1119. Professional development.*

*“Sec. 1120. Participation of children enrolled in private schools.*

*“Sec. 1121. Fiscal requirements.*

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*“Sec. 1123. Allocations to States.*

*“Sec. 1124. Basic grants to local educational agencies.*

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## PART B—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

- Sec. 320. Amendments to table of contents.

“Subtitle A—Adult Education for the Homeless

“Subtitle B—Education for Homeless Children and Youth”.

- Sec. 321. Statement of policy.

“Subtitle A—Adult Education for the Homeless

“Sec. 701. State literacy initiatives.”.

- Sec. 322. Education for homeless children and youth.

“Subtitle B—Education for Homeless Children and Youth

“Sec. 721. Statement of policy.

“Sec. 722. Grants for State and local activities for the education of homeless children and youth.

“Sec. 723. Local educational agency grants for the education of homeless children and youth.

“Sec. 724. Secretarial responsibilities.

“Sec. 725. Definitions.

“Sec. 726. Authorization of appropriations.”.

## PART C—IMPACT AID STATUTES

- Sec. 331. Amendments to Public Law 815.  
 “Sec. 2. Portion of appropriations available for payments.  
 “Sec. 3. Establishment of priorities.  
 “Sec. 5. Limitation on total payments to any local educational agency.”.  
 Sec. 332. Repeal of Public Law 874.

## PART D—AMENDMENTS TO ADULT EDUCATION ACT

- Sec. 335. Amendments to Adult Education Act.

## PART E—AMENDMENTS TO EDUCATION COUNCIL ACT OF 1991

- Sec. 341. Findings.  
 Sec. 342. National writing project.

## TITLE IV—NATIONAL EDUCATION STATISTICS

- Sec. 401. Short title.  
 Sec. 402. Findings; purpose; definitions.  
 Sec. 403. National Center for Education Statistics.  
 Sec. 404. Duties of the Center.  
 Sec. 405. Performance of duties.  
 Sec. 406. Reports.

- Sec. 407. Advisory Council on Education Statistics.*  
*Sec. 408. Confidentiality.*  
*Sec. 409. Dissemination.*  
*Sec. 410. Cooperative education statistics systems.*  
*Sec. 411. National assessment of educational progress.*  
*Sec. 412. Authorization of appropriations.*

TITLE V—MISCELLANEOUS

- Sec. 501. Study of Federal efforts to assist in school reform.*  
*Sec. 502. Budget compliance.*

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

2 (a) *EFFECTIVE DATES.*—(1)(A) *Except as provided in*  
3 *subparagraph (B), the provisions of title I of this Act shall*  
4 *take effect July 1, 1995, except that those provisions of title*  
5 *I that apply to programs under title VIII of the Elementary*  
6 *and Secondary Education Act of 1965, as amended by this*  
7 *Act, and to programs that are conducted on a competitive*  
8 *basis, shall be effective with respect to appropriations for*  
9 *use under such programs in fiscal year 1995 and in subse-*  
10 *quent 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 250 of such title*  
16 *shall be effective—*

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



1           (B) for programs that are conducted on a com-  
2           petitive basis, with respect to appropriations for use  
3           under such programs in fiscal year 1995 and in sub-  
4           sequent fiscal years.

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

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

9           (b) *TRANSITION.*—Notwithstanding any other provi-  
10          sion of law, a recipient of funds under the Elementary and  
11          Secondary Education Act of 1965, as in effect prior to  
12          amendment by this Act, may use funds available to it under  
13          such predecessor authority to carry out necessary and rea-  
14          sonable planning and transition activities in order to en-  
15          sure a smooth implementation of programs authorized by  
16          this Act.

17       **TITLE I—AMENDMENTS TO THE**  
18       **ELEMENTARY AND SECOND-**  
19       **ARY EDUCATION ACT OF 1965**

20       **SEC. 101. AMENDMENTS TO THE ELEMENTARY AND SEC-**  
21       **ONDARY EDUCATION ACT OF 1965.**

22           *The Elementary and Secondary Education Act of 1965*  
23           *is amended to read as follows:*

1 **“SECTION 1. SHORT TITLE.**

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

4 **“TITLE I—IMPROVED EDU-**  
5 **CATION FOR DISADVANTAGED**  
6 **CHILDREN**

7 **“SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF**  
8 **PURPOSE.**

9       *“(a) STATEMENT OF POLICY.—The Congress declares*  
10 *it to be the policy of the United States that a high-quality*  
11 *education for all persons and a fair and equal opportunity*  
12 *to obtain such education—*

13             *“(1) are a societal good necessary for creating a*  
14 *vibrant future for our complex and diverse democracy*  
15 *and for meeting the challenge of an internationally*  
16 *competitive economy;*

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

19             *“(3) are a moral imperative in our society and*  
20 *simple justice demands that the opportunity to ac-*  
21 *quire skills and knowledge deemed necessary for basic*  
22 *citizenship and economic opportunity be equally*  
23 *available to all; and*

24             *“(4) improve the life of every person, because the*  
25 *quality of individual lives ultimately depends on the*  
26 *quality of the lives of others.*

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

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

8               “(2) *the most urgent need for educational im-*  
9 *provement is in schools with high concentrations of*  
10 *children from low-income families and achieving the*  
11 *National Education Goals will not be possible without*  
12 *substantial improvement in these schools;*

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

20               “(4) *while title I and other programs funded*  
21 *under this Act contribute to narrowing the achieve-*  
22 *ment gap between children in high-poverty and low-*  
23 *poverty schools, such programs need to become even*  
24 *more effective in improving schools in order to enable*  
25 *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 content*  
5 *and complex problem-solving skills and research clear-*  
6 *ly shows that children, including low-achieving chil-*  
7 *dren, can succeed when expectations are high and*  
8 *they are given the opportunity to learn challenging*  
9 *material.*

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

18          “(3) *A better understanding of the principles of*  
19 *good health can help children and adolescents succeed*  
20 *in school, become active, productive members of soci-*  
21 *ety, and successfully compete in a rapidly changing*  
22 *global economy. Schools that provide quality physical*  
23 *and health education contribute to enhanced knowl-*  
24 *edge, behavior, and fitness of children and adolescents.*

1           “(4) Use of low-level tests that are not aligned  
2           with schools’ curricula fails to provide adequate infor-  
3           mation about what children know and can do and en-  
4           courages curricula and instruction that focus on the  
5           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 regular  
8           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 teaching  
16           to high standards.

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

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

1           “(9) All parents can contribute to their chil-  
2           dren’s success by helping at home and becoming part-  
3           ners with teachers so that children can achieve high  
4           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 to  
9           high levels of performance and should accept respon-  
10          sibility to do so.

11          “(11) Opportunities for students to achieve high  
12          standards can be enhanced through a variety of ap-  
13          proaches such as public school choice and public char-  
14          ter 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 learning  
18          are frequently unmet, particularly in high-poverty  
19          schools, thereby necessitating coordination of services  
20          to better meet children’s needs.

21          “(13) Resources provided under this title can be  
22          better targeted on the highest-poverty local edu-  
23          cational agencies and schools that have children most  
24          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 ac-*  
8 *complished 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 the*  
16 *amount and quality of instructional time so that chil-*  
17 *dren served under this title receive at least the class-*  
18 *room instruction that other children receive;*

19               “(3) *promoting schoolwide reform and ensuring*  
20 *access of children (from the earliest grades) to effective*  
21 *instructional strategies and challenging academic*  
22 *content that includes intensive complex thinking and*  
23 *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 this*  
4 *title with each other, with other educational services,*  
5 *and, to the extent feasible, with health and social serv-*  
6 *ice 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 sufficient*  
11 *to make a difference, to schools where needs are great-*  
12 *est;*

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 for*  
20 *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 fiscal*  
3     *year 1995 and such sums as may be necessary for*  
4     *each of the fiscal years 1996, 1997, 1998, and 1999.*

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

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

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

23            “(5) *CAPITAL EXPENSES.*—*For the purpose of*  
24     *carrying out section 1120(d) of this title, there are*  
25     *authorized to be appropriated \$41,434,000 for fiscal*

1     *year 1995 and such sums as may be necessary for*  
2     *each of the fiscal years 1996, 1997, 1998, and 1999.*

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

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

14            “(B) *For the purpose of carrying out sections*  
15    *1502 and 1503 of this title, there are authorized to be*  
16    *appropriated \$20,000,000 for fiscal year 1995 and*  
17    *such sums as may be necessary for each of the fiscal*  
18    *years 1996, 1997, 1998, and 1999.*

19    **“PART A—BASIC PROGRAMS OPERATED BY LOCAL**  
20                    **EDUCATIONAL AGENCIES**

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

22    **“SEC. 1111. STATE PLANS.**

23            “(a) *PLANS REQUIRED.*—(1) *Any State desiring to re-*  
24    *ceive a grant under this part shall submit to the Secretary*

1 a plan, developed in consultation with local educational  
2 agencies, teachers, administrators, and parents, that—

3 “(A)(i) is integrated with the State’s plan, either  
4 approved or being developed, under title III of the  
5 Goals 2000: Educate America Act, and satisfies the  
6 requirements of this section that are not already ad-  
7 dressed by that State plan; and

8 “(ii) is integrated with other State plans, if any,  
9 under the School-to-Work Opportunities Act of 1993  
10 and the Carl D. Perkins Vocational and Applied  
11 Technology Education Act, to the extent that these  
12 plans have not already been incorporated in the  
13 State’s plan under title III of the Goals 2000: Edu-  
14 cate America Act; or

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

18 “(i) is integrated with other State plans  
19 under this Act and other plans, including those  
20 under the School-to-Work Opportunities Act of  
21 1993 and the Carl D. Perkins Vocational and  
22 Applied Technology Education Act, where such  
23 plans exist; and

24 “(ii) satisfies the requirements of this sec-  
25 tion.

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

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

7       “(b) *STANDARDS AND ASSESSMENT PROVISIONS.—*  
8 *(1)(A) Each State plan shall demonstrate that the State has*  
9 *developed or adopted high-quality standards for children*  
10 *served under this title that will be used by the State, its*  
11 *local educational agencies, and its schools to carry out this*  
12 *Act and that these standards be as challenging and of the*  
13 *same high-quality as they are for all children. These stand-*  
14 *ards shall include—*

15               “(i) *challenging content standards in the core*  
16 *academic subjects that—*

17                       “(I) *specify what children served under this*  
18 *title are expected to know and be able to do;*

19                       “(II) *contain coherent and rigorous content;*  
20 *and*

21                       “(III) *emphasize the teaching of advanced*  
22 *skills;*

23               “(ii) *challenging performance standards that—*

24                       “(I) *are aligned with the State’s content*  
25 *standards;*

1           “(II) describe two levels of high perform-  
2           ance, ‘proficient’ and ‘advanced’, that determine  
3           how well children served under this title are  
4           mastering the material in the content standards;  
5           and

6           “(III) include a third benchmark below pro-  
7           ficient, if necessary, to provide complete infor-  
8           mation about the progress of the lower-perform-  
9           ing children toward achieving the high ‘pro-  
10          ficient’ and ‘advanced’ performance standards;  
11          and

12          “(iii) opportunity to learn standards that ad-  
13          dress—

14                 “(I) the quality and availability of curric-  
15                 ula, instructional materials, and technologies for  
16                 all students served under this title;

17                 “(II) the capability of teachers to provide  
18                 high-quality instruction to all students served  
19                 under this title;

20                 “(III) the extent to which teachers, prin-  
21                 cipals, and administrators have ready and con-  
22                 tinuing access to professional development, in-  
23                 cluding the best knowledge about teaching, learn-  
24                 ing and school improvement;

1           “(IV) the extent to which curricula, instruc-  
2           tional practices, and assessments for students  
3           served under this title are aligned to content  
4           standards;

5           “(V) the extent to which school facilities  
6           provide a safe and secure environment for learn-  
7           ing and instruction and have the requisite li-  
8           braries, laboratories, and other resources nec-  
9           essary to provide students served under this title  
10          an opportunity to learn;

11          “(VI) the extent to which schools which re-  
12          ceive funds under this title utilize policies, cur-  
13          ricula, and instructional practices which ensure  
14          nondiscrimination on the basis of gender;

15          “(VII) the capability of local educational  
16          agencies and schools to comply with the require-  
17          ments in section 1112(c)(3) with respect to ad-  
18          dressing the comprehensive needs of children and  
19          the requirements of section 1114(b) or section  
20          1115(c), whichever is applicable; and

21          “(VIII) such other factors that the State  
22          deems appropriate to ensure that students served  
23          under this title receive a fair opportunity to  
24          achieve the knowledge and skills described in

1           *content and performance standards adopted by*  
2           *the State.*

3           “(B) *For those core academic subjects in which a State*  
4 *has not adopted challenging content and performance*  
5 *standards, the State plan shall include a schedule for their*  
6 *development that includes the completion of standards in*  
7 *mathematics and reading/language arts by the end of the*  
8 *interim period as described in paragraph (8).*

9           “(2)(A) *Each State plan shall demonstrate, based on*  
10 *assessments described under paragraph (3), what con-*  
11 *stitutes adequate yearly progress of—*

12           “(i) *any school served under this part toward en-*  
13 *abling children to meet the State’s ‘proficient’ and*  
14 *‘advanced’ performance standards; and*

15           “(ii) *any local educational agency that received*  
16 *funds under this part toward enabling children in*  
17 *schools receiving assistance under this part to meet*  
18 *the State’s ‘proficient’ and ‘advanced’ performance*  
19 *standards.*

20           “(B) *Adequate yearly progress shall be defined in a*  
21 *manner—*

22           “(i) *that is consistent with criteria of general*  
23 *applicability established by the Secretary and results*  
24 *in continuous and substantial yearly improvement*  
25 *for economically disadvantaged, limited-English pro-*

1        *efficient, and all students under this title in each school*  
2        *and local educational agency toward the goal of all*  
3        *children under this title meeting the State's challeng-*  
4        *ing 'advanced' performance standards; and*

5                *“(ii) links progress primarily to performance on*  
6        *the assessments carried out under this section while*  
7        *permitting progress to be established in part through*  
8        *the use of other outcome-based measures such as re-*  
9        *ductions in drop-out rates.*

10              *“(3) Each State plan shall demonstrate that the State*  
11        *has developed or adopted a set of high-quality, yearly stu-*  
12        *dent assessments that will be used as the primary means*  
13        *of determining the yearly performance of each local edu-*  
14        *cational agency and school receiving assistance under this*  
15        *part in enabling children served under this title to meet*  
16        *the State's performance standards and that these assess-*  
17        *ments be challenging and of the same high-quality as they*  
18        *are for all children. These assessments shall—*

19                *“(A) be aligned with the State's challenging con-*  
20        *tent and performance standards and provide coherent*  
21        *information about student attainment of such stand-*  
22        *ards;*

23                *“(B) be used for purposes for which they are*  
24        *valid and reliable, and be consistent with relevant na-*



1        *tionally recognized professional and technical stand-*  
2        *ards of assessments;*

3            *“(C) shall measure the proficiency of students in*  
4        *the core academic subjects in which a State has*  
5        *adopted challenging content and performance stand-*  
6        *ards and be administered at some time during—*

7            *“(i) grades 3 through 5;*

8            *“(ii) grades 6 through 9;*

9            *“(iii) grades 10 through 12.*

10          *“(D) be comprised of multiple, up-to-date meas-*  
11        *ures of student performance;*

12          *“(E)(i) include limited-English proficient stu-*  
13        *dents who shall be assessed, to the extent practicable*  
14        *in the language and form most likely to yield accu-*  
15        *rate and reliable information on what these students*  
16        *know and can do, to determine their mastery of skills*  
17        *in subjects other than English;*

18          *“(ii) include students who have been resident in*  
19        *a local educational agency for a full academic year*  
20        *but have not attended a single school for a full year,*  
21        *provided that the performance of students who have*  
22        *attended more than one school in the local educational*  
23        *agency in any academic year shall be used only in*  
24        *determining the progress of the local educational*  
25        *agency; and*

1           “(iii) include students with disabilities who shall  
2           be assessed, to the extent practicable, in a manner  
3           and form most likely to yield accurate and reliable  
4           information on what these students know and can do,  
5           including assessment accommodations and modifica-  
6           tions necessary to make such determinations, provided  
7           that those students who are determined, through valid  
8           evaluation conducted by qualified personnel, to be so  
9           severely cognitively impaired as to permanently lack  
10          the capacity to make any educational progress, with  
11          the provision of special education and related services,  
12          in meeting the State content and performance stand-  
13          ards may be exempted from the assessment process;

14                 “(F) provide individual student scores; and

15                 “(G) provide for disaggregated results within  
16          each State, local educational agency, and school by  
17          gender, by each major racial and ethnic group, by  
18          English proficiency status, and by economically dis-  
19          advantaged students as compared to students who are  
20          not economically disadvantaged.

21          “(4) Each State plan shall identify the languages other  
22          than English that are present in the participating student  
23          population and indicate the languages for which yearly stu-  
24          dent assessments are not available and are needed. The  
25          State shall make every effort to develop such assessments

1 *and shall notify the Secretary if linguistically-accessible as-*  
2 *essment measures are needed. Upon notification, the Sec-*  
3 *retary shall assist with the identification of appropriate as-*  
4 *essment measures in the needed languages through the*  
5 *Office of Bilingual Education and Minority Language*  
6 *Affairs.*

7       “(5) *Each State plan shall include a description of*  
8 *how the State will annually evaluate and report to the pub-*  
9 *lic about the extent to which local educational agencies and*  
10 *schools within the State which receive funds under this title*  
11 *meet the State’s opportunity-to-learn standards.*

12       “(6) *If a State has developed or adopted challenging*  
13 *content and performance standards and an aligned set of*  
14 *assessments for all students such as those developed under*  
15 *title III of the Goals 2000: Educate America Act, or another*  
16 *process, the State shall use such standards and assessments,*  
17 *modified, if necessary, to conform with the requirements of*  
18 *paragraphs (1)(A)(ii), (2), and (3).*

19       “(7) *If, after 2 years, a State does not have challenging*  
20 *content and performance standards that meet the require-*  
21 *ments of paragraph (1) or after 3 years, a State does not*  
22 *have assessments that meet the requirements of paragraph*  
23 *(3), a State shall adopt a set of standards and aligned as-*  
24 *sessments such as the standards and assessments contained*  
25 *in other State plans that the Secretary has approved.*

1       “(8)(A) If a State does not have assessments that meet  
2 the requirements of paragraph (3), the State may propose  
3 to use an interim set of yearly statewide assessments that  
4 will assess the performance of complex skills and challeng-  
5 ing subject matter.

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

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

12               “(1)(A) the means by which the State edu-  
13 cational agency will work with other agencies, includ-  
14 ing educational service agencies or other local consor-  
15 tia, and institutions to provide technical assistance to  
16 local educational agencies and schools to carry out the  
17 State educational agency’s responsibilities under this  
18 part, including assistance in providing high quality  
19 professional development under section 1119 and tech-  
20 nical assistance under section 1117; and

21               “(B)(i) where educational service agencies exist,  
22 the State educational agency shall consider providing  
23 professional development and technical assistance  
24 through such agencies; and

1           “(ii) where educational service agencies do not  
2 exist, the State educational agency shall consider pro-  
3 viding professional development and technical assist-  
4 ance through other cooperative agreements such as a  
5 consortium of local educational agencies;

6           “(2) the measure of poverty that local edu-  
7 cational agencies shall use which shall include such  
8 measures as the number of children age 5 to 7 in pov-  
9 erty counted in the most recent census data approved  
10 by the Secretary, the number of children eligible to re-  
11 ceive free and reduced price lunches under the Na-  
12 tional School Lunch Act, the number of children in  
13 families receiving assistance under Aid to Families  
14 With Dependent Children or the number of children  
15 eligible to receive medical assistance under the Medic-  
16 aid program; or a composite of such indicators;

17           “(3) how the State educational agency will no-  
18 tify local educational agencies of the authority to op-  
19 erate schoolwide programs, and fulfill its local edu-  
20 cational agency and school improvement responsibil-  
21 ities under section 1116, including the corrective ac-  
22 tions it will take under section 1116(d)(6);

23           “(4) how the State educational agency will en-  
24 courage the use of funds from other Federal, State,

1     *and local sources for schoolwide reform in schoolwide*  
2     *programs under section 1114;*

3             *“(5) how the Committee of Practitioners estab-*  
4     *lished under section 1601 was substantially involved*  
5     *in the development of the plan and will continue to*  
6     *be involved in monitoring its implementation by the*  
7     *State;*

8             *“(6) how the State educational agency will assess*  
9     *the needs of local educational agencies serving rural*  
10    *areas, and the plans the State educational agency has*  
11    *to meet those needs;*

12            *(7) how the State educational agency will assess*  
13    *the needs of local educational agencies serving rural*  
14    *areas and the plans the State educational agency has*  
15    *to meet those needs; and*

16            *“(8) how the State educational agency will en-*  
17    *courage the establishment and operation of coopera-*  
18    *tive education, mentoring, and apprenticeship pro-*  
19    *grams, involving business and industry.*

20            *“(d) PEER REVIEW AND SECRETARIAL APPROVAL.—*  
21    *The Secretary—*

22            *“(1) shall establish a peer review process to as-*  
23    *sist in the review and revision of State plans;*

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

4           “(3)(A) shall, if the Secretary determines that  
5           the State plan does not meet the requirements of sub-  
6           section (a), (b), or (c), immediately notify the State  
7           of such determination and the reasons for it;

8           (B) shall not decline to approve a State’s plan  
9           before offering the State an opportunity to revise its  
10          plan or application, provide technical assistance in  
11          order to assist the State to meet the requirements  
12          under subsections (a), (b), and (c) and a hearing; and

13          (C) may withhold funds until determining that  
14          the plan meets the requirements of this section, pro-  
15          vided, however, that the Secretary may not withhold  
16          funds on the basis of the specific content of the oppor-  
17          tunity-to-learn standards adopted by a State under  
18          this section.

19          “(e) DURATION OF THE PLAN.—(1) Each State plan  
20          shall—

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

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

1       “(2) If the State makes significant changes in its plan,  
2 such as the adoption of new content and performance stand-  
3 ards, new assessments, or a new definition of adequate  
4 progress, the State shall submit this information to the Sec-  
5 retary for approval.

6       “(f) Nothing in this title shall be construed to authorize  
7 an officer or employee of the Federal Government to man-  
8 date, direct, or control a State, local educational agency,  
9 or school’s specific instructional content or pupil perform-  
10 ance standards and assessments, curriculum, or program  
11 of instruction as a condition of eligibility to receive funds  
12 under this title.

13       “(g) Nothing in this title shall be construed to author-  
14 ize an officer, or employee of the Federal Government to  
15 mandate, direct, or control a State, local educational agen-  
16 cy, or school’s specific opportunity-to-learn standards as a  
17 condition of eligibility to receive funds under this title.

18       “(h) If aggregate State expenditure by the State edu-  
19 cational agency for operation of elementary and secondary  
20 education programs is less than the State educational agen-  
21 cy’s aggregate Federal allocation for State operation of all  
22 Federal elementary and secondary education programs,  
23 then the State plan for title I must include assurances and  
24 specific provisions for State expenditures for operation of  
25 elementary and secondary education programs to equal or



1 *exceed the level of Federal expenditures for such operation*  
2 *by fiscal year 1999.*

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

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

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

13 *“(ii) is integrated with local plans, if any, under*  
14 *the School-to-Work Opportunities Act of 1993 and the*  
15 *Carl D. Perkins Vocational and Applied Technology*  
16 *Education Act, to the extent that such plans have not*  
17 *already been incorporated into the local educational*  
18 *agency’s plan under title III of the Goals 2000: Edu-*  
19 *cate America Act; or*

20 *“(B) if the local educational agency does not*  
21 *have an approved plan under title III of the Goals*  
22 *2000: Educate America Act and is not developing*  
23 *such a plan—*

24 *“(i) is integrated with other local plans*  
25 *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 local educational agency may satisfy all or part*  
10          *of the requirements of this section by referencing applicable*  
11          *sections of its approved plan under title III of the Goals*  
12          *2000: Educate America Act.*

13          *“(b) STANDARDS AND ASSESSMENT PROVISIONS.—*  
14          *Each local educational agency plan shall include—*

15                   *“(1) a description of its challenging content and*  
16           *performance standards, if any, in the core subjects, in*  
17           *addition to the content and performance standards*  
18           *adopted by the State under section 1111, that the*  
19           *local educational agency expects children served under*  
20           *this title to meet;*

21                   *“(2) a description, based on the assessments de-*  
22           *scribed under paragraph (3), of what constitutes ade-*  
23           *quate yearly progress if a local educational agency*  
24           *elects to establish such measures that are more strin-*

1     *gent than the measures described in the State plan*  
2     *under section 1111;*

3             *“(3) a description of additional high-quality stu-*  
4     *dent assessments, if any, other than the assessments*  
5     *described in the State plan under section 1111, that*  
6     *the local educational agency and schools served under*  
7     *this part will use to—*

8             *“(A) determine the success of children served*  
9     *under this title in meeting the State’s perform-*  
10    *ance standards;*

11            *“(B) assist in diagnosis, teaching, and*  
12    *learning in the classroom in ways that best en-*  
13    *able children served under this title to meet State*  
14    *standards and do well in the local curriculum;*  
15    *and*

16            *“(C) determine what revisions are needed to*  
17    *projects under this part so that such children*  
18    *will meet the State’s performance standards; and*

19            *“(4) a description of the strategies the local edu-*  
20    *cational agency will use to implement opportunity-to-*  
21    *learn standards for all students served under this*  
22    *title.*

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

1 *performance standards expected of all students, each local*  
2 *educational agency plan shall describe a coherent strategy*  
3 *for intensive and sustained professional development for*  
4 *teachers, administrators, and other staff, including staff of*  
5 *such agency, in accordance with section 1119.*

6       “(2) *Each local educational agency plan shall describe*  
7 *how the local educational agency will—*

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

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

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

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

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

1           “(i) Even Start, Head Start, and other pre-  
2 school programs, including plans for the transi-  
3 tion of participants in such programs to local el-  
4 elementary school programs, vocational education  
5 programs, and school-to-work transition pro-  
6 grams; 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 en-  
12 actment of this title, delinquent youth and youth  
13 at risk of dropping out served under part D of  
14 this title, homeless children, and immigrant chil-  
15 dren in order to increase program effectiveness,  
16 eliminate duplication, and reduce fragmentation  
17 of the children’s instructional program;

18           “(B) coordinate and collaborate with other agen-  
19 cies providing services to children, youth, and fami-  
20 lies, including health and social services.

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

23           “(A) the poverty criteria that will be used to se-  
24 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 iden-  
3           tify children eligible for services under this part;

4           “(C) the nature of the programs to be conducted  
5           by its schools under sections 1114 and 1115 and serv-  
6           ices outside such schools for children in local institu-  
7           tions for neglected or delinquent children and eligible  
8           homeless children, in accordance in section  
9           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 this  
13           part are selected to receive such services on the same  
14           basis as other children who are selected to receive  
15           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 that  
20           otherwise would not have been served or increase the  
21           level of service to children presently being served;

22           “(F) how the local educational agency will pro-  
23           vide services to eligible children attending private ele-  
24           mentary and secondary schools in accordance with  
25           section 1120, and how timely and meaningful con-

1       *sultation with private school officials regarding such*  
2       *services will occur; and*

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

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

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

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

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

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

23               “(2) *The State educational agency shall review the*  
24       *local educational agency’s plan to determine if such agen-*

1 *cy's professional development activities are in accordance*  
2 *with section 1119.*

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

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

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

13       “(ii) *For the purposes of this part—*

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

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

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



1           “(i) annually rank, without regard to grade  
2 spans, its eligible school attendance areas in which  
3 the concentration of children from low-income fami-  
4 lies exceeds 75 percent from highest to lowest accord-  
5 ing to the percentage of children from low-income  
6 families; and

7           “(ii) serve such eligible school attendance areas  
8 in rank order.

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

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

17           “(ii) serve such eligible school attendance areas  
18 in rank order either within each grade-span grouping  
19 or within the local educational agency as a whole.

20           “(2) The local educational agency shall use as the  
21 measure of poverty, the number of children ages 5–17 in  
22 poverty counted in the most recent census data approved  
23 by the Secretary, the number of children eligible for free  
24 and reduced priced lunches under the National School  
25 Lunch Act, the number of children in families receiving as-

1 *sistance under Aid to Families with Dependent Children*  
2 *or the number of children eligible to receive medical assist-*  
3 *ance under the Medicaid program, or a composite of such*  
4 *indicators, with respect to all school attendance areas in*  
5 *the local educational agency—*

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

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

8           “(C) to determine allocations under subsection

9           (c).

10          “(3) This subsection shall not apply to a local edu-  
11 *cational agency with a total enrollment of less than 1,000*  
12 *children.*

13          “(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—

14 *Notwithstanding subsection (a)(1), a local educational*  
15 *agency may—*

16           “(1) designate as eligible any school attendance  
17 *area or school in which at least 50 percent of the chil-*  
18 *dren are from low-income families;*

19           “(2) use funds received under this part in a  
20 *school that is not in an eligible school attendance*  
21 *area, if the percentage of children from low-income*  
22 *families enrolled in the school is equal to or greater*  
23 *than the percentage of such children in a participat-*  
24 *ing school attendance area of such agency; and*

1           “(3)(A) elect not to serve an eligible school at-  
2           tendance area or eligible school that has a higher per-  
3           centage of children from low-income families if—

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

6                   “(ii) the school is receiving supplemental  
7                   funds from other State or local sources that are  
8                   spent according to the requirements of section  
9                   1114 or 1115; and

10                   “(iii) the funds expended from such other  
11                   sources equal or exceed the amount that would be  
12                   provided under this part.

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

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

1       “(2)(A) *Except as provided in subparagraph (B), the*  
2 *per-pupil amount of funds allocated to each school attend-*  
3 *ance area or school under paragraph (1) shall be not less*  
4 *than 80 percent of the per-pupil amount of funds the local*  
5 *educational agency received for such year under sections*  
6 *1124, 1124A, and 1125.*

7       “(B) *A local educational agency may reduce the*  
8 *amount of funds allocated under subparagraph (A) for a*  
9 *school attendance area or school by the amount of any sup-*  
10 *plemental State and local funds expended in such school*  
11 *attendance area or school for programs that meet the re-*  
12 *quirements of section 1114 or 1115.*

13       “(3) *A local educational agency shall reserve such*  
14 *funds as are necessary under this part to provide services*  
15 *comparable to the services provided to children in schools*  
16 *funded under this part to serve—*

17               “(A) *homeless children in accordance with sec-*  
18 *tion 1115(b)(2)(D); and*

19               “(B) *children in local institutions for delinquent*  
20 *children.*

21 **“SEC. 1114. SCHOOLWIDE PROGRAMS.**

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

23 *(1) A local educational agency may use funds under this*  
24 *part, in combination with other Federal, State, and local*  
25 *funds, to upgrade the entire educational program in an eli-*

1 gible school if, for the initial year of the schoolwide pro-  
2 gram, the school meets the following criteria:

3           “(A) For the school year 1995–96—

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

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

9           “(B) For school year 1996–97 and thereafter, the  
10 percentage requirement of clauses (i) and (ii) of sub-  
11 paragraph (A) shall be 60 percent.

12           “(2) The provisions of paragraph (1) notwithstanding,  
13 a local educational agency may start new schoolwide pro-  
14 grams only after the State educational agency provides  
15 written information to each local educational agency in the  
16 State that—

17                   “(A) demonstrates that such State agency has es-  
18 tablished the statewide system of support and im-  
19 provement required by section 1117; and

20                   “(B) describes how such statewide system has the  
21 capability of providing on-site assistance if necessary  
22 to each eligible school, including a listing of school  
23 support teams and the eligible schools assigned to  
24 each such team.

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

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.—(1)  
17 A schoolwide program shall include the following compo-  
18 nents:

19               “(A) A comprehensive needs assessment of the en-  
20 tire school that is based on information on the per-  
21 formance of children in relation to the State’s stand-  
22 ards.

23               “(B) Schoolwide reform strategies that—

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

4           “(ii) are based on research on effective  
5 means of improving the achievement of children;

6           “(iii) use effective instructional strategies  
7 which may include the integration of vocational  
8 and academic learning (including applied learn-  
9 ing and team teaching strategies) that increase  
10 the amount and quality of learning time, such as  
11 providing an extended school year and before-  
12 and after-school programs and opportunities,  
13 and help provide an enriched and accelerated  
14 curriculum rather than remedial drill and prac-  
15 tice, and that incorporate gender-equitable meth-  
16 ods and practices;

17           “(iv) address the needs of all children in the  
18 school, but particularly the needs of low-achiev-  
19 ing children, children with limited-English pro-  
20 ficiency, children from migratory families, and  
21 children who are members of the target popu-  
22 lation of any program that is included in the  
23 schoolwide program, address how the school will  
24 determine if such needs have been met, describe  
25 the current program being offered to limited-

1           *English proficient students, and address how the*  
2           *school will build upon, expand, or coordinate the*  
3           *schoolwide program with the current program;*  
4           *and*

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

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

11                   *“(D) Intensive and sustained professional devel-*  
12          *opment for teachers, principals, and other staff, in-*  
13          *cluding aides, in accordance with section 1119, to en-*  
14          *able all children in the school to meet the State’s per-*  
15          *formance standards.*

16                   *“(E) Strategies to increase parental involvement,*  
17          *including family literary services.*

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

22                   *“(G) Additionally, in schools serving children be-*  
23          *yond grade six, in coordination with funds available*  
24          *from other programs and, as appropriate, drawing on*  
25          *private and public organizations—*



1                   “(i) counseling and mentoring services;

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

10                   “(iii) services to prepare students for the  
11 transition from school to work, including the for-  
12 mation of partnerships between elementary, mid-  
13 dle, and secondary schools and local businesses,  
14 and the integration of school-based and work-  
15 based learning.

16           “(2)(A) Any eligible school that desires to operate a  
17 schoolwide program shall first develop, in consultation with  
18 the local educational agency, a comprehensive plan for re-  
19 forming the total instructional program in the school that—

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

22                   “(ii) describes how the school will use resources  
23 under this part and from other sources to implement  
24 such components;

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

5           “(iv) describes how the school will provide indi-  
6           vidual student assessment results, including an inter-  
7           pretation of those results, to the parents of a child  
8           who participates in the assessment required by section  
9           1111(b)(3).

10          “(B) Plans developed before a State has adopted stand-  
11          ards and a set of assessments that meet the criteria in sec-  
12          tion 1111(b) (1) and (3) shall be based on an analysis of  
13          available data on the achievement of students in the school  
14          and a review of the school’s instructional practices in the  
15          context of available research on effective instructional and  
16          school improvement practices.

17          “(C) The comprehensive plan shall be—

18                 “(i) developed during a one-year period, un-  
19                 less—

20                         “(I) the local educational agency, based on  
21                         the recommendation of the technical assistance  
22                         providers under section 1117, determines that  
23                         less time is needed to develop and implement the  
24                         schoolwide program; or

1           “(II) the school is operating a schoolwide  
2           program at the time this section takes effect, in  
3           which case it may continue to operate such pro-  
4           gram, but shall develop a new plan during the  
5           first year to reflect the provisions of this section;

6           “(ii) developed with the involvement of the com-  
7           munity to be served and individuals who will carry  
8           it out, including teachers, principals, other staff, par-  
9           ents, and, if the plan relates to a secondary school,  
10          students from the school;

11          “(iii) reviewed and revised, as necessary, by the  
12          school;

13          “(iv) made available to parents and the public  
14          with the information contained in such plan trans-  
15          lated, to the extent feasible, into any language that a  
16          significant percentage of the parents of participating  
17          children in the school speak as their primary lan-  
18          guage; and

19          “(v) developed where appropriate in coordina-  
20          tion with programs under the School-to-Work Oppor-  
21          tunities Act, the Carl D. Perkins Vocational and Ap-  
22          plied Technology Education Act, and the National  
23          and Community Service Trust Fund Act.

24          “(c) ACCOUNTABILITY.—

1           “(1) As provided in subsection (c) of section  
2           1116, each schoolwide program shall be subject to  
3           school improvement for failure to make adequate  
4           progress for two consecutive years.

5           “(2) A schoolwide program identified for school  
6           improvement under such subsection that has not made  
7           adequate progress by the third year following such  
8           identification shall forfeit its schoolwide status in ad-  
9           dition to corrective actions, if any, taken by the local  
10          educational agency.

11          “(3) A school that has forfeited its schoolwide  
12          status may not regain such status until such school  
13          shows improvement by making adequate progress for  
14          one year.

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

16          “(a) *IN GENERAL.*—In all schools selected to partici-  
17          pate under section 1113 that are ineligible for a schoolwide  
18          program, or that choose not to operate a schoolwide pro-  
19          gram, a local educational agency may use funds received  
20          under this part only for programs that provide services to  
21          eligible children identified as having the greatest need for  
22          special assistance.

23          “(b) *ELIGIBLE CHILDREN.*—(1)(A) The eligible popu-  
24          lation for services under this part is—

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

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

8           “(B) From the population described in subparagraph  
9 (A), eligible children are children identified by the school  
10 as failing, or most at risk of failing, to meet the State’s  
11 challenging performance standards on the basis of multiple,  
12 educationally related, objective criteria established by the  
13 local educational agency and supplemented by the school,  
14 except that children from preschool through grade two shall  
15 be selected solely on the basis of such criteria as teacher  
16 judgment, interviews with parents, and developmentally  
17 appropriate measures.

18           “(2)(A)(i) Children receiving services to overcome a  
19 disability or limited English proficiency are eligible for  
20 services under this part on the same basis as other children  
21 selected to receive services under this part.

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

1       “(B) A child who, at any time in the previous two  
2 years, participated in a Head Start, Even Start, or State-  
3 run preschool program shall be automatically eligible for  
4 services under this part;

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

10       “(ii) Any child in a local institution for neglected or  
11 delinquent children or attending a community day program  
12 for such children is eligible for services under this part.

13       “(D) A local educational agency shall use funds re-  
14 ceived under this part to serve eligible homeless children  
15 who attend a school in the local educational agency that  
16 receives funds under this title. To the extent feasible, a local  
17 educational agency shall use funds received under this part  
18 to serve eligible homeless children who attend schools in  
19 noneligible attendance areas, including providing educa-  
20 tionally related support services to children in shelters,  
21 where appropriate.

22       “(c) COMPONENTS OF A TARGETED ASSISTANCE  
23 SCHOOL PROGRAM.—(1) To assist targeted assistance  
24 schools and local educational agencies to meet their respon-  
25 sibility to provide all students with the opportunity to meet

1 *the State's challenging performance standards, each tar-*  
2 *geted assistance program under this section shall—*

3           “(A) *use its resources under this part to help*  
4 *participating children meet the challenging perform-*  
5 *ance standards expected for all children;*

6           “(B) *be based on research on effective means for*  
7 *improving achievement of children;*

8           “(C) *use effective instructional strategies that—*

9                   “(i) *give primary consideration to provid-*  
10 *ing extended learning time such as an extended*  
11 *school year and before- and after-school programs*  
12 *and opportunities;*

13                   “(ii) *involve an accelerated, high-quality*  
14 *curriculum, including applied learning, rather*  
15 *than remedial drill and practice; and*

16                   “(iii) *minimize removing children from the*  
17 *regular classroom for instruction provided under*  
18 *this part;*

19           “(D) *be coordinated with and support the regu-*  
20 *lar program in providing an enriched and accelerated*  
21 *curriculum for eligible children;*

22           “(E) *provide instruction by highly qualified pro-*  
23 *fessional staff;*

24           “(F) *provide opportunities for intensive and sus-*  
25 *tained professional development in accordance with*

1 *section 1119 with resources under this part and from*  
2 *other sources for administrators and for teachers and*  
3 *other school staff who work with participating chil-*  
4 *dren in programs under this section or in the regular*  
5 *education program;*

6 *“(G) provide strategies to increase parental in-*  
7 *volvement, including family literary services;*

8 *“(H) provide plans for assisting preschool chil-*  
9 *dren in the transition from early childhood programs,*  
10 *such as Head Start, Even Start, or a State-run pre-*  
11 *school program, to local elementary school programs;*  
12 *and*

13 *“(I) include, additionally, in schools serving*  
14 *children beyond grade six, in coordination with funds*  
15 *available from other programs and, as appropriate,*  
16 *drawing on private and public organizations—*

17 *“(i) counseling and mentoring;*

18 *“(ii) college and career awareness and prep-*  
19 *aration, such as college and career guidance,*  
20 *comprehensive career development, enhancement*  
21 *of employability skills, personal finance edu-*  
22 *cation, and job placement services; and*

23 *“(iii) services to prepare students for the*  
24 *transition from school to work, including the for-*



1            *mation of partnerships between elementary, mid-*  
2            *dle, and secondary schools and local businesses.*

3            *“(2)(A) Each school conducting a program under this*  
4            *section shall develop, in consultation with the local edu-*  
5            *cational agency, a plan to assist participating children to*  
6            *meet the State’s ‘proficient’ and ‘advanced’ performance*  
7            *standards that describes—*

8            *“(i) the selection of children to participate in ac-*  
9            *cordance with subsection (b);*

10           *“(ii) the program to be conducted that incor-*  
11           *porates the components described in paragraph (1)*  
12           *and how the resources provided under this part will*  
13           *be coordinated with other resources to enable the chil-*  
14           *dren served to meet the State’s standards;*

15           *“(iii) how the school will review, on an ongoing*  
16           *basis, the progress of participating children and re-*  
17           *visе the program, if necessary, to provide additional*  
18           *assistance to enable such children to meet the State’s*  
19           *challenging performance standards such as an ex-*  
20           *tended school year and before- and after-school pro-*  
21           *grams and opportunities, training for teachers re-*  
22           *garding how to identify students that require addi-*  
23           *tional assistance, and training for teachers regarding*  
24           *how to implement performance standards in the class-*  
25           *room; and*

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

4           “(B) Plans developed before a State has adopted stand-  
5           ards and a set of assessments that meet the criteria of sec-  
6           tion 1111(b) (1) and (3) shall be based on an analysis of  
7           available data on the achievement of participating children  
8           and a review of the school’s instructional practices in the  
9           context of available research on effective instructional prac-  
10          tices.

11          “(C) Each plan shall be—

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

18           “(ii) approved by the local educational agency  
19           and made available to parents and the information  
20           contained therein translated, to the extent feasible,  
21           into any language that a significant percentage of the  
22           parents of participating children in the school speak  
23           as their primary language; and

24           “(iii) reviewed and revised, as necessary, by the  
25           school.

1       “(d) *ASSIGNMENT OF PERSONNEL.*—To promote the  
2 *integration of staff paid with funds under this part and*  
3 *children served under this part into the regular school pro-*  
4 *gram and overall school planning and improvement efforts,*  
5 *public school personnel who are paid with funds received*  
6 *under this part may—*

7               “(1) *assume limited duties that are assigned to*  
8 *similar personnel who are not so paid, including du-*  
9 *ties beyond classroom instruction or that do not bene-*  
10 *fit participating children so long as the amount of*  
11 *time spent on such duties is the same proportion of*  
12 *total work time as prevails with respect to similar*  
13 *personnel at the same school;*

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

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

19       **“SEC. 1116. ASSESSMENT AND SCHOOL AND LOCAL EDU-**  
20                               **CATIONAL AGENCY IMPROVEMENT.**

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

23               “(1) *use the State assessments described in the*  
24 *State plan and any additional measures described in*  
25 *the local educational agency’s plan to review annu-*

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

7             *“(2) review annually the progress of each school*  
8     *which receives funds under this title in meeting State*  
9     *opportunity-to-learn standards;*

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

16            *“(4) provide the results of the local annual re-*  
17    *view to schools so that they can continually refine the*  
18    *program of instruction to help all children in such*  
19    *schools to meet the State's high performance stand-*  
20    *ards.*

21            *“(b) DESIGNATION OF DISTINGUISHED SCHOOLS.—*  
22    *Each State educational agency and local educational agen-*  
23    *cy receiving funds under this part shall designate distin-*  
24    *guished schools in accordance with section 1117.*

1       “(c) *SCHOOL IMPROVEMENT.*—(1) *A local educational*  
2 *agency shall identify for school improvement any school*  
3 *served under this part that—*

4               “(A) *has been in program improvement under*  
5 *section 1021 of chapter 1 of title I of the Elementary*  
6 *and Secondary Education Act of 1965, as in effect be-*  
7 *fore the effective date of the Improving America’s*  
8 *Schools Act of 1994, for at least two consecutive school*  
9 *years prior to such date;*

10              “(B) *has not made adequate progress as defined*  
11 *in the State’s plan under section 1111(b)(2)(A)(i) or*  
12 *section 1112(b)(2), as appropriate, for two consecutive*  
13 *school years; or*

14              “(C) *has failed to meet the criteria established by*  
15 *the State through its interim procedure under section*  
16 *1111(b)(5)(C) for two consecutive years.*

17       “(2) *A school shall not be identified for school improve-*  
18 *ment if virtually all its students meet the State’s advanced*  
19 *performance standards.*

20       “(3)(A) *Each school identified under paragraph (1)*  
21 *shall—*

22              “(i) *in consultation with parents, the local edu-*  
23 *cational agency, and, for schoolwide programs, the*  
24 *school support team, revise its school plan under sec-*  
25 *tion 1114 or 1115 in ways that have the greatest like-*

1        *likelihood of improving the performance of participating*  
2        *children in meeting the State's performance stand-*  
3        *ards; and*

4            *“(ii) submit the revised plan to the local edu-*  
5        *cational agency for approval.*

6        *“(B) Before identifying a school for program improve-*  
7        *ment under paragraph (1), the local educational agency*  
8        *shall provide the school with an opportunity to review the*  
9        *school-level data, including assessment data, on which such*  
10       *identification would be based. If the school believes that its*  
11       *identification for school improvement would be in error, it*  
12       *may provide evidence to the local educational agency to*  
13       *support such belief.*

14       *“(C) During the first year immediately following iden-*  
15       *tification under paragraph (1), the school shall implement*  
16       *its revised plan.*

17       *“(4) For each school identified under paragraph (1),*  
18       *the local educational agency shall make technical assistance*  
19       *available as the school determines why the school's plan*  
20       *failed to bring about increased achievement and develop*  
21       *and implement its revised plan. Such technical assistance*  
22       *may be provided directly by the local educational agency,*  
23       *through mechanisms authorized under section 1117, or by*  
24       *an institution of higher education, a private nonprofit or-*  
25       *ganization, an educational service agency, Federal technical*

1 *assistance centers under part D of title II of this Act, or*  
2 *other entities with experience in helping schools improve*  
3 *achievement.*

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

11       “(B) *Corrective actions are those listed in the local*  
12 *educational agency plan adopted in compliance with State*  
13 *law, which may include decreasing decisionmaking author-*  
14 *ity at the school level, making alternative governance ar-*  
15 *rangements such as the creation of a charter school, recon-*  
16 *stituting the school staff; and authorizing students to trans-*  
17 *fer, including paying transportation costs to other schools*  
18 *in the local educational agency.*

19       “(6) *The State educational agency shall—*

20               “(A) *make technical assistance under section*  
21 *1117 available to the schools furthest from meeting the*  
22 *State’s standards, if requested by the school or local*  
23 *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        *that it deems appropriate.*

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

8        *“(d) STATE REVIEW AND LOCAL EDUCATIONAL AGEN-*  
9        *CY IMPROVEMENT.—(1) A State educational agency shall—*

10        *“(A) annually review the progress of each local*  
11        *educational agency receiving funds under this part to*  
12        *determine whether all students in schools receiving as-*  
13        *sistance under this part are making adequate progress*  
14        *as defined in section 1111(b)(2)(A)(ii) or section*  
15        *1112(b)(2), as appropriate, toward meeting the*  
16        *State’s performance standards; and*

17        *“(B) publicize and disseminate to teachers, par-*  
18        *ents, students, and the community the results of the*  
19        *State review, including disaggregated results, as re-*  
20        *quired by section 1111(b)(3)(G).*

21        *“(2) In the case of a local educational agency that for*  
22        *three consecutive years has a school or schools receiving as-*  
23        *sistance under this part which have exceeded the State’s def-*  
24        *inition of adequate progress as defined in section*  
25        *1111(b)(2)(A)(ii) or section 1112(b)(2), as appropriate, the*



1 *State may make institutional and individual rewards of*  
2 *the kinds described for individual schools in subsection*  
3 *1117(c)(2)(B).*

4       “(3) *A State educational agency shall identify for im-*  
5 *provement any local educational agency that—*

6               “(A) *for two consecutive years, has a school or*  
7 *schools receiving assistance under this part that are*  
8 *not making adequate progress as defined in section*  
9 *1111(b)(2)(A)(ii) or section 1112(b)(2), as appro-*  
10 *priate, toward meeting the State’s performance stand-*  
11 *ards; or*

12               “(B) *has failed to meet the criteria established by*  
13 *the State through its interim procedure under section*  
14 *1111(b)(8)(A) for two consecutive years.*

15       “(4) *Each local educational agency identified under*  
16 *paragraph (3) shall, in consultation with schools, parents,*  
17 *and educational experts, revise its local educational agency*  
18 *plan under section 1112 in ways that have the greatest like-*  
19 *lihood of improving the performance of its schools in meet-*  
20 *ing the State’s performance standards.*

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

23               “(A) *determine why the local educational agen-*  
24 *cy’s plan failed to bring about increased achievement;*

1           “(B) provide technical assistance, if requested, as  
2           authorized under section 1117 to better enable the  
3           local educational agency to develop and implement its  
4           revised plan and work with schools needing improve-  
5           ment; and

6           “(C) make available to the local educational  
7           agencies furthest from meeting the State’s standards,  
8           if requested, assistance under section 1117.

9           Technical assistance under subparagraph (B) may be pro-  
10          vided by the State educational agency directly, or by an  
11          institution of higher education, a private nonprofit organi-  
12          zation, an educational service agency or other local consor-  
13          tium, a technical assistance center, or other entities with  
14          experience in assisting local education agencies improve  
15          achievement.

16          “(6)(A) After providing technical assistance pursuant  
17          to paragraph (5) and other remediation measures, the State  
18          educational agency may take corrective action at any time  
19          against a local educational agency that has been identified  
20          under paragraph (3), but, during the fourth year following  
21          identification under paragraph (3), shall take such action  
22          against any local educational agency that still fails to make  
23          adequate progress.

24          “(B) Corrective actions are those listed in the State  
25          educational agency plan adopted in compliance with State

1 *law, which may include reconstitution of district personnel,*  
2 *appointment by the State educational agency of a receiver*  
3 *or trustee to administer the affairs of the local educational*  
4 *agency in place of the superintendent and school board, re-*  
5 *moval of particular schools from the jurisdiction of the local*  
6 *educational agency and establishment of alternative ar-*  
7 *rangements for governing and supervising such schools, the*  
8 *abolition or restructuring of the local educational agency,*  
9 *and the authorizing of students to transfer from 1 local edu-*  
10 *cational agency to another.*

11       “(7) *Local educational agencies that for at least two*  
12 *of the three years following identification under paragraph*  
13 *(3) make adequate progress toward meeting the State’s*  
14 *standards no longer need to be identified for local edu-*  
15 *cational agency improvement.*

16       “(e) *STATE ALLOCATIONS FOR SCHOOL IMPROVE-*  
17 *MENT.—From the amount appropriated under section*  
18 *1002(6) for any fiscal year, each State shall be eligible to*  
19 *receive an amount that bears the same ratio to the amount*  
20 *appropriated as the amount allocated to the State under*  
21 *sections 1124, 1124A, and 1125 bears to the total amount*  
22 *allocated to all States under such sections, except that each*  
23 *State shall receive at least \$180,000, or \$30,000 in the case*  
24 *of Guam, American Samoa, the Virgin Islands, the North-*

1 *ern Marianas, and Palau (until the Compact of Free Asso-*  
2 *ciation goes into effect).*

3 **“SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**  
4 **IMPROVEMENT.**

5 “(a) *SYSTEM FOR SUPPORT.*—(1) *Each State edu-*  
6 *cational agency shall establish a statewide system of inten-*  
7 *sive and sustained support and improvement for schools re-*  
8 *ceiving funds under this title, including all schoolwide pro-*  
9 *grams and all schools in need of program improvement, in*  
10 *order to increase the opportunity for all students in such*  
11 *schools to meet the State’s content and performance stand-*  
12 *ards and opportunity-to-learn standards.*

13 “(2) *Funds appropriated pursuant to section 1002(6)*  
14 *shall be used to meet the requirements of this section. In*  
15 *addition and notwithstanding section 1002(1), a State or*  
16 *local educational agency may use funds made available*  
17 *under section 1002(1) and other available funds to meet*  
18 *such requirements.*

19 “(b) *REGIONAL CENTERS.*—*Such a statewide system*  
20 *shall be linked to and receive support and assistance from*  
21 *the regional technical assistance centers authorized under*  
22 *part D of title II and the regional labs authorized under*  
23 *section 205 of the General Education Provisions Act.*

24 “(c) *PROVISIONS.*—*The system shall include at a mini-*  
25 *imum the following:*

1           “(1) *SCHOOL SUPPORT TEAMS.*—

2                   “(A) *Each State, in consultation with local*  
3 *educational agencies, shall establish a system of*  
4 *school support teams to provide information and*  
5 *assistance to each schoolwide program and to as-*  
6 *sist such program in providing an opportunity*  
7 *to all students to meet the State’s performance*  
8 *standards.*

9                   “(B) *Each such team shall be composed of*  
10 *individuals with experience in successfully im-*  
11 *proving the educational opportunities for low*  
12 *achieving students, especially individuals identi-*  
13 *fied in paragraph (3), and individuals knowl-*  
14 *edgeable about research and practice on teaching*  
15 *and learning, including alternative and applied*  
16 *learning, especially for low achieving students.*

17                   “(C) *A school support team shall work with*  
18 *each school as it develops its schoolwide program*  
19 *plan, review each plan, and make recommenda-*  
20 *tions to the school and the local educational*  
21 *agency.*

22                   “(D) *During the operation of the schoolwide*  
23 *programs, a school support team shall periodi-*  
24 *cally review the progress of the school in ena-*  
25 *bling children in the school to meet the State’s*

1           *performance standards, identify problems in the*  
2           *design and operation of the instructional pro-*  
3           *gram, and make suggestions for the improvement*  
4           *to the school and the local educational agency.*

5           “(2) *DISTINGUISHED SCHOOLS.*—

6                     “(A) *Each State shall designate as a distin-*  
7                     *guished school any school served under this part*  
8                     *which, for 3 consecutive years, has exceeded the*  
9                     *State’s definition of adequate progress as defined*  
10                    *in section 1111(b)(2), and, any school in which*  
11                    *virtually all students have met the State’s ad-*  
12                    *vanced performance standards and in which eq-*  
13                    *uity in participation and achievement of stu-*  
14                    *dents by sex has been achieved or significantly*  
15                    *improved.*

16                    “(B) *Schools designated under this para-*  
17                    *graph may serve as models and provide support*  
18                    *to other schools, especially schoolwide programs*  
19                    *and schools in program improvement, to assist*  
20                    *such schools in meeting the State’s performance*  
21                    *standards.*

22                    “(C) *States shall use funds available under*  
23                    *section 1002(6) to allow schools identified under*  
24                    *this paragraph to carry out the activities de-*  
25                    *scribed in subparagraph (B) and may use such*

1           *funds to provide awards to such schools to fur-*  
2           *ther their education programs under this part,*  
3           *provide additional incentives for continued suc-*  
4           *cess, and reward individuals or groups in the*  
5           *school for exemplary performance.*

6           “(D) A local educational agency may also  
7           recognize the success of a distinguished school by  
8           providing additional institutional and individ-  
9           ual rewards, such as greater decisionmaking au-  
10          thority at the school building level, increased ac-  
11          cess to resources or supplemental services such as  
12          summer programs that may be used to sustain or  
13          increase success, additional professional develop-  
14          ment opportunities, opportunities to participate  
15          in special projects, and individual financial  
16          bonuses.

17          “(3) *DISTINGUISHED EDUCATORS.*—

18          “(A) In order to provide assistance to  
19          schools and local educational agencies identified  
20          as needing improvement or schoolwide programs,  
21          each State, in consultation with local edu-  
22          cational agencies and using funds available  
23          under section 1002(6), shall establish a corps of  
24          distinguished educators.

1           “(B) When possible, distinguished educators  
2 shall be chosen from schools served under this  
3 part that have been especially successful in ena-  
4 bling children to meet or make outstanding  
5 progress toward meeting the State’s performance  
6 standards, such as the schools described in para-  
7 graph (2).

8           “(C) Distinguished educators shall provide,  
9 as part of the statewide system, intensive and  
10 sustained assistance to the schools and local edu-  
11 cational agencies furthest from meeting the  
12 State’s standards and schoolwide programs as  
13 they develop and implement their plans, includ-  
14 ing participation in the support teams described  
15 in paragraph (1).

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

20           “(e) ALTERNATIVES.—If a State has devised alter-  
21 native or additional approaches to providing the assistance  
22 described in paragraphs (1) and (3) of subsection (c), such  
23 as providing assistance through institutions of higher edu-  
24 cation and educational service agencies or other local con-  
25 sortia, the State may seek approval from the Secretary to



1 *use funds authorized in section 1002(6) for such approaches*  
2 *as part of the State plan.*

3 ***“SEC. 1118. PARENTAL INVOLVEMENT.***

4 *“(a) IN GENERAL.—A local educational agency may*  
5 *receive funds under this part only if it implements pro-*  
6 *grams, activities, and procedures for the involvement of*  
7 *parents in programs assisted under this title. Such activi-*  
8 *ties shall be planned and implemented with meaningful*  
9 *consultation with parents of participating children.*

10 *“(b) LOCAL EDUCATIONAL AGENCY POLICY.—(1) Each*  
11 *local educational agency that receives funds under this part*  
12 *shall develop jointly with, and make available to, parents*  
13 *of participating children a written parental involvement*  
14 *policy that is incorporated into the local educational agen-*  
15 *cy’s plan developed under section 1112, establishes the ex-*  
16 *pectations for parental involvement, and describes how the*  
17 *local educational agency will—*

18 *“(A) involve parents in the development of the*  
19 *plan described under section 1112, and the process of*  
20 *school review and improvement described under sec-*  
21 *tion 1116;*

22 *“(B) provide the coordination, technical assist-*  
23 *ance, and other support necessary to assist partici-*  
24 *parting schools in planning and implementing effec-*  
25 *tive parent involvement;*

1           “(C) build the schools’ and parents’ capacity for  
2 strong parent involvement as described in subsection  
3 (f);

4           “(D) coordinate and integrate parental involve-  
5 ment strategies in this part with parental involve-  
6 ment strategies under other programs, including  
7 Head Start, Even Start, and State-run preschool pro-  
8 grams;

9           “(E) conduct, with the involvement of parents,  
10 an annual evaluation of the content and effectiveness  
11 of the parental involvement policy developed under  
12 this section in increasing the participation of parents  
13 to identify barriers to greater participation by par-  
14 ents in activities authorized by this section, giving  
15 particular attention to parents who are economically  
16 disadvantaged, are disabled, have limited-English  
17 proficiency, have limited literacy, or are of any racial  
18 or ethnic minority background and use the findings  
19 of such reviews in designing strategies for school im-  
20 provement.

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

1       “(3) *Each local educational agency shall reserve not*  
2 *less than 1 percent of its allocation under this part for the*  
3 *purposes of carrying out this section, including family lit-*  
4 *eracy and parenting skills.*

5       “(c) *SCHOOL PARENTAL INVOLVEMENT PLAN.—(1)*  
6 *Each school served under this part shall jointly develop*  
7 *with, and make available to, parents of participating chil-*  
8 *dren a written parental involvement plan that shall be in-*  
9 *corporated into the school plan developed under section*  
10 *1114 or 1115 and shall describe the means for carrying out*  
11 *the requirements of subsections (c) through (f).*

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

15       “(d) *POLICY INVOLVEMENT.—Each school served under*  
16 *this part shall—*

17               “(1) *convene an annual meeting, at a convenient*  
18 *time, to which all parents of participating children*  
19 *shall be invited and encouraged to attend, to inform*  
20 *parents of the school’s participation under this part*  
21 *and to explain this part, its requirements, and the*  
22 *parent’s right to be involved;*

23               “(2) *involve parents, in an organized, ongoing,*  
24 *and timely way, in the planning, review, and im-*  
25 *provement of programs under this part, including the*

1        *development of the school plan under section 1114 or*  
2        *1115 or if a school has in place a process for involv-*  
3        *ing parents in the planning and design of its pro-*  
4        *grams, the school may use such process, provided that*  
5        *the process includes an adequate representation of*  
6        *parents of participating children; and*

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

8                        *“(A) timely information about programs*  
9                        *under this part;*

10                      *“(B) school performance profiles required*  
11                      *under section 1116(a)(2) and individual student*  
12                      *assessment results, including an interpretation of*  
13                      *such results, required under section 1111(b)(3);*

14                      *“(C) opportunities for regular meetings to*  
15                      *formulate suggestions, if such parents so desire;*  
16                      *and*

17                      *“(D) timely responses to parents’ rec-*  
18                      *ommendations.*

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

1 *means by which the school and parents will build and de-*  
2 *velop a partnership to help children achieve the State's high*  
3 *standards. Such compact shall—*

4           “(1) describe the school's responsibility to pro-  
5           vide high-quality curriculum and instruction in a  
6           supportive and effective learning environment that  
7           enable the children to meet the State's challenging  
8           performance standards, and the ways in which each  
9           parent will be responsible for supporting his or her  
10          children's learning, including monitoring attendance,  
11          homework completion, television watching, and posi-  
12          tive use of extracurricular time; and

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

16                   “(A) parent-teacher conferences in elemen-  
17                   tary schools, at least annually, during which the  
18                   compact shall be discussed as it relates to the in-  
19                   dividual child's achievement;

20                   “(B) frequent reports to parents on their  
21                   children's progress; and

22                   “(C) reasonable access to staff and observa-  
23                   tion of classroom activities.

24           “(f) BUILDING CAPACITY FOR INVOLVEMENT.—To en-  
25          sure effective involvement of parents and to support a part-

1 *nership among the school, parents, and the community to*  
2 *improve student achievement, each school and local edu-*  
3 *cational agency—*

4           “(1) *shall provide assistance to participating*  
5 *parents in such areas as understanding the National*  
6 *Education Goals, the State’s content and performance*  
7 *standards, opportunity-to-learn standards, State and*  
8 *local assessments, the requirements of this part, and*  
9 *how to monitor a child’s progress and work with edu-*  
10 *cators to improve the performance of their children;*

11           “(2) *shall provide materials and training, in-*  
12 *cluding—*

13                   “(A) *coordinating necessary literacy train-*  
14 *ing from other sources to help parents work with*  
15 *their children to improve their children’s*  
16 *achievement; and*

17                   “(B) *training to enable parents to work*  
18 *more effectively with teachers, schools, and school*  
19 *systems;*

20           “(3) *shall educate teachers, principals, and other*  
21 *staff in the value and utility of contributions of par-*  
22 *ents, and in how to reach out to, communicate with,*  
23 *and work with parents as equal partners, implement*  
24 *and coordinate parent programs, and build ties be-*  
25 *tween home and school;*

1           “(4) shall develop appropriate roles for commu-  
2           nity-based organizations and businesses in parent in-  
3           volvement activities, including providing information  
4           about opportunities for them to work with parents  
5           and schools, and encouraging the formation of part-  
6           nerships between elementary, middle, and secondary  
7           schools and local businesses that include a role for  
8           parents;

9           “(5) shall ensure, to the extent possible, that in-  
10          formation related to school and parent programs,  
11          meetings, and other activities is sent to the homes of  
12          participating children in the language used in such  
13          homes;

14          “(6) shall involve parents in the development of  
15          training for teachers, principals, and other educators  
16          for the purpose of improving the effectiveness of such  
17          training in improving instruction and services to the  
18          children of such parents;

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

23          “(8) may pay reasonable and necessary expenses  
24          associated with local parental involvement activities,  
25          including transportation and child care costs to en-

1     *able parents to participate in school-related meetings*  
2     *and training sessions;*

3             *“(9) may coordinate and integrate parent in-*  
4     *volvement programs and activities with Head Start,*  
5     *Even Start, and State-run preschool programs;*

6             *“(10) may train and support parents to enhance*  
7     *the involvement of other parents;*

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

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

16            *“(13) may adopt and implement model ap-*  
17    *proaches to improving parental involvement such as*  
18    *Even Start.*

19            *“(g) ACCESSIBILITY.—In carrying out the parental in-*  
20    *volvement requirements of this part, local educational agen-*  
21    *cies and schools shall, to the extent practicable, ensure that*  
22    *parents of limited-English proficient children or disabled*  
23    *children are afforded the same access to parental involve-*  
24    *ment opportunities as their children are afforded to other*  
25    *programs funded under this part, including the provision*



1 *of information in a language and form that the parents*  
2 *of such children can understand.*

3 ***“SEC. 1119. PROFESSIONAL DEVELOPMENT.***

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

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

13 *“(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—*

14 *“(1) Professional development activities shall—*

15 *“(A) support instructional practices that*  
16 *are geared to challenging State content standards*  
17 *and create a school environment conducive to*  
18 *high achievement in the core academic subjects;*

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

22 *“(C) draw on resources available under this*  
23 *part, title III of the Goals 2000: Educate Amer-*  
24 *ican Act, part A of title II of this Act, and from*  
25 *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 insti-  
16 tutions of higher education to establish school-  
17 based teacher training programs that provide  
18 prospective teachers and novice teachers with an  
19 opportunity to work under the guidance of expe-  
20 rienced teachers and college faculty;

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

22           “(E) the creation of career ladder programs  
23 for paraprofessionals (assisting teachers under  
24 this part) to obtain the education necessary for  
25 them to become licensed and certified teachers;

1           “(F) instruction in ways to teach special  
2 needs children;

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

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

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

11       “(c) PROGRAM REQUIREMENTS.—Programs should be  
12 designed so that—

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

16           “(2) all school staff in targeted assistance schools  
17 may participate in professional development activi-  
18 ties if such participation will result in better address-  
19 ing the needs of students served under this part.

20       “(d) PARENTAL PARTICIPATION.—Parents may par-  
21 ticipate in professional development activities under this  
22 part if the school determines that parental participation  
23 would be appropriate.

24       “(e) CONSORTIA.—In carrying out such professional  
25 development programs, local educational agencies may pro-

1 *vide such services through consortia arrangements with*  
2 *other local educational agencies, educational service agen-*  
3 *cies or other local consortia, institutions of higher education*  
4 *or other public or private institutions or organizations.*

5       “(f) *EFFECTIVE TEACHING STRATEGIES.*—*Knowledge*  
6 *of effective teaching strategies that is gained through profes-*  
7 *sional development activities under this section may be*  
8 *shared with teachers who are not participating in*  
9 *schoolwide or targeted assistance programs under this part.*

10       “(g) *COMBINATIONS OF FUNDS.*—*Funds provided*  
11 *under this part that are used for professional development*  
12 *purposes may be combined with funds provided under part*  
13 *A of title II of this Act, title III of the Goals 2000: Educate*  
14 *America Act, and other sources.*

15       “(h)(1) *The State educational agency shall review the*  
16 *local educational agency’s plan to determine if such agen-*  
17 *cy’s professional development activities—*

18               “(A) *are tied to challenging State student con-*  
19 *tent and performance standards and opportunity-to-*  
20 *learn standards;*

21               “(B) *reflect recent research on teaching and*  
22 *learning;*

23               “(C) *are of sufficient intensity and duration to*  
24 *have a positive impact on the teacher’s performance*  
25 *in the classroom;*

1           “(D) are part of the everyday activities of the  
2 school and create an orientation toward continuous  
3 improvement in the classroom or throughout the  
4 school;

5           “(E) include methods to teach children with spe-  
6 cial needs;

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

9           “(G) include gender-equitable education methods,  
10 techniques, and practices.

11          “(2) If a local educational agency’s plan for profes-  
12 sional development does not meet such criteria, the State  
13 educational agency shall assist such local educational agen-  
14 cies in making progress toward inclusion of such elements  
15 in the local educational agency’s professional development  
16 activities.

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

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

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

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

10           “(C) are under the direct supervision of a teach-  
11           er who has primary responsibility for providing in-  
12           structional services to eligible children.

13           “(2) Local educational agencies receiving funds under  
14           this part shall include instructional aides in professional  
15           development activities.

16           **“SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN**  
17           **PRIVATE SCHOOLS.**

18           “(a) GENERAL REQUIREMENT.—(1) To the extent con-  
19           sistent with the number of eligible children identified under  
20           section 1115(b) in a local educational agency who are en-  
21           rolled in private elementary and secondary schools, a local  
22           educational agency shall, after timely and meaningful con-  
23           sultation with appropriate private school officials, provide  
24           such children, on an equitable basis, special educational  
25           services or other benefits under this part (such as dual en-

1 *rollment, educational radio and television, computer equip-*  
2 *ment and materials, other technology, and mobile edu-*  
3 *cational services and equipment).*

4       “(2) *The educational services or other benefits, includ-*  
5 *ing materials and equipment, must be secular, neutral, and*  
6 *nonideological.*

7       “(3) *Educational services and other benefits for such*  
8 *private school children shall be equitable in comparison to*  
9 *services and other benefits for public school children partici-*  
10 *pating under this part.*

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

16       “(5) *The local educational agency may provide such*  
17 *services directly or through contracts with public and pri-*  
18 *vate agencies, organizations, and institutions.*

19       “(b) *PUBLIC CONTROL OF FUNDS.—(1) The control of*  
20 *funds provided under this part, and title to materials,*  
21 *equipment, and property purchased with such funds, shall*  
22 *be in a public agency, and a public agency shall administer*  
23 *such funds and property.*

24       “(2)(A) *The provision of services under this section*  
25 *shall be provided—*

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

2           “(ii) through contract by such public agency  
3           with an individual, association, agency, or organiza-  
4           tion.

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

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

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

19                 “(2) arrange for the provision of services to such  
20                 children through arrangements that shall be subject to  
21                 the requirements of this section and sections 9505 and  
22                 9506 of this Act.

23          “(d) *CAPITAL EXPENSES.*—(1)(A) From the amount  
24          appropriated for this subsection under section 1002(5) for  
25          any fiscal year, each State is eligible to receive an amount



1 *that bears the same ratio to the amount so appropriated*  
2 *as the number of private school children who received serv-*  
3 *ices under this part in the State in the most recent year*  
4 *for which data satisfactory to the Secretary are available*  
5 *bears to the number of such children in all States in that*  
6 *same year.*

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

11       “(2)(A) *A local educational agency may apply to the*  
12 *State educational agency for payments for capital expenses*  
13 *consistent with this subsection.*

14       “(B) *State educational agencies shall distribute such*  
15 *funds to local educational agencies based on the degree of*  
16 *need set forth in their respective applications.*

17       “(3) *Any funds appropriated to carry out this sub-*  
18 *section shall be used only for capital expenses incurred to*  
19 *provide equitable services for private school children under*  
20 *this section.*

21       “(4) *For the purpose of this subsection, the term ‘cap-*  
22 *ital expenses’ is limited to—*

23               “(A) *expenditures for noninstructional goods and*  
24 *services, such as the purchase, lease, or renovation of*  
25 *real and personal property, including, but not limited*

1        *to, mobile educational units and leasing of neutral*  
2        *sites or spaces;*

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

4            *“(C) transportation; and*

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

6        **“SEC. 1121. FISCAL REQUIREMENTS.**

7            *“(a) MAINTENANCE OF EFFORT.—A local educational*  
8        *agency may receive funds under this part for any fiscal*  
9        *year only if the State educational agency finds that the*  
10       *local educational agency has maintained its fiscal effort in*  
11       *accordance with section 9501 of this Act, including such*  
12       *effort for professional development activities.*

13           *“(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-*  
14       *PLANT, NON-FEDERAL FUNDS.—(1)(A) Except as provided*  
15       *in subparagraph (B), a State or local educational agency*  
16       *shall use funds received under this part only to supplement*  
17       *the amount of funds that would, in the absence of such Fed-*  
18       *eral funds, be made available from non-Federal sources for*  
19       *the education of pupils participating in programs assisted*  
20       *under this part, and not to supplant such funds.*

21           *“(B) For the purpose of complying with subparagraph*  
22       *(A), a State or local educational agency may exclude sup-*  
23       *plemental State and local funds expended in any eligible*  
24       *school attendance area or school for programs that meet the*  
25       *requirements of section 1114 or 1115.*

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

5       “(c) COMPARABILITY OF SERVICES.—(1)(A) Except as  
6 provided in paragraphs (4) and (5), a local educational  
7 agency may receive funds under this part only if State and  
8 local funds will be used in schools served under this part  
9 to provide services that, taken as a whole, are at least com-  
10 parable to services in schools that are not receiving funds  
11 under this part.

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

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

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

22               “(i) expenditures per pupil from State and local  
23 funds in each school served under this part are equal  
24 to or greater than the average expenditures per pupil  
25 in schools not receiving services under this part; or

1           “(ii) instructional salaries per pupil from State  
2           and local funds in each school served under this part  
3           are equal or greater than the average instructional  
4           salaries per pupil in schools not receiving services.

5           “(B) A local educational agency need not include un-  
6           predictable changes in student enrollment or personnel as-  
7           signments that occur after the beginning of a school year  
8           in determining comparability of services under this sub-  
9           section.

10          “(3) Each local educational agency shall—

11                 “(A) develop procedures for compliance with this  
12                 subsection; and

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

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

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

21                 “(A) bilingual education for children of limited  
22                 English proficiency; and

23                 “(B) excess costs of providing services to children  
24                 with disabilities.

**“Subpart 2—Allocations****“SEC. 1122. GRANTS FOR THE OUTLYING AREAS AND THE  
SECRETARY OF THE INTERIOR.**

“(a) *RESERVATION OF FUNDS.*—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

“(1) *the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and*

“(2) *the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (b).*

“(b) *ALLOTMENT TO THE SECRETARY OF THE INTERIOR.*—

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

“(A) *Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and*

1           “(B) *out-of-State Indian children in ele-*  
2           *mentary and secondary schools in local edu-*  
3           *cational agencies under special contracts with*  
4           *the Department of the Interior.*

5           “(2) *From the amount allotted for payments to*  
6           *the Secretary of the Interior under subsection (a)(2),*  
7           *the Secretary of the Interior shall make payments to*  
8           *local educational agencies, upon such terms as the*  
9           *Secretary of Education determines will best carry out*  
10          *the purposes of this part, with respect to out-of-State*  
11          *Indian children described in paragraph (1). The*  
12          *amount of such payment may not exceed, for each*  
13          *such child, the greater of—*

14                 “(A) *40 percent of the average per-pupil ex-*  
15                 *penditure in the State in which the agency is lo-*  
16                 *cated; or*

17                 “(B) *48 percent of such expenditure in the*  
18                 *United States.*

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

20                 “(a) *GENERAL.—For each fiscal year, an amount of*  
21                 *the appropriations for this part equal to the appropriation*  
22                 *for fiscal year 1994 for part A of chapter 1, title I, Elemen-*  
23                 *tary and Secondary Education Act, shall be allocated in*  
24                 *accordance with sections 1124 and 1124A. Any additional*  
25                 *appropriations for this part for any fiscal year, after appli-*

1 *cation of the preceding sentence, shall be allocated in ac-*  
2 *cordance with section 1125.*

3 *“(b) ADJUSTMENTS WHERE NECESSITATED BY AP-*  
4 *PROPRIATIONS.—*

5 *“(1) If the sums available under this part for*  
6 *any fiscal year are insufficient to pay the full*  
7 *amounts that all local educational agencies in States*  
8 *are eligible to receive under sections 1124, 1124A, and*  
9 *1125 for such year, the Secretary shall ratably reduce*  
10 *the allocations to such local educational agencies, sub-*  
11 *ject to subsections (c) and (d) of this section.*

12 *“(2) If additional funds become available for*  
13 *making payments under sections 1124, 1124A, and*  
14 *1125 for such fiscal year, allocations that were re-*  
15 *duced under paragraph (1) shall be increased on the*  
16 *same basis as they were reduced.*

17 *“(c) HOLD-HARMLESS AMOUNTS.—Notwithstanding*  
18 *subsection (b), the total amount made available to each local*  
19 *educational agency under each of sections 1124 and 1125*  
20 *for any fiscal year shall be at least 85 percent of the total*  
21 *amount such local educational agency was allocated under*  
22 *such sections (or, for fiscal year 1995, their predecessor au-*  
23 *thorities) for the preceding fiscal year.*

24 *“(d) DEFINITION.—For the purpose of this section and*  
25 *sections 1124 and 1125, the term State means each of the*

1 *50 States, the District of Columbia, and the Commonwealth*  
2 *of Puerto Rico.*

3 **“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**  
4 **CIES.**

5 “(a) *AMOUNT OF GRANTS.*—

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

8 “(A) *The grant which a local educational*  
9 *agency in a State is eligible to receive under this*  
10 *subpart for a fiscal year shall (except as pro-*  
11 *vided in section 1126), be determined by mul-*  
12 *tiplying the number of children counted under*  
13 *subsection (c) by 40 percent of the amount deter-*  
14 *mined under the next sentence. The amount de-*  
15 *termined under this sentence shall be the average*  
16 *per pupil expenditure in the State except that (i)*  
17 *if the average per pupil expenditure in the State*  
18 *is less than 80 percent of the average per pupil*  
19 *expenditure in the United States, such amount*  
20 *shall be 80 percent of the average per pupil ex-*  
21 *penditure in the United States, or (ii) if the av-*  
22 *erage per pupil expenditure in the State is more*  
23 *than 120 percent of the average per pupil ex-*  
24 *penditure in the United States, such amount*  
25 *shall be 120 percent of the average per pupil ex-*



1           *penditure in the United States. For each local*  
2           *educational agency serving an area with a total*  
3           *population of at least 20,000 persons, the grant*  
4           *under this section shall be the amount deter-*  
5           *mined by the Secretary. For local educational*  
6           *agencies serving areas with total population of*  
7           *fewer than 20,000 persons, the State education*  
8           *agency may either (I) distribute to such local*  
9           *educational agencies grants under this section*  
10          *equal to the amounts determined by the Sec-*  
11          *retary; or (II) use an alternative method, ap-*  
12          *proved by the Secretary, to distribute the share*  
13          *of the State's total grants under this section that*  
14          *is based on local educational agencies with total*  
15          *populations of fewer than 20,000 persons. Such*  
16          *an alternative method of distributing grants*  
17          *under this section among a State's local edu-*  
18          *cational agencies serving areas with total popu-*  
19          *lations of fewer than 20,000 persons shall be*  
20          *based upon population data that the State edu-*  
21          *cation agency determines best reflect the current*  
22          *distribution of children in poor families among*  
23          *the State's local educational agencies serving*  
24          *areas with total populations of fewer than 20,000*  
25          *persons. If a local educational agency serving an*

1           *area with total population of less than 20,000*  
2           *persons is dissatisfied with the determination of*  
3           *its grant by the State education agency, then it*  
4           *may appeal this determination to the Secretary.*  
5           *The Secretary must respond to this appeal with-*  
6           *in 45 days of receipt. The Secretary shall consult*  
7           *with the Secretary of Commerce regarding*  
8           *whether available data on population for local*  
9           *educational agencies serving areas with total*  
10          *populations of fewer than 20,000 persons are suf-*  
11          *ficiently reliable to be used to determine final*  
12          *grants to such areas.*

13                 *“(B) If, and only if, there are portions of*  
14                 *any of the States for which the Department of*  
15                 *Commerce has not prepared data on the number*  
16                 *of children, aged 5–17, from families below the*  
17                 *poverty level for local educational agencies, then*  
18                 *the Secretary shall use such data compiled for*  
19                 *counties in those portions of the States, treating*  
20                 *the counties as if they were local educational*  
21                 *agencies. In such cases, subject to section 1126,*  
22                 *the grant for any local educational agency in*  
23                 *such an area of a State shall be determined on*  
24                 *the basis of the aggregate amount of such grants*  
25                 *for all such agencies in the county or counties in*

1        *which the school district of the particular agency*  
2        *is located, which aggregate amount shall be equal*  
3        *to the aggregate amount determined under sub-*  
4        *paragraph (A) for such county or counties, and*  
5        *shall be allocated among those agencies upon*  
6        *such equitable basis as may be determined by the*  
7        *State educational agency in accordance with*  
8        *basic criteria prescribed by the Secretary.*

9            *“(C) For each fiscal year, the Secretary*  
10        *shall determine the percentage which the average*  
11        *per pupil expenditure in the Commonwealth of*  
12        *Puerto Rico is of the lowest average per pupil ex-*  
13        *penditure of any of the 50 States. The grant*  
14        *which the Commonwealth of Puerto Rico shall be*  
15        *eligible to receive under this subpart for a fiscal*  
16        *year shall be the amount arrived at by multiply-*  
17        *ing the number of children counted under sub-*  
18        *section (c) for the Commonwealth of Puerto Rico*  
19        *by the product of—*

20            *“(i) the percentage determined under*  
21            *the preceding sentence; and*

22            *“(ii) 32 percent of the average per*  
23            *pupil expenditure in the United States.*

24            *“(2) DEFINITION.—For purposes of this sub-*  
25        *section, the term ‘State’ does not include Guam,*

1       *American Samoa, the Virgin Islands, the Northern*  
2       *Mariana Islands, and Palau.*

3       “(b) *MINIMUM NUMBER OF CHILDREN TO QUALIFY.*—  
4       *A local educational agency shall be eligible for a basic grant*  
5       *for a fiscal year under this subpart only if the number of*  
6       *children counted under subsection (c) in the school district*  
7       *of such local educational agency is at least 10.*

8       “(c) *CHILDREN TO BE COUNTED.*—

9               “(1) *CATEGORIES OF CHILDREN.*—*The number*  
10       *of children to be counted for purposes of this section*  
11       *is the aggregate of—*

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

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

20                       “(C) *the number of children aged 5 to 17,*  
21                       *inclusive, in the school district of such agency in*  
22                       *institutions for neglected and delinquent children*  
23                       *(other than such institutions operated by the*  
24                       *United States) or attending community day pro-*  
25                       *grams for such children, but not counted pursu-*

1           *ant to subpart 3 of part D for the purposes of*  
2           *a grant to a State agency, or being supported in*  
3           *foster homes with public funds.*

4           “(2) *DETERMINATION OF NUMBER OF CHIL-*  
5           *DREN.—*

6                     “(A) *For the purposes of this section, the*  
7           *Secretary shall determine the number of children*  
8           *aged 5 to 17, inclusive, from families below the*  
9           *poverty level on the basis of the most recent satis-*  
10          *factory data available from the Department of*  
11          *Commerce for local educational agencies (as pro-*  
12          *duced and published under section 181a of title*  
13          *13, United States Code). If, and only if, there*  
14          *are portions of any of the States for which the*  
15          *Department of Commerce has not prepared data*  
16          *on the number of children, aged 5–17, from fam-*  
17          *ilies below the poverty level for local educational*  
18          *agencies, then the Secretary shall use such data*  
19          *compiled for counties in those portions of the*  
20          *States, treating the counties as if they were local*  
21          *educational agencies. The District of Columbia*  
22          *and the Commonwealth of Puerto Rico shall be*  
23          *treated as individual local educational agencies.*  
24          *If a local educational agency contains two or*  
25          *more counties in their entirety, then each county*

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

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

1           *children from families receiving an annual in-*  
2           *come, in excess of the current criteria of poverty,*  
3           *from payments under the program of aid to fam-*  
4           *ilies with dependent children under a State plan*  
5           *approved under title IV of the Social Security*  
6           *Act; and in making such determinations the Sec-*  
7           *retary shall utilize the criteria of poverty used*  
8           *by the Bureau of the Census in compiling the*  
9           *most recent decennial census for a family of 4 in*  
10          *such form as those criteria have been updated by*  
11          *increases in the Consumer Price Index for all*  
12          *urban consumers, published by the Bureau of*  
13          *Labor Statistics. The Secretary shall determine*  
14          *the number of such children and the number of*  
15          *children of such ages living in institutions for*  
16          *neglected or delinquent children, or being sup-*  
17          *ported in foster homes with public funds, on the*  
18          *basis of the caseload data for the month of Octo-*  
19          *ber of the preceding fiscal year (using, in the*  
20          *case of children described in the preceding sen-*  
21          *tence, the criteria of poverty and the form of*  
22          *such criteria required by such sentence which*  
23          *were determined for the calendar year preceding*  
24          *such 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 basis*  
3           *of the most recent reliable data available to the*  
4           *Secretary at the time of such determination. The*  
5           *Secretary of Health and Human Services shall*  
6           *collect and transmit the information required by*  
7           *this subparagraph to the Secretary not later*  
8           *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 such*  
12          *ages who are from families below the poverty*  
13          *level (as determined under subparagraph (A) of*  
14          *this paragraph) in each school district, and the*  
15          *Secretary is authorized to pay (either in advance*  
16          *or by way of reimbursement) the Secretary of*  
17          *Commerce the cost of making this special esti-*  
18          *mate. The Secretary of Commerce shall give con-*  
19          *sideration to any request of the chief executive of*  
20          *a State for the collection of additional census in-*  
21          *formation. For purposes of this section, the Sec-*  
22          *retary shall consider all children who are in cor-*  
23          *rectional institutions to be living in institutions*  
24          *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 applica-  
6 tion 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 **“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDU-**  
23 **CATIONAL AGENCIES.**

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

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

8                   “(i) *the number of children counted under*  
9 *section 1124(c) of this part in the local edu-*  
10 *cational agency for the preceding fiscal year ex-*  
11 *ceeds 6,500, or*

12                   “(ii) *the number of children counted under*  
13 *section 1124(c) exceeds 15 percent of the total*  
14 *number of children aged five to seventeen, inclu-*  
15 *sive, in the local educational agency in that fis-*  
16 *cal year.*

17           “(B) *Except as provided in subparagraph (C),*  
18 *no State described in subparagraph (A) shall receive*  
19 *less than—*

20                   “(i) *one-quarter of 1 percent of the sums ap-*  
21 *propriated under paragraph (6) of this section*  
22 *for such fiscal year; or*

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

1           “(C) No State shall, by reason of the application  
2 of the provisions of subparagraph (B)(i) of this para-  
3 graph, be allotted more than—

4                   “(i) 150 percent of the amount that the  
5 State received in the fiscal year preceding the  
6 fiscal year for which the determination is made,  
7 or

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

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

12                   “(i) the number of children in such State  
13 counted for purposes of this section in the fiscal  
14 year specified in subparagraph (B), multiplied  
15 by

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

19           “(2) For each local educational agency eligible to  
20 receive an additional grant under this section for any  
21 fiscal year the Secretary shall determine the product  
22 of—

23                   “(A) the greater of—

24                           “(i) the number of children in excess of  
25 6,500 counted under section 1124(c) for the

1           *preceding fiscal year, in a local educational*  
2           *agency which qualifies on the basis of sub-*  
3           *paragraph (A)(i) of paragraph (1); or*

4           *“(ii) the number of children counted*  
5           *under section 1124(c) for the preceding fis-*  
6           *cal year in a local educational agency*  
7           *which qualifies on the basis of subpara-*  
8           *graph (A)(ii) of paragraph (1); and*

9           *“(B) the quotient resulting from the divi-*  
10          *sion of the amount determined for those agencies*  
11          *under section 1124(a)(1) for the fiscal year for*  
12          *which the determination is being made divided*  
13          *by the total number of children counted under*  
14          *section 1124(c) for that agency for the preceding*  
15          *fiscal year.*

16          *“(3) The amount of the additional grant to*  
17          *which an eligible local educational agency is entitled*  
18          *under this section for any fiscal year shall be an*  
19          *amount which bears the same ratio to the amount re-*  
20          *served under paragraph (6) for that fiscal year as the*  
21          *product determined under paragraph (2) for such*  
22          *local educational agency for that fiscal year bears to*  
23          *the sum of such products for all local educational*  
24          *agencies in the United States for that fiscal year.*

1           “(4) For the purposes of this section, the Sec-  
2           retary shall determine the number of children counted  
3           under section 1124(c) for any local educational agen-  
4           cy, and the total number of children aged five to sev-  
5           enteen, inclusive, in local educational agencies, on the  
6           basis of the most recent satisfactory data available at  
7           the time the payment for such local educational agen-  
8           cy is determined under section 1124.

9           “(5)(A) For each local educational agency serv-  
10          ing an area with a total population of at least 20,000  
11          persons, the grant under this section shall be the  
12          amount determined by the Secretary. For local edu-  
13          cational agencies serving areas with total populations  
14          of fewer than 20,000 persons, the State education  
15          agency may either (i) distribute to such local edu-  
16          cational agencies grants under this section equal to  
17          the amounts determined by the Secretary; or (ii) use  
18          an alternative method, approved by the Secretary, to  
19          distribute the share of the State’s total grants under  
20          this section that is based on local educational agencies  
21          with total populations of fewer than 20,000 persons.  
22          Such an alternative method of distributing grants  
23          under this section among a State’s local educational  
24          agencies serving areas with total populations of fewer  
25          than 20,000 persons shall be based upon population

1       *data that the State education agency determines best*  
2       *reflects the current distribution of children in poor*  
3       *families among the State’s local educational agencies*  
4       *serving areas with total populations of fewer than*  
5       *20,000 persons and meeting the eligibility criteria of*  
6       *paragraph (1)(A). If a local educational agency serv-*  
7       *ing an area with total population of less than 20,000*  
8       *persons is dissatisfied with the determination of its*  
9       *grant by the State education agency, then it may ap-*  
10       *peal this determination to the Secretary. The Sec-*  
11       *retary must respond to this appeal within 45 days of*  
12       *receipt. The Secretary shall consult with the Secretary*  
13       *of Commerce regarding whether available data on*  
14       *population for local educational agencies serving*  
15       *areas with total populations of fewer than 20,000 per-*  
16       *sons are sufficiently reliable to be used to determine*  
17       *final grants to such areas meeting the eligibility cri-*  
18       *teria of paragraph (1)(A).*

19                *“(B) If, and only if, there are portions of any*  
20       *of the States for which the Department of Commerce*  
21       *has not prepared data on the number of children,*  
22       *aged 5–17, from families below the poverty level for*  
23       *local educational agencies, then the Secretary shall*  
24       *use such data compiled for counties in those portions*  
25       *of the States, treating the counties as if they were*

1        *local educational agencies. In such cases, subject to*  
2        *section 1126, the grant for any local educational*  
3        *agency in such an area of a State shall be determined*  
4        *on the basis of the aggregate amount of such grants*  
5        *for all such agencies in the county or counties in*  
6        *which the school district of the particular agency is*  
7        *located, which aggregate amount shall be equal to the*  
8        *aggregate amount determined under subparagraph*  
9        *(A) for such county or counties, and shall be allocated*  
10       *among those agencies upon such equitable basis as*  
11       *may be determined by the State educational agency*  
12       *in accordance with the basic criteria prescribed by the*  
13       *Secretary.*

14       *“(b) RESERVATION OF FUNDS.—Of the total amount*  
15       *of funds available for sections 1124 and 1124A, 10 percent*  
16       *of the amount appropriated for that fiscal year shall be*  
17       *available to carry out this section.*

18       *“(c) RATABLE REDUCTION RULE.—If the sums avail-*  
19       *able under subsection (b) for any fiscal year for making*  
20       *payments under this section are not sufficient to pay in*  
21       *full the total amounts which all States are entitled to receive*  
22       *under subsection (a) for such fiscal year, the maximum*  
23       *amounts which all States are entitled to receive under sub-*  
24       *section (a) for such fiscal year shall be ratably reduced. In*  
25       *case additional funds become available for making such*

1 *payments for any fiscal year during which the preceding*  
2 *sentence is applicable, such reduced amounts shall be in-*  
3 *creased on the same basis as they were reduced.*

4 ***“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL***  
5 ***AGENCIES.***

6 *“(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGEN-*  
7 *CIES.—A local educational agency in a State is eligible to*  
8 *receive a targeted grant under this section for any fiscal*  
9 *year if the number of children in the local educational agen-*  
10 *cy under subsection 1124(c), before application of the*  
11 *weighting factor, is at least 10.*

12 *“(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES,*  
13 *THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—(1) The*  
14 *amount of the grant that a local educational agency in a*  
15 *State or that the District of Columbia is eligible to receive*  
16 *under this section for any fiscal year shall be the product*  
17 *of—*

18 *“(A) the number of children counted under sub-*  
19 *section (c); and*

20 *“(B) the amount in the second sentence of sub-*  
21 *paragraph 1124(a)(1)(A).*

22 *“(2) For each fiscal year, the amount of the grant for*  
23 *which the Commonwealth of Puerto Rico is eligible under*  
24 *this section shall be equal to the number of children counted*



1 *under subsection (c) for Puerto Rico, multiplied by the*  
2 *amount determined in subparagraph 1124(a)(1)(C).*

3 *“(c) CHILDREN TO BE COUNTED.—*

4 *“(1) CATEGORIES OF CHILDREN.—The number*  
5 *of children to be counted for purposes of this section*  
6 *shall be the number counted in subsection 1124(c)*  
7 *multiplied by the weighting factor for the local edu-*  
8 *cational agency. The weighting factor shall be estab-*  
9 *lished on the basis of the percentage that the number*  
10 *of children counted under section 1124(c) represents*  
11 *of the total population aged 5–17 years in the local*  
12 *educational agency or the number of such children.*  
13 *Weighted pupil counts will be calculated based upon*  
14 *both percentage and number and the larger of the two*  
15 *counts will be used in calculating grants for each*  
16 *local educational agency. Weighting factors shall be*  
17 *assigned according to the following scale: if the per-*  
18 *centage is greater than 0 but less than 14.265, the*  
19 *weighting factor shall be 1.00 for all children counted*  
20 *in section 1124(c); if the percentage is greater than*  
21 *14.265 but less than 21.553, the weighting factor shall*  
22 *be 1.00 for a number of children counted in section*  
23 *1124(c) equal to 14.265 percent of the total school age*  
24 *population and 1.50 for children counted under sec-*  
25 *tion 1124(c) in excess of 14.265 percent of the total*

1 *school age population; if the percentage is greater*  
2 *than 21.553 percent but less than 29.223 percent, then*  
3 *the weighting factor shall be 1.00 for a number of*  
4 *children counted in section 1124(c) equal to 14.265*  
5 *percent of the total school age population, 1.50 for a*  
6 *number of children counted under section 1124(c)*  
7 *equal to 7.288 percent of the total school age popu-*  
8 *lation, and 2.00 for children counted under section*  
9 *1124(c) in excess of 21.553 percent of the total school*  
10 *age population; if the percentage is greater than*  
11 *29.223 percent but less than 36.538 percent, then the*  
12 *weighting factor shall be 1.00 for a number of chil-*  
13 *dren counted in section 1124(c) equal to 14.265 per-*  
14 *cent of the total school age population, 1.50 for a*  
15 *number of children counted under section 1124(c)*  
16 *equal to 7.288 percent of the total school age popu-*  
17 *lation, 2.00 for a number of children counted under*  
18 *section 1124(c) equal to 7.67 percent of the total*  
19 *school age population, and 2.50 for children counted*  
20 *under section 1124(c) in excess of 29.223 percent of*  
21 *the total school age population; and if the percentage*  
22 *is greater than 36.538, then the weighting factor shall*  
23 *be 1.00 for a number of children counted in section*  
24 *1124(c) equal to 14.265 percent of the total school age*  
25 *population, 1.50 for a number of children counted*

1     *under section 1124(c) equal to 7.288 percent of the*  
2     *total school age population, 2.00 for a number of chil-*  
3     *dren counted under section 1124(c) equal to 7.67 per-*  
4     *cent of the total school age population, 2.50 for a*  
5     *number of children counted in section 1124(c) equal*  
6     *to 7.315 percent of the total school age population,*  
7     *and 3.00 for children counted in section 1124(c) in*  
8     *excess of 36.538 percent of the total school age popu-*  
9     *lation. Separately, if the number of children counted*  
10    *under section 1124(c) is greater than 0 but less than*  
11    *575, the weighting factor shall be 1.00 for all children*  
12    *counted in section 1124(c); if the number is greater*  
13    *than 575 but less than 1,870, the weighting factor*  
14    *shall be 1.00 for a number of children counted in sec-*  
15    *tion 1124(c) equal to 575, and 1.50 for children*  
16    *counted under section 1124(c) in excess of 575; if the*  
17    *number is greater than 1,870 but less than 6,910,*  
18    *then the weighting factor shall be 1.00 for a number*  
19    *of children counted in section 1124(c) equal to 575,*  
20    *1.50 for a number of children counted under section*  
21    *1124(c) equal to 1,295, and 2.00 for children counted*  
22    *under section 1124(c) in excess of 1,870; if the num-*  
23    *ber is greater than 6,910 but less than 42,000 then the*  
24    *weighting factor shall be 1.00 for a number of chil-*  
25    *dren counted in section 1124(c) equal to 575, 1.50 for*

1     *a number of children counted under section 1124(c)*  
2     *equal to 1,295, 2.00 for a number of children counted*  
3     *under section 1124(c) equal to 5,040, and 2.50 for*  
4     *children counted under section 1124(c) in excess of*  
5     *6,910; and if the number is greater than 42,000, then*  
6     *the weighting factor shall be 1.00 for a number of*  
7     *children counted in section 1124(c) equal to 575, 1.50*  
8     *for a number of children counted under section*  
9     *1124(c) equal to 1,295, 2.00 for a number of children*  
10    *counted under section 1124(c) equal to 5,040, 2.50 for*  
11    *a number of children counted in section 1124(c) equal*  
12    *to 35,090 and 3.00 for children counted in section*  
13    *1124(c) in excess of 42,000. For the Commonwealth of*  
14    *Puerto Rico, the weighting factor shall be no greater*  
15    *than 1.62.*

16    “(d) *LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—*  
17    *For each local educational agency serving an area with a*  
18    *total population of at least 20,000 persons, the grant under*  
19    *this section shall be the amount determined by the Sec-*  
20    *retary. For local educational agencies serving areas with*  
21    *total populations of fewer than 20,000 persons, the State*  
22    *education agency may either (1) distribute to such local*  
23    *educational agencies grants under this section equal to the*  
24    *amounts determined by the Secretary; or (2) use an alter-*  
25    *native method, approved by the Secretary, to distribute the*

1 *share of the State's total grants under this section that is*  
2 *based on local educational agencies with total populations*  
3 *of fewer than 20,000 persons. Such an alternative method*  
4 *of distributing grants under this section among a State's*  
5 *local educational agencies serving areas with total popu-*  
6 *lations of fewer than 20,000 persons shall be based upon*  
7 *population data that the State education agency determines*  
8 *best reflects the current distribution of children in poor fam-*  
9 *ilies among the State's local educational agencies serving*  
10 *areas with total populations of fewer than 20,000 persons.*  
11 *If a local educational agency serving an area with total*  
12 *populations of less than 20,000 persons is dissatisfied with*  
13 *the determination of its grant by the State education agen-*  
14 *cy, then it may appeal this determination to the Secretary.*  
15 *The Secretary must respond to this appeal within 45 days*  
16 *of receipt. If, and only if, there are portions of any of the*  
17 *States for which the Department of Commerce has not pre-*  
18 *pared data on the number of children, aged 5–17, from fam-*  
19 *ilies below the poverty level for local educational agencies,*  
20 *then the Secretary shall use such data compiled for counties*  
21 *in those portions of the States, treating the counties as if*  
22 *they were local educational agencies. The Secretary shall*  
23 *consult with the Secretary of Commerce regarding whether*  
24 *available data on population for local educational agencies*  
25 *serving areas with total populations of fewer than 20,000*

1 *persons are sufficiently reliable to be used to determine final*  
2 *grants to such areas.*

3       “(e) *STATE MINIMUM.*—*Notwithstanding any other*  
4 *provision of this section, from the total amount available*  
5 *for any fiscal year to carry out this section, each State shall*  
6 *be allotted at least the lesser of—*

7               “(1) *one quarter of one percent of such amount;*

8               “(2) *150 percent of the national average grant*  
9 *under this section per child described in section*  
10 *1124(c), without application of a weighting factor,*  
11 *multiplied by the State’s total number of children de-*  
12 *scribed in section 1124(c), without application of a*  
13 *weighting factor.*

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

15       “(a) *ALLOCATIONS FOR NEGLECTED OR DELINQUENT*  
16 *CHILDREN.*—(1) *If a State educational agency determines*  
17 *that a local educational agency in the State is unable or*  
18 *unwilling to provide for the special educational needs of*  
19 *children who are living in institutions for neglected or de-*  
20 *linquent children as described in subparagraph*  
21 *1124(c)(1)(C), the State educational agency shall, if it as-*  
22 *sumes responsibility for the special educational needs of*  
23 *such children, receive the portion of such local educational*  
24 *agency’s allocation under sections 1124, 1124A, and 1125*  
25 *that is attributable to such children.*

1       “(2) *If the State educational agency does not assume*  
2 *such responsibility, any other State or local public agency*  
3 *that does assume such responsibility shall receive that por-*  
4 *tion of the local educational agency’s allocation.*

5       “(b) *ALLOCATIONS AMONG LOCAL EDUCATIONAL*  
6 *AGENCIES.—The State educational agency may allocate the*  
7 *amounts of grants under sections 1124, 1124A, and 1125*  
8 *between and among the affected local educational agencies*  
9 *when—*

10           “(1) *two or more local educational agencies*  
11 *serve, in whole or in part, the same geographical*  
12 *area; or*

13           “(2) *a local educational agency provides free*  
14 *public education for children who reside in the school*  
15 *district of another local educational agency.*

16       “(c) *REALLOCATION.—If a State educational agency*  
17 *determines that the amount of a grant a local educational*  
18 *agency would receive under sections 1124, 1124A, and 1125*  
19 *is more than such local agency will use, the State edu-*  
20 *cational agency shall make the excess amount available to*  
21 *other local educational agencies in the State that need addi-*  
22 *tional funds in accordance with criteria established by the*  
23 *State educational agency.*





1 *portunities of the Nation's low-income families by integrat-*  
2 *ing early childhood education, adult literacy or adult basic*  
3 *education, and parenting education into a unified family*  
4 *literacy program, to be referred to as 'Even Start', that is*  
5 *implemented through cooperative projects that build on ex-*  
6 *isting community resources to create a new range of serv-*  
7 *ices, that promotes achievement of the National Education*  
8 *Goals, and that assists children and adults from low-income*  
9 *families to achieve challenging State standards.*

10 ***"SEC. 1202. PROGRAM AUTHORIZED.***

11 *“(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLY-*  
12 *ING AREAS, INDIAN TRIBES, AND OTHER PURPOSES.—(1)*  
13 *In each fiscal year, the Secretary shall reserve not less than*  
14 *5 percent of the amount appropriated under section 1002(b)*  
15 *of this title for programs, under such terms and conditions*  
16 *as the Secretary shall establish, that are consistent with the*  
17 *purpose of this part, and according to their relative needs,*  
18 *for—*

19 *“(A) children of migratory workers;*

20 *“(B) the outlying areas;*

21 *“(C) Indian tribes and tribal organizations; and*

22 *“(2) If the amount of funds made available under sub-*  
23 *section (a) exceeds \$4,600,000, the Secretary shall make a*  
24 *grant of sufficient size and for a period of sufficient dura-*  
25 *tion to demonstrate the effectiveness of a family literacy*

1 *program in a prison that houses women and their preschool*  
2 *age children and that has the capability of developing a*  
3 *program of high quality.*

4       “(b) *RESERVATION FOR FEDERAL ACTIVITIES.*—From  
5 *amounts appropriated under section 1002(b), the Secretary*  
6 *may reserve not more than three percent of such amounts*  
7 *or the amount reserved for such purposes in the fiscal year*  
8 *1994, whichever is greater, for purposes of—*

9               “(1) *carrying out the evaluation required by sec-*  
10 *tion 1209; and*

11               “(2) *providing, through grants or contracts, tech-*  
12 *nical assistance, program improvement, and replica-*  
13 *tion activities through eligible organizations.*

14       “(c) *STATE ALLOCATION.*—(1) *After reserving funds*  
15 *under subsections (a) and (b), the Secretary shall allocate*  
16 *the remaining funds appropriated for this part to States,*  
17 *to be used in accordance with section 1203.*

18               “(2) *Except as provided in paragraph (3), from the*  
19 *total amount available for allocation to States in any fiscal*  
20 *year, each State shall be eligible to receive a grant under*  
21 *paragraph (1) in an amount that bears the same ratio to*  
22 *such total amount as the amount allocated to such State*  
23 *under section 1122 of this title bears to the total amount*  
24 *allocated under that section to all the States.*

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

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

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

6                       “(A) a local educational agency; and

7                       “(B) a nonprofit community-based organi-  
8 zation, public agency, institution of higher edu-  
9 cation, or other public or private nonprofit orga-  
10 nization of demonstrated quality;

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

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

18               “(4) the term ‘eligible organization’ means any  
19 public or private nonprofit organization with a  
20 record of providing effective services to family literacy  
21 providers, such as the National Center for Family  
22 Literacy, Parents as Teachers, Inc., and the Home  
23 Instruction Program for Preschool Youngsters.

1 **“SEC. 1203. STATE PROGRAMS.**

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

5               “(1) *administrative costs; and*

6               “(2) *the provision, through one or more*  
7 *subgrants or contracts, of access to technical assist-*  
8 *ance for program improvement and replication to eli-*  
9 *gible entities that receive subgrants under subsection*  
10 *(b).*

11       “(b) *SUBGRANTS FOR LOCAL PROGRAMS.*—(1) *Each*  
12 *State shall use the remainder of its grant to make subgrants*  
13 *to eligible entities to carry out Even Start programs.*

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

16 **“SEC. 1204. USES OF FUNDS.**

17       “(a) *IN GENERAL.*—*In carrying out an Even Start*  
18 *program under this part, a recipient of funds under this*  
19 *part shall use such funds to pay the Federal share of the*  
20 *cost of providing family-centered education programs that*  
21 *involve parents and children, from birth through age 7, in*  
22 *a cooperative effort to help parents become full partners in*  
23 *the education of their children and to assist children in*  
24 *reaching their full potential as learners.*

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

4               “(i) *90 percent of the total cost of the program*  
5 *in the first year that that program receives assistance*  
6 *under this part or its predecessor authority;*

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

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

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

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

11       “(B) *The remaining cost of a program under this part*  
12 *may be provided in cash or in kind, fairly evaluated, and*  
13 *may be obtained from any source other than funds received*  
14 *under this title.*

15       “(2) *The State educational agency may waive, in*  
16 *whole or in part, the cost-sharing requirement of paragraph*  
17 *(1) if an eligible entity—*

18               “(A) *demonstrates that it otherwise would not be*  
19 *able to participate in the program under this part;*  
20 *and*

21               “(B) *negotiates an agreement with the State edu-*  
22 *cational agency with respect to the amount of the re-*  
23 *maining cost to which the waiver would be applica-*  
24 *ble.*

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

7       **“SEC. 1205 PROGRAM ELEMENTS.**

8       “Each Even Start program assisted under this part  
9 shall—

10           “(1) include the identification and recruitment  
11 of families most in need of services provided under  
12 this part, as indicated by a low level of income, a low  
13 level of adult literacy or English language proficiency  
14 of the eligible parent or parents, and other need-relat-  
15 ed indicators;

16           “(2) include screening and preparation of par-  
17 ents and children to enable them to participate fully  
18 in the activities and services provided under this  
19 part, including testing, referral to necessary counsel-  
20 ling, other developmental and support services, and  
21 related services;

22           “(3) be designed to accommodate the partici-  
23 pants’ work schedule and other responsibilities, in-  
24 cluding the provision of support services, when un-

1     *available from other sources, necessary for participa-*  
2     *tion, such as—*

3             *“(A) scheduling and locating of services to*  
4             *allow joint participation by parents and chil-*  
5             *dren;*

6             *“(B) child care for the period that parents*  
7             *are involved in the program provided under this*  
8             *part; and*

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

12            *“(4) include high-quality instructional programs*  
13            *that promote adult literacy, empower parents to sup-*  
14            *port the educational growth of their children, devel-*  
15            *opmentally appropriate early childhood educational*  
16            *services, and preparation of children for success in*  
17            *regular school programs;*

18            *“(5) include special training of staff, including*  
19            *child care staff, to develop the skills necessary to work*  
20            *with parents and young children in the full range of*  
21            *instructional services offered through this part;*

22            *“(6) provide and monitor integrated instruc-*  
23            *tional services to participating parents and children*  
24            *through home-based programs;*

1           “(7) operate on a year-round basis, including the  
2           provision of some program services, either instruc-  
3           tional or enrichment, or both, during the summer  
4           months;

5           “(8) be coordinated with—

6           “(A) programs assisted under other parts of  
7           this title and this Act;

8           “(B) any relevant programs under the  
9           Adult Education Act, the Individuals With Dis-  
10          abilities Education Act, and the Job Training  
11          Partnership Act; and

12          “(C) the Head Start program, volunteer lit-  
13          eracy programs, and other relevant programs;  
14          and

15          “(9) provide for an independent evaluation of  
16          the program.

17   **“SEC. 1206. ELIGIBLE PARTICIPANTS.**

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

20          “(1) a parent or parents—

21                  “(A) who are eligible for participation in  
22                  an adult basic education program under the  
23                  Adult Education Act; or

24                  “(B) who are within the State’s compulsory  
25                  school attendance age range, so long as a local



1           *educational agency provides (or ensures the*  
2           *availability of) the basic education component*  
3           *required under this part; and*

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

6           “(b) *ELIGIBILITY FOR CERTAIN OTHER PARTICI-*  
7           *PANTS.—(1) Family members other than those described in*  
8           *subsection (a) may participate in program activities and*  
9           *services, when deemed by the program to serve the purpose*  
10          *of this part.*

11          “(2) *Any family participating in a program under*  
12          *this part that becomes ineligible for such participation as*  
13          *a result of one or more members of the family becoming*  
14          *ineligible for such participation may continue to partici-*  
15          *pate in the program until all members of the family become*  
16          *ineligible for participation, which—*

17                 “(A) *in the case of a family in which ineligibil-*  
18                 *ity was due to the child or children of such family at-*  
19                 *taining the age of eight, shall be in two years or when*  
20                 *the parent or parents become ineligible due to edu-*  
21                 *cational advancement, whichever occurs first; and*

22                 “(B) *in the case of a family in which ineligibil-*  
23                 *ity was due to the educational advancement of the*  
24                 *parent or parents of such family, shall be when all*  
25                 *children in the family attain the age of eight.*

1 **“SEC. 1207. APPLICATIONS.**

2 “(a) *SUBMISSION.*—To be eligible to receive a subgrant  
3 under this part, an eligible entity shall submit an applica-  
4 tion to the State educational agency in such form and con-  
5 taining or accompanied by such information as the State  
6 educational agency shall require.

7 “(b) *REQUIRED DOCUMENTATION.*—Each application  
8 shall include documentation, satisfactory to the State edu-  
9 cational agency, that the eligible entity has the qualified  
10 personnel needed—

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

13 “(2) to provide access to the special training nec-  
14 essary to prepare staff for the program, which may be  
15 offered by an eligible organization.

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

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

19 “(2) a description of the activities and services  
20 that will be provided under the program, including a  
21 description of how the program will incorporate the  
22 program elements required by section 1205;

23 “(3) a description of the population to be served  
24 and an estimate of the number of participants;

25 “(4) as appropriate, a description of the appli-  
26 cant’s collaborative efforts with institutions of higher

1     *education, community-based organizations, the State*  
2     *educational agency, private elementary schools, or*  
3     *other eligible organizations in carrying out the pro-*  
4     *gram for which assistance is sought;*

5             *“(5) a statement of the methods that will be*  
6     *used—*

7                     *“(A) to ensure that the programs will serve*  
8     *families most in need of the activities and serv-*  
9     *ices provided by this part;*

10                    *“(B) to provide services under this part to*  
11    *individuals with special needs, such as individ-*  
12    *uals with limited English proficiency and indi-*  
13    *viduals with disabilities; and*

14                    *“(C) to encourage participants to remain in*  
15    *the program for a time sufficient to meet the*  
16    *program’s purpose; and*

17             *“(6) a description of how the plan—*

18                    *“(A)(i) is consistent with and promotes the*  
19    *goals of the State and local plans, either ap-*  
20    *proved or being developed, under title III of the*  
21    *Goals 2000: Educate America Act; and*

22                    *“(ii) is consistent with the State and local*  
23    *plans under sections 1111 and 1112; or*

24                    *“(B) is consistent with the State and local*  
25    *plans under sections 1111 and 1112 is the State*

1           *does not have an approved plan under title III*  
2           *of the Goals 2000: Educate America Act and is*  
3           *not developing such a plan.*

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

7           **“SEC. 1208. AWARD OF SUBGRANTS.**

8           “(a) *SELECTION PROCESS.—(1) The State educational*  
9           *agency shall establish a review panel that will approve ap-*  
10          *plications that—*

11           “(A) *are most likely to be successful in meeting*  
12          *the purpose of this part, and in effectively implement-*  
13          *ing the program elements required under section*  
14          *1205;*

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

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

22           “(D) *demonstrate the greatest possible coopera-*  
23          *tion and coordination between a variety of relevant*  
24          *service providers in all phases of the program;*

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

3           “(F) demonstrate the applicant’s ability to pro-  
4 vide the additional funding required by section  
5 1204(b);

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

8           “(H) show the greatest promise for providing  
9 models that may be adopted by other local edu-  
10 cational agencies.

11          “(2) The State educational agency shall give priority  
12 for subgrants under this subsection to proposals that ei-  
13 ther—

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

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

18          “(b) REVIEW PANEL.—A review panel shall consist of  
19 at least three members, including one early childhood pro-  
20 fessional, one adult education professional, and one or more  
21 of the following individuals:

22           “(1) A representative of a parent-child education  
23 organization.

24           “(2) A representative of a community-based lit-  
25 eracy organization.

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

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

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

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

9           “(2) The State educational agency may provide a  
10          subgrantee, at the subgrantee’s request, a 3- to 6-month  
11          start-up period during the first year of the four-year period,  
12          which may include staff recruitment and training, and the  
13          coordination of services, before requiring full implementa-  
14          tion of the program.

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

20          “(B) The State educational agency may refuse to  
21          award a subgrant if such agency finds that sufficient  
22          progress has not been made toward meeting such objectives,  
23          but only after affording the applicant notice and an oppor-  
24          tunity for a hearing.

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

4       “(B) During the second project period, the Federal  
5 share of the subgrant shall not exceed 50 percent in any  
6 year.

7       **“SEC. 1209. EVALUATION.**

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

11               “(1) to determine the performance and effective-  
12 ness of programs; and

13               “(2) to identify effective Even Start projects that  
14 can be replicated and used in providing technical as-  
15 sistance to national, State, and local programs.

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

17       **“SEC. 1301. PROGRAM PURPOSE.**

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

19               “(1) support high-quality and comprehensive  
20 educational programs for migratory children to help  
21 reduce the educational disruptions and other problems  
22 that result from repeated moves;

23               “(2) ensure that migratory children are provided  
24 with appropriate educational services (including sup-

1     *portive services) that address their special needs in a*  
2     *coordinated and efficient manner;*

3             *“(3) ensure that migratory children have the op-*  
4     *portunity to meet the same challenging performance*  
5     *standards that all children are expected to meet;*

6             *“(4) design programs to help migratory children*  
7     *overcome educational disruption, cultural and lan-*  
8     *guage barriers, social isolation, various health-related*  
9     *problems, and other factors that inhibit their ability*  
10    *to do well in school, and to prepare these children to*  
11    *make a successful transition to postsecondary edu-*  
12    *cation or employment; and*

13            *“(5) ensure that migratory children benefit from*  
14    *State and local systemic reforms.*

15    **“SEC. 1302. PROGRAM AUTHORIZED.**

16            *“In order to carry out the purpose of this part, the*  
17    *Secretary shall make grants to State educational agencies,*  
18    *or combinations of such agencies, to establish or improve,*  
19    *directly or through local operating agencies, programs of*  
20    *education for migratory children in accordance with this*  
21    *part.*

22    **“SEC. 1303. STATE ALLOCATIONS.**

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



1           “(1) the sum of the estimated number of migra-  
2           tory children aged three through 21 who reside in the  
3           State full time and the full-time equivalent of the esti-  
4           mated number of migratory children aged three  
5           through 21 who reside in the State part time, as de-  
6           termined in accordance with subsection (e); multi-  
7           plied by

8           “(2) 40 percent of the average per-pupil expendi-  
9           ture in the State, except that the amount determined  
10          under this paragraph shall not be less than 32 per-  
11          cent, or more than 48 percent, of the average expendi-  
12          ture per pupil in the United States.

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

16                 “(1) the number of migratory children in Puerto  
17                 Rico, determined under subsection (a)(1); multiplied  
18                 by

19                 “(2) the product of—

20                         “(A) the percentage that the average expend-  
21                         iture per pupil in Puerto Rico is of the lowest  
22                         average per-pupil expenditure of any of the 50  
23                         States; and

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

1       “(c) *RATABLE REDUCTIONS; REALLOCATIONS.*—(1)(A)  
2 *If, after the Secretary reserves funds under section 1308(c),*  
3 *the amount appropriated to carry out this part for any fis-*  
4 *cal year is insufficient to pay in full the amounts for which*  
5 *all States are eligible, the Secretary shall ratably reduce*  
6 *each such amount.*

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

11       “(2)(A) *The Secretary shall further reduce the amount*  
12 *of any grant to a State under this part for any fiscal year*  
13 *if the Secretary determines, based on available information*  
14 *on the numbers and needs of migratory children in the*  
15 *State and the program proposed by the State to address*  
16 *such needs, that such amount exceeds the amount required*  
17 *under section 1304.*

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

23       “(d) *CONSORTIUM ARRANGEMENTS.*—(1) *In the case*  
24 *of a State that receives a grant of \$1,000,000 or less under*  
25 *this section, the Secretary shall consult with the State edu-*

1 *cational agency to determine whether consortium arrange-*  
2 *ments with another State or other appropriate entity would*  
3 *result in delivery of services in a more effective and efficient*  
4 *manner.*

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

7       “(3) The Secretary shall approve a consortium ar-  
8 *rangement under paragraph (1) or (2) if the proposal dem-*  
9 *onstrates that the arrangement will—*

10           “(A) *reduce administrative costs or program*  
11 *function costs for State programs; and*

12           “(B) *make more funds available for direct serv-*  
13 *ices to add substantially to the welfare or educational*  
14 *attainment of children to be served under this part.*

15       “(e) *DETERMINING NUMBERS OF ELIGIBLE CHIL-*  
16 *DREN.—In order to determine the estimated number of mi-*  
17 *gratory children residing in each State for purposes of this*  
18 *section, the Secretary shall—*

19           “(1) *use such information as the Secretary finds*  
20 *most accurately reflects the actual number of migra-*  
21 *tory children;*

22           “(2) *as soon as feasible develop and implement*  
23 *a procedure for more accurately reflecting cost factors*  
24 *for different types of summer program designs which*  
25 *will be used to adjust the estimated number of chil-*

1        *dren who reside in a State in order to reflect the*  
2        *number of migratory children who are served in sum-*  
3        *mer programs (which may include intersession pro-*  
4        *grams) in the State and the additional costs of oper-*  
5        *ating such programs; and*

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

9        **“SEC. 1304. STATE APPLICATIONS; SERVICES.**

10                *“(a) APPLICATION REQUIRED.—Any State wishing to*  
11        *receive a grant under this part for any fiscal year shall*  
12        *submit an application to the Secretary at such time and*  
13        *in such manner as the Secretary may require.*

14                *“(b) PROGRAM INFORMATION.—Each such application*  
15        *shall include—*

16                        *“(1) a description of how, in planning, imple-*  
17        *menting, and evaluating programs and projects under*  
18        *this part, the State and its operating agencies will*  
19        *ensure that the special educational needs of migratory*  
20        *children are identified and addressed through a com-*  
21        *prehensive plan for needs assessment and service de-*  
22        *livery that meets the requirements of section 1306, in-*  
23        *cluding, when feasible, recording the migratory status*  
24        *of such children and their average daily attendance*  
25        *on State student collection data;*

1           “(2) a description of the steps the State is taking  
2           to provide migratory students with the opportunity to  
3           meet the same challenging performance standards that  
4           all children are expected to meet;

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

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

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

22          “(6) such budgetary and other information as  
23          the Secretary may require.

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

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

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

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

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

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

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

1           “(5) the effectiveness of such programs and  
2 projects will be determined, where feasible, using the  
3 same approaches and standards that will be used to  
4 assess the performance of students, schools, and local  
5 educational agencies under part A of this title; and

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

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

16          “(e) *CONTINUATION OF SERVICES.*—Notwithstanding  
17 any other provision of this part—

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

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

1           “(3) secondary school students who were eligible  
2           for services in secondary school may continue to be  
3           served through credit accrual programs until gradua-  
4           tion.

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

6           “(a) *SECRETARIAL APPROVAL.*—The Secretary shall  
7           approve each State application that meets the requirements  
8           of this part.

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

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

15          “(a) *COMPREHENSIVE PLAN.*—Each State that re-  
16          ceives a grant under this part shall ensure that the State  
17          and its local operating agencies identify and address the  
18          special educational needs of migratory children in accord-  
19          ance with a comprehensive State plan that—

20                 “(1)(A) is integrated with the State’s plan, either  
21                 approved or being developed, under title III of the  
22                 Goals 2000: Educate America Act and satisfies the re-  
23                 quirements of this section that are not already ad-  
24                 dressed by such State plan; and



1           “(B) is integrated with other State plans, if any,  
2           under the School-To-Work Opportunities Act of 1993  
3           and the Carl D. Perkins Vocational and Applied  
4           Technology Act to the extent that such plans have not  
5           already been incorporated in the State’s plan under  
6           title III of the Goals 2000: Educate America Act;

7           “(2) if the State does not have an approved plan  
8           under title III of the Goals 2000: Educate America  
9           Act and is not developing such a plan—

10           “(A) is integrated with other State plans,  
11           such as those under the School-To-Work Oppor-  
12           tunities Act of 1993 and the Carl D. Perkins Vo-  
13           cational and Applied Technology Act, where such  
14           plans exist; and

15           “(B) satisfies the requirements of this sec-  
16           tion;

17           “(3) may be submitted as a part of a consoli-  
18           dated application under section 9302;

19           “(4) provides that migratory children will have  
20           an opportunity to meet the same challenging perform-  
21           ance standards, set out in those plans, that all chil-  
22           dren are expected to meet;

23           “(5) specifies measurable program goals and  
24           outcomes;

1           “(6) encompasses the full range of services that  
2           are available for migratory children from appropriate  
3           local, State and Federal educational programs;

4           “(7) is the product of joint planning among such  
5           local, State, and Federal programs, including those  
6           under part A of this title, early childhood programs,  
7           and bilingual education programs under title VII of  
8           this Act;

9           “(8) provides for the integration of services  
10          available under this part with services provided by  
11          such other programs; and

12          “(9) to the extent feasible, provides for—

13                 “(A) advocacy and outreach activities for  
14                 migratory children and their families, including  
15                 informing them of, or helping them gain access  
16                 to, other education, health, nutrition, and social  
17                 services;

18                 “(B) professional development programs, in-  
19                 cluding mentoring, for teachers and other pro-  
20                 gram personnel;

21                 “(C) parent involvement programs (as de-  
22                 fined under section 1118) and, when feasible, the  
23                 establishment of instructional programs such as  
24                 use of the model developed under the Even Start  
25                 Family Literacy Programs that promote adult

1           *literacy and train parents to support the edu-*  
2           *cational growth of their children;*

3                   “(D) *the integration of communication and*  
4           *information technology into educational and re-*  
5           *lated programs; and*

6                   “(E) *programs to facilitate the transition of*  
7           *high school students to postsecondary education*  
8           *or employment.*

9 *A State may satisfy all or part of the requirements of this*  
10 *section by referencing applicable sections of its approved*  
11 *plan under title III of the Goals 2000: Educate America*  
12 *Act.*

13           “(b) *AUTHORIZED ACTIVITIES.—(1) In implementing*  
14 *the comprehensive plan described in subsection (a), each*  
15 *local operating agency shall have the flexibility to determine*  
16 *the activities to be provided with funds made available*  
17 *under this part, provided that—*

18                   “(A) *before funds provided under this part are*  
19           *used to provide services described in subparagraph*  
20           *(B), those funds shall be used to meet the identified*  
21           *needs of migratory children that—*

22                           “(i) *result from the effects of their migra-*  
23           *tory lifestyle, or are needed to permit migratory*  
24           *children to participate effectively in school; and*

1           “(ii) are not addressed by services provided  
2           under other programs, including part A of this  
3           title; and

4           “(B) all migratory children who are eligible to  
5           receive services under part A of this title shall receive  
6           such services with funds provided under this part or  
7           under part A of this title.

8           “(2) This subsection shall not apply to funds under  
9           this part that are used for schoolwide programs under sec-  
10          tion 1114 of this title.

11          **“SEC. 1307. BYPASS.**

12          “The Secretary may use all or part of any State’s allo-  
13          cation under this part to make arrangements with any pub-  
14          lic or private nonprofit agency to carry out the purpose  
15          of this part in such State if the Secretary determines that—

16                 “(1) the State is unable or unwilling to conduct  
17                 educational programs for migratory children;

18                 “(2) such arrangements would result in more ef-  
19                 ficient and economic administration of such pro-  
20                 grams; or

21                 “(3) such arrangements would add substantially  
22                 to the welfare or educational attainment of such  
23                 children.

1 **“SEC. 1308. COORDINATION OF MIGRANT EDUCATION AC-**  
2 **TIVITIES.**

3       “(a) *IMPROVEMENT OF COORDINATION.*—The Sec-  
4 *retary, in consultation with the States, may make grants*  
5 *to, or enter into contracts with, State educational agencies,*  
6 *local educational agencies, institutions of higher education,*  
7 *and other public and private nonprofit entities to improve*  
8 *the interstate and intrastate coordination among State and*  
9 *local educational agencies of their educational programs,*  
10 *including the establishment or improvement of programs for*  
11 *credit accrual and exchange, available to migratory stu-*  
12 *dents. Grants under this subpart may be made for up to*  
13 *5 years.*

14       “(b) *ASSISTANCE AND REPORTING.*—(1) *Within 60*  
15 *days of enactment, the Secretary shall convene a panel of*  
16 *Chief State School Officers and technical experts to assess*  
17 *alternative methods by which student records may be trans-*  
18 *ferred from one school to another. Within 150 days of hav-*  
19 *ing been convened, the panel shall make recommendations*  
20 *to the Secretary on how schools may adopt the most cost-*  
21 *effective means of exchanging of school records. The Sec-*  
22 *retary shall also develop the most cost-effective and accurate*  
23 *method of determining the number of students or full-time*  
24 *equivalent students in each State on a yearly basis. The*  
25 *Secretary shall report to the Committee on Education and*  
26 *Labor of the House of Representatives and the Committee*

1 *on Labor and Human Resources of the Senate the panel's*  
2 *findings and the Secretary's recommendations.*

3       “(2) *The Secretary may contract for services for pur-*  
4 *poses of this section.*

5       “(c) *AVAILABILITY OF FUNDS.—For the purpose of*  
6 *carrying out this section, the Secretary shall reserve up to*  
7 *\$6,000,000 from the amount appropriated under section*  
8 *1002(3) for each fiscal year to carry out this part.*

9       “(d) *COMPETITIVE GRANTS.—From the amounts made*  
10 *available for this section, the Secretary shall reserve not*  
11 *more than \$1,500,000 to award, on a competitive basis,*  
12 *grants in the amount of up to \$100,000 each to State edu-*  
13 *cational agencies with consortium agreements described*  
14 *under section 1303(d). Not less than 10 of such grants shall*  
15 *be awarded to States which receive allocations of less than*  
16 *\$1,000,000 if such States have approved agreements.*

17 **“SEC. 1309. DISTANCE LEARNING.**

18       “(a) *PROGRAM.—The Secretary may establish a dis-*  
19 *tance learning program to provide, through competitive*  
20 *grants, continuity in the education of migrant children*  
21 *using technology, interactive learning, computers, and auto-*  
22 *mated technology links achieved with modems and telephone*  
23 *networks.*

24       “(b) *FUNDS.—Not more than \$3,000,000 may be used*  
25 *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 mi-*  
14 *grant 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 months.

8   **“PART D—PREVENTION AND INTERVENTION**  
9           **SERVICES FOR DELINQUENT YOUTH AND**  
10          **YOUTH AT RISK OF DROPPING OUT**

11   **“SEC. 1401. FINDINGS; PURPOSE; PROGRAM AUTHORIZED.**

12           “(a) *FINDINGS.*—Congress finds the following:

13                   “(1) A large percentage of youth in the juvenile  
14                   justice system have poor academic achievement, are a  
15                   year or more behind grade level, and have dropped  
16                   out of school.

17                   “(2) There is a strong correlation between aca-  
18                   demic failure and involvement in delinquent activi-  
19                   ties.

20                   “(3) Preventing students from dropping out of  
21                   local schools and addressing the educational needs of  
22                   delinquent youth can help reduce the dropout rate  
23                   and involvement in delinquent activities at the same  
24                   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-pre-  
4           pared 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 returning  
21          from correctional facilities in order to keep them in  
22          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 chil-*  
3       *dren 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; and*

7             “(3) *to prevent at-risk youth from dropping out*  
8       *of school and to provide dropouts and youth returning*  
9       *from institutions with a support system to ensure*  
10       *their continued education.*

11       “(c) *PROGRAM AUTHORIZED.—In order to carry out*  
12       *the purpose of this part, the Secretary shall make grants*  
13       *to State educational agencies, which shall make subgrants*  
14       *to State agencies and local educational agencies to establish*  
15       *or improve programs of education for delinquent children*  
16       *and youth at risk of dropping out of school before gradua-*  
17       *tion.*

18       **“SEC. 1402. PAYMENTS FOR PROGRAMS UNDER THIS PART.**

19             “(a) *AGENCY SUBGRANTS.—Based on the allocation*  
20       *amount computed under section 1403, the Secretary shall*  
21       *allocate to each State educational agency amounts nec-*  
22       *essary to make subgrants to State agencies.*

23             “(b) *LOCAL SUBGRANTS.—Each State shall retain, for*  
24       *purposes of subpart 2, funds generated throughout the State*  
25       *under part A based on youth residing in local correctional*

1 *facilities, or attending community day programs for delin-*  
2 *quent children.*

3       “(c) *USE OF REMAINING FUNDS.—Each State shall*  
4 *use any funds remaining after allocations are made under*  
5 *subsection (a).*

6               **“Subpart 1—State Agency Programs**

7       **“SEC. 1403. AMOUNT OF ALLOCATION TO STATE.**

8       “(a) *STATE ALLOCATION.—Each State educational*  
9 *agency is eligible to receive under this part, for each fiscal*  
10 *year, an amount equal to the product of—*

11               “(1) *the number of delinquent children in State*  
12 *correctional facilities serving youth under the age of*  
13 *21 who are enrolled for at least 20 hours per week in*  
14 *education programs operated or supported by facili-*  
15 *ties serving youth, and 10 hours a week in adult fa-*  
16 *cilities serving youth.*

17               “(2) *40 percent of the average per-pupil expendi-*  
18 *ture in the State, except that the amount determined*  
19 *under this paragraph shall not be less than 32 percent*  
20 *or more than 48 percent of the average per-pupil ex-*  
21 *penditure in the United States.*

22       “(b) *SUBGRANTS TO STATE AGENCIES IN PUERTO*  
23 *RICO.—For each fiscal year, the amount of the grant for*  
24 *which a State agency in the Commonwealth of Puerto Rico*  
25 *is eligible under this part shall be equal to—*

1           “(1) the number of children counted under sub-  
2           section (a)(1) for Puerto Rico; multiplied by the prod-  
3           uct of—

4                   “(A) the percentage that the average per-  
5           pupil expenditure in Puerto Rico is of the lowest  
6           average per-pupil expenditure of any of the 50  
7           States; and

8                   “(B) 32 percent of the average per-pupil ex-  
9           penditure in the United States.

10   **“SEC. 1404. STATE PLAN.**

11           “(a) STATE PLAN.—(1)(A) Each State educational  
12           agency that desires to receive payments under this part  
13           shall submit, for approval by the Secretary, a plan, which  
14           shall be revised and updated as needed, for meeting the  
15           needs of delinquent youth and children at risk of dropping  
16           out that—

17                   “(i) is integrated with the State’s plan, either  
18           approved or being developed, under title III of the  
19           Goals 2000: Educate America Act, and satisfies the  
20           requirements of this section that are not already ad-  
21           dressed by such State plan; or

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

1       with other State plans under this Act and satisfies the  
2       requirements of this section.

3       “(B) A State plan submitted under paragraph  
4       (1)(A)(i) may, if necessary, be submitted as an amendment  
5       to the State’s plan under title III of the Goals 2000:  
6       Educate America Act.

7       “(2) Each such plan shall also—

8               “(A) describe the State-established program  
9               goals, objectives, and performance measures that will  
10              be used to assess the effectiveness of the program in  
11              improving academic and vocational skills of children  
12              in the program;

13             “(B) provide that, to the extent feasible, such  
14             children will have the same opportunities to learn as  
15             they would have if they were in schools of local edu-  
16             cational agencies in the State;

17             “(C) describe the manner in which such State  
18             educational agency will make subgrants; and

19             “(D) contain assurances that the State edu-  
20             cational agency will—

21                   “(i) ensure that programs assisted under  
22                   this part will be carried out in accordance with  
23                   the State plan described in this subsection;

24                   “(ii) carry out the evaluation requirements  
25                   of section 1408;

1           “(iii) ensure that its State agencies comply  
2           with all applicable statutory and regulatory re-  
3           quirements; and

4           “(iv) provide such other information as the  
5           Secretary may reasonably require.

6           “(b) *SECRETARIAL APPROVAL; PEER REVIEW.*—(1)  
7           The Secretary shall approve each State plan that meets the  
8           requirements of this part.

9           “(2) The Secretary may review any such plan with  
10          the assistance and advice of individuals with relevant ex-  
11          pertise.

12          “(c) *SUBGRANTS TO STATE AGENCIES.*—A State agen-  
13          cy is eligible for assistance under this part if it is respon-  
14          sible for providing free public education for children in in-  
15          stitutions for delinquent children.

16          “(d) *STATE AGENCY APPLICATIONS.*—A State agency  
17          that desires to receive funds to carry out a program under  
18          this part shall submit an application to the State edu-  
19          cational agency that—

20                 “(1) describes the procedures to be used, consist-  
21                 ent with the State plan under part A of this title, to  
22                 assess the educational needs of the children to be  
23                 served;

24                 “(2) provides assurances that in making services  
25                 available to youth in adult correctional facilities, pri-

1        *ority will be given to such youth who are likely to*  
2        *complete incarceration within a 2-year period;*

3            *“(3) describes the program, including a budget*  
4        *for the first year of the program, with annual updates*  
5        *to be provided;*

6            *“(4) describes how the program will meet the*  
7        *goals and objectives of the State plan under this part;*

8            *“(5) describes how the State agency will consult*  
9        *with experts and provide the necessary training for*  
10       *appropriate staff, to ensure that the planning and op-*  
11       *eration of institution-wide projects under section 1406*  
12       *are of high quality;*

13           *“(6) describes how the agency will carry out the*  
14       *evaluation requirements of section 1408 and how the*  
15       *results of the most recent evaluation are used to plan*  
16       *and improve the program;*

17           *“(7) includes data showing that the agency has*  
18       *maintained fiscal effort required of a local edu-*  
19       *cational agency, in accordance with section 9501 of*  
20       *this title;*

21           *“(8) describes how the programs will be coordi-*  
22       *nated with other appropriate State and Federal pro-*  
23       *grams, including the Job Training Partnership Act,*  
24       *vocational education, State and local dropout preven-*  
25       *tion programs, and special education;*

1           “(9) describes how appropriate professional de-  
2           velopment will be provided to teachers and other in-  
3           structional and administrative personnel;

4           “(10) designates an individual in each affected  
5           institution to be responsible for issues relating to the  
6           transition of children from an institution to locally  
7           operated programs;

8           “(11) describes how the agency will, endeavor to  
9           coordinate with businesses for training and  
10          mentoring for participating youth;

11          “(12) describes how the agency will assist in lo-  
12          cating alternative programs through which students  
13          can continue their education if they are not returning  
14          to school after leaving the correctional facility;

15          “(13) describes how the agency will work with  
16          parents to secure their assistance in improving the  
17          educational achievement of their children and pre-  
18          venting their further involvement in delinquent ac-  
19          tivities;

20          “(14) describes how the agency works with spe-  
21          cial education youth in order to meet an existing in-  
22          dividualized education program and an assurance  
23          that the agency will notify the youth’s local school if  
24          such youth is identified as in need of special edu-



1        *cation services while the youth is in the facility and*  
2        *if the youth intends to return to the local school;*

3            *“(15) describes how the agency will work with*  
4        *youth who dropped out of school before entering the*  
5        *facility to encourage such youth to reenter school once*  
6        *their term has been completed or provide the youth*  
7        *with the skills necessary to gain employment, con-*  
8        *tinue their education, or achieve a high school equiva-*  
9        *lency certificate if the youth does not intend to return*  
10       *to school;*

11           *“(16) provides assurances that teachers and other*  
12        *qualified staff are also trained to work with children*  
13        *with disabilities and other students with special needs*  
14        *taking into consideration the unique needs of such*  
15        *students;*

16           *“(17) describes any additional services provided*  
17        *to youth, including career counseling, assistance in*  
18        *securing student loans, grants; and*

19           *“(18) describes how this program will be coordi-*  
20        *nated with any programs operated under the Juvenile*  
21        *Justice and Delinquency Act, if applicable.*

22        **“SEC. 1405. USE OF FUNDS.**

23           *“(a) GENERAL.—(1) A State agency shall use funds*  
24        *received under this part only for programs and projects*  
25        *that—*

1           “(A) are consistent with the State plan referred  
2 to in section 1404(a); and

3           “(B) concentrate on providing participants with  
4 the knowledge and skills needed to make a successful  
5 transition to high school completion, further edu-  
6 cation, or employment.

7           “(2) Such programs and projects—

8           “(A) may include the acquisition of equipment;

9           “(B) shall be designed to support educational  
10 services that—

11           “(i) except for institution-wide projects  
12 under section 1406, are provided to children  
13 identified by the State agency as failing, or most  
14 at risk of failing, to meet the State’s challenging  
15 performance standards;

16           “(ii) supplement and improve the quality of  
17 the educational services provided to such children  
18 by the State agency; and

19           “(iii) afford such children an opportunity  
20 to learn to such challenging State standards;

21           “(C) shall be carried out in a manner consistent  
22 with section 1119(b) and part F of this title; and

23           “(D) may include the costs of meeting the eval-  
24 uation requirements of section 1408.

1       “(b) *SUPPLEMENT, NOT SUPPLANT.*—A program  
2 under this part that supplements the number of hours of  
3 instruction students receive from State and local sources  
4 shall be considered to comply with the ‘supplement, not sup-  
5 plant’ requirement of section 1119(b) of this title without  
6 regard to the subject areas in which instruction is given  
7 during those hours.

8       **“SEC. 1406. INSTITUTION-WIDE PROJECTS.**

9       “A State agency that provides free public education  
10 for children in an institution for delinquent children may  
11 use funds received under this part to serve all children in,  
12 and upgrade the entire educational effort of, such institu-  
13 tion or program if the State agency has developed, and the  
14 State educational agency has approved, a comprehensive  
15 plan for such institution or program that—

16               “(1) provides for a comprehensive assessment of  
17 the educational needs of all youth in the institution  
18 or program serving juveniles;

19               “(2) provides for a comprehensive assessment of  
20 the educational needs of youth aged 20 and younger  
21 in adult facilities who are expected to complete incar-  
22 ceration within a 2-year period;

23               “(3) describes the steps the State agency has  
24 taken, or will take, to provide all children under 21  
25 with the opportunity to meet challenging academic

1     *and vocational standards in order to improve the*  
2     *likelihood that the students will complete high school,*  
3     *attain high school equivalency, or find employment*  
4     *after leaving the institution;*

5             *“(4) describes the instructional program, pupil*  
6             *services, and procedures that will be used to meet the*  
7             *needs described in paragraph (1), including, to the*  
8             *extent feasible, the provision of mentors for secondary*  
9             *school students;*

10            *“(5) specifically describes how such funds will be*  
11            *used;*

12            *“(6) describes the measures and procedures that*  
13            *will be used to assess student progress;*

14            *“(7) describes how the agency has planned, and*  
15            *will implement and evaluate, the institution-wide or*  
16            *program-wide project in consultation with personnel*  
17            *providing direct instructional services and support*  
18            *services in institutions for delinquent children and*  
19            *personnel from the State educational agency; and*

20            *“(8) includes an assurance that the State agency*  
21            *has provided for appropriate training to teachers and*  
22            *other instructional and administrative personnel to*  
23            *enable them to carry out the project effectively.*

1 **“SEC. 1407. THREE-YEAR PROJECTS.**

2 *“If a State agency operates a program under this part*  
3 *in which individual children are likely to participate for*  
4 *more than one year, the State educational agency may ap-*  
5 *prove the State agency’s application for a subgrant under*  
6 *this part for a period not to exceed 3 years.*

7 **“SEC. 1408. TRANSITION SERVICES.**

8 *“(a) TRANSITION SERVICES.—Each State agency shall*  
9 *reserve not more than 10 percent of the amount it receives*  
10 *under this part for any fiscal year to support projects that*  
11 *facilitate the transition of children from State-operated in-*  
12 *stitutions to local educational agencies.*

13 *“(b) CONDUCT OF PROJECTS.—A project supported*  
14 *under this section may be conducted directly by the State*  
15 *agency, or through a contract or other arrangement with*  
16 *one or more local educational agencies, other public agen-*  
17 *cies, or private nonprofit organizations.*

18 *“(c) LIMITATION.—Any funds reserved under sub-*  
19 *section (a) shall be used only to provide transitional edu-*  
20 *cational services, which may include counseling and*  
21 *mentoring, to delinquent children in schools other than*  
22 *State-operated institutions.*

1                   **“Subpart 2—Local Agency Programs**

2           **“SEC. 1410. PROGRAMS OPERATED BY LOCAL EDUCATIONAL**  
3                                   **AGENCIES.**

4           “(a) *LOCAL SUBGRANTS.*—With funds retained under  
5   *section 1402(2), the State educational agency shall make*  
6   *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 percent-*  
12                  *age of youth in the State which have dropped out of*  
13                  *school in the preceding fiscal year.*

14           “(b) *NOTIFICATION.*—A State educational agency shall  
15   *notify local educational agencies which meet the criteria of*  
16   *subsection (a) of their eligibility for participation in the*  
17   *program.*

18           “(c) *PURPOSE OF LOCAL EDUCATIONAL AGENCY PRO-*  
19   *GRAMS.*—The purpose of this section is the operation of  
20   *local educational agency programs which involve collabora-*  
21   *tion between local educational agencies and local correc-*  
22   *tional 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 pe-  
5           riod of incarceration for employment, high school  
6           completion, and further education.

7           “(d) LOCAL EDUCATIONAL AGENCY APPLICATIONS.—

8           (1) Eligible local educational agencies which choose to take  
9           part in programs funded under this section shall submit  
10          an application to the State educational agency, containing  
11          such information on programs to be operated under this  
12          section as the State educational agency may require, and  
13          which shall include—

14                 “(1) a description of formal agreements between  
15                 the local educational agency and correctional facili-  
16                 ties and alternative school programs serving youth in-  
17                 volved with the juvenile justice system to operate pro-  
18                 grams 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 participat-  
22                 ing in an education program comparable to one oper-  
23                 ating in the local school such youth would attend;

24                 “(3) a description of the dropout prevention pro-  
25                 gram operated by participating schools and the types

1 *of services such schools will provide to at risk youth*  
2 *in participating schools and youth returning from*  
3 *correctional facilities;*

4 *“(4) a description of the youth expected to be*  
5 *served by the dropout prevention program and how*  
6 *the school will be coordinating existing educational*  
7 *programs to meet unique education needs;*

8 *“(5) a description of how schools will coordinate*  
9 *with existing social and health services to meet the*  
10 *needs of students at risk of dropping out of school and*  
11 *other participating students, including prenatal*  
12 *health care and nutrition services related to the health*  
13 *of the parent and child, parenting and child develop-*  
14 *ment classes, child care, targeted re-entry and out-*  
15 *reach programs, referrals to community resources,*  
16 *and scheduling flexibility;*

17 *“(6) a description of any partnerships with local*  
18 *businesses to develop training and mentoring services*  
19 *for participating students;*

20 *“(7) a description of how the program will in-*  
21 *volve parents in efforts to improve the education*  
22 *achievement of their children, assist in dropout pre-*  
23 *vention activities, and prevent the involvement of*  
24 *their children in delinquent activities;*



1           “(8) a description of how this program will be  
2           coordinated with other Federal, State, and local pro-  
3           grams, including the Job Training and Partnership  
4           Act and vocational education programs serving this  
5           at risk population of youth;

6           “(9) a description of how the program will be co-  
7           ordinated with programs operated under the Juvenile  
8           Justice and Delinquency Prevention Act, if applica-  
9           ble;

10           “(10) a description of how schools will work with  
11           probation officers to assist in meeting the needs of  
12           youth returning from correctional facilities;

13           “(11) a description of efforts participating  
14           schools will make to ensure correctional facilities  
15           working with youth are aware of a child’s existing in-  
16           dividualized education program; and

17           “(12) a description of the steps participating  
18           schools will take to find alternative placements for  
19           youth interested in continuing their education but  
20           unable to participate in a regular public school pro-  
21           gram.

22           “(e) USES OF FUNDS.—Funds provided to local edu-  
23           cational agencies under this section may be used for—

24           “(1) dropout prevention programs which serve  
25           youth at educational risk, including pregnant and

1 *parent teens, youth who have come in contact with*  
2 *the juvenile justice system, youth at least one year be-*  
3 *hind their expected grade level, migrants, immigrants,*  
4 *students with limited-English proficiency and gang*  
5 *members;*

6 *“(2) the coordination of health and social serv-*  
7 *ices for such youth if there is a likelihood that the*  
8 *provision of such services including day care and*  
9 *drug and alcohol counseling, will improve the likeli-*  
10 *hood such students will complete their education; and*

11 *“(3) programs to meet the unique education*  
12 *needs of youth at risk of dropping out, which may in-*  
13 *clude vocational education, special education, career*  
14 *counseling, and assistance in securing student loans*  
15 *or grants.*

16 *“(f) PROGRAM REQUIREMENTS FOR CORRECTIONAL*  
17 *FACILITIES RECEIVING FUNDS UNDER THIS SECTION.—*  
18 *Each facility entering into a partnership with a local edu-*  
19 *cational agency to provide services to youth under this sec-*  
20 *tion shall—*

21 *“(1) ensure educational programs in juvenile fa-*  
22 *cilities are coordinated with the student’s home school,*  
23 *particularly with respect to special education students*  
24 *with an individualized education program;*

1           “(2) notify the local school of a youth if the  
2 youth is identified as in need of special education  
3 services while in the facility;

4           “(3) provide transition assistance to help the  
5 youth stay in school, including coordination of serv-  
6 ices for the family, counseling, assistance in accessing  
7 drug and alcohol abuse prevention programs, tutor-  
8 ing, and family counseling;

9           “(4) provide support programs which encourage  
10 the youth who have dropped out to reenter school once  
11 their term has been completed or provide such youth  
12 with the skills necessary for them to gain employment  
13 or seek a high school equivalency certificate;

14           “(5) work to ensure facilities are staffed with  
15 teachers and other qualified staff who are also trained  
16 to work with children with disabilities and other spe-  
17 cial needs students taking into consideration such  
18 unique needs;

19           “(6) ensure educational programs in correctional  
20 facilities are related to assisting students meet high  
21 educational standards;

22           “(7) use, to the extent possible, technology to as-  
23 sist coordinating educational programs between the  
24 juvenile facility and community school;

1           “(8) involve parents in efforts to improve the  
2           educational achievement of their children and prevent  
3           the further involvement of such children in delinquent  
4           activities;

5           “(9) coordinate funds received under this pro-  
6           gram with other available State, local, and Federal  
7           funds to provide services to participating youth, in-  
8           cluding the Job Training Partnership Act, and voca-  
9           tional education;

10           “(10) coordinate programs operated under this  
11           section with activities funded under the Juvenile Jus-  
12           tice and Delinquency Prevention Act, if applicable;  
13           and

14           “(11) if appropriate, work with local businesses  
15           to develop training and mentoring programs for par-  
16           ticipating youth.

17           “(g) ACCOUNTABILITY.—The State educational agency  
18           may—

19           “(1) reduce or terminate funding for projects  
20           funded under this section in local educational agen-  
21           cies if such agencies do not show progress in reducing  
22           dropout rates for male students and for female stu-  
23           dents over a 3-year period; and

24           “(2) require juvenile facilities to demonstrate,  
25           after 3 years, that there has been an increase in the

1        *number of youth returning to school, obtaining high*  
2        *school equivalency certificates, or obtaining employ-*  
3        *ment after such youth are released.*

4        ***“SEC. 1411. PROGRAM EVALUATIONS.***

5            *“(a) SCOPE OF EVALUATION.—Each State agency or*  
6        *local educational agency that conducts a program under*  
7        *subpart 1 or 2 shall evaluate the program, disaggregating*  
8        *data on participation by sex, and if feasible, by race, eth-*  
9        *nicity, and age, not less than once every 3 years to deter-*  
10       *mine its impact on the ability of participants to—*

11            *“(1) maintain and improve educational achieve-*  
12        *ment;*

13            *“(2) accrue school credits that meet State re-*  
14        *quirements for grade promotion and high school grad-*  
15        *uation;*

16            *“(3) for delinquent youth, make the transition to*  
17        *a regular program or other education program oper-*  
18        *ated by a local educational agency; and*

19            *“(4) complete high school (or high school equiva-*  
20        *lency requirements) and obtain employment after*  
21        *leaving the institution.*

22            *“(b) EVALUATION MEASURES.—In conducting each*  
23        *such evaluation with respect to subsection (a)(1), a State*  
24        *agency or local educational agency shall use multiple and*  
25        *appropriate measures of student progress.*

1       “(c) *EVALUATION RESULTS.*—Each State agency and  
2 local educational agency shall —

3               “(1) submit evaluation results to the State edu-  
4 cational agency; and

5               “(2) use the results of evaluations under this sec-  
6 tion to plan and improve subsequent programs for  
7 participating children.

8       **“SEC. 1412. DEFINITIONS.**

9       “For the purpose of this part, the following terms have  
10 the following meanings:

11               “(1) The term ‘adult correctional institution’  
12 means a facility in which persons are confined as a  
13 result of a conviction for a criminal offense, including  
14 persons under 21 years of age.

15               “(2) The term ‘at risk youth’ means school aged  
16 youth who are at risk of academic failure, have drug  
17 or alcohol problems, are pregnant or are parents, have  
18 come into contact with the juvenile justice system in  
19 the past, are at least one year behind the expected  
20 grade level for such age, have limited-English pro-  
21 ficiency, are gang members, have dropped out in the  
22 past, or have high absenteeism rates.

23               “(3) The term ‘community-day program’ means  
24 a regular program of instruction provided by a State

1       *agency at a community-day school operated specifi-*  
2       *cally for delinquent children.*

3             “(4) The term ‘institution for delinquent chil-

4       *dren’ means a public or private residential facility*  
5       *for the care of children who have been adjudicated to*  
6       *be delinquent or in need of supervision.*

7             **“PART E—FEDERAL EVALUATIONS,**  
8       **DEMONSTRATIONS, AND TRANSITION PROJECTS**  
9       **“SEC. 1501. EVALUATIONS.**

10           “(a) NATIONAL ASSESSMENT.—(1) The Secretary shall  
11       *conduct a national assessment of programs under this title,*  
12       *in coordination with the ongoing Chapter 1 Longitudinal*  
13       *Study under subsection (b) of this section, that shall be*  
14       *planned, reviewed, and conducted in consultation with an*  
15       *independent panel of researchers, State practitioners, local*  
16       *practitioners, and other appropriate individuals.*

17           “(2) The assessment shall examine how well schools,  
18       *local educational agencies, and States—*

19               “(A) *are progressing toward the goal of all chil-*  
20       *dren served under this title reaching the State’s con-*  
21       *tent and performance standards; and*

22               “(B) *are accomplishing the specific purposes set*  
23       *out in section 1001(d) of this title to achieve this goal,*  
24       *including—*

1           “(i) ensuring high standards for all chil-  
2           dren and aligning the efforts of States, local edu-  
3           cational agencies, and schools to help children  
4           reach them;

5           “(ii) providing children an enriched and  
6           accelerated educational program through  
7           schoolwide programs or through additional serv-  
8           ices that increase the amount and quality of in-  
9           structional time that children receive;

10           “(iii) promoting schoolwide reform and ac-  
11           cess of all children to effective instructional  
12           strategies and challenging academic content;

13           “(iv) significantly upgrading the quality of  
14           the curriculum and instruction by providing  
15           staff in participating schools with substantial  
16           opportunities for professional development;

17           “(v) coordinating services under all parts of  
18           this title with each other, with other educational  
19           services, including preschool services, and, to the  
20           extent feasible, with health and social service  
21           programs funded from other sources;

22           “(vi) affording parents meaningful opportu-  
23           nities to participate in the education of their  
24           children at home and at school, including the  
25           provisions of family literacy services;



1                   “(vii) distributing resources to areas where  
2 needs are greatest;

3                   “(viii) improving accountability, as well as  
4 teaching and learning, by making assessments  
5 under this title congruent with State assessment  
6 systems; and

7                   “(ix) providing greater decisionmaking au-  
8 thority and flexibility to schools in exchange for  
9 greater responsibility for student performance.

10           “(3) Where feasible, the Secretary shall use informa-  
11 tion gathered from a variety of sources, including the Na-  
12 tional Assessment of Educational Progress, State evalua-  
13 tions, and available research studies in carrying out this  
14 subsection.

15           “(4) The Secretary shall submit a biennial report sum-  
16 marizing the cumulative findings to date of the assessment  
17 to the President and the appropriate committees of the  
18 Congress.

19           “(b) *STUDIES AND DATA COLLECTION.*—The Secretary  
20 may collect such data, as necessary, at the State, local, and  
21 school levels and conduct studies and evaluations, including  
22 national studies and evaluations, to assess on an ongoing  
23 basis the effectiveness of programs under this title and to  
24 report on such effectiveness on a periodic basis.

1       “(c) NATIONAL EVALUATION OF TITLE I.—The Sec-  
2       retary shall carry out an ongoing evaluation of the program  
3       under part A of this title in order to provide the public,  
4       Congress, and educators involved in such program, an accu-  
5       rate description of the effectiveness of such program and  
6       provide information that can be used to improve such pro-  
7       gram’s effectiveness. Such evaluation shall—

8               “(1) have a longitudinal design tracking cohorts  
9               of students for at least 3 years which, when the co-  
10              horts are taken as a whole, provides a picture of such  
11              program’s effectiveness over the elementary and sec-  
12              ondary grades;

13              “(2) be separate and independent from State and  
14              local assessments and evaluations as required under  
15              this part;

16              “(3) utilize the highest available content stand-  
17              ards that are generally accepted as national in scope;

18              “(4) provide information on all students, stu-  
19              dents served under this part, and, if funds are suffi-  
20              cient, information on students from low-income fami-  
21              lies and limited English proficient students; and

22              “(5) when feasible, collect, cross-tabulate, and re-  
23              port data by sex within race or ethnicity and socio-  
24              economic status.

1 *The Secretary shall use the information from this evalua-*  
2 *tion as part of the national assessment required by sub-*  
3 *section (a) and shall report the data from this evaluation*  
4 *to the Congress and the public at least as frequently as that*  
5 *assessment.*

6       “(d)(1) *In conducting the National Assessment under*  
7 *subsection (a) and the National Evaluation under sub-*  
8 *section (b), the Secretary shall not assess the progress of*  
9 *students in grade 1, kindergarten, and pre-kindergarten on*  
10 *the basis of outcome measures such as content and perform-*  
11 *ance standards;*

12       “(2) *any assessments of children in grade 2 shall uti-*  
13 *lize matrix sampling and be performance-based; and*

14       “(3) *any data collected regarding children in grade 2*  
15 *shall—*

16               “(A) *be collected at multiple points in time;*

17               “(B) *not be used to stigmatize, label, or place*  
18 *any child; and*

19               “(C) *be collected in multiple domains.*

20       “(e) *PARENTAL INVOLVEMENT, STUDY, REPORT AND*  
21 *DISSEMINATION.—(1) The Secretary, through the Office of*  
22 *Education Research and Improvement, shall conduct a*  
23 *study to identify and describe—*

1           “(A) *common barriers to effective parental in-*  
2           *volvement in the education of participating children;*  
3           *and*

4           “(B) *successful local policies and programs*  
5           *which improve parental involvement and the perform-*  
6           *ance of participating children.*

7           “(2) *The Secretary shall—*

8           “(A) *complete such study by December 31, 1995;*

9           “(B) *report the findings of such study to the*  
10          *Committee on Education and Labor of the House of*  
11          *Representatives and to the Committee on Labor and*  
12          *Human Resources of the Senate; and*

13          “(C) *disseminate the findings, relating to the*  
14          *successful local policies and programs which improve*  
15          *parental involvement and the performance of partici-*  
16          *pating children, to local educational agencies.*

17       **“SEC. 1502. DEMONSTRATIONS OF INNOVATIVE PRACTICES.**

18          “(a) *DEMONSTRATION PROGRAMS TO IMPROVE*  
19          *ACHIEVEMENT.—(1) From the funds appropriated for any*  
20          *fiscal year under section 1002(7)(B), the Secretary may*  
21          *make grants to State educational agencies, local educational*  
22          *agencies, other public agencies, nonprofit organizations,*  
23          *public/private partnerships involving business and indus-*  
24          *try organizations, and consortia of such bodies to carry out*  
25          *demonstration projects that show the most promise of ena-*

1 *bling children served under this title to meet challenging*  
2 *State standards. Such projects shall include promising*  
3 *strategies such as—*

4           “(A) *accelerated curricula, the application of*  
5 *new technologies to improve teaching and learning,*  
6 *extended learning time, and a safe and enriched full-*  
7 *day environment for children to provide them the op-*  
8 *portunity to reach high standards;*

9           “(B) *integration of education services with each*  
10 *other and with health, family, and other social serv-*  
11 *ices such as mentoring programs, particularly in*  
12 *empowerment zones and enterprise communities;*

13           “(C) *effective approaches to whole school reform;*

14           “(D) *programs that have been especially effective*  
15 *with limited English proficient children, migratory*  
16 *children and other highly mobile students, children*  
17 *leaving institutions for neglected or delinquent chil-*  
18 *dren and returning to school, and homeless children*  
19 *and youth; and*

20           “(E) *programs that are built upon partnerships*  
21 *developed between elementary and middle schools, em-*  
22 *ployers, and the community which emphasize the in-*  
23 *tegration of high quality academic and vocational*  
24 *learning, stress excellence and high expectations for*  
25 *success in core academic subjects, instill responsibil-*

1     *ity, decisionmaking, problem solving, interpersonal*  
2     *skills, and other competencies in students, and make*  
3     *school relevant to the workplace and the community,*  
4     *through applied and interactive teaching methodolo-*  
5     *gies, team teaching strategies, learning opportunities*  
6     *connecting school, the workplace, and the community,*  
7     *and career exploration, awareness, and career guid-*  
8     *ance opportunities.*

9     “(2) *The Secretary shall evaluate the demonstration*  
10  *projects supported under this title, using rigorous meth-*  
11  *odological designs and techniques, including control groups*  
12  *and random assignment, to the extent feasible, to produce*  
13  *reliable evidence of effectiveness.*

14     “(b) *PARTNERSHIPS.—(1) From funds appropriated*  
15  *under section 1002(7)(B) for any fiscal year, the Secretary*  
16  *may, directly or through grants or contracts, work in part-*  
17  *nership with State educational agencies, local educational*  
18  *agencies, other public agencies, and non-profit organiza-*  
19  *tions to disseminate and use the highest quality research*  
20  *and knowledge about effective practices to improve the qual-*  
21  *ity of teaching and learning in schools supported under this*  
22  *title.*

1 **“SEC. 1503. INNOVATIVE ELEMENTARY SCHOOL TRANSI-**  
2 **TION PROJECTS.**

3 “(a) *IN GENERAL.*—From not less than \$10,000,000  
4 of the amount appropriated under section 1002(7)(B) the  
5 Secretary shall provide financial assistance to support in-  
6 novative transition projects in elementary schools.

7 “(b) *GRANTS.*—(1) From 70 percent of the amount re-  
8 served under subsection (a) to carry out this section, the  
9 Secretary shall make grants to local educational agencies  
10 for the purpose of supporting projects, for children from  
11 low-income families who previously attended Head Start,  
12 Even Start, or similar preschool programs, which provide  
13 educational and other services in kindergarten and early  
14 elementary grades.

15 “(2) The purpose of such projects are to assist such  
16 children to—

17 “(A) make a successful transition from preschool  
18 through the early elementary grades; and

19 “(B) achieve challenging academic standards.

20 “(3) A program assisted under this subsection shall—

21 “(A) provide transition-to-elementary school ac-  
22 tivities, such as—

23 “(i) development of a transition plan for  
24 each child, which provides for support and as-  
25 sistance through the third grade;

1           “(ii) transfer of each child’s preschool  
2 records to the elementary school (with parental  
3 consent);

4           “(iii) formal meetings between a child’s  
5 parent, preschool teacher, and kindergarten or  
6 first grade teacher; and

7           “(iv) kindergarten visits and other orienta-  
8 tion activities for preschool children prior to en-  
9 rollment in elementary school;

10          “(B) use a model instructional approach for  
11 which financial assistance is provided under sub-  
12 section (d);

13          “(C) provide directly or through referral com-  
14 prehensive educational, health, nutritional, social,  
15 and other services as will aid in the continued devel-  
16 opment of eligible children to their full potential; and

17          “(D) provide for the direct participation of the  
18 parents of such children in the development, oper-  
19 ation, and evaluation of such program.

20          “(c) APPLICATIONS AND GRANT PRIORITY.—(1) An  
21 application for a grant under subsection (b) shall—

22           “(A) describe the transition-to-elementary school  
23 activities which the applicant plans to administer;



1           “(B) describe the model instructional approach  
2           the applicant will use, and the manner in which the  
3           applicant will implement such approach;

4           “(C) provide evidence that the applicant has  
5           made a formal arrangement to receive technical as-  
6           sistance and training from the agency, organization,  
7           or institution which sponsors such approach and re-  
8           ceives funds under subsection (d);

9           “(D) describe the manner in which the applicant  
10          will provide comprehensive services to the children to  
11          be served;

12          “(E) describe how the applicant will provide for  
13          direct participation by parents in the planning, oper-  
14          ation, and evaluation of such program;

15          “(F) describe how such program will be coordi-  
16          nated with title I, title VII, and other programs au-  
17          thorized under this Act; and

18          “(G) provide evidence that—

19                 “(i) the applicant has entered into formal  
20                 arrangements with local Head Start, Even Start,  
21                 and other preschool programs to ensure that the  
22                 transition activities supported by such program  
23                 are effective; and

24                 “(ii) the transition activities, instruction,  
25                 and other services to be provided by the appli-

1           *cant have been specifically designed to build*  
2           *upon, and coordinate with, those services pro-*  
3           *vided to eligible children and their parents in*  
4           *local Head Start, Even Start and other similar*  
5           *preschool programs.*

6           “(2) *In making grants under subsection (b), the Sec-*  
7           *retary shall—*

8           “(A) *give priority to applicants that—*

9                   “(i) *propose to administer a project in*  
10                  *schools designated as a schoolwide program*  
11                  *under section 1114 of this Act; and*

12                   “(ii) *propose to use an innovative transi-*  
13                  *tion and instructional approach which has been*  
14                  *shown to be effective for the purpose described in*  
15                  *paragraph (2) of subsection (b); and*

16           “(B) *provide sufficient funds to enable programs*  
17           *to meet the purposes of paragraph (1) and the re-*  
18           *quirements of paragraph (2).*

19           “(d) *TECHNICAL ASSISTANCE AND TRAINING.—From*  
20           *30 percent of the amount reserved under subsection (a), the*  
21           *Secretary shall make grants to public and private nonprofit*  
22           *agencies, institutions, and organizations to provide—*

23                   “(1) *technical assistance in the implementation*  
24                  *and expanded use of model transition and instruc-*  
25                  *tional approaches; and*

1           “(2) *training in conjunction with the implemen-*  
2           *tation and operation of such model approaches.*

3           “(e) *GENERAL PROVISIONS.*—

4           “(1) *An application for assistance under this*  
5           *section may not be approved unless the Secretary is*  
6           *satisfied that the services to be provided by the appli-*  
7           *cant will supplement, and not supplant, services pre-*  
8           *viously provided without Federal assistance.*

9           “(2) *A program which receives assistance under*  
10           *subsection (b) must demonstrate that such program*  
11           *achieved the purposes described in paragraph (2) of*  
12           *such subsection in order to be eligible for a renewal*  
13           *grant.*

14           **“PART F—GENERAL PROVISIONS**

15           **“SEC. 1601. FEDERAL REGULATIONS.**

16           “(a) *IN GENERAL.*—*The Secretary is authorized to*  
17           *issue such regulations as are necessary to reasonably ensure*  
18           *that there is compliance with this title.*

19           “(b) *NEGOTIATED RULEMAKING PROCESS.*—(1) *Prior*  
20           *to publishing proposed regulations in the Federal Register*  
21           *to carry out this title, the Secretary shall obtain the advice*  
22           *and recommendations of representatives of Federal, State,*  
23           *and local administrators, parents, teachers, and members*  
24           *of local boards of education involved with the implementa-*  
25           *tion and operation of programs under this 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 Sec-*  
6 *retary 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 process.*

21       “(4) *Such process—*

22           “(A) *shall be conducted in a timely manner to*  
23 *ensure that final regulations are issued by the Sec-*  
24 *retary not later than the 240-day period required by*  
25 *section 437 of the General Education Provisions Act;*

1           “(B) shall not be subject to the Federal Advisory  
2           Committee Act but shall otherwise follow the provi-  
3           sions of the Negotiated Rulemaking Act of 1990 (5  
4           U.S.C. 561 et seq.).

5           “(5) In an emergency situation in which regulations  
6           to carry out this title must be issued with a very limited  
7           time to assist State and local educational agencies with the  
8           operation of the program, the Secretary may issue proposed  
9           regulations without following such process but shall, imme-  
10          diately thereafter and prior to issuing final regulations,  
11          conduct regional meetings to review such proposed regula-  
12          tions.

13          “(c) *SPECIAL RULE*.—Funds made available under  
14          section 1002(7) may not be released by the Secretary for  
15          expenditure until such time as final regulations to carry  
16          out part A are published in the Federal Register.

17          “(d) *LIMITATION*.—Regulations to carry out this part  
18          may not require local programs to follow a particular in-  
19          structional model, such as the provision of services outside  
20          the regular classroom or school program.

21          “**SEC. 1602. COORDINATION OF FEDERAL, STATE, AND**  
22    **LOCAL ADMINISTRATION.**

23          “(a) *PROGRAM ASSISTANCE MANUAL*.—The Secretary  
24          shall, not later than 6 months after the publication of final  
25          regulations under this title, prepare and distribute to State

1 *educational agencies, State agencies operating programs*  
2 *under parts C and D, and local educational agencies, and*  
3 *shall make available to parents and other interested indi-*  
4 *viduals, organizations, and agencies, a manual for this title*  
5 *to—*

6           “(1) *assist such agencies in—*

7                   “(A) *enhancing the quality, increasing the*  
8 *depth, or broadening the scope of activities for*  
9 *programs under this title;*

10                   “(B) *applying for program funds under this*  
11 *title; and*

12                   “(C) *meeting the program objectives under*  
13 *this title;*

14           “(2) *assist State educational agencies in achiev-*  
15 *ing proper and efficient administration of programs*  
16 *funded under this title;*

17                   “(3) *assist parents to become involved in the*  
18 *planning for, and implementation and evaluation of,*  
19 *programs and projects under this title; and*

20                   “(4) *ensure that officers and employees of the De-*  
21 *partment of Education, including officers and em-*  
22 *ployees of the Secretary and officers and employees of*  
23 *such Department charged with auditing programs*  
24 *carried on under this title, uniformly interpret,*

1       *apply, and enforce requirements under this title*  
2       *throughout the United States.*

3       “(b) *CONTENTS OF POLICY MANUAL.—The policy*  
4       *manual shall, with respect to programs carried out under*  
5       *this title, contain descriptions, statements, procedural and*  
6       *substantive rules, opinions, policy statements and interpre-*  
7       *tations and indices to and amendments of the foregoing,*  
8       *and in particular, whether or not such items are required*  
9       *under section 552 of title 5, United States Code, to be pub-*  
10       *lished or made available. The manual shall include—*

11               “(1) *a statement of the requirements applicable*  
12               *to the programs carried out under this title, including*  
13               *such requirements contained in this title, the General*  
14               *Education Provisions Act, other applicable statutes,*  
15               *and regulations issued under the authority of such*  
16               *statutes;*

17               “(2) *an explanation of the purpose of each re-*  
18               *quirement and its interrelationship with other appli-*  
19               *cable requirements; and*

20               “(3) *model forms and instructions developed by*  
21               *the Secretary for use by State and local educational*  
22               *agencies, at their discretion, including, application*  
23               *forms, application review checklists, and instruments*  
24               *for monitoring programs under this title.*

1       “(c) *RESPONSE TO INQUIRIES.*—*The Secretary shall*  
2 *respond with written guidance not more than 90 days after*  
3 *any written request (return receipt requested) from a State*  
4 *or local educational agency regarding a policy, question,*  
5 *or interpretation under this title. In the case of a request*  
6 *from a local educational agency, such agency is required*  
7 *to address its request to the State educational agency first.*

8       **“SEC. 1603. STATE ADMINISTRATION.**

9       “(a) *RULEMAKING.*—(1) *Each State that receives*  
10 *funds under this title shall—*

11               “(A) *ensure that any State rules, regulations,*  
12 *and policies relating to this title conform to the pur-*  
13 *poses of this title and provide any such proposed*  
14 *rules, regulations, and policies to the Committee of*  
15 *Practitioners for their review and comment;*

16               “(B) *minimize such rules, regulations, and poli-*  
17 *cies to which their local educational agencies and*  
18 *schools are subject; and*

19               “(C) *identify any such rule, regulation, or policy*  
20 *as a State-imposed requirement.*

21       “(2) *State rules, regulations, and policies under this*  
22 *title shall support and facilitate local educational agency*  
23 *and school-level systemic reform designed to enable all chil-*  
24 *dren to meet the State’s standards.*



1       “(b) *COMMITTEE OF PRACTITIONERS.*—(1) *Each State*  
2 *educational agency shall create a State committee of practi-*  
3 *tioners to advise the State in carrying out its responsibil-*  
4 *ities under this title.*

5       “(2) *Each such committee shall include—*

6               “(A) *as a majority of its members, representa-*  
7 *tives from local educational agencies;*

8               “(B) *administrators;*

9               “(C) *teachers, including vocational educators;*

10              “(D) *parents;*

11              “(E) *members of local boards of education;*

12              “(F) *representatives of private school children;*

13              *and*

14              “(G) *counselors.*

15       “(3) *The duties of the committee shall include a review,*  
16 *prior to publication, of any proposed or final State rule*  
17 *or regulation pursuant to this title. In an emergency situa-*  
18 *tion where such rule or regulation must be issued within*  
19 *a very limited time to assist local educational agencies with*  
20 *the operation of the program, the State educational agency*  
21 *may issue a regulation without prior consultation, but shall*  
22 *immediately thereafter convene the State committee of prac-*  
23 *titioners to review the emergency regulation prior to issu-*  
24 *ance in final form.*

1       “(c) *PAYMENT FOR STATE ADMINISTRATION.*—Each  
2 State may reserve for the proper and efficient performance  
3 of its duties under this title the greater of—

4               “(1) one percent of the funds received under sec-  
5 tion 1002(a) and (c) through (f); or

6               “(2) \$325,000, or \$50,000 in the case of Guam,  
7 American Samoa, the Virgin Islands, the Northern  
8 Mariana Islands, and Palau (until the Compact of  
9 Free Association takes effect).

10                       **“TITLE II—IMPROVING**  
11                       **TEACHING AND LEARNING**

12                       **“PART A—DWIGHT D. EISENHOWER**  
13                       **PROFESSIONAL DEVELOPMENT PROGRAM**

14       **“SEC. 2101. FINDINGS.**

15       “The Congress finds that—

16               “(1) reaching the National Education Goals re-  
17 quires a comprehensive educational reform strategy  
18 that involves parents, schools, government, commu-  
19 nities, and other public and private organizations at  
20 all levels;

21               “(2) a crucial component of the strategy for  
22 achieving these goals is ensuring, through sustained  
23 and intensive high-quality professional development,  
24 and through the development and adoption of high  
25 quality curriculum, that all teachers are capable of

1 *providing challenging learning experiences in the core*  
2 *academic subjects for their students;*

3 *“(3) decisionmaking as to what activities a State*  
4 *or local educational agency should undertake to im-*  
5 *prove teaching and learning are best made by indi-*  
6 *viduals in the schools closest to the classroom and*  
7 *most knowledgeable about the needs of schools and stu-*  
8 *dents;*

9 *“(4) the potential positive impact of high-quality*  
10 *professional development is underscored by recent re-*  
11 *search findings that—*

12 *“(A) professional development must be fo-*  
13 *cused on teaching and learning in order to*  
14 *change the opportunities of all students to*  
15 *achieve higher standards; and*

16 *“(B) effective professional development fo-*  
17 *cuses on discipline-based knowledge and subject-*  
18 *specific pedagogical skills, involves teams of*  
19 *teachers and administrators in a school and,*  
20 *through professional networks of teachers and ad-*  
21 *ministrators, is interactive and collaborative,*  
22 *motivates by its intrinsic content and relation-*  
23 *ship to practice, builds on experience and learn-*  
24 *ing-by-doing, and becomes incorporated into the*  
25 *everyday life of the school;*

1           “(5) *engaging teachers in the development of*  
2 *high quality curricula is a powerful professional de-*  
3 *velopment activity that improves teaching and learn-*  
4 *ing;*

5           “(6) *special attention must be given in profes-*  
6 *sional development activities to ensure that education*  
7 *professionals are knowledgeable of, and make use of,*  
8 *strategies for serving populations that historically*  
9 *have lacked access to equal opportunities for advanced*  
10 *learning and career advancement;*

11           “(7) *States and local educational agencies also*  
12 *need to engage teachers in the development of high*  
13 *quality curricula that are aligned with State or local*  
14 *content and performance standards in order to im-*  
15 *prove teaching and learning and ensure that students*  
16 *achieve the State standards;*

17           “(8) *professional development is often a victim of*  
18 *budget reductions in fiscally difficult times and cur-*  
19 *ricula development is almost nonexistent in many*  
20 *State and local school systems; and*

21           “(9) *the Federal Government has a vital role in*  
22 *helping States and local educational agencies to make*  
23 *sustained and intensive high-quality professional de-*  
24 *velopment in the core academic subjects become an in-*  
25 *tegral part of the elementary and secondary education*

1        *system and in providing assistance to such agencies*  
2        *to engage teachers in the development of high quality*  
3        *curricula that are aligned with State or local content*  
4        *and performance standards.*

5        **“SEC. 2102. PURPOSES.**

6            *“The purposes of this part are to provide assistance*  
7        *to States and local educational agencies and to institutions*  
8        *of higher education with teacher education programs so that*  
9        *such agencies can determine how best to improve the teach-*  
10       *ing and learning of all students through—*

11            *“(1) helping to ensure that teachers, other staff,*  
12        *and administrators have access to sustained and in-*  
13        *tensive high-quality professional development that is*  
14        *aligned to challenging State content and performance*  
15        *standards in the core academic subjects and that—*

16            *“(A) is tied to challenging State and local*  
17        *curriculum content and student performance*  
18        *standards;*

19            *“(B) reflects recent research on teaching and*  
20        *learning;*

21            *“(C) incorporates effective strategies, tech-*  
22        *niques, methods, and practices for meeting the*  
23        *educational needs of diverse students, including*  
24        *females, minorities, individuals with disabilities,*  
25        *limited-English proficient individuals, and eco-*

1           *nomically disadvantaged individuals, in order to*  
2           *ensure that all students have the opportunity to*  
3           *achieve challenging performance standards;*

4           *“(D) includes strong academic content and*  
5           *pedagogical components;*

6           *“(E) is of sufficient intensity and duration*  
7           *to have a positive and lasting impact on the*  
8           *teacher’s performance in the classroom; and*

9           *“(F) is part of the everyday life of the*  
10          *school and creates an orientation toward contin-*  
11          *uous improvement throughout the school; and*

12          *“(2) assisting States and local educational agen-*  
13          *cies to engage teachers in the development of high*  
14          *quality curriculum that is aligned with State or local*  
15          *content and performance standards.*

16   **“SEC. 2103. AUTHORIZATION OF APPROPRIATIONS; ALLOCA-**  
17                                   **TION BETWEEN SUBPARTS.**

18          *“(a) AUTHORIZATION OF APPROPRIATIONS.—For the*  
19          *purpose of carrying out this part, there are authorized to*  
20          *be appropriated \$800,000,000 for fiscal year 1995 and such*  
21          *sums as may be necessary for fiscal years 1996, 1997, 1998,*  
22          *and 1999.*

23          *“(b) ALLOCATION BETWEEN SUBPARTS.—Of the funds*  
24          *appropriated to carry out this part for a fiscal year, the*  
25          *Secretary shall use—*

1           “(1) 5 percent to carry out subpart 1; and

2           “(2) 95 percent to carry out subpart 2.

3                           **“Subpart 1—Federal Activities**

4           **“SEC. 2111. PROGRAM AUTHORIZED.**

5           “(a) *PROGRAM AUTHORIZED.*—The Secretary is au-  
6 *thorized to make grants to, and enter into contracts and*  
7 *cooperative agreements with, local educational agencies,*  
8 *State educational agencies, State agencies for higher edu-*  
9 *cation, educational service agencies, institutions of higher*  
10 *education, and other public and private agencies, other or-*  
11 *ganizations, and institutions to—*

12                   “(1) *support activities of national significance*  
13 *that will contribute to the development and imple-*  
14 *mentation of high-quality professional development*  
15 *activities in the core academic subject areas;*

16                   “(2) *support the development of challenging cur-*  
17 *riculum that is aligned with State or local content*  
18 *and performance standards; and*

19                   “(3) *evaluate activities carried out under this*  
20 *subpart and under subpart 2.*

21           “(b) *COORDINATION WITH OTHER AGENCIES.*—In  
22 *carrying out this program, the Secretary shall consult and*  
23 *coordinate with the National Science Foundation, the Na-*  
24 *tional Endowment for the Humanities, the National En-*

1 *dowment for the Arts, and other appropriate Federal agen-*  
2 *cies and entities.*

3 ***“SEC. 2112. AUTHORIZED ACTIVITIES.***

4 *“(a) The Secretary shall use funds available to carry*  
5 *out this subpart—*

6 *“(1) to provide seed money to eligible entities to*  
7 *develop their capacity to offer sustained and intensive*  
8 *high-quality professional development;*

9 *“(2) for the development and maintenance of a*  
10 *national clearinghouse for science, mathematics, and*  
11 *technology education materials which shall be admin-*  
12 *istered as an adjunct clearinghouse of the ERIC sys-*  
13 *tem of clearinghouses supported by the Office of Edu-*  
14 *cational Research and Improvement;*

15 *“(3) to support consortia of educational agencies*  
16 *and organizations in disseminating information and*  
17 *providing assistance regarding curricula, teaching*  
18 *methods, and assessment tools that support national*  
19 *or State content standards in mathematics and*  
20 *science; and*

21 *“(4) the evaluation of programs under this sub-*  
22 *part and under subpart 2.*

23 *“(b) The Secretary may use funds available to carry*  
24 *out this subpart—*



1           “(1) for the development and maintenance of na-  
2           tional clearinghouses for core academic subjects as the  
3           Secretary determines are needed and which shall be  
4           administered as adjunct clearinghouses of the ERIC  
5           system of clearinghouses supported by the Office of  
6           Educational Research and Improvement;

7           “(2) to provide grants to entities to develop high  
8           quality curricula that are aligned with voluntary na-  
9           tional or State content standards;

10           “(3) to sponsor institutes that provide teachers  
11           and administrators with professional development  
12           that is based on strong and integrated disciplinary  
13           content and pedagogical components;

14           “(4) for efforts to train teachers in the innova-  
15           tive uses and applications of technology to enhance  
16           student learning;

17           “(5) to encourage the development of local and  
18           national professional networks of educators;

19           “(6) to disseminate standards in the core aca-  
20           demic subjects, including information on voluntary  
21           national content and performance standards and re-  
22           lated models of high-quality professional development;

23           “(7) for efforts to train teachers in innovative  
24           uses of applied learning strategies such as service  
25           learning;

1           “(8) to disseminate models of high-quality pro-  
2           fessional development activities that train educators  
3           in strategies, techniques, methods, and practices for  
4           meeting the educational needs of historically under-  
5           served populations, including females, minorities, in-  
6           dividuals with disabilities, limited-English proficient  
7           individuals, and economically disadvantaged individ-  
8           uals, in order to ensure that all students have the op-  
9           portunity to achieve challenging performance stand-  
10          ards;

11           “(9) to promote the transferability of licensure  
12          and certification of teachers and administrators  
13          among State and local jurisdictions; and

14           “(10) to support the National Board for Profes-  
15          sional Teaching Standards.

16          “(c) In carrying out subsection (a), the Secretary shall  
17          ensure that each program, project, and activity contained  
18          in such subsection receives an allocation that is no less than  
19          the amount that each such program, project, or activity re-  
20          ceived in fiscal year 1994.

21           **“Subpart 2—State and Local Activities**

22          **“SEC. 2121. PROGRAM AUTHORIZED.**

23           “The Secretary is authorized to make grants to State  
24          educational agencies for the improvement of teaching and  
25          learning through sustained and intensive high-quality pro-

1 *professional development activities in the core academic sub-*  
2 *jects at the State and local levels and the development by*  
3 *teachers and others of high-quality curricula that are*  
4 *aligned with State or local content and performance stand-*  
5 *ards.*

6 **“SEC. 2122. ALLOCATION OF FUNDS.**

7       “(a) *RESERVATION OF FUNDS.—From the amount*  
8 *made available to carry out this subpart for any fiscal year,*  
9 *the Secretary shall—*

10               “(1) *reserve one half of one percent for the outly-*  
11 *ing areas, to be distributed among them on the basis*  
12 *of relative need, as determined by the Secretary in*  
13 *light of the purposes of this part; and*

14               “(2) *reserve one half of one percent for the Sec-*  
15 *retary of the Interior for programs under this subpart*  
16 *for professional development activities for teachers,*  
17 *other staff, and administrators in schools operated or*  
18 *funded by the Bureau of Indian Affairs.*

19       “(b) *STATE ALLOTMENTS.—The Secretary shall allo-*  
20 *cate the remaining amount to each of the 50 States, the*  
21 *District of Columbia, and the Commonwealth of Puerto*  
22 *Rico as follows, except that no State shall receive less than*  
23 *one-half of one percent of such remaining amount:*

24               “(1) *50 percent shall be allocated among such ju-*  
25 *risdictions on the basis of their relative populations*

1       of individuals aged 5 through 17, as determined by  
2       the Secretary on the basis of the most recent satisfac-  
3       tory data.

4               “(2) 50 percent shall be allocated among such ju-  
5       risdictions in accordance with the relative amounts  
6       such jurisdictions received under part A of title I of  
7       this Act for the preceding fiscal year.

8               “(c) *REALLOCATION.*—If any jurisdiction does not  
9       apply for its allotment under subsection (b) for any fiscal  
10      year, the Secretary shall reallocate such amount to the re-  
11      maining jurisdictions in accordance with such subsection.

12      **“SEC. 2123. WITHIN-STATE ALLOCATIONS.**

13              “(a) *RESERVATIONS.*—Of the amounts received by a  
14      State under this subpart for a fiscal year—

15                      “(1) not more than 5 percent shall be used for  
16      the administrative costs of programs carried out by  
17      the State educational agency and the State agency for  
18      higher education;

19                      “(2) not more than 5 percent may be used for  
20      State-level activities, as described in section 2125;  
21      and

22                      “(3) of the remaining amount—

23                              “(A) 87 percent shall be distributed to local  
24      educational agencies, to be used in accordance  
25      with section 2129, as follows:

1           “(i) 50 percent of such amount shall be  
2           distributed in accordance with the relative  
3           enrollments in public and private nonprofit  
4           schools within their boundaries.

5           “(ii) 50 percent of such amount shall  
6           be distributed in accordance with the rel-  
7           ative amount such agencies received under  
8           part A of title I of this Act for the preceding  
9           fiscal year; and

10          “(B) 13 percent shall be used for competi-  
11          tive grants to institutions of higher education as  
12          described in section 2129.

13          “(b) LIMITATION.—

14               “(1) GENERAL RULE.—Except as provided in  
15               paragraph (2), any local educational agency that re-  
16               ceives an allocation of less than \$10,000 under sub-  
17               section (a) shall, for the purpose of providing services  
18               under this subpart, form a consortium with at least  
19               1 other local educational agency or institution of  
20               higher education receiving assistance under this sec-  
21               tion.

22               “(2) WAIVER.—The State educational agency  
23               shall waive the application of paragraph (1) in the  
24               case of any local educational agency that dem-  
25               onstrates that the amount of its allocation is suffi-

1       *cient to provide a program of sufficient size, scope,*  
2       *and quality to be effective. In granting waivers under*  
3       *the preceding sentence, the State educational agency*  
4       *shall—*

5               *“(A) give special consideration to local edu-*  
6               *cational agencies serving rural areas; and*

7               *“(B) consider cash or in-kind contributions*  
8               *provided from State or local sources that may be*  
9               *combined with the local educational agency’s al-*  
10              *location for the purpose of providing services*  
11              *under this part.*

12       **“SEC. 2124. STATE APPLICATIONS.**

13              *“(a) APPLICATIONS REQUIRED.—Each State edu-*  
14              *cational agency that wishes to receive its allotment under*  
15              *this subpart for any fiscal year shall submit an application*  
16              *to the Secretary at such time and in such form as the Sec-*  
17              *retary may require.*

18              *“(b) STATE PLAN TO IMPROVE TEACHING AND LEARN-*  
19              *ING—(1) Each application under this section shall include*  
20              *a State plan that—*

21                      *“(A) is integrated with the State’s plan, either*  
22                      *approved or being developed, under title III of the*  
23                      *Goals 2000: Educate America Act, and satisfies the*  
24                      *requirements of this section that are not already ad-*  
25                      *dressed by that State plan; or*

1           “(B) if the State does not have an approved plan  
2 under title III of the Goals 2000: Educate America  
3 Act and is not developing such a plan, is integrated  
4 with other State plans under this Act and satisfies the  
5 requirements of this section.

6           “(2) Each such plan shall also—

7           “(A) be developed in conjunction with the State  
8 agency for higher education, institutions of higher  
9 education, schools of education, and with the extensive  
10 participation of teachers and administrators and  
11 members of the public who are interested in improv-  
12 ing education in the State and show the role of each  
13 in implementation;

14           “(B) be designed to give teachers and adminis-  
15 trators in the State the knowledge and skills to pro-  
16 vide all students the opportunity to meet challenging  
17 State performance standards;

18           “(C) include an assessment of State and local  
19 needs for professional development and for the devel-  
20 opment of curricula that are aligned with State or  
21 local content and performance standards;

22           “(D) include a description of how the plan has  
23 assessed the needs of local education agencies serving  
24 rural areas, and what actions are planned to meet  
25 those needs;

1           “(E) include a description of how the plan has  
2           maintained funding for professional development ac-  
3           tivities in mathematics and science education;

4           “(F) include a description of how the activities  
5           funded under this subpart will address the needs of  
6           teachers in schools receiving assistance under part A  
7           of title I of this Act;

8           “(G) 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 ac-  
11          cess to, and participation in, such disciplines by stu-  
12          dents from historically underrepresented groups, in-  
13          cluding females, minorities, individuals with limited-  
14          English proficiency, the economically disadvantaged,  
15          and the disabled, by incorporating pedagogical strate-  
16          gies and techniques which meet their educational  
17          need;

18          “(H) if the State’s needs assessment under sub-  
19          section (C) demonstrates a need for professional devel-  
20          opment, describe how the State will—

21                 “(i) work with teachers, including teachers  
22                 in schools receiving assistance under part A of  
23                 title I of this Act, administrators, local edu-  
24                 cational agencies, schools, and institutions of  
25                 higher education to ensure that they develop the



1           *capacity to support sustained and intensive,*  
2           *high-quality professional development programs*  
3           *in all the core academic subject areas, but espe-*  
4           *cially in mathematics and science;*

5           “(ii) take specific steps to review and, if  
6           necessary, reform State requirements for licen-  
7           sure of teachers and administrators, including  
8           certification and recertification, to align such re-  
9           quirements with challenging State content and  
10          performance standards; and

11          “(iii) address the need for improving teach-  
12          ing and learning through teacher development  
13          beginning with recruitment, pre-service, and in-  
14          duction, and continuing throughout the profes-  
15          sional teaching career; and

16          “(I) if the State’s needs assessment under sub-  
17          paragraph (C) demonstrates a need for curricula de-  
18          velopment, describe—

19                 “(i) a strategy for engaging teachers in the  
20                 development of curricula that are aligned with  
21                 State or local content and performance stand-  
22                 ards; and

23                 “(ii) how the State will also work with ad-  
24                 ministrators, parents, school board members, and  
25                 other members of the community in developing

1           *high quality curricula that are aligned with*  
2           *State or local content and performance stand-*  
3           *ards.*

4           “(c) *ADDITIONAL MATERIAL.*—*Each State application*  
5 *shall also include—*

6           “(1) *a description of how the activities funded*  
7 *under this subpart will be coordinated, as appro-*  
8 *priate, with—*

9                   “(A) *other activities conducted with Federal*  
10 *funds, especially activities supported under part*  
11 *A of title I of this Act;*

12                   “(B) *State and local funds;*

13                   “(C) *resources from business and industry;*  
14 *and*

15                   “(D) *funds from other Federal agencies,*  
16 *such as the National Science Foundation, the*  
17 *Departments of Commerce, Energy, and Health*  
18 *and Human Services, the National Endowment*  
19 *for the Arts, and the National Endowment for*  
20 *the Humanities; and*

21           “(2) *a description of the activities to be spon-*  
22 *sored under the State-level activities and the higher*  
23 *education components of its program under this sub-*  
24 *part.*

1       “(d) *PEER REVIEW AND SECRETARIAL APPROVAL.*—  
2       (1) *The Secretary shall approve the application of a State*  
3       *educational agency if it meets the requirements of this sec-*  
4       *tion and holds reasonable promise of achieving the purposes*  
5       *of this part.*

6       “(2) *In reviewing applications, the Secretary shall ob-*  
7       *tain the advice of non-Federal experts on education in the*  
8       *core academic subjects and on teacher education, including*  
9       *teachers and administrators.*

10       “(e) *ASSURANCE.*—*Each State applying for funds*  
11       *under this title shall provide the Secretary with the assur-*  
12       *ance that after July 1, 1998, it will require each local edu-*  
13       *cational agency within the State to certify that each full*  
14       *time teacher in schools under the jurisdiction of the agency*  
15       *is certified to teach in the subject area to which he or she*  
16       *is assigned. Nothing in this subsection shall be construed*  
17       *to prevent a State from implementing alternative methods*  
18       *of teacher certification.*

19       **“SEC. 2125. STATE-LEVEL ACTIVITIES.**

20       *“Each State may use funds reserved under section*  
21       *2123(a)(2) to carry out activities referred to in section*  
22       *2124(b), such as—*

23                “(1) *reviewing and reforming State requirements*  
24       *for teacher and administrator licensure, including*  
25       *certification and recertification, to align such require-*

1        *ments with the State's content standards and ensure*  
2        *that teachers and administrators have the knowledge*  
3        *and skills necessary to help students meet challenging*  
4        *State performance standards;*

5            *“(2) developing performance assessments and*  
6            *peer review procedures, as well as other methods, for*  
7            *licensing teachers and administrators;*

8            *“(3) providing technical assistance to schools*  
9            *and local educational agencies especially schools and*  
10          *local educational agencies that receive assistance*  
11          *under part A of title I of this Act, to help such schools*  
12          *and agencies provide effective professional develop-*  
13          *ment in the core academic subjects and develop high*  
14          *quality curricula;*

15          *“(4) developing or supporting professional devel-*  
16          *opment networks, either within a State or in a re-*  
17          *gional consortium of States, that provide a forum for*  
18          *interaction among teachers and that allow exchange*  
19          *of information on advances in content assessment and*  
20          *pedagogy;*

21          *“(5) supporting partnerships between schools,*  
22          *consortia of schools, or local education agencies and*  
23          *institutions of higher education, including but not*  
24          *limited to schools of education, which would encour-*  
25          *age teachers to participate in intensive, ongoing pro-*

1        *professional development programs, both academic and*  
2        *pedagogical, at institutions of higher education, and*  
3        *to encourage students at institutions of higher edu-*  
4        *cation studying to become teachers to have direct,*  
5        *practical experience at the schools;*

6                *“(6) enhancing the effective use of educational*  
7        *technology as an instructional tool for increasing stu-*  
8        *dent understanding of the core academic subject areas*  
9        *including—*

10                *“(A) efforts to train teachers in the innova-*  
11        *tive uses and application of instructional tech-*  
12        *nology;*

13                *“(B) utilizing and strengthening existing*  
14        *telecommunications infrastructure dedicated to*  
15        *educational purposes; and*

16                *“(C) efforts to train teachers in methods for*  
17        *achieving gender equity both in access to and*  
18        *teaching practices used in the application of edu-*  
19        *cational technology;*

20                *“(7) providing incentives for teachers to be in-*  
21        *volved in curriculum development and technical as-*  
22        *sistance processes for teachers and students;*

23                *“(8) professional development enabling teachers*  
24        *and other school staff to ensure that girls, young*  
25        *women, minorities, limited English proficient stu-*

1        *dents, individuals with disabilities, and economically*  
2        *disadvantaged individuals have the opportunity to*  
3        *achieve challenging State performance standards in*  
4        *the core academic subjects by, for example, encourag-*  
5        *ing girls, young women, and minorities to pursue ad-*  
6        *vanced courses in mathematics and science;*

7                *“(9) designing professional development activi-*  
8        *ties that increase the numbers of members of minority*  
9        *and other underrepresented groups in the teaching*  
10        *force in the core subjects;*

11                *“(10) developing high quality curriculum that is*  
12        *aligned with State or local content and performance*  
13        *standards; and*

14                *“(11) providing financial or other incentives for*  
15        *teachers to become certified by the National Board for*  
16        *Professional Teaching Standards.*

17        **“SEC. 2126. LOCAL PLAN AND APPLICATION FOR IMPROV-**  
18                **ING TEACHING AND LEARNING.**

19                *“(a) LOCAL APPLICATION.—(1) Each local educational*  
20        *agency that wishes to receive a subgrant under this subpart*  
21        *shall submit an application (singly or as a consortia as*  
22        *described in section 2123(b)) to the State educational agen-*  
23        *cy at such time as the State educational agency shall re-*  
24        *quire, but not less frequently than every 3rd year.*

1       “(2) If the local educational agency has an application  
2 approved by the State under title III of the Goals 2000:  
3 Educate America Act, the application required by this sec-  
4 tion shall be a component of (or, if necessary, an addendum  
5 to) its Goals 2000 application.

6       “(3) A local education agency shall set specific per-  
7 formance indicators for improving teaching and learning  
8 through professional development and curriculum develop-  
9 ment.

10       “(4) A local educational agency shall submit, as part  
11 of its application, the results of the needs assessment con-  
12 ducted under subsection (b), and the local educational agen-  
13 cy plan developed in accordance with subsection (c).

14       “(b) NEEDS ASSESSMENT.—(1) A local educational  
15 agency that wishes to receive a subgrant under this subpart  
16 shall include in its application an assessment of such agen-  
17 cy’s need for professional development, for the development  
18 of high quality curricula that are aligned with State or  
19 local content and performance standards.

20       “(2) Such needs assessment shall be carried out with  
21 the involvement of teachers, including teachers in schools  
22 receiving assistance under part A of title I of this Act, and  
23 shall take into account what activities need to be conducted  
24 in order to give teachers and administrators the means, in-  
25 cluding the knowledge and skills, to provide students with

1 *the opportunity to meet challenging State or local perform-*  
2 *ance standards.*

3       “(c) *PLAN DEVELOPMENT.*—(1) *The plan required*  
4 *under this subsection shall be developed jointly by the local*  
5 *educational agency and by teachers from the core academic*  
6 *disciplines.*

7       “(2) *Such teachers shall also be representative of the*  
8 *grade spans within schools to be served and of schools which*  
9 *receive assistance under part A of title I of this Act.*

10       “(3) *Based on the needs assessment required under sub-*  
11 *section (b), the local educational agency’s plan shall include*  
12 *the following—*

13               “(A) *a description of the local educational agen-*  
14 *cy’s strategy to improve teaching and learning in*  
15 *every school;*

16               “(B) *a description of how the plan contributes to*  
17 *the local educational agency’s overall efforts for school*  
18 *reform and educational improvement;*

19               “(C) *a description of the activities the local edu-*  
20 *cational agency intends to undertake under this sub-*  
21 *part consistent with such agency’s needs assessment*  
22 *conducted under subsection (b);*

23               “(D) *a description of how the plan has main-*  
24 *tained funding for professional development activities*  
25 *in mathematics and science education;*



1           “(E) a description of how the activities funded  
2           under this section will address the needs of teachers  
3           in schools receiving assistance under part A of title  
4           I of this Act;

5           “(F) a description of how programs in all core  
6           academic subjects, but especially in mathematics and  
7           science, will take into account the need for greater ac-  
8           cess to, and participation in, such disciplines by stu-  
9           dents from historically underrepresented groups, in-  
10          cluding females, minorities, individuals with limited-  
11          English proficiency, the economically disadvantaged,  
12          and the disabled, by incorporating pedagogical strate-  
13          gies and techniques which meet their educational  
14          need;

15          “(G) an assurance that the activities conducted  
16          with funds received under this program will be as-  
17          sessed at least every 3 years using the performance in-  
18          dicators; and

19          “(H) a description of how the program funded  
20          under this subpart will be coordinated, as appro-  
21          priate, with—

22                  “(i) activities conducted under section 2130  
23                  and other services of institutions of higher edu-  
24                  cation;

25                  “(ii) similar State and local activities;

1           “(iii) resources provided under part A of  
2 title I and other parts of this Act, particularly  
3 part B of title II;

4           “(iv) resources from business, industry, pri-  
5 vate nonprofit organizations (including muse-  
6 ums, libraries, educational television stations,  
7 community-based organizations, professional or-  
8 ganizations and associations specializing in, or  
9 with a demonstrated expertise in the core aca-  
10 demic disciplines);

11           “(v) funds or programming from other Fed-  
12 eral agencies, such as the National Science Foun-  
13 dation, the Department of Energy, the Depart-  
14 ment of Health and Human Services, the Na-  
15 tional Endowment for the Humanities, and the  
16 National Endowment for the Arts; and

17           “(vi) an identification of funding that will  
18 provide the local educational agency’s contribu-  
19 tion under section 2127.

20 **“SEC. 2127. LOCAL COST SHARING.**

21           “(a) *IN GENERAL.*—Each local educational agency  
22 shall bear not less than 33 percent of the cost of any pro-  
23 gram carried out under this subpart, but not including the  
24 cost of services provided to private schoolteachers.

1       “(b) *AVAILABLE RESOURCES FOR COST-SHARING.*—A  
2 *local educational agency may meet the requirements of sub-*  
3 *section (a) through one or more of the following:*

4               “(1) *Cash expenditures from non-Federal sources,*  
5 *including private contributions, directed toward pro-*  
6 *fessional development and curriculum development*  
7 *activities.*

8               “(2) *Release time for teachers participating in*  
9 *professional development or curricula development*  
10 *funded under this subpart.*

11              “(3) *Funds received under one or more of the fol-*  
12 *lowing programs, if used for professional development*  
13 *or curricula development activities consistent with*  
14 *this subpart and consistent with the statutes under*  
15 *which such funds are provided, then such funds must*  
16 *be used for the benefit of students and teachers in the*  
17 *schools that would otherwise have been served with*  
18 *such funds:*

19                      “(A) *Part A of title I of this Act.*

20                      “(B) *The Safe and Drug Free Schools pro-*  
21 *gram under title IV of this Act.*

22                      “(C) *The bilingual education program*  
23 *under title VII of this Act.*

24                      “(D) *The Women’s Educational Equity*  
25 *Program under title III of this Act.*

1           “(E) Title III of the Goals 2000: Educate  
2           America Act.

3           “(F) Programs that are related to the pur-  
4           poses of this Act that are administered by other  
5           agencies, including the National Science Foun-  
6           dation, the National Endowment for the Hu-  
7           manities, the National Endowment for the Arts,  
8           and the Department of Energy.

9           “(c) WAIVER.—The State educational agency may ap-  
10          prove an application which has not fully met the require-  
11          ments of subsection (a) and waive the requirements of sub-  
12          section (a) if a local educational agency can demonstrate  
13          that it is unable to meet the requirements of subsection (a)  
14          due to economic hardship and that compliance with such  
15          requirements would preclude its participation in the pro-  
16          gram.

17          **“SEC. 2128. LOCAL ALLOCATION OF FUNDS AND ALLOW-**  
18          **ABLE ACTIVITIES.**

19          “(a) LOCAL ALLOCATION OF FUNDS.—Each local edu-  
20          cational agency that receives funds under this subpart for  
21          any fiscal year—

22                  “(1) shall use not less than 80 percent of such  
23          funds for—

1           “(A) professional development of teachers,  
2 principals, and other instructional staff who  
3 work directly with children; and

4           “(B) engaging teachers and other staff in  
5 the development of high quality curricula aligned  
6 with State and local content and performance  
7 standards, in a manner that is determined by  
8 such teachers and staff and is consistent with the  
9 provisions of such local educational agency’s ap-  
10 plication under section 2126, any school plan  
11 under part A of title I of this Act, and any other  
12 plan for professional development or curricula  
13 development carried out with Federal, State, or  
14 local funds; and

15           “(2) may use not more than 20 percent of such  
16 funds for district-level professional or curricula devel-  
17 opment activities, which may include the participa-  
18 tion of administrators and policymakers if such ac-  
19 tivities directly support instructional personnel.

20           “(b) AUTHORIZED ACTIVITIES.—Each local edu-  
21 cational agency and school that receives funds under this  
22 subpart shall use such funds for activities that give teachers  
23 and administrators the knowledge and skills to provide stu-  
24 dents with the opportunity to meet challenging State or  
25 local content and performance standards. Funds received

1 *by local educational agencies under this subpart only shall*  
2 *be used for the activities specified under subsections (c) and*  
3 *(d). No less than 80 percent of those funds shall be used*  
4 *for activities under subsection (c) and not more than 20*  
5 *percent for activities under subsection (d).*

6       “(c) *PROFESSIONAL DEVELOPMENT.*—*If a needs as-*  
7 *essment conducted under section 2126(b) determines that*  
8 *funds under this subpart should be used to provide profes-*  
9 *sional development in the core academic subjects for teach-*  
10 *ers and other school staff, the local educational agency shall*  
11 *use such funds for professional development for teachers and*  
12 *other staff to support teaching consistent with State, or*  
13 *local content standards, and shall, to the extent practicable,*  
14 *coordinate such activities with institutions of higher edu-*  
15 *cation and activities under section 2129:*

16           “(1) *Professional development activities funded*  
17 *under this subpart shall—*

18                   “(A) *be tied to challenging State or local*  
19 *content and student performance standards;*

20                   “(B) *reflect recent research on teaching and*  
21 *learning;*

22                   “(C) *incorporates effective strategies, tech-*  
23 *niques, methods, and practices for meeting the*  
24 *educational needs of diverse students, including*  
25 *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;*

5           *“(D) include strong academic content and*  
6           *pedagogical components;*

7           *“(E) be of sufficient intensity and duration*  
8           *to have a positive and lasting impact on the*  
9           *teacher’s performance in the classroom; and*

10           *“(F) be part of the everyday life of the*  
11           *school and create an orientation toward continu-*  
12           *ous improvement throughout the school.*

13           *“(2) Funds under this subpart may be used for*  
14           *professional development activities such as—*

15           *“(A) professional development for teams of*  
16           *teachers, administrators, or other staff from indi-*  
17           *vidual schools, to support teaching consistent*  
18           *with State or local content standards;*

19           *“(B) support and time for teachers and*  
20           *other school staff to participate in professional*  
21           *development in the core subjects offered through*  
22           *professional associations, universities, commu-*  
23           *nity-based organizations, and other providers in-*  
24           *cluding museums and educational partnership*  
25           *organizations;*

1           “(C) activities that provide followup for  
2 teachers who have participated in professional  
3 development activities that are designed to en-  
4 sure that knowledge and skills learned by the  
5 teacher are implemented in the classroom;

6           “(D) support for partnerships between  
7 schools, consortia of schools, or local education  
8 agencies and institutions of higher education, in-  
9 cluding but not limited to schools of education,  
10 which would encourage teachers to participate in  
11 intensive, ongoing professional development pro-  
12 grams, both academic and pedagogical, at insti-  
13 tutions of higher education, and to encourage  
14 students at institutions of higher education  
15 studying to become teachers to have direct, prac-  
16 tical experience at the schools;

17           “(E) the establishment and maintenance of  
18 local professional networks that provide a forum  
19 for interaction among teachers and that allow  
20 exchange of information on advances in content  
21 and pedagogy;

22           “(F) activities to prepare teachers in the ef-  
23 fective use of educational technology as an in-  
24 structional tool for increasing student under-  
25 standing of the core academic subject areas;



1           “(G) activities to enable teachers to ensure  
2           that girls, young women, minorities, limited-  
3           English proficient students, individuals with dis-  
4           abilities, and economically disadvantaged indi-  
5           viduals the opportunity to achieve the challeng-  
6           ing State performance standards in the core aca-  
7           demic subjects;

8           “(H) professional development and recruit-  
9           ment activities designed to increase the number  
10          of minorities, individuals with disabilities, and  
11          females teaching in the core academic subject in  
12          which they are underrepresented;

13          “(I) the development of incentive strategies  
14          for rewarding schools where a substantial por-  
15          tion of the teachers achieve certification by the  
16          National Board for Professional Teaching Stand-  
17          ards; and

18          “(J) other sustained and intensive high-  
19          quality professional development activities in the  
20          core academic subjects.

21          “(d) CURRICULUM DEVELOPMENT.—(1) If the needs  
22          assessment of a local educational agency determines that  
23          funds under this subpart should be used for curriculum de-  
24          velopment, such agency shall use the funds provided to de-

1 *velop high quality curricula that is aligned with State or*  
2 *local content and performance standards.*

3       “(2) *Funds may be used to purchase the curriculum*  
4 *materials to the extent such materials are essential compo-*  
5 *nents of the local educational agency’s plan to improve*  
6 *teaching and learning in the core academic subjects.*

7 **“SEC. 2129. HIGHER EDUCATION ACTIVITIES.**

8       “(a) *GENERAL.—(1) The State agency for higher edu-*  
9 *cation, working in conjunction with the State educational*  
10 *agency (if it is a separate agency), shall make grants to,*  
11 *or enter into contracts or cooperative agreements with, in-*  
12 *stitutions of higher education and nonprofit organizations*  
13 *including museums and educational partnership organiza-*  
14 *tions, which demonstrate consultation and cooperation with*  
15 *a local education agency, consortium of local education*  
16 *agencies, or schools, for—*

17               “(A) *professional development activities in*  
18 *the core academic subject areas that contribute to*  
19 *the State plan for professional development;*

20               “(B) *engaging teachers in the development*  
21 *of high-quality curricula that are aligned with*  
22 *State or local content and performance stand-*  
23 *ards;*

24               “(C) *developing and providing assistance to*  
25 *local education agencies, and the teachers and*

1           *staff of each such agency, for sustained, high-*  
2           *quality professional development activities; and*

3                   *“(D) improving teacher education programs*  
4           *in order to promote further innovation in teach-*  
5           *er education programs within an institution of*  
6           *higher education and to better meet the needs of*  
7           *the local education agencies for well-prepared*  
8           *teachers;*

9           *“(2) All such awards shall be made on a competitive*  
10          *basis.*

11           *“(3) No institution of higher education may receive as-*  
12          *sistance under subsection (a)(1) of this subsection unless the*  
13          *institution enters into an agreement with a local education*  
14          *agency, or consortium of such agencies, to provide sus-*  
15          *tained, high-quality professional development for the ele-*  
16          *mentary and secondary school teachers in the schools of each*  
17          *such agency.*

18           *“(4) Each project funded under this section shall in-*  
19          *volve a joint effort of the recipient’s school or department*  
20          *of education and the schools or departments in the specific*  
21          *disciplines in which assistance may be provided.*

22           *“(b) ALLOWABLE ACTIVITIES.—A recipient of funds*  
23          *under this section shall use those funds for—*

24                   *“(1) sustained and intensive high-quality profes-*  
25          *sional development for teams of teachers, or teachers*

1       *and administrators from individual schools or dis-*  
2       *tricts;*

3             “(2) *other sustained and intensive professional*  
4       *development activities related to achievement of the*  
5       *State plan for professional development such as—*

6             “(A) *establishment and maintenance of pro-*  
7       *fessional networks of teachers that provide a*  
8       *forum for interaction among teachers and that*  
9       *allow exchange of information on advances in*  
10       *content and pedagogy;*

11            “(B) *programs that prepare teachers to be*  
12       *effective users of information technology, able to*  
13       *integrate technology into their pedagogy and*  
14       *their instructional practices, and able to enhance*  
15       *their curricular offerings by appropriate appli-*  
16       *cations of technology;*

17            “(C) *programs that utilize information*  
18       *technology to deliver sustained and intensive*  
19       *high quality professional development activities*  
20       *for teachers;*

21            “(D) *activities to enable teachers to ensure*  
22       *that girls, young women, minorities, limited-*  
23       *English proficient students, individuals with dis-*  
24       *abilities, and economically disadvantaged indi-*  
25       *viduals have the opportunity to achieve the chal-*

1            *lenging State performance standards in the core*  
2            *academic subjects;*

3            *“(E) professional development and recruit-*  
4            *ment activities designed to increase the number*  
5            *of minorities, individuals with disabilities, and*  
6            *other underrepresented groups teaching in the*  
7            *core academic subjects, particularly in mathe-*  
8            *matics and science;*

9            *“(F) establishment of professional develop-*  
10           *ment academies operated as partnerships be-*  
11           *tween one or more elementary or secondary*  
12           *schools and one or more institutions of higher*  
13           *education to provide school-based teacher train-*  
14           *ing that provides prospective, novice, and experi-*  
15           *enced teachers with an opportunity to work*  
16           *under the guidance of master teachers and college*  
17           *faculty members; and*

18           *“(G) technical assistance to local edu-*  
19           *cational agencies in providing sustained and in-*  
20           *tensive high quality professional development ac-*  
21           *tivities for teachers.*

22            **“Subpart 3—General Provisions**

23            **“SEC. 2131. REPORTING AND ACCOUNTABILITY.**

24            *“(a) STATES.—Each State that receives funds under*  
25            *this part shall submit a report to the Secretary every 3*

1 *years on the State's progress toward the performance indi-*  
2 *cator identified in its State plan, as well as on the effective-*  
3 *ness of State and local activities under this part.*

4       “(b) *LOCAL EDUCATIONAL AGENCIES.*—Each local  
5 *educational agency that receives funds under this part shall*  
6 *submit a report to the State every 3 years on its progress*  
7 *toward the outcome performance indicators in its plan.*

8       “(c) *FEDERAL EVALUATION.*—The Secretary shall re-  
9 *port to the President and Congress on the effectiveness of*  
10 *programs and activities funded under this part.*

11       “(d) *PROHIBITION ON FUNDS BEING USED FOR CON-*  
12 *STRUCTION OR RENOVATION.*—Funds received under this  
13 *part shall not be used for construction or renovation of*  
14 *buildings, rooms, or any other facilities.*

15       **“SEC. 2132. DEFINITIONS.**

16       *“As used in this part, the following terms have the fol-*  
17 *lowing meanings:*

18               “(1) *The term ‘core academic subjects’ means*  
19 *those subjects listed in the State plan under title III*  
20 *of the Goals 2000: Educate America Act or under Na-*  
21 *tional Education Goal Three as set out in section*  
22 *102(3) of such Act.*

23               “(2) *The term ‘performance indicators’ means*  
24 *measures of specific outcomes that the State or local*  
25 *educational agency identifies as assessing progress to-*

1        *ward the goal of ensuring that all teachers have the*  
2        *knowledge and skills to assist their students to meet*  
3        *challenging State standards in the core academic sub-*  
4        *ject areas. Examples of such indicators include—*

5                *“(A) the degree to which licensure require-*  
6                *ments are tied to State standards;*

7                *“(B) specific increases in the number of ele-*  
8                *mentary and secondary teachers with strong con-*  
9                *tent backgrounds in the core academic subjects;*

10               *“(C) incorporates effective strategies, tech-*  
11               *niques, methods, and practices for meeting the*  
12               *educational needs of diverse students, including*  
13               *females, minorities, individuals with disabilities,*  
14               *limited-English proficient individuals, and eco-*  
15               *nomically disadvantaged individuals, in order to*  
16               *ensure that all students have the opportunity to*  
17               *achieve challenging performance standards; and*

18               *“(D) specific increases in the number of*  
19               *Board certified teachers licensed in each core*  
20               *subject.*

21               *“(3) The term ‘sustained and intensive high-*  
22               *quality professional development’ means professional*  
23               *development activities that—*

1           “(A) are tied to challenging State or vol-  
2           untary national content and performance stand-  
3           ards;

4           “(B) reflect up-to-date research in teaching  
5           and learning and include integrated content and  
6           pedagogical components;

7           “(C) incorporates effective strategies, tech-  
8           niques, methods, and practices for meeting the  
9           educational needs of diverse students, including  
10          females, minorities, individuals with disabilities,  
11          limited English proficient individuals, and eco-  
12          nomically disadvantaged individuals, in order to  
13          assure that all students have the opportunity to  
14          achieve challenging performance standards;

15          “(D) are of sufficient intensity and dura-  
16          tion to have a positive and lasting impact on the  
17          teacher’s performance in the classroom or the ad-  
18          ministrator’s performance on the job; and

19          “(E) recognize teachers as an important  
20          source of knowledge that should inform and help  
21          shape professional development.

22          “(4) The term ‘local standard’ means challenging  
23          content and performance standards in the core sub-  
24          jects (in addition to State content and performance  
25          standards approved by the State for title I).



1 **“PART B—TECHNOLOGY EDUCATION ASSISTANCE**

2 **“Subpart 1—Assistance to State and Local**

3 **Educational Agencies**

4 **“SEC. 2201. SHORT TITLE.**

5 *“This title may be cited as the ‘Technology Education*  
6 *Assistance Act of 1994’.*

7 **“SEC. 2202. FINDINGS.**

8 *“The Congress finds that—*

9 *“(1) technology can produce far greater opportu-*  
10 *nities for all students to learn to high standards and*  
11 *promote efficiency and effectiveness in education;*

12 *“(2) the use of technology as a tool in the teach-*  
13 *ing and learning process is essential to the develop-*  
14 *ment and maintenance of a technologically literate*  
15 *citizenry and an internationally competitive*  
16 *workforce;*

17 *“(3) the acquisition and use of technology in*  
18 *education throughout the United States has been in-*  
19 *hibited by the absence of Federal leadership, the in-*  
20 *ability of many State and local educational agencies*  
21 *to invest in and support needed technologies, and the*  
22 *limited availability of appropriate technology-en-*  
23 *hanced curriculum, instruction, teacher training, and*  
24 *administrative support resources and services in the*  
25 *educational marketplace;*

1           “(4) educational equalization concerns and  
2 school restructuring needs can be addressed through  
3 educational telecommunications and technology by of-  
4 fering universal access to high-quality teaching and  
5 programs, particularly in urban and rural areas;

6           “(5) in the absence of appropriate educational  
7 technology policies, the disparity between rich and  
8 poor students will become even greater in a world  
9 where technology and telecommunications increas-  
10 ingly have become an integral part of many house-  
11 holds;

12           “(6) the increasing use of new technologies and  
13 telecommunications systems in business and industry  
14 has furthered the gap between schooling and work  
15 force preparation;

16           “(7) telecommunications can be a conduit for on-  
17 going teacher training and improved professional de-  
18 velopment by providing to teachers constant access to  
19 updated research in teaching and learning;

20           “(8) research consistently shows that the planned  
21 use of technology combined with teachers who are ade-  
22 quately trained in its use can increase opportunities  
23 for more students to develop higher order thinking  
24 and technical skills than is possible with traditional  
25 instruction;

1           “(9) technology can engage students in learning  
2 through media with which they are comfortable, and  
3 prove to be an effective learning tool, particularly  
4 when correlated with State and national curriculum  
5 standards;

6           “(10) schools need new ways of financing the ac-  
7 quisition and maintenance of educational technology;  
8 and

9           “(11) the needs for educational technology differ  
10 from State to State.

11 **“SEC. 2203. STATEMENT OF PURPOSE.**

12           “The purpose of this Act is to support a comprehensive  
13 system for the acquisition and use by elementary and sec-  
14 ondary schools in the United States of technology and tech-  
15 nology-enhanced curricula, instruction, and administrative  
16 support resources and services to improve the delivery of  
17 educational services, such system shall include—

18           “(1) national leadership with respect to the need  
19 for, and the provision of, appropriate technology-en-  
20 hanced curriculum, instruction and administrative  
21 programs to improve learning in the United States;

22           “(2) funding mechanisms which will support the  
23 development, interconnection, implementation, im-  
24 provement and maintenance of an effective edu-  
25 cational technology infrastructure;

1           “(3) information dissemination networks to fa-  
2           cilitate access to information on effective learning  
3           programs, assessment and evaluation of such pro-  
4           grams, research findings, and supporting resources  
5           (including instructionally based, technology-enhanced  
6           programs, research and resources) by educators  
7           throughout the United States;

8           “(4) an extensive variety of opportunities for  
9           teacher, inservice training, and administrative train-  
10          ing and technical assistance with respect to effective  
11          uses of technologies in education;

12          “(5) utilizing and strengthening, not duplicat-  
13          ing, existing telecommunications infrastructures dedi-  
14          cated to educational purposes;

15          “(6) development and evaluation of new and  
16          emerging educational technologies and telecommuni-  
17          cations networks;

18          “(7) assessment data regarding state-of-the-art  
19          uses of technologies in United States education upon  
20          which commercial and noncommercial telecommuni-  
21          cations entities, and governments can rely on for deci-  
22          sionmaking about the need for, and provision of, ap-  
23          propriate technologies for education in the United  
24          States; and

25          “(8) authorize grants to States that—

1           “(A) improve the academic performance of  
2 students through technology;

3           “(B) strengthen the skills of teachers in ef-  
4 fectively utilizing technology for student learn-  
5 ing;

6           “(C) promote the planned application of  
7 technology in education by those who will use the  
8 technology; and

9           “(D) encourage collaborative relationships  
10 between the State agency for higher education,  
11 the State library administrative agency and the  
12 State telecommunications agency for education  
13 and the State educational agency in the area of  
14 technology support to strengthen the system of  
15 education.

16 **“SEC. 2204. DEFINITIONS.**

17           “For purposes of this title—

18           “(1) the terms ‘library’ and ‘State library ad-  
19 ministrative agency’ shall have the same meaning  
20 given to such terms in section 3 of the Library Serv-  
21 ices and Construction Act (Public Law 84–579);

22           “(2) the term ‘Regional Education Laboratory’  
23 shall have the same meaning given to such term in  
24 section 405 of the Department of Education Organi-  
25 zation Act (Public Law 96–88);

1           “(3) the term ‘technology’ includes closed circuit  
2 television systems, public telecommunications entities,  
3 cable television, satellite, copper and fiber optic trans-  
4 mission, computer, video and audio laser and CD  
5 ROM disc, video and audio tapes or other tech-  
6 nologies;

7           “(4) the term ‘credit enhancement’ means a fi-  
8 nancial arrangement that enhances the credit quality  
9 of the issuer or the financial instrument being used;  
10 and

11           “(5) the term ‘interoperability’ means the ability  
12 to communicate with operating systems developed na-  
13 tionally and internationally using multiple network  
14 media.

15 **“SEC. 2205. IN-STATE APPORTIONMENT.**

16           “(a) *AUTHORIZATIONS.*—The Secretary is authorized  
17 to make grants to States in accordance with the provisions  
18 of this title to strengthen the skills of educators and improve  
19 learning through the use of technology.

20           “(b) *ELEMENTARY, SECONDARY EDUCATION PRO-*  
21 *GRAMS.*—(1) For each fiscal year, an amount equal to 70  
22 percent of each State’s allotment under section 2212(a)(2)  
23 shall be used for elementary and secondary education pro-  
24 grams by the State educational agency in accordance with  
25 section 2206.

1       “(2) Not less than 90 percent of a State’s allotment  
2 under this subsection shall be available to local educational  
3 agencies including services to adults and families of which  
4 not more than 5 percent of the funds available to the local  
5 educational agency for any fiscal year may be used for local  
6 administration.

7       “(3) Not more than 10 percent of the amount allocated  
8 under subsection (a) may be used by the State educational  
9 agency for technical assistance and administrative costs of  
10 which not less than 50 percent shall be used for technical  
11 assistance.

12       “(c) HIGHER EDUCATION PROGRAMS.—(1) For each  
13 fiscal year 20 percent of each State’s allotment under sec-  
14 tion 2212(a)(2) shall be used by the State higher education  
15 agency designated in the State plan for partnership pro-  
16 grams between local educational agencies, including edu-  
17 cational services to adults and families and higher edu-  
18 cation institutions in accordance with section 2207.

19       “(2) Not less than 90 percent of the amount available  
20 for this subsection shall be used by the State for grants to  
21 institutions of higher education for partnership programs  
22 in accordance with the provisions of section 2207.

23       “(3) Not more than 10 percent of the amount allocated  
24 to the State’s higher education partnership program under  
25 this section, may be used for the costs incurred for the eval-

1 *uation of programs assisted under section 2207; and for ad-*  
2 *ministrative costs of the State's higher education agency*  
3 *designated in the State plan.*

4       “(d) *LIBRARY AND LITERACY PROGRAMS.—(1) For*  
5 *each fiscal year 10 percent of each State's allocation under*  
6 *section 2212(a)(2) shall be used by the State library admin-*  
7 *istrative agency to support collaborative activities among*  
8 *libraries, literacy programs, and local educational agencies*  
9 *in accordance with section 2208.*

10       “(2) *Not less than 90 percent of the amount available*  
11 *for this section shall be used by the State for grants to local*  
12 *public libraries and literacy programs in accordance with*  
13 *the provisions of section 2208.*

14       “(3) *Not more than 10 percent of the amount available*  
15 *under this section may be used by the State for the costs*  
16 *incurred for evaluation of programs assisted under section*  
17 *2208 and for administrative costs of the State library ad-*  
18 *ministrative agency.*

19 **“SEC. 2206. ELEMENTARY AND SECONDARY EDUCATION**  
20 **PROGRAMS.**

21       “(a) *IN GENERAL.—The amount apportioned under*  
22 *section 2205(b) from each State's allotment shall be used*  
23 *by the State educational agency to strengthen elementary*  
24 *and secondary education programs in accordance with the*  
25 *provisions of this section.*



1       “(b) *LOCAL EDUCATIONAL AGENCIES.*—(1) *Each local*  
2 *educational agency, including educational services for*  
3 *adults and families, shall use the educational technology*  
4 *funds available under section 2205(b)(2) for—*

5               “(A) *developing, adapting, or expanding existing*  
6 *and new applications of technology to support the*  
7 *school reform effort; and*

8               “(B) *funding projects of sufficient size and scope*  
9 *to improve student learning and, as appropriate, sup-*  
10 *port professional development, and provide adminis-*  
11 *trative support.*

12       “(2) *To be eligible to receive educational technology*  
13 *funds under this section for school or other school managed*  
14 *alternative learning environment, a local educational agen-*  
15 *cy must submit an application to the State educational*  
16 *agency. If the local educational agency has an application*  
17 *approved by the State under title III of the Goals 2000:*  
18 *Educate America Act, the application required by this sec-*  
19 *tion shall be a component of (or if necessary an addendum*  
20 *to) its Goals 2000 application. The local educational agency*  
21 *must also receive State approval of a technology use plan*  
22 *which includes—*

23               “(A) *a description of how the local educational*  
24 *agency plans to use the financial assistance received*  
25 *under section 2205(b)(2) to improve the use of tech-*

1        *nology in instruction, professional development and*  
2        *administration;*

3            *“(B) a description of how funds under section*  
4        *2205(b)(2) will be coordinated with other State, local*  
5        *and Federal resources;*

6            *“(C) a description of how the school programs*  
7        *will use other resources of the community and involve*  
8        *public agencies, private industry, institutions of high-*  
9        *er education, public and private nonprofit organiza-*  
10       *tions, and other appropriate institutions;*

11           *“(D) assurances that the programs will be evalu-*  
12        *ated and outcomes reported in terms of the level of*  
13        *implementation of the technology-based resources*  
14        *funded by this title, the impact on teaching and*  
15        *learning, the changes in the school program, and the*  
16        *extent to which the school will sustain the project*  
17        *after funding is terminated;*

18           *“(E) a description of how the plan will support*  
19        *State and local content and performance standards;*

20           *“(F) provisions to support, as needed, individual*  
21        *teachers to develop and implement technology-based*  
22        *intervention projects, including those which respond*  
23        *to the needs of students with disabilities;*

24           *“(G) a description of how the financial assist-*  
25        *ance will be used as appropriate for the expansion*

1        *and improvement of professional development of*  
2        *teachers and other appropriate personnel regarding*  
3        *the use of technology, including the educational use of*  
4        *computers, videos, and telecommunications to enhance*  
5        *learning such training and instruction may be car-*  
6        *ried out through agreements with public agencies, pri-*  
7        *vate industry, institutions of higher education, re-*  
8        *gional educational laboratories and national research*  
9        *centers, nonprofit organizations, (including museums)*  
10       *libraries, educational television stations;*

11            *“(H) a description of a strategy for the enhanced*  
12        *involvement of parents through the use of technology;*  
13        *and*

14            *“(I) a description of how the plan will address*  
15        *the needs of students with disabilities.*

16        *“(3) A local educational agency for any fiscal year*  
17        *may apply for financial assistance as part of a consortium*  
18        *with other local educational agencies, institutions of higher*  
19        *education, intermediate educational units, libraries, or*  
20        *other appropriate educational entities to provide local pro-*  
21        *grams. The State educational agency may assist in the for-*  
22        *mation of consortia between local educational agencies, pro-*  
23        *viders of educational services for adults and families, insti-*  
24        *tutions of higher education, intermediate educational units,*  
25        *libraries, or other appropriate educational entities to pro-*

1 *vide services for the teachers and students in a local edu-*  
2 *cational agency at the request of such local educational*  
3 *agency.*

4 ***“SEC. 2207. HIGHER EDUCATION PROGRAMS.***

5 *“(a) IN GENERAL.—The amount apportioned under*  
6 *section 2205(c) from each State’s allotment shall be used*  
7 *by the State for education programs in accordance with the*  
8 *provisions of this section.*

9 *“(b) GRANTS TO INSTITUTIONS OF HIGHER EDU-*  
10 *CATION.—(1) The State agency for higher education, in ac-*  
11 *cordance with the State educational technology plan filed*  
12 *under section 2209, shall make grants available on a com-*  
13 *petitive basis to institutions of higher education in the State*  
14 *which form partnerships with one or more local educational*  
15 *agencies.*

16 *“(2) The amount available under section 2205(c)(2)*  
17 *shall be used for—*

18 *“(A) professional development for new teachers*  
19 *in the use of technology as an educational tool;*

20 *“(B) professional development for elementary,*  
21 *secondary, adult and family, and vocational school*  
22 *teachers and training for other appropriate school*  
23 *personnel to improve their ability to use educational*  
24 *technology in their teaching; and*

1           “(C) programs to improve student performance  
2           in academic and work skill areas through the use of  
3           technology.

4           “(3) No institution of higher education may receive as-  
5           sistance under paragraph (2)(A), (B), and (C) unless the  
6           institution enters into an agreement with a local edu-  
7           cational agency, or consortium of such agencies, to provide  
8           professional development for the elementary and secondary  
9           school teachers in the public and private schools of the  
10          school district of each agency.

11          “(c) COOPERATIVE PROGRAM.—The State higher edu-  
12          cation agency may use funds described in section 2205(c)(2)  
13          to achieve the objectives of section 2207 by establishing coop-  
14          erative programs among institutions of higher education,  
15          private industry, and non-profit organizations, that in-  
16          clude one or more local education agencies, for the develop-  
17          ment and dissemination of projects to improve student per-  
18          formance in academic or work skill areas.

19          “(d) REPORTING.—In accordance with section 2205(c),  
20          5 percent of the funding available for higher education part-  
21          nerships may be used by the agency for higher education  
22          for evaluating the programs funded under this section. Re-  
23          ports on the progress of programs shall be provided to the  
24          State educational agency annually.

1 **“SEC. 2208. LIBRARY AND LITERACY PROGRAMS.**

2       “(a) *IN GENERAL.*—Except as provided in paragraph  
3 (2), the amount apportioned under section 2205(d) from  
4 each State’s allotment under this section shall be used by  
5 the State to assist literacy and education programs in ac-  
6 cordance with the provisions of this section.

7       “(b) *GRANTS TO LOCAL PUBLIC LIBRARIES.*—(1) In  
8 accordance with the State education technology plan filed  
9 under section 2209, the State library administrative agency  
10 shall make grants available on a competitive basis to local  
11 public libraries in the State which demonstrate involvement  
12 of one or more local educational agencies and literacy pro-  
13 grams or organizations in their activities.

14       “(2) The amount available under section 2205(d)(2)  
15 shall be used for—

16               “(A) developing programs that help libraries,  
17 local educational agencies, and literacy programs use  
18 technology to share services and resources and develop  
19 collaborative activities that improve their perform-  
20 ance and that of the students in academic and work  
21 skill areas; and

22               “(B) professional development for library, lit-  
23 eracy, and other appropriate personnel to improve  
24 their skills in the use of educational technology and  
25 telecommunications.

1       “(c) *COOPERATIVE PROGRAM.*—*The State library ad-*  
2 *ministration agency may use funds described in section*  
3 *2205(d)(2) to achieve the objectives of section 2208 by estab-*  
4 *lishing cooperative programs among public libraries, lit-*  
5 *eracy organizations, private industries, and nonprofit edu-*  
6 *cation organizations, if such programs include one or more*  
7 *local educational agencies.*

8       “(d) *REPORTING.*—*In accordance with section*  
9 *2205(d), funding available for library and literacy pro-*  
10 *grams may be used by the library administrative agency*  
11 *for reporting and evaluating the programs funded under*  
12 *this section. Reports on the progress of programs shall be*  
13 *provided to the State educational agency annually.*

14       “**SEC. 2209. STATE EDUCATIONAL TECHNOLOGY PLAN.**

15       “(a) *APPLICATION.*—(1) *Each State educational agen-*  
16 *cy which desires to receive a grant under this title shall,*  
17 *in consultation with the State agency for higher education*  
18 *and the State library administrative agency, file a single*  
19 *educational technology plan with the Secretary of Edu-*  
20 *cation which covers a period of 5 fiscal years. The State*  
21 *educational agency shall be responsible for funding, super-*  
22 *vising, and coordinating programs described under this*  
23 *title and shall file the educational technology plan at such*  
24 *time, in such manner, and containing or accompanied by*  
25 *such financial, educational and technological information*

1 *as this section requires or as the Secretary may reasonably*  
2 *require.*

3 *“(2) Such plan shall be—*

4 *“(A) integrated with the State’s plan either ap-*  
5 *proved or being developed under the Goals 2000: Edu-*  
6 *cate America Act, and shall satisfy the requirements*  
7 *of this section that are not already addressed by that*  
8 *State plan; or*

9 *“(B) if the State does not have an approved plan*  
10 *under the Goals 2000: Educate America Act and is*  
11 *not developing such a plan, integrated with other*  
12 *State plans under this Act and satisfy the require-*  
13 *ments of this section.*

14 *“(b) CONTENTS OF THE PLAN.—Each such plan*  
15 *shall—*

16 *“(1) designate the State agency or agencies re-*  
17 *sponsible for administering the elementary and sec-*  
18 *ondary adult and family programs under section*  
19 *2206, and the higher education programs under sec-*  
20 *tion 2207 and designate the State library administra-*  
21 *tive agency to administer the library and literacy*  
22 *programs under section 2208 in support of improved*  
23 *student learning;*

24 *“(2) describe a financial plan developed by the*  
25 *State educational agency, which shall describe—*



1           “(A) *financial assistance mechanisms to*  
2 *best fit the technology needs of the State. Such*  
3 *mechanisms, which must be included in the plan,*  
4 *may include, but not be limited to—*

5                   “(i) *grants;*

6                   “(ii) *matching grants;*

7                   “(iii) *loans;*

8                   “(iv) *loan guarantees; and*

9                   “(v) *other credit enhancements.*

10           “(B) *describe criteria and approving proce-*  
11 *dures for submitting applications for programs*  
12 *described in sections 2206, 2207, and 2208 for*  
13 *funding assistance under section 2205 within the*  
14 *State;*

15           “(C) *delineate processes for auditing and*  
16 *monitoring the use of funds by recipients;*

17           “(D) *describe priorities for awarding funds*  
18 *under various funding mechanisms; and*

19           “(E) *construe nothing in subsection (b)(2)*  
20 *to implicitly or explicitly imply that the funds*  
21 *made available under this subsection, through*  
22 *whatever mechanism is chosen by the State agen-*  
23 *cy, and recommended for approval to the Sec-*  
24 *retary are backed by the full faith and credit of*  
25 *the Federal Government;*

1           “(3) designate the State education agency or an-  
2           other single agency to carry out the financial plan de-  
3           veloped by the State education agency and to allocate  
4           funds received under sections 2205 and 2212(a)(2).  
5           Such designated agency shall be responsible for—

6                   “(A) maintaining appropriate records of al-  
7                   location of funds, and, in the case of loans, ade-  
8                   quate collection procedures and records;

9                   “(B) reporting annually to the Secretary  
10                  on the use of funds received under section  
11                  2212(a)(2);

12           “(4) describe an implementation strategy to co-  
13           ordinate the expenditure of financial assistance paid  
14           under sections 2205 and 2212(a)(2) with other State  
15           and local funds, other Federal funds and resources;

16           “(5) provide assurances that financial assistance  
17           provided under section 2205 shall supplement, not  
18           supplant, State and local funds;

19           “(6) describe how business, industry, and other  
20           public and private agencies, including libraries, lit-  
21           eracy programs, and institutions of higher education,  
22           can participate in the implementation, ongoing plan-  
23           ning, and support of the plan;

24           “(7) delineate educational problems and needs in  
25           the State, describe all learning environments sup-

1     *ported by the State plan, and specify how the appli-*  
2     *cation of technology will address those and other*  
3     *needs including but not limited to the special needs*  
4     *of—*

5             *“(A) urban and rural schools;*

6             *“(B) students with disabilities; and*

7             *“(C) disadvantaged students;*

8     *“(8) provide assurances that—*

9             *“(A) during the 5-year period of the plan,*  
10     *the State shall evaluate its standards for teacher*  
11     *preparation in the use of technology; and*

12             *“(B) programs conducted with State funds*  
13     *available under this title shall be evaluated and*  
14     *an evaluation report shall be submitted to the*  
15     *Secretary at the close of the third year of fund-*  
16     *ing;*

17     *“(9) describe how the State educational agency*  
18     *will promote the purchase of equipment by local*  
19     *school districts and schools that, when placed in oper-*  
20     *ation, will provide the greatest accessibility and eq-*  
21     *uity for students and meet the highest level of inter-*  
22     *operability and open system design within the emerg-*  
23     *ing broad-based electronic information highway that*  
24     *includes schools within the State;*

1           “(10) describe the State’s strategy for ensuring  
2           that teachers, administrators and other education per-  
3           sonnel have access to the necessary staff development  
4           and technical assistance to improve teaching and  
5           learning, school administration, and the electronic  
6           transfer of, and access to, information;

7           “(11) establish a method for continuously gather-  
8           ing and disseminating current and emerging infor-  
9           mation on all aspects of educational technology to all  
10          educators within the State;

11          “(12) describe how the State’s planned use of  
12          technology is supportive of the national education  
13          goals;

14          “(13) provide performance indicators and an  
15          evaluation method for the State plan; and

16          “(14) create a planning process through which  
17          such plan is reviewed and updated periodically.

18          “(c) APPROVAL OF PLANS.—(1) The State educational  
19          agency shall submit a plan for approval to the Secretary  
20          who shall expeditiously review such State plan.

21          “(2) Any State that submits a plan that is not  
22          approved shall receive assistance from the Secretary to im-  
23          prove its plan.

1 **“SEC. 2210. LOCAL EDUCATIONAL TECHNOLOGY PLAN.**

2       “(a) *APPLICATION.*—A local educational agency that  
3 *desires to receive financial assistance under section 2205,*  
4 *shall submit to the State educational agency (singly or in*  
5 *conjunction with other local educational agencies, institu-*  
6 *tions of higher education, or an intermediate educational*  
7 *unit) a plan which covers a 3-year period.*

8       “(b) *CONTENTS OF THE PLAN.*—A local educational  
9 *agency plan shall—*

10               “(1) *assure that the programs will be evaluated,*  
11 *and outcomes reported in terms of —*

12                       “(A) *the level of implementation of the tech-*  
13 *nology-based resources funded by this title;*

14                       “(B) *the impact on teaching and learning;*  
15 *and*

16                       “(C) *the extent to which the school or other*  
17 *appropriate learning environments will sustain*  
18 *the project after funding is terminated;*

19               “(2) *be consistent with district level planning for*  
20 *educational technology, and shall support the local*  
21 *and State’s curriculum frameworks;*

22               “(3) *make provision for technical support and*  
23 *professional development as needed for individual*  
24 *teachers to develop and implement technology-assisted*  
25 *instruction; and*

1           “(4) provide a strategy for the enhanced involve-  
2           ment of parents through the use of technology.

3   **“SEC. 2211. FEDERAL ADMINISTRATION.**

4           “(a) *EVALUATION PROCEDURES.*—The Secretary shall,  
5           with State and local representatives, develop procedures for  
6           State and local evaluations of the programs under this title.

7           “(b) *EVALUATION SUMMARY.*—The Secretary shall  
8           submit to the Congress 4 years after the enactment of this  
9           bill a summary of the State evaluations of programs under  
10          this subpart.

11   **“SEC. 2212. ALLOCATION OF FUNDS.**

12          “(a) *IN GENERAL.*—(1) From the amount appro-  
13          priated under section 2213 for any fiscal year, the Sec-  
14          retary shall reserve—

15               “(A) not more than one half of one percent for  
16               allocation among Guam, American Samoa, the Virgin  
17               Islands, the Northern Mariana Islands, and the Trust  
18               Territory of the Pacific Islands according to their re-  
19               spective needs for assistance under this subpart; and

20               “(B) one half of 1 percent for programs for In-  
21               dian students served by schools funded by the Sec-  
22               retary of the Interior consistent with the purposes of  
23               this subpart;

24          “(2) The remainder of the amount so appropriated  
25          after meeting the requirements of paragraph (1) shall be

1 *allocated among the States (for purposes of this section, the*  
2 *District of Columbia and Puerto Rico shall be considered*  
3 *as States) with approved State plans under section 2209*  
4 *as follows—*

5           “(A)  $\frac{1}{2}$  of such remainder shall be allocated  
6 among the States by allocating to each State an  
7 amount which bears the same ratio to such  $\frac{1}{2}$  of such  
8 remainder as the number of children aged 5 to 17, in-  
9 clusive, in the State bears to the number of such chil-  
10 dren in all States;

11           “(B)  $\frac{1}{2}$  of such remainder shall be allocated  
12 among the States according to each State’s share of  
13 allocations under part A of title I of the Elementary  
14 and Secondary Education Act of 1965, except that no  
15 State shall receive less than  $\frac{1}{2}$  of 1 percent of the  
16 amount available under this subsection in any fiscal  
17 year or less than the amount allotted to such State for  
18 fiscal year 1988 under title II of the Education for  
19 Economic Security Act;

20           “(C) for the purposes of this subsection, the term  
21 “State” does not include Guam, American Samoa, the  
22 Virgin Islands, the Northern Mariana Islands, or the  
23 Trust Territory of the Pacific Islands; and

24           “(D) the number of children aged 5 to 17, inclu-  
25 sive, in the State and in all States shall be deter-

1        *mined by the Secretary on the basis of the most recent*  
2        *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 this*  
6        *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 be*  
10       *required for such fiscal year to carry out part B of title*  
11       *II shall be available for reallocation from time to time, on*  
12       *such dates during such year as the Secretary may deter-*  
13       *mine, 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) shall*  
20       *be similarly reallocated among the States whose propor-*  
21       *tionate amounts were not so reduced. Any amounts reallo-*  
22       *ted to a State under this subsection during a year shall*  
23       *be deemed a subpart of its allotment under subsection (a)*  
24       *for such year.*



1 **“SEC. 2213. AUTHORIZATION OF APPROPRIATIONS.**

2       *“There are authorized to be appropriated \$300,000,000*  
3 *for this subpart for 1995 and such sums as may be nec-*  
4 *essary for each of the fiscal years 1996 through 1999.*

5               **“Subpart 2—Research, Development, and**  
6               **Demonstration of Educational Technology**

7 **“SEC. 2214. FINDINGS AND PURPOSES.**

8       *“(a) FINDINGS.—The Congress finds that—*

9               *“(1) technology has the potential to assist and*  
10 *support the improvement of teaching and learning in*  
11 *schools and other settings;*

12               *“(2) technology can provide students, parents,*  
13 *teachers, and other education professionals with in-*  
14 *creased access to information, instruction, and edu-*  
15 *cational services in schools and other settings, includ-*  
16 *ing homes, libraries, preschool and child-care facili-*  
17 *ties, and postsecondary institutions;*

18               *“(3) technology can produce far greater opportu-*  
19 *nities for all students to learn to high standards and*  
20 *to promote efficiency and effectiveness in education;*  
21 *and*

22               *“(4) the rapidly changing nature of technology*  
23 *requires coordination and flexibility in Federal lead-*  
24 *ership.*

25       *“(b) PURPOSES.—The purposes of this subpart are to*  
26 *promote achievement of the National Education Goals and*

1 *to increase the opportunity for all students to achieve to*  
2 *challenging State standards by—*

3           “(1) *promoting awareness of the potential of*  
4 *technology for improving teaching and learning;*

5           “(2) *supporting State and local efforts to in-*  
6 *crease the effective use of technology for education;*

7           “(3) *demonstrating ways in which technology*  
8 *can be used to improve teaching and learning, and to*  
9 *help ensure that all students have an equal oppor-*  
10 *tunity to meet challenging State education standards;*

11           “(4) *ensuring the availability of knowledge*  
12 *drawn from research and experience that can form*  
13 *the basis for sound State and local decisions about in-*  
14 *vestment in, and effective uses of, educational tech-*  
15 *nology;*

16           “(5) *promoting high-quality professional develop-*  
17 *ment opportunities for teachers and administrators*  
18 *on the integration of technology into instruction and*  
19 *administration;*

20           “(6) *ensuring that Federal technology-related*  
21 *policies and programs facilitate the use of technology*  
22 *in education; and*

23           “(7) *ensuring that, as technological advances are*  
24 *made, the educational uses of these advances are con-*  
25 *sidered and their applications are developed.*

1 **“SEC. 2215. OFFICE OF EDUCATIONAL TECHNOLOGY.**

2       *“There is established in the Department an Office of*  
3 *Educational Technology, which shall be administered by a*  
4 *Director of Educational Technology appointed by the Sec-*  
5 *retary. The Office of Educational Technology, in consulta-*  
6 *tion with other appropriate agencies, shall provide leader-*  
7 *ship to the Nation in the use of technology to promote*  
8 *achievement of the National Education Goals and to in-*  
9 *crease opportunities for all students to achieve to challeng-*  
10 *ing State standards, and shall perform such additional*  
11 *functions as the Secretary may require.*

12 **“SEC. 2216. NATIONAL LONG-RANGE PLAN.**

13       *“(a) IN GENERAL.—(1) The Secretary shall develop*  
14 *and publish by September 30, 1995, and update when ap-*  
15 *propriate, a national long-range plan to carry out the pur-*  
16 *poses of this subpart.*

17       *“(2) The Secretary shall—*

18               *“(A) develop the plan in consultation with other*  
19 *Federal agencies, State and local education practi-*  
20 *tioners and policy-makers, experts in technology and*  
21 *the educational applications of technology, and pro-*  
22 *viders of technology services and products;*

23               *“(B) transmit the plan to the President and to*  
24 *the appropriate committees of the Congress; and*

25               *“(C) publish the plan in a form that is readily*  
26 *accessible to the public.*

1       “(b) *CONTENTS OF THE PLAN.*—*The national long-*  
2 *range plan shall describe the Secretary’s activities to pro-*  
3 *mote the purposes of this subpart, including—*

4               “(1) *how the Secretary will encourage the effec-*  
5 *tive use of technology to provide all students the op-*  
6 *portunity to achieve to challenging State standards,*  
7 *especially through programs administered by the De-*  
8 *partment;*

9               “(2) *joint activities with other Federal agencies,*  
10 *such as the National Endowment for the Humanities,*  
11 *the National Endowment for the Arts, the National*  
12 *Aeronautics and Space Administration, the National*  
13 *Science Foundation, and the Departments of Com-*  
14 *merce, Energy, Health and Human Services, and*  
15 *Labor, to promote the use of technology in education,*  
16 *and training and lifelong learning, including plans*  
17 *for the educational uses of a national information in-*  
18 *frastructure, and to ensure that the policies and pro-*  
19 *grams of such agencies facilitate the use of technology*  
20 *for educational purposes to the extent feasible;*

21               “(3) *how the Secretary will work with educators,*  
22 *State and local educational agencies, and appropriate*  
23 *representatives of the private sector to facilitate the ef-*  
24 *fective use of technology in education;*

25               “(4) *how the Secretary will promote—*

1           “(A) increased access to the benefits of tech-  
2           nology for teaching and learning for schools with  
3           high concentrations of children from low-income  
4           families;

5           “(B) the use of technology to assist in the  
6           implementation of State systemic reform strate-  
7           gies;

8           “(C) the application of technological ad-  
9           vances to use in education; and

10          “(D) increased opportunities for the profes-  
11          sional development of teachers in the use of new  
12          technologies;

13          “(5) how the Secretary will determine, in con-  
14          sultation with appropriate individuals, organizations,  
15          and agencies, the feasibility and desirability of estab-  
16          lishing guidelines and protocols to facilitate effective  
17          use of technology in education; and

18          “(6) the Secretary’s long-range measurable goals  
19          and objectives relating to the purposes of this subpart.

20       **“SEC. 2217. FEDERAL LEADERSHIP.**

21           “(a) PROGRAM AUTHORIZED.—(1) In order to provide  
22       Federal leadership in promoting the use of technology in  
23       education, the Secretary, in consultation with the National  
24       Science Foundation, the Department of Commerce, and  
25       other appropriate Federal agencies, may carry out activi-

1 *ties designed to achieve the purposes of this subpart directly*  
2 *or by awarding grants (pursuant to a peer review process)*  
3 *to, or entering into contracts with, State educational agen-*  
4 *cies, local educational agencies, institutions of higher edu-*  
5 *cation, or other public and private nonprofit or for-profit*  
6 *agencies and organizations.*

7       “(2) *For the purpose of carrying out coordinated or*  
8 *joint activities consistent with the purposes of this subpart,*  
9 *the Secretary may accept funds from, and transfer funds*  
10 *to, other Federal agencies.*

11       “(b) *USES OF FUNDS.—The Secretary may use funds*  
12 *appropriated under this subpart for activities designed to*  
13 *carry out the purpose of this subpart, and to meet the goals*  
14 *and objectives of the national long-range plan under section*  
15 *2216, including—*

16               “(1) *planning grants to States and local edu-*  
17 *cation agencies, to enable such entities to examine*  
18 *and develop strategies for the effective use of tech-*  
19 *nology to help achieve the objectives of the Goals 2000:*  
20 *Educate America Act and the School-to-Work Oppor-*  
21 *tunities Act of 1993;*

22               “(2) *development grants to technical assistance*  
23 *providers, to enable them to improve substantially the*  
24 *services they offer to educators on the educational uses*  
25 *of technology, including professional development;*

1           “(3) consulting with representatives of industry,  
2 elementary and secondary education, higher edu-  
3 cation, and appropriate experts in technology and its  
4 educational applications in carrying out activities  
5 under this subpart;

6           “(4) research on, and the development of, guide-  
7 lines and protocols to facilitate efficient and effective  
8 use of technology in education;

9           “(5) research on, and the development of, edu-  
10 cational applications of the most advanced and newly  
11 emerging technologies;

12           “(6) the development, demonstration, and eval-  
13 uation of applications of existing technology in pre-  
14 school education, elementary and secondary edu-  
15 cation, training and lifelong learning, and profes-  
16 sional development of educational personnel;

17           “(7) the development and evaluation of software  
18 and other products, including television program-  
19 ming, that incorporate advances in technology and  
20 help achieve the National Education Goals and chal-  
21 lenging State standards;

22           “(8) the development, demonstration, and eval-  
23 uation of model strategies for preparing teachers and  
24 other personnel to use technology effectively to im-  
25 prove teaching and learning;

1           “(9) the development of model programs to dem-  
2           onstrate the educational effectiveness of technology in  
3           urban and rural areas and economically-distressed  
4           communities;

5           “(10) research on, and the evaluation of, the ef-  
6           fectiveness and benefits of technology in education;

7           “(11) conferences on, and dissemination of infor-  
8           mation about, the uses of technology in education;

9           “(12) the development of model strategies to pro-  
10          mote gender equity concerning access to, and the use  
11          of, technology in the classroom; and

12          “(13) such other activities as the Secretary deter-  
13          mines would meet the purposes of this subpart.

14          “(c) NON-FEDERAL SHARE.—(1) Subject to paragraph  
15          (2), the Secretary is authorized to require any recipient of  
16          a grant or contract under this subpart to share in the cost  
17          of its project, which share shall be announced through a  
18          notice in the Federal Register and may be in the form of  
19          cash or in-kind contributions, fairly valued.

20          “(2) The Secretary may increase the non-Federal share  
21          required of such recipient after the first year of the recipi-  
22          ent’s project, except that such share may not exceed 50 per-  
23          cent at any time during the recipient’s project.



1 **“SEC. 2218. AUTHORIZATION OF APPROPRIATIONS.**

2 *“For the purpose of carrying out this subpart, there*  
3 *are authorized to be appropriated such sums as may be nec-*  
4 *essary for each of the fiscal years 1995 through 1999.*

5 **“Subpart 3—Star Schools Program**

6 **“SEC. 2219. FINDINGS.**

7 *“SEC. 3121. The Congress finds that—*

8 *“(1) the Star Schools program has helped to en-*  
9 *courage the use of distance learning strategies to serve*  
10 *multi-State regions primarily by means of satellite*  
11 *and broadcast television;*

12 *“(2) in general, distance learning programs have*  
13 *been used effectively to provide students in small,*  
14 *rural, and isolated schools with courses and instruc-*  
15 *tion, such as science and foreign language instruction,*  
16 *that the local educational agency would not otherwise*  
17 *have been able to provide; and*

18 *“(3) distance learning programs could also be*  
19 *used to—*

20 *“(A) provide students in all types of schools*  
21 *and local educational agencies with greater ac-*  
22 *cess to high-quality instruction in the full range*  
23 *of core academic subjects that would enable them*  
24 *to meet challenging, internationally competitive,*  
25 *educational standards;*

1           “(B) expand professional development op-  
2           portunities for teachers;

3           “(C) contribute to achievement of the Na-  
4           tional Education Goals; and

5           “(D) expand learning opportunities for  
6           everyone.

7   **“SEC. 2220. STATEMENT OF PURPOSE.**

8           “The purpose of this subpart is to encourage the expan-  
9           sion and use of distance learning programs and technologies  
10          to help—

11           “(1) improve teaching and learning;

12           “(2) achieve the National Education Goals;

13           “(3) all students learn to challenging State con-  
14          tent standards; and

15           “(4) increase participation in State and local  
16          educational reform.

17   **“SEC. 2221. PROGRAM AUTHORIZED.**

18           “(a) *STAR SCHOOL AWARDS.*—The Secretary is au-  
19          thorized, in accordance with this subpart, to make grants  
20          to eligible entities for the Federal share of the cost of provid-  
21          ing distance learning programs, including—

22           “(1) developing, constructing, and acquiring tele-  
23          communications facilities and equipment;

24           “(2) developing and acquiring instructional pro-  
25          gramming; and

1           “(3) *providing technical assistance regarding the*  
2           *use of such facilities and instructional programming.*

3           “(b) *AUTHORIZATION OF APPROPRIATIONS.—For the*  
4           *purpose of carrying out this subpart, there are authorized*  
5           *to be appropriated such sums as may be necessary for each*  
6           *of the fiscal years 1995 through 1999.*

7           “(c) *LIMITATIONS.—(1) A grant under this section*  
8           *shall not exceed—*

9           “(A) *five years in duration; and*

10          “(B) *\$10,000,000 in any one fiscal year.*

11          “(2) *Not less than 25 percent of the funds available*  
12          *to the Secretary for any fiscal year under this subpart shall*  
13          *be used for the cost of instructional programming.*

14          “(3) *Not less than 50 percent of the funds available*  
15          *to the Secretary for any fiscal year under this subpart shall*  
16          *be used for the cost of facilities, equipment, teacher training*  
17          *or retraining, technical assistance, or programming, for*  
18          *local educational agencies that are eligible to receive assist-*  
19          *ance under part A of title I of this Act.*

20          “(d) *FEDERAL SHARE.—(1) The Federal share of the*  
21          *cost of projects funded under this section shall not exceed*  
22          *75 percent for the first and second years of the award, 60*  
23          *percent for the third and fourth years, and 50 percent for*  
24          *the fifth year.*

1       “(2) *The Secretary may reduce or waive the require-*  
2 *ment of the non-Federal share under paragraph (1) upon*  
3 *a showing of financial hardship.*

4       “(e) *AUTHORITY TO ACCEPT FUNDS FROM OTHER*  
5 *AGENCIES.—The Secretary is authorized to accept funds*  
6 *from other agencies to carry out the purposes of this section,*  
7 *including funds for the purchase of equipment.*

8       **“SEC. 2222. ELIGIBLE ENTITIES.**

9       “(a) *ELIGIBLE ENTITIES.—(1) The Secretary may*  
10 *make a grant under section 2221 to any eligible entity, pro-*  
11 *vided that at least one local educational agency is partici-*  
12 *pating in the proposed project.*

13       “(2) *An eligible entity may include—*

14               “(A) *a public agency or corporation established*  
15 *for the purpose of developing and operating tele-*  
16 *communications networks to enhance educational op-*  
17 *portunities provided by educational institutions,*  
18 *teacher training centers, and other entities, except*  
19 *that any such agency or corporation shall represent*  
20 *the interests of elementary and secondary schools that*  
21 *are eligible to participate in the program under part*  
22 *A of title I of this Act; or*

23               “(B) *any two or more of the following, which*  
24 *will provide a telecommunications network:*

1           “(i) a local educational agency that has a  
2           significant number of elementary and secondary  
3           schools that are eligible for assistance under part  
4           A of title I of this Act, or elementary and second-  
5           ary schools operated or funded for Indian chil-  
6           dren by the Department of the Interior eligible  
7           under section 1121(b)(1) of this Act;

8           “(ii) a State educational agency;

9           “(iii) an institution of higher education or  
10          a State higher education agency;

11          “(iv) a teacher training center or academy  
12          that—

13               “(I) provides teacher pre-service and  
14               in-service training; and

15               “(II) receives Federal financial assist-  
16               ance or has been approved by a State agen-  
17               cy;

18          “(v)(I) a public or private entity with expe-  
19          rience and expertise in the planning and oper-  
20          ation of a telecommunications network, includ-  
21          ing entities involved in telecommunications  
22          through satellite, cable, telephone, or computer;  
23          or

24               “(II) a public broadcasting entity with such  
25               experience; or

1                   “(vi) a public or private elementary or sec-  
2                   ondary school.

3   **“SEC. 2223. APPLICATIONS.**

4                   “(a) *GENERAL REQUIREMENT.*—Each eligible entity  
5   that desires to receive a grant under this subpart shall sub-  
6   mit an application to the Secretary in such form, at such  
7   time, and containing such information and assurances as  
8   the Secretary may require.

9                   “(b) *STAR SCHOOL AWARD APPLICATIONS.*—Each ap-  
10   plication for a grant authorized under section 2221 shall—

11                   “(1) describe—

12                   “(A) how the proposed project will assist in  
13   achieving the National Education Goals set out  
14   in title I of the Goals 2000: Educate America  
15   Act, how it will assist all students to have an op-  
16   portunity to learn to challenging State stand-  
17   ards, and how it will assist State and local edu-  
18   cational reform efforts;

19                   “(B) the telecommunications facilities and  
20   equipment and technical assistance for which as-  
21   sistance is sought, which may include—

22                   “(i) the design, development, construc-  
23   tion, and acquisition of district,  
24   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 im-  
10          plemented to ensure the effective use of the tele-  
11          communications 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-in-  
15          come 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 telecommunications  
19          facilities, equipment, technical assistance, and  
20          programming assisted under this subpart;

21          “(G) how existing telecommunications  
22          equipment, facilities, and services, where avail-  
23          able, will be used;

24          “(H) the activities or services for which as-  
25          sistance is sought, such as—



- 1           “(i) providing facilities, equipment,  
2           training services, and technical assistance;
- 3           “(ii) making programs accessible to in-  
4           dividuals with disabilities through mecha-  
5           nisms such as closed captioning and de-  
6           scriptive video services;
- 7           “(iii) linking networks around issues  
8           of national importance (such as elections)  
9           or to provide information about employ-  
10          ment opportunities, job training, or student  
11          and other social service programs;
- 12          “(iv) sharing curriculum materials be-  
13          tween networks;
- 14          “(v) providing teacher and student  
15          support services;
- 16          “(vi) incorporating community re-  
17          sources such as libraries and museums into  
18          instructional programs;
- 19          “(vii) providing professional develop-  
20          ment for teachers, including, as appro-  
21          priate, training to early childhood develop-  
22          ment and Head Start teachers and staff  
23          and vocational education teachers and staff;  
24          and

1                   “(viii) providing programs for adults  
2                   at times other than the regular school day  
3                   in order to maximize the use of tele-  
4                   communications facilities and equipment;  
5                   and

6                   “(I) how the proposed project as a whole  
7                   will be financed and how arrangements for fu-  
8                   ture financing will be developed before the project  
9                   expires;

10                  “(2) provide an assurance that a significant por-  
11                  tion of any facilities, equipment, technical assistance,  
12                  and programming for which assistance is sought for  
13                  elementary and secondary schools will be made avail-  
14                  able to schools in local educational agencies that have  
15                  a high percentage of children counted for the purpose  
16                  of part A of title I of this Act; and

17                  “(3) provide an assurance that the applicant  
18                  will provide such information and cooperate in any  
19                  evaluation that the Secretary may conduct under this  
20                  subpart.

21                  “(c) PRIORITIES.—The Secretary shall, in approving  
22                  applications for grants authorized under section 2221, give  
23                  priority to applications that—

24                  “(1) propose high-quality plans to assist in  
25                  achieving one or more of the National Education

1       *Goals as set out in title I of the Goals 2000: Educate*  
2       *America Act, would provide instruction consistent*  
3       *with State content standards, or would otherwise pro-*  
4       *vide significant and specific assistance to States and*  
5       *local educational agencies undertaking systemic edu-*  
6       *cation reform under title III of the Goals 2000: Edu-*  
7       *cate America Act; and*

8               “(2) *would serve schools with significant num-*  
9               *bers of children counted for the purposes of part A of*  
10              *title I of this Act.*

11             “(d) *GEOGRAPHIC DISTRIBUTION.—In approving ap-*  
12             *plications for grants authorized under section 2221, the Sec-*  
13             *retary shall, to the extent feasible, ensure an equitable geo-*  
14             *graphic distribution of services.*

15       **“SEC. 2224. LEADERSHIP AND EVALUATION ACTIVITIES.**

16             “(a) *SET-ASIDE.—From amounts appropriated under*  
17             *section 2221(b), the Secretary may reserve up to 10 percent*  
18             *for national leadership, evaluation, and peer review activi-*  
19             *ties.*

20             “(b) *METHOD OF FUNDING.—The Secretary may fund*  
21             *the activities described in subsection (a) directly or through*  
22             *grants, contracts, and cooperative agreements.*

23             “(c) *USES OF FUNDS.—(1) Funds reserved for leader-*  
24             *ship activities may be used for—*

1           “(A) disseminating information, including lists  
2           and descriptions of services available from recipients;  
3           and

4           “(B) other activities designed to enhance the  
5           quality of distance learning activities nationwide.

6           “(2) Funds reserved for evaluation activities shall be  
7           used to conduct independent evaluations of the Star Schools  
8           program under this subpart and of distance learning in  
9           general, including—

10           “(A) analyses of distance learning efforts, includ-  
11           ing both Star Schools projects and efforts not funded  
12           by the program under this subpart; and

13           “(B) comparisons of the effects, including student  
14           outcomes, of different technologies in distance learn-  
15           ing efforts.

16           “(3) Funds reserved for peer review activities may be  
17           used for peer review of both proposals and funded projects.

18           **“SEC. 2225. DEFINITIONS.**

19           “For the purpose of this subpart, the following terms  
20           have the following meanings:

21           “(1) The term ‘educational institution’ means an  
22           institution of higher education, a local educational  
23           agency, or a State educational agency.

24           “(2) The term ‘instructional programming’  
25           means courses of instruction and training courses for

1 elementary and secondary students, teachers, and oth-  
2 ers, and materials for use in such instruction and  
3 training that have been prepared in audio and visual  
4 form on tape, disc, film, or live, and presented by  
5 means of telecommunications devices.

6 “(3) The term ‘public broadcasting entity’ has  
7 the same meaning given that term in section 397 of  
8 the Communications Act of 1934.

9 **“Subpart 4—Development of Educational Technology**  
10 **Products**

11 **“SEC. 2226. EDUCATIONAL TECHNOLOGY PRODUCT DEVEL-**  
12 **OPMENT.**

13 “(a) *PURPOSE.*—It is the purpose of this section to  
14 support the development of curriculum-based learning re-  
15 sources and systems using state-of-the-art technologies and  
16 techniques designed to improve student learning.

17 “(b) *FEDERAL ASSISTANCE AUTHORIZED.*—

18 “(1) *IN GENERAL.*—The Secretary shall provide  
19 assistance, on a competitive basis, to eligible consortia  
20 to enable such entities to develop, produce, and dis-  
21 tribute state-of-the-art technology-enhanced instruc-  
22 tional resources and programming for use in the  
23 classroom or to support professional development for  
24 teachers.

1           “(2) *GRANTS AND LOANS AUTHORIZED.*—*In carrying out the purposes of this section, the Secretary is authorized to pay the Federal share of the cost of the development, production, and distribution of state-of-the-art technology enhanced instructional resources and programming—*

7                   “(A) *by awarding grants to, or entering into contracts or cooperative agreements with eligible consortia; or*

10                   “(B) *by awarding loans to eligible consortia which—*

12                           “(i) *shall be secured in such manner and be repaid within such period, not exceeding 20 years, as may be determined by the Secretary;*

16                           “(ii) *shall bear interest at a rate determined by the Secretary which shall be not more than the total of one-quarter of 1 percent per annum added to the rate of interest paid by the Secretary on funds obtained from the Secretary of the Treasury;*

22                           “(iii) *may be forgiven by the Secretary, in an amount not to exceed 25 percent of the total loan, under such terms and*

1           *conditions as the Secretary may consider*  
2           *appropriate.*

3           “(3) *FEDERAL SHARE.*—*The Secretary shall re-*  
4           *quire any recipient of a grant, contract, or loan*  
5           *under this section to share in the cost of the activities*  
6           *supported with such assistance.*

7           “(4) *ELIGIBLE CONSORTIUM.*—*For the purpose*  
8           *of this section, the term ‘eligible consortium’ means a*  
9           *consortium consisting of—*

10           “(A) *State or local educational agencies in*  
11           *partnership with business, industry, or tele-*  
12           *communications entity;*

13           “(B) *a business, industry, or telecommuni-*  
14           *cations entity;*

15           “(C) *a public or private nonprofit organiza-*  
16           *tion; or*

17           “(D) *an institution of higher education.*

18           “(5) *PRIVATE SECTOR ADVISORY BOARD.*—*The*  
19           *Secretary shall establish an advisory board which*  
20           *shall provide advice and counsel to the Secretary con-*  
21           *cerning the most effective means of implementing the*  
22           *provisions of this section. Such board shall—*

23           “(A) *include educators, school administra-*  
24           *tors, and policymakers knowledgeable about the*

1           *technology and curriculum needs of State and*  
2           *local education agencies;*

3           “(B) include representatives of private for-  
4           profit and nonprofit entities engaged in the pro-  
5           duction and development of educational software  
6           and other technology-based learning resources;

7           “(C) make recommendations to the Sec-  
8           retary concerning the types and terms of Federal  
9           financial assistance which promise to be most ef-  
10          fective in advancing the purposes of this section;

11          “(D) regularly evaluate the implementation  
12          of this section.

13          “(6) *PRIORITIES.*—In awarding assistance under  
14          this section, the Secretary shall give priority to appli-  
15          cations describing programs or systems that—

16               “(A) promote the acquisition of higher-order  
17               thinking skills and promise to raise the achieve-  
18               ment levels of all students, particularly dis-  
19               advantaged students who are not realizing their  
20               potential;

21               “(B) are aligned with challenging content  
22               standards and State and local curriculum  
23               frameworks;

24               “(C) may be adapted and applied nation-  
25               ally at a reasonable cost;



1           “(D) covert technology resources developed  
2 with support from the Department of Defense  
3 and other Federal agencies for effective use in the  
4 classroom;

5           “(E) promise to reduce the costs of provid-  
6 ing high-quality instruction;

7           “(F) promise to expand access to high-qual-  
8 ity instruction in content areas which would oth-  
9 erwise not be available to students in rural and  
10 urban communities or who attend other edu-  
11 cational agencies with limited financial re-  
12 sources.

13           “(7) REQUIREMENTS FOR FEDERAL ASSIST-  
14 ANCE.—Each eligible consortium desiring Federal as-  
15 sistance under this section shall submit an applica-  
16 tion to the Secretary at such time and in such man-  
17 ner as the Secretary may prescribe. Each application  
18 shall include—

19           “(A) a description of how the program or  
20 system shall improve the achievement levels of  
21 students;

22           “(B) a description of how teachers associ-  
23 ated with the program will be trained to inte-  
24 grate technology in the classroom;

1           “(C) a description of how the design, devel-  
2           opment, piloting, field testing, and distribution  
3           of the program or system will be carried out;

4           “(D) an assurance that the program or sys-  
5           tem shall effectively serve a large number or per-  
6           centage of economically disadvantaged students;

7           “(E) plans for dissemination to a wide au-  
8           dience of learners; and

9           “(F) provisions for closed captioning or de-  
10          scriptive video where appropriate.

11          “(c) *EVALUATION.*—The Secretary shall provide for the  
12          independent evaluation of programs or systems developed  
13          with assistance under this section and shall regularly collect  
14          and disseminate to State and local educational agencies  
15          and to the public information about the usefulness and effec-  
16          tiveness of such programs or systems.

17          “(d) *ROYALTIES.*—Notwithstanding any other provi-  
18          sion of law, the Secretary is authorized to require that a  
19          portion of any royalty paid as a result of assistance pro-  
20          vided under this section be deposited in a central fund for  
21          the purposes of—

22                 “(1) recovering all or part of the Federal share  
23                 of the costs of developing, producing, and distributing  
24                 the product for which such royalty is paid; and

25                 “(2) carrying out the provisions of this section.

1       “(e) *AUTHORIZATION OF APPROPRIATIONS.*—For the  
2 *purpose of carrying out this section, there are authorized*  
3 *to be appropriated \$50,000,000 for fiscal year 1995 and*  
4 *such sums as may be necessary for fiscal years 1996, 1997,*  
5 *1998, and 1999.*

6               **“PART C—LIBRARY MEDIA PROGRAM**

7       **“SEC. 2231. ESTABLISHMENT OF PROGRAM.**

8       *“The Secretary shall award grants from allocations*  
9 *under section 2232 to States for the acquisition of school*  
10 *library media resources for the use of students, library*  
11 *media specialists, and teachers in elementary and second-*  
12 *ary schools.*

13       **“SEC. 2232. ALLOCATION TO STATES.**

14       *“From the amount appropriated pursuant to section*  
15 *2205 in each fiscal year, the Secretary shall allocate to each*  
16 *State having an approved plan under section 2233 as*  
17 *follows:*

18               *“(1) For appropriations below \$50,000,000, at*  
19 *the discretion of the Secretary, taking into account*  
20 *such factors as the age and condition of the State’s ex-*  
21 *isting library media collections.*

22               *“(2) For appropriations of \$50,000,000 and*  
23 *above to each State an amount which bears the same*  
24 *ratio to such funds as the amount such State received*  
25 *under section 1122 of title I bears to the amount all*

1 *States received under section 1122 in such year; ex-*  
2 *cept that no State shall receive less than one-half of*  
3 *one percent of such funds.*

4 ***“SEC. 2233. STATE PLANS.***

5 *“(a) IN GENERAL.—In order for a State to receive an*  
6 *allocation of funds under section 2232 for any fiscal year,*  
7 *such State shall have in effect for such fiscal year a State*  
8 *plan. Such plan shall—*

9 *“(1) designate the State educational agency as*  
10 *the State agency responsible for the administration of*  
11 *the program described in this part;*

12 *“(2) set forth a program under which funds paid*  
13 *to the State from its allocation under section 2202*  
14 *will be expended solely for—*

15 *“(A) acquisition of school library media re-*  
16 *sources, including foreign language resources, for*  
17 *the use of students, school library media special-*  
18 *ists, and teachers in elementary and secondary*  
19 *schools in the United States; and*

20 *“(B) administration of the State plan, in-*  
21 *cluding development and revision of standards,*  
22 *relating to school library media resources; except*  
23 *that the amount used for administration of the*  
24 *State plan in any fiscal year shall not exceed 5*





1       *order to use funds under this Act to provide such stu-*  
2       *dents with opportunities to learn to challenging State*  
3       *standards;*

4               *“(4) current technical assistance and dissemina-*  
5       *tion efforts are fragmented and categorical in nature,*  
6       *and thus fail to address adequately the needs of States*  
7       *and local educational agencies and tribes for help in*  
8       *integrating into a coherent strategy for improving*  
9       *teaching and learning the various programs under*  
10       *this Act with State and local programs and other*  
11       *education reform efforts;*

12               *“(5) too little creative use is made of technology*  
13       *as a means of providing information and assistance*  
14       *in a cost-effective way;*

15               *“(6) comprehensive technical assistance can help*  
16       *schools and school systems focus on improving oppor-*  
17       *tunities for all children to reach challenging State*  
18       *performance standards, as they implement programs*  
19       *under this Act;*

20               *“(7) comprehensive technical assistance would*  
21       *provide coordinated assistance to help States, local*  
22       *educational agencies, tribes, participating colleges*  
23       *and universities, and schools integrate Federal, State,*  
24       *and local education programs in ways that contribute*  
25       *to improving schools and entire school systems;*

1           “(8) technical assistance in support of programs  
2           under this Act should be coordinated with the Depart-  
3           ment’s regional offices, the regional educational lab-  
4           oratories, State Literacy Resource Centers, vocational  
5           resource centers, and other technical assistance efforts  
6           supported by the Department;

7           “(9) technical assistance providers should  
8           prioritize assistance to local educational agencies and  
9           schools; and

10           “(10) technical assistance should both encourage  
11           the integration of categorical programs and ensure  
12           that students with special needs, such as limited Eng-  
13           lish proficiency students, are served fully.

14   **“SEC. 2342. PURPOSE.**

15           “The purpose of this part is to create a national tech-  
16           nical assistance and dissemination system to make avail-  
17           able to States, local educational agencies, tribes, schools,  
18           and other recipients of funds under this Act technical assist-  
19           ance in—

20           “(1) implementing programs authorized by this  
21           Act in a manner that improves teaching and learning  
22           for all students;

23           “(2) coordinating those programs with other  
24           Federal, State, and local education plans and activi-  
25           ties, so that all students are provided opportunities to



1       *meet challenging State performance standards, in*  
2       *particular students at risk of educational failure; and*  
3             “(3) *adopting, adapting, and implementing*  
4       *promising and proven practices for improving teach-*  
5       *ing and learning.*

6       **“SEC. 2343. PROGRAMS AUTHORIZED.**

7             “(a) *COMPREHENSIVE ASSISTANCE CENTERS.—The*  
8       *Secretary is authorized to award grants or enter into con-*  
9       *tracts with public or private nonprofit entities or consortia*  
10       *to establish a networked system of 15 centers to provide*  
11       *comprehensive research-based training and technical assist-*  
12       *ance to States, local educational agencies, schools, tribes,*  
13       *community-based organizations, and other recipients of*  
14       *funds under this Act in their administration and imple-*  
15       *mentation of programs authorized by this Act. In establish-*  
16       *ing centers and allocating resources among the centers, the*  
17       *Secretary shall consider the geographic distribution of title*  
18       *I students; the geographic and linguistic distribution of stu-*  
19       *dents of limited English proficiency; the geographic dis-*  
20       *tribution of Indian students; the special needs of students*  
21       *living in rural areas; and the special needs of States and*  
22       *territories in geographic isolation.*

23             “(b) *STATE-BASED ASSISTANCE.—The Secretary is*  
24       *authorized to award grants or enter into contracts with*  
25       *public and private nonprofit entities to establish an assist-*

1 *ance agency in each State and territory and in the Bureau*  
2 *of Indian Affairs. This program shall be called the National*  
3 *Diffusion Network and will assist States, local educational*  
4 *agencies, and schools in identifying and securing appro-*  
5 *priate, high-quality technical assistance, provide informa-*  
6 *tion on and assistance in adopting effective programs and*  
7 *practices, and work cooperatively with the Comprehensive*  
8 *Assistance Centers to improve teaching and learning and*  
9 *raise standards for all students.*

10 *“(c) ACCOUNTABILITY.—To ensure the quality and ef-*  
11 *fectiveness of the comprehensive assistance centers supported*  
12 *under this part, the Secretary shall—*

13 *“(1) provide for an external peer review (includ-*  
14 *ing representatives of the populations served under*  
15 *this Act) of the centers under this part every 2 years;*

16 *“(2) develop, in consultation with the Assistant*  
17 *Secretary for Elementary and Secondary Education,*  
18 *the Director of Bilingual Education and Minority*  
19 *Languages Affairs, and the Assistant Secretary for*  
20 *Educational Research and Improvement, a set of per-*  
21 *formance indicators, for use during the peer reviews*  
22 *required by paragraph (1), that assesses whether the*  
23 *work of the centers assists in improving teaching and*  
24 *learning under this Act for all children, in particular*  
25 *children at risk of educational failure;*

1           “(3) require each center to publish, and dissemi-  
2           nate widely throughout its region, an annual report  
3           on its services and accomplishments and how those  
4           services and accomplishments relate to the perform-  
5           ance indicators developed under paragraph (2);

6           “(4) conduct periodic surveys of users of the cen-  
7           ters’ services to determine if users are satisfied with  
8           the access to and quality of such services;

9           “(5) collect, as part of the Department’s reviews  
10          of programs under this Act, information about the  
11          availability and quality of services provided by the  
12          centers, and share that information with the centers;

13          “(6) take whatever steps are reasonable and nec-  
14          essary to ensure that each center performs its respon-  
15          sibilities in a satisfactory manner, which may in-  
16          clude termination of an award under this part (if the  
17          Secretary concludes that performance has been unsat-  
18          isfactory) and the selection of a new center, as well  
19          as whatever interim arrangements the Secretary de-  
20          termines are necessary to ensure the satisfactory de-  
21          livery of services under this part to the affected re-  
22          gion; and

23          “(7) provide for an independent evaluation of  
24          the system of technical assistance centers authorized  
25          by this part and report the results of that evaluation

1       to Congress prior to the next reauthorization of this  
2       Act.

3       “(c) *CONTRACT PERIOD.*—Grants or contracts award-  
4       ed under this section shall be awarded for a period of 5  
5       years following the extension of contracts and grants under  
6       section 2206(c).

7       **“SEC. 2344. REQUIREMENTS OF COMPREHENSIVE ASSIST-**  
8       **ANCE CENTERS.**

9       “Each comprehensive assistance center established  
10      under section 2343(a)—

11           “(1) shall maintain staff expertise in at least all  
12      of the following areas:

13                   “(A) Instruction, curriculum improvement,  
14                   assessment, school reform, and other aspects of  
15                   title I of this Act.

16                   “(B) Meeting the needs of children served  
17                   under this Act, including children in high-pov-  
18                   erty areas, migratory children, immigrant chil-  
19                   dren, children with limited English proficiency,  
20                   neglected or delinquent children, homeless chil-  
21                   dren and youth, Indian children, and children  
22                   with disabilities and where applicable, Alaskan  
23                   Native children and Native Hawaiian children.

24                   “(C) Professional development for teachers,  
25                   other school staff, and administrators to help stu-

1           *dents meet challenging State performance stand-*  
2           *ards.*

3           “(D) *Bilingual education, including pro-*  
4           *grams that emphasize English and native lan-*  
5           *guage proficiency and promote multicultural un-*  
6           *derstanding.*

7           “(E) *Safe and drug-free schools.*

8           “(F) *Educational applications of tech-*  
9           *nology.*

10          “(G) *Parent involvement and participation.*

11          “(H) *The reform of schools and school sys-*  
12          *tems.*

13          “(I) *Program evaluation.*

14          “(J) *Coordination of services.*

15          “(K) *School governance and management.*

16          “(L) *Partnerships between the public and*  
17          *private sector, including the formation of part-*  
18          *nerships between schools and businesses.*

19          “(2) *shall ensure, where appropriate, staff exper-*  
20          *tise in the special needs of students living in rural*  
21          *areas and in the special needs of local education*  
22          *agencies serving rural areas;*

23          “(3) *shall ensure that technical assistance staff*  
24          *have sufficient training, knowledge, and expertise in*  
25          *how to integrate and coordinate programs under this*

1     *Act with each other, as well as with other Federal,*  
2     *State, and local programs and reforms, and reflect the*  
3     *diverse linguistic and cultural expertise appropriate*  
4     *to the region served;*

5             *“(4) shall provide technical assistance using the*  
6             *highest quality and most cost-effective strategies*  
7             *possible;*

8             *“(5) shall coordinate services, work cooperatively,*  
9             *and regularly share information with the regional*  
10            *education laboratories, the Eisenhower Regional Math*  
11            *and Science consortia, research and development cen-*  
12            *ters, and other entities engaged in research, develop-*  
13            *ment, dissemination, and technical assistance activi-*  
14            *ties which are supported by the Department of Edu-*  
15            *cation as part of a Federal technical assistance sys-*  
16            *tem, to provide a broad range of support services to*  
17            *schools in the region while minimizing the duplica-*  
18            *tion of such services; and*

19            *“(6) shall provide services to States, local edu-*  
20            *cational agencies, tribes, and schools through or in co-*  
21            *ordination with the State Facilitators of the National*  
22            *Diffusion Network as authorized in section 2343(b) in*  
23            *order to better implement the purposes of this section*  
24            *and provide the support and assistance diffusion*  
25            *agents need to carry out their mission effectively.*

1 **“SEC. 2345. DUTIES OF COMPREHENSIVE ASSISTANCE CEN-**  
2 **TERS.**

3 “(a) *IN GENERAL.*—Each center established under sec-  
4 tion 2303(a) shall provide comprehensive, integrated tech-  
5 nical assistance services focused on improving teaching and  
6 learning.

7 “(b) *SUPPORT AND ASSISTANCE.*—Comprehensive cen-  
8 ters 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 under  
11 this Act in—

12 “(1) *the development of plans for integrating*  
13 *programs under this Act with other Federal programs*  
14 *and with State, local and tribal reform efforts;*

15 “(2) *the development, selection, and use of chal-*  
16 *lenging, high-quality curricula aligned with high*  
17 *standards and assessments;*

18 “(3) *the identification, adaptation, or develop-*  
19 *ment of instructional strategies and materials which*  
20 *meet the needs of children receiving assistance under*  
21 *this Act;*

22 “(4) *the development of valid, reliable, and non-*  
23 *discriminatory systems of assessment which reflect re-*  
24 *cent advances in the field of education assessment;*

25 “(5) *the development, selection, and implementa-*  
26 *tion of effective schoolwide projects;*

1           “(6) improving the capacity of educators, school  
2 administrators, counselors, and other school personnel  
3 to assist students to reach challenging standards, es-  
4 pecially those students furthest from such standards,  
5 through the expansion and strengthening of profes-  
6 sional development activities;

7           “(7) expanding and improving opportunities for  
8 parents to participate in the education of their chil-  
9 dren at home and at school;

10           “(8) creating safe and drug-free environments,  
11 especially in areas experiencing high levels of drug  
12 use and violence in the community and schools;

13           “(9) the coordination of services and programs to  
14 meet the needs of students so that they can fully par-  
15 ticipate in the educational program of the school;

16           “(10) the evaluation of educational programs;

17           “(11) educational applications of technology,  
18 when appropriate, in coordination with the regional  
19 mathematics and science education consortia;

20           “(12) reforming the governance and management  
21 of schools; and

22           “(13) establishing public/private education part-  
23 nerships, including school/business partnerships.

24           “(c) *ADDITIONAL DUTIES.*—Additional duties in-  
25 clude—



1           “(1) assisting States, local educational agencies,  
2           tribal divisions of education, and schools in replicat-  
3           ing and adapting exemplary and promising edu-  
4           cational programs, policies, and practices through or  
5           in coordination with the National Diffusion Network  
6           State Facilitator;

7           “(2) assisting State educational agencies and  
8           local educational agencies to develop school support  
9           teams to work with schoolwide programs under title  
10          I of this Act; and

11          “(3) assisting State educational agencies, local  
12          educational agencies, and the National Diffusion Net-  
13          work State Facilitators to increase their capacity to  
14          provide high-quality technical assistance in support  
15          of programs under this Act.

16       **“SEC. 2346. MAINTENANCE OF SERVICE.**

17          “(a) *MAINTENANCE OF EFFORT.*—The Secretary shall  
18          ensure that the comprehensive assistance centers funded  
19          under this part provide technical assistance services that  
20          address the needs of bilingual, migrant, immigrant, and In-  
21          dian students that are at least comparable to the level of  
22          such technical assistance services provided under programs  
23          administered by the Secretary prior to the date of the enact-  
24          ment of the Improving America’s Schools Act of 1994.

25          “(b) *MINIMUM FUNDS.*—

1           “(1) *MAINTENANCE OF EFFORT.*—In awarding  
2           *grants or contracts for comprehensive assistance cen-*  
3           *ters, the Secretary shall ensure that the proportion of*  
4           *funds used to provide services that address the needs*  
5           *of limited-English-proficient, immigrant, and mi-*  
6           *grant students shall be no less than the proportion of*  
7           *funds expended under grants or contracts expiring in*  
8           *fiscal year 1995 for categorical technical assistance*  
9           *centers serving limited-English-proficient and mi-*  
10          *grant students.*

11          “(2) *INDIAN STUDENTS.*—In awarding grants or  
12          *contracts for comprehensive assistance centers, the*  
13          *Secretary shall ensure that the proportion of funds*  
14          *used to provide services that address the need of In-*  
15          *dian students through the comprehensive centers es-*  
16          *tablished in section 2343(a) shall be no less than the*  
17          *proportion of funds expended under grants or con-*  
18          *tracts expiring in fiscal year 1995 for technical as-*  
19          *sistance centers serving Indian students.*

20          “(c) *APPLICATION.*—Applications for funds under sub-  
21          *section (a)(2) shall include how centers will—*

22                 “(1) *provide expertise in the areas listed in sec-*  
23                 *tion 2344(l);*

1           “(2) work with the National Diffusion Network  
2           authorized in section 2343(b) to conduct outreach to  
3           local educational agencies prioritized in section 2348;

4           “(3) demonstrate support from States and local  
5           educational agencies and tribes in the area to be  
6           served;

7           “(4) ensure a fair distribution of services to  
8           urban and rural areas;

9           “(5) utilize technology to provide technical as-  
10          sistance; and

11          “(6) provide other information the Secretary  
12          may require.

13          In approving applications to comprehensive centers serving  
14          Indian students, the Secretary shall give priority to appli-  
15          cations from consortia that include Indian educational  
16          agencies, organizations, or institutions.

17          “(d) *TRANSITION.*—The Secretary shall, notwithstand-  
18          ing any other provision of law, use funds appropriated  
19          under section 2351 to extend or continue existing contracts  
20          and grants for categorical technical assistance centers and  
21          for National Diffusion Network State Facilitator and De-  
22          veloper Demonstrators through fiscal year 1995 and take  
23          other necessary steps to ensure a smooth transition of this  
24          part.

1 **“SEC. 2347. STATE-BASED ACTIVITIES.**

2       “(a) *PURPOSES.*—*The Secretary shall establish a*  
3 *State-based outreach, dissemination, training, and con-*  
4 *sultation component of the National Technical Assistance*  
5 *and Dissemination System through the National Diffusion*  
6 *Network and its State Facilitators.*

7       “(b) *IN GENERAL.*—*The Department of Education,*  
8 *through the Office of Educational Research and Improve-*  
9 *ment shall award grants or enter into contracts with public*  
10 *or private nonprofit educational organizations or institu-*  
11 *tions in each State with demonstrated experience, expertise,*  
12 *and commitment in the areas of applied education research*  
13 *and program dissemination to carry out activities described*  
14 *in subsection (c).*

15       “(c) *NATIONAL DIFFUSION NETWORK STATE*  
16 *FACILITATOR.*—*National Diffusion Network State*  
17 *Facilitators shall work in coordination with the comprehen-*  
18 *sive assistance centers to assist State educational agencies,*  
19 *local educational agencies, tribal divisions of education,*  
20 *and schools to—*

21               “(1) *define their technical assistance needs and*  
22 *align them with school reform, professional develop-*  
23 *ment, and technology plans;*

24               “(2) *secure the technical assistance services that*  
25 *can best fulfill their needs by utilizing Department of*  
26 *Education technical assistance centers, regional edu-*

1        *ation laboratories, Eisenhower Regional consortia,*  
2        *State Literacy Resource Centers, and other technical*  
3        *assistance providers including local providers of pro-*  
4        *fessional development services;*

5            *“(3) identify educational technology needs and*  
6            *secure the necessary technical assistance to address*  
7            *them;*

8            *“(4) prepare for on-site, intensive technical as-*  
9            *sistance provided by the comprehensive centers, labs,*  
10          *or other service providers;*

11          *“(5) utilize technology, including regional and*  
12          *national electronic networks, to increase their access*  
13          *to technical assistance, professional development serv-*  
14          *ices, and dissemination of exemplary practices and*  
15          *materials;*

16          *“(6) deliver high-quality professional develop-*  
17          *ment services to their school-based educators; and*

18          *“(7) provide organizational development services*  
19          *to facilitate school-based change.*

20          *“(d) ADDITIONAL DUTIES.—In addition, National*  
21          *Diffusion Network State Facilitators shall—*

22            *“(1) disseminate information about school reform*  
23            *and effective and promising practices and help local*  
24            *educational agencies and schools adapt them to their*  
25            *needs;*

1           “(2) facilitate communications between educators  
2           to assist the sharing of promising practices and to  
3           foster school reform and professional development;

4           “(3) coordinate their activities with school sup-  
5           port teams and distinguished educators in their State;

6           “(4) coordinate, work cooperatively with, and  
7           regularly share information with the comprehensive  
8           centers, the Regional Education Laboratories, and  
9           other entities engaged in research, development, dis-  
10          semination, and technical assistance activities which  
11          are supported by the Department of Education;

12          “(5) develop and implement an aggressive out-  
13          reach plan for reaching the local educational agencies  
14          and schools identified as priorities in section 2308;  
15          and

16          “(6) provide technical, dissemination, and sup-  
17          port assistance to States, local educational agencies,  
18          and schools using the highest quality and most cost-  
19          effective methods available.

20          “(e) NATIONAL DIFFUSION NETWORK EFFECTIVE  
21          PRACTICES.—The Secretary shall develop a system of vali-  
22          dating effective programs and promising practices for dis-  
23          semination through the National Diffusion Network. Such  
24          programs may include exemplary programs funded through  
25          any office of the Department of Education, the National

1 *Science Foundation, or other Federal agencies. Such a sys-*  
2 *tem should be coordinated, aligned with, and administered*  
3 *by the Office of Educational Research and Improvement Of-*  
4 *fice of Reform Assistance and Dissemination. The Secretary*  
5 *shall give priority to identifying, validating, and dissemi-*  
6 *nating effective schoolwide projects, programs addressing*  
7 *the needs of high poverty schools, and programs with the*  
8 *capacity to offer high-quality, sustained technical assist-*  
9 *ance. The Office of Educational Research and Improvement*  
10 *Office of Reform Assistance and Dissemination shall also*  
11 *administer a grants program to such validated Effective*  
12 *Practices for the purpose of dissemination and the provision*  
13 *of technical assistance.*

14 ***“SEC. 2348. PROGRAM PRIORITIES.***

15 *“Both the comprehensive centers and the National Dif-*  
16 *fusion Network shall give priority service to schoolwide*  
17 *projects, local educational agencies, and Bureau of Indian*  
18 *Affairs schools with the highest percentage or numbers of*  
19 *poor children.*

20 ***“SEC. 2349. TECHNOLOGY-BASED TECHNICAL ASSISTANCE.***

21 *“The Secretary is also authorized to provide a tech-*  
22 *nology-based technical assistance service that will—*

23 *“(1) support the administration and implemen-*  
24 *tation of programs authorized by this Act by provid-*  
25 *ing information, including legal and regulatory infor-*

1        *mation, and technical guidance and information*  
2        *about best practices; and*

3            *“(2) be accessible to all States, local educational*  
4        *agencies, schools, and others who are recipients of*  
5        *funds under this Act.*

6        **“SEC. 2350. ADMINISTRATION.**

7            *“The program authorized by this part shall be jointly*  
8        *administered by the Assistant Secretary for Elementary*  
9        *and Secondary Education, the Director of Bilingual Edu-*  
10       *cation and Minority Languages Affairs, and the Assistant*  
11       *Secretary for Educational Research and Improvement.*

12       **“SEC. 2351. AUTHORIZATION OF APPROPRIATIONS.**

13            *“For the purposes of carrying out this part, there are*  
14        *authorized to be appropriated \$70,000,000 for fiscal year*  
15        *1995 and such sums as may be necessary for each of the*  
16        *fiscal years 1996, 1997, 1998, and 1999. Of the funds ap-*  
17        *propriated under this part, not less than \$25,000,000 shall*  
18        *be made available to support activities of the National Dif-*  
19        *fusion Network authorized in section 2343(b).*

20        **“PART E—EDUCATION PROGRAM STRATEGIES**

21        **“SEC. 2401. FINDINGS AND STATEMENT OF PURPOSE.**

22            *“(a) FINDINGS.—The Congress finds that chapter 2 of*  
23        *the Education Consolidation and Improvement Act of 1981*  
24        *has been successful in achieving the goals of increasing local*  
25        *flexibility, reducing administrative burden, providing serv-*



1 ices for private school students, encouraging innovation,  
2 and contributing to the improvement of elementary and sec-  
3 ondary educational programs.

4 “(b) *STATEMENT OF PURPOSE.*—It is the purpose of  
5 programs under this part:

6 “(1) To support local education reform efforts  
7 which are consistent with and support statewide re-  
8 form efforts under Goals 2000.

9 “(2) To support State and local efforts to accom-  
10 plish the National Education Goals.

11 “(3) To provide funding to enable State and  
12 local educational agencies to implement promising  
13 educational reform programs that can be supported  
14 by State and local sources of funding after such pro-  
15 grams are demonstrated to be effective.

16 “(4) To provide a continuing source of innova-  
17 tion, educational improvement, and support for li-  
18 brary services and instructional materials, including  
19 media materials and,

20 “(5) To meet the special educational needs of at  
21 risk and high cost students.

22 “(c) *STATE AND LOCAL RESPONSIBILITY.*—The basic  
23 responsibility for the administration of funds made avail-  
24 able under this part is within the State educational agen-  
25 cies, but it is the intent of Congress that the responsibility

1 *be carried out with a minimum of paperwork and that the*  
2 *responsibility for the design and implementation of pro-*  
3 *grams assisted under this part will be mainly that of local*  
4 *educational agencies, school superintendents and prin-*  
5 *cipals, and classroom teachers and supporting personnel,*  
6 *because they have the most direct contact with students and*  
7 *are most likely to be able to design programs to meet the*  
8 *educational needs of students in their own districts.*

9 ***“SEC. 2402. AUTHORIZATION OF APPROPRIATIONS; DURA-***  
10 ***TION OF ASSISTANCE.***

11 *“(a) AUTHORIZATION.—To carry out the purposes of*  
12 *this part, there are authorized to be appropriated*  
13 *\$435,000,000 for fiscal year 1995 and such sums in each*  
14 *of the fiscal years 1996 through 1999.*

15 *“(b) DURATION OF ASSISTANCE.—During the period*  
16 *beginning October 1, 1994, and ending September 30, 1999,*  
17 *the Secretary shall, in accordance with the provisions of*  
18 *this part, make payments to State educational agencies for*  
19 *the purpose of this section.*

20 ***“Subpart 1—State and Local Programs***

21 ***“SEC. 2411. ALLOTMENT TO STATES.***

22 *“(a) RESERVATIONS.—From the sums appropriated to*  
23 *carry out this subpart in any fiscal year, the Secretary*  
24 *shall reserve not to exceed 1 percent for payments to Guam,*  
25 *American Samoa, the Virgin Islands, the Trust Territory*



1 *children whose education imposes a higher than average*  
2 *cost per child, such as—*

3           “(1) *children living in areas with high con-*  
4 *centrations of low-income families,*

5           “(2) *children from low-income families, and*

6           “(3) *children living in sparsely populated areas.*

7           “(b) *CALCULATION OF ENROLLMENTS.—(1) The cal-*  
8 *ulation of relative enrollments under subsection (a) shall*  
9 *be on the basis of the total of—*

10           “(A) *the number of children enrolled in public*  
11 *schools, and*

12           “(B) *the number of children enrolled in private*  
13 *nonprofit schools that desire that their children par-*  
14 *ticipate in programs or projects assisted under this*  
15 *part, for the fiscal year preceding the fiscal year in*  
16 *which the determination is made. Nothing in this*  
17 *subsection shall diminish the responsibility of local*  
18 *educational agencies to contact, on an annual basis,*  
19 *appropriate officials from private nonprofit schools*  
20 *within the areas served by such agencies in order to*  
21 *determine whether such schools desire that their chil-*  
22 *dren participate in programs assisted under this*  
23 *part.*

24           “(2)(A) *Relative enrollments under subsection*  
25 *(a) shall be adjusted, in accordance with criteria ap-*

1     *proved by the Secretary under subparagraph (B), to*  
2     *provide higher per pupil allocations only to local edu-*  
3     *cational agencies which serve the greatest numbers or*  
4     *percentages of—*

5             *“(i) children living in areas with high con-*  
6             *centrations of low-income families,*

7             *“(ii) children from low-income families, or*

8             *“(iii) children living in sparsely populated*  
9             *areas.*

10            *“(B) The Secretary shall review criteria submit-*  
11            *ted by a State educational agency for adjusting allo-*  
12            *cations under paragraph (1) and shall approve such*  
13            *criteria only if the Secretary determines that such*  
14            *criteria are reasonably calculated to produce an ad-*  
15            *justed allocation that reflects the relative needs within*  
16            *the State’s local educational agencies based on the fac-*  
17            *tors set forth in subparagraph (A).*

18            *“(c) PAYMENT OF ALLOCATIONS.—*

19            *“(1) From the funds paid to it pursuant to sec-*  
20            *tion 2402 for a fiscal year, a State educational agen-*  
21            *cy shall distribute to each eligible local educational*  
22            *agency which has submitted an application as re-*  
23            *quired in section 2423 the amount of its allocation as*  
24            *determined under subsection (a).*

1           “(2)(A) Additional funds resulting from higher  
2           per pupil allocations provided to a local educational  
3           agency on the basis of adjusted enrollments of chil-  
4           dren described in subsection (a), may, at the discre-  
5           tion of the local educational agency, be allocated for  
6           expenditures to provide services for children enrolled  
7           in public and private nonprofit schools in direct pro-  
8           portion to the number of children described in sub-  
9           section (a) and enrolled in such schools within the  
10          local educational agency.

11           “(B) In any fiscal year, any local educational  
12          agency that elects to allocate such additional funds in  
13          the manner described in subparagraph (A) shall allo-  
14          cate all additional funds to schools within the local  
15          educational agency in such manner.

16           “(C) The provisions of subparagraphs (A) and  
17          (B) may not be construed to require any school to  
18          limit the use of such additional funds to the provision  
19          of services to specific students or categories of stu-  
20          dents.

21                           **“Subpart 2—State Programs**

22           **“SEC. 2421. STATE USES OF FUNDS.**

23           “(a) AUTHORIZED ACTIVITIES.—A State educational  
24          agency may use funds reserved for State use under this sec-  
25          tion only for—

1           “(1) *State administration of programs under*  
2 *this section including—*

3                   “(A) *supervision of the allocation of funds*  
4 *to local educational agencies;*

5                   “(B) *planning, supervision, and processing*  
6 *of State funds; and*

7                   “(C) *monitoring and evaluation of pro-*  
8 *grams and activities under this part; and*

9           “(2) *technical assistance and direct grants to*  
10 *local educational agencies and statewide education re-*  
11 *form activities which assist local educational agencies*  
12 *to provide targeted assistance.*

13           “(b) *LIMITATIONS AND REQUIREMENTS.—Not more*  
14 *than 25 percent of funds available for State programs under*  
15 *this part in any fiscal year may be used for State adminis-*  
16 *tration under subsection (a)(1).*

17   **“SEC. 2423. STATE APPLICATIONS.**

18           “(a) *APPLICATION REQUIREMENTS.—Any State which*  
19 *desires to receive a grant under this subpart shall submit*  
20 *to the Secretary an application which—*

21                   “(1) *designates the State educational agency as*  
22 *the State agency responsible for administration and*  
23 *supervision of programs assisted under this part;*

24                   “(2)(A) *provides for an annual submission of*  
25 *data on the use of funds, the types of services fur-*

1     *nished, and the students served under this section;*  
2     *and*

3             *“(B) in fiscal year 1998 provides for an evalua-*  
4     *tion of the effectiveness of programs assisted under*  
5     *this subpart;*

6             *“(3) provides that the State educational agency*  
7     *will keep such records and provide such information*  
8     *to the Secretary as may be required for fiscal audit*  
9     *and program evaluation (consistent with the respon-*  
10    *sibilities of the Secretary under this section);*

11            *“(4) provides assurance that, apart from tech-*  
12    *nical and advisory assistance and monitoring compli-*  
13    *ance with this part, the State educational agency has*  
14    *not exercised and will not exercise any influence in*  
15    *the decision making processes of local educational*  
16    *agencies as to the expenditure made pursuant to an*  
17    *application under section 2433; and*

18            *“(5) contain assurances that there is compliance*  
19    *with the specific requirements of this chapter.*

20            *“(b) PERIOD OF APPLICATION.—An application filed*  
21    *by the State under subsection (a) shall be for a period not*  
22    *to exceed 3 years, and may be amended annually as may*  
23    *be necessary to reflect changes without filing a new applica-*  
24    *tion.*



1       “(c) *AUDIT RULE.*—Notwithstanding section 1745 of  
2 *the Omnibus Budget Reconciliation Act of 1981, local edu-*  
3 *cational agencies receiving less than an average of \$5,000*  
4 *each under this section need not be audited more frequently*  
5 *than once every 5 years.*

6       **“Subpart 3—Local Targeted Assistance Programs**

7       **“SEC. 2431. TARGETED USE OF FUNDS.**

8       “(a) *GENERAL RULE.*—Funds allocated for use under  
9 *this subpart shall be used by local educational agencies for*  
10 *targeted assistance described in subsection (b).*

11       “(b) *TARGETED ASSISTANCE.*—The targeted assistance  
12 *programs referred to in subsection (a) include—*

13               “(1) *technology related to the implementation of*  
14 *school-based reform programs, including professional*  
15 *development to assist teachers and other school offi-*  
16 *cial s regarding how to use effectively such equipment*  
17 *and software;*

18               “(2) *instructional and educational materials, as-*  
19 *sessments, and library services and materials (includ-*  
20 *ing media materials) tied to high academic standards*  
21 *and which are part of an overall education reform*  
22 *program;*

23               “(3) *promising education reform projects, in-*  
24 *cluding 21st Century Learning Center school projects*  
25 *in accordance with subpart 4; and*

1           “(4) computer hardware and software purchased  
2           under this section should be used only for instruc-  
3           tional purposes.

4           **“SEC. 2432. ADMINISTRATIVE AUTHORITY.**

5           *“In order to conduct the activities authorized by this*  
6 *part, each State or local educational agency may use funds*  
7 *reserved for this part to make grants to and to enter into*  
8 *contracts with local educational agencies, institutions of*  
9 *higher education, libraries, museums, and other public and*  
10 *private nonprofit agencies, organizations, and institutions.*

11          **“SEC. 2433. LOCAL APPLICATIONS.**

12          “(a) *CONTENTS OF APPLICATION.—A local educational*  
13 *agency or consortia of local educational agencies may re-*  
14 *ceive an allocation of funds under this subpart for any year*  
15 *for which an application is submitted to the State edu-*  
16 *cational agency and such application is certified to meet*  
17 *the requirements of this section. The State educational agen-*  
18 *cy shall certify any such application if such application—*

19           “(1) *sets forth the planned allocation of funds*  
20 *among targeted assistance programs described in sec-*  
21 *tion 2431 of this part and describes the programs,*  
22 *projects and activities designed to carry out such tar-*  
23 *geted assistance which it intends to support, together*  
24 *with the reasons for selection of such programs,*  
25 *projects and activities; and*

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) agrees to keep such records, and provide  
6 such information to the State educational agency as  
7 may reasonably be required for fiscal audit and pro-  
8 gram evaluation, concession with the responsibilities  
9 of the State agency under this part; and

10           “(4) provides in the allocation of funds for the  
11 assistance authorized by this part, and in the design,  
12 planning and implementation of such programs, for  
13 systematic consultation with parents of children at-  
14 tending elementary and secondary schools in the area  
15 served by the local agency, with teachers and admin-  
16 istrative personnel in such schools, and with other  
17 groups involved in the implementation of this section  
18 (such as librarians, school counselors, and other pupil  
19 services personnel) as may be considered appropriate  
20 by the local educational agency.

21           “(b) PERIOD OF APPLICATION.—An application filed  
22 by a local educational agency under subsection (a) shall be  
23 for a period not to exceed 3 fiscal years, may provide for  
24 the allocation of funds to programs for a period of 3 years,

1 *and may be amended annually as may be necessary to re-*  
2 *flect changes without filing a new application.*

3       “(c) *LOCAL EDUCATIONAL AGENCY DISCRETION.—*  
4 *Subject to the limitations and requirements of this part,*  
5 *a local educational agency shall have complete discretion*  
6 *in determining how funds under this subpart shall be di-*  
7 *vided among the areas of targeted assistance. In exercising*  
8 *such discretion, a local educational agency shall ensure that*  
9 *expenditures under this subpart carry out the purposes of*  
10 *this subpart and are used to meet the educational needs*  
11 *within the schools of such local educational agency.*

12       **“Subpart 4—21st Century Community Learning**

13                               **Centers**

14       **“SEC. 2441. FINDINGS.**

15       *“The Congress finds that—*

16               “(1) *there are influences outside of school which*  
17 *affect the ability of a child to achieve academically*  
18 *and schools are in a unique position to identify stu-*  
19 *dent and family needs to coordinate programs;*

20               “(2) *access to health and social service programs*  
21 *can assist children and their families to improve the*  
22 *ability of the family to take an active role in their*  
23 *child’s education;*

24               “(3) *coordination of health and social service*  
25 *programs with education can help the Nation meet*

1       *the National Education Goals and ensure better out-*  
2       *comes for children;*

3             “(4) *the high technology, global economy of the*  
4       *21st century will require lifelong learning to keep*  
5       *America’s workforce competitive and successful;*

6             “(5) *21st Century Community Learning Centers*  
7       *enable the entire community to develop an education*  
8       *strategy that addresses the educational needs of all*  
9       *members of local communities; and*

10            “(6) *local public schools should provide centers*  
11       *for lifelong learning and educational opportunities for*  
12       *individuals of all ages.*

13       **“SEC. 2442. FUNDS FOR COMMUNITY LEARNING CENTERS.**

14            “(a) *IN GENERAL.*—*Local educational agencies may*  
15       *use funds provided under section 2412 to pay the Federal*  
16       *share of the cost for enabling schools to serve as centers for*  
17       *the delivery of education and human services for members*  
18       *of a community.*

19            “(b) *USES OF FUNDS.*—*Local educational agencies*  
20       *may use funds provided under section 2412 for projects de-*  
21       *scribed under this subpart.*

22       **“SEC. 2443. PROGRAMS.**

23            “*Local educational agencies that receive funds under*  
24       *this subpart may develop programs that include—*

25            “(1) *literacy education programs;*

1           “(2) senior citizen programs;

2           “(3) children’s day care services;

3           “(4) integrated education, health, social service,  
4           recreational, or cultural programs;

5           “(5) summer and weekend school programs in  
6           conjunction with summer recreation programs;

7           “(6) nutrition programs;

8           “(7) expanded library service hours to serve com-  
9           munity needs;

10          “(8) telecommunications and technology edu-  
11          cation programs for all ages;

12          “(9) parenting skills education programs;

13          “(10) support and training for child day care  
14          providers;

15          “(11) employment counseling, training, and  
16          placement;

17          “(12) services for students who withdraw from  
18          school before graduating high school, regardless of age;  
19          and

20          “(13) services for individuals who are either  
21          physically or mentally challenged.

22   **“SEC. 2444. REQUIREMENTS.**

23          “A local educational agency that uses funds to develop  
24          programs under this subpart shall, at the end of the first  
25          year for which funds are used for this purpose, provide in-

1 *formation to the State educational agency which describes*  
2 *the activities and projects established with funds under this*  
3 *subpart and includes—*

4           “(1) *information on the comprehensive local plan*  
5 *that enables such school to serve as a center for the*  
6 *delivery of education and human services for members*  
7 *of a community; and*

8           “(2) *information on the initial evaluation of*  
9 *needs, available resources, and goals and objectives for*  
10 *the proposed community education program and how*  
11 *such evaluation was used to determine the program*  
12 *developed to address such needs; including—*

13               “(A) *the mechanism used to disseminate in-*  
14 *formation in a manner understandable and ac-*  
15 *cessible to the community;*

16               “(B) *identification of Federal, State, and*  
17 *local programs merged or coordinated so that*  
18 *public resources could be maximized;*

19               “(C) *a description of the collaborative ef-*  
20 *forts of community-based organizations, related*  
21 *public agencies, businesses, or other appropriate*  
22 *organizations;*

23               “(D) *a description of how the school will as-*  
24 *sist as a delivery center for existing and new*  
25 *services; and*

1           “(E) the establishment of the facility utili-  
2           zation policy that specifically states rules and  
3           regulations for building and equipment use and  
4           supervision guidelines.

5   **“SEC. 2445. DEFINITION.**

6           “For purposes of this subpart, the term ‘Community  
7   Learning Center’ means the provision of educational, rec-  
8   reational, health, and social service programs for residents  
9   of all ages of a local community in public school buildings,  
10   primarily in rural and inner city areas, operated by the  
11   local educational agency in conjunction with local govern-  
12   mental agencies, businesses, vocational education programs,  
13   community colleges, universities, cultural, recreational, and  
14   other community and human service entities.

15           **“TITLE III—EXPANDING**  
16   **OPPORTUNITIES FOR LEARNING**

17           **“PART A—FUND FOR THE IMPROVEMENT OF**  
18           **EDUCATION**

19   **“SEC. 3201. FUND FOR THE IMPROVEMENT OF EDUCATION.**

20           “(a) *FUND AUTHORIZED.*—From funds appropriated  
21   under subsection (d), the Secretary is authorized to support  
22   nationally significant programs and projects to improve the  
23   quality of education, assist all students to meet challenging  
24   standards, and contribute to the achievement of the Na-  
25   tional Education Goals. The Secretary is authorized to



1 *carry out such programs and projects directly or through*  
2 *grants to, or contracts with, State and local educational*  
3 *agencies, institutions of higher education, and other public*  
4 *and private agencies, organizations, and institutions.*

5 *“(b) USES OF FUNDS.—(1) Funds under this section*  
6 *may be used for—*

7 *“(A) activities that will promote systemic edu-*  
8 *cational reform at the State and local levels, such*  
9 *as—*

10 *“(i) research and development related to*  
11 *content and performance standards and oppor-*  
12 *tunity-to-learn standards for student learning;*  
13 *and*

14 *“(ii) the development and evaluation of*  
15 *model strategies for assessment of student learn-*  
16 *ing, professional development for teachers and*  
17 *administrators, parent and community involve-*  
18 *ment, and other aspects of systemic reform;*

19 *“(B) demonstrations at the State and local levels*  
20 *that are designed to yield nationally significant re-*  
21 *sults, including approaches to public school choice in*  
22 *accordance with the requirements of part C and*  
23 *school-based decisionmaking;*

24 *“(C) joint activities with other agencies to assist*  
25 *the effort to achieve the National Education Goals, in-*

1 *cluding activities related to improving the transition*  
2 *from preschool to school and from school to work, as*  
3 *well as activities related to the integration of edu-*  
4 *cation and health and social services;*

5 *“(D) activities to promote and evaluate counsel-*  
6 *ing and mentoring for students, including*  
7 *intergenerational mentoring;*

8 *“(E) activities to promote comprehensive health*  
9 *education;*

10 *“(F) activities to promote environmental edu-*  
11 *cation;*

12 *“(G) activities to promote consumer, economic,*  
13 *and personal finance education;*

14 *“(H) activities to assist students to demonstrate*  
15 *competence in foreign languages;*

16 *“(I) studies and evaluation of various edu-*  
17 *cational reform strategies and innovations being pur-*  
18 *sued by the Federal Government, States, and local*  
19 *educational agencies;*

20 *“(J) the identification and recognition of exem-*  
21 *plary schools and programs, such as Blue Ribbon*  
22 *Schools;*

23 *“(K) programs designed to promote gender eq-*  
24 *uity in education by evaluating and eliminating gen-*  
25 *der bias in instruction and educational materials,*

1       *identifying, and analyzing gender inequities in edu-*  
2       *cational practices, and implementing and evaluating*  
3       *educational policies and practices designed to achieve*  
4       *gender equity;*

5             *“(L) experiential-based learning, such as service-*  
6       *learning; and*

7             *“(M) other programs and projects that meet the*  
8       *purposes of this section.*

9       *“(2) The Secretary may also use funds under this sec-*  
10    *tion to complete the project periods for direct grants or con-*  
11    *tracts awarded under the provisions of the Elementary and*  
12    *Secondary Education Act of 1965, part B of title III of*  
13    *the Augustus F. Hawkins-Robert T. Stafford Elementary*  
14    *and Secondary School Improvement Amendments of 1988,*  
15    *or title III of the Education for Economic Security Act,*  
16    *as these Acts were in effect on the day before enactment of*  
17    *the Improving America’s Schools Act of 1994.*

18            *“(c) AWARDS.—(1) The Secretary may make awards*  
19    *under this section on the basis of competitions announced*  
20    *by the Secretary and may also support meritorious unsolic-*  
21    *ited proposals.*

22            *“(2) The Secretary shall ensure that projects and ac-*  
23    *tivities supported under this section are designed in such*  
24    *a way that their effectiveness may be readily determined.*

1       “(3) *The Secretary shall use a peer review process in*  
2 *reviewing applications for grants under this section and*  
3 *may use funds appropriated under subsection (d) for this*  
4 *purpose.*

5       “(d) *AUTHORIZATION.—For the purpose of carrying*  
6 *out this section, there are authorized to be appropriated*  
7 *\$35,000,000 for fiscal year 1995 and such sums as may be*  
8 *necessary for each of the fiscal years 1996, 1997, 1998, and*  
9 *1999.*

10       **“PART B—GIFTED AND TALENTED CHILDREN**

11       **“SEC. 3301. SHORT TITLE.**

12       *“This part may be cited as the ‘Jacob K. Javits Gifted*  
13 *and Talented Students Education Act of 1994’.*

14       **“SEC. 3302. FINDINGS AND PURPOSES.**

15       “(a) *FINDINGS.—The Congress finds and declares*  
16 *that—*

17               “(1) *all students can learn to high standards*  
18 *and must develop their talents and realize their po-*  
19 *tential if the United States is to prosper;*

20               “(2) *gifted and talented students are a national*  
21 *resource vital to the future of the Nation and its secu-*  
22 *rity and well-being;*

23               “(3) *too often schools fail to challenge students to*  
24 *do their best work, and students who are not chal-*

1        *lenged will not learn to high standards, fully develop*  
2        *their talents, and realize their potential;*

3            *“(4) unless the special abilities of gifted and tal-*  
4        *ented students are recognized and developed during*  
5        *their elementary and secondary school years, much of*  
6        *their special potential for contributing to the national*  
7        *interest is likely to be lost;*

8            *“(5) gifted and talented students from economi-*  
9        *cally disadvantaged families and areas, and students*  
10       *of limited English proficiency are at greatest risk of*  
11       *being unrecognized and of not being provided ade-*  
12       *quate or appropriate educational services;*

13           *“(6) State and local educational agencies and*  
14       *private nonprofit schools often lack the necessary spe-*  
15       *cialized resources to plan and implement effective*  
16       *programs for the early identification of gifted and*  
17       *talented students for the provision of educational serv-*  
18       *ices and programs appropriate to their special needs;*

19           *“(7) the Federal Government can best carry out*  
20       *the limited but essential role of stimulating research*  
21       *and development and personnel training and provid-*  
22       *ing a national focal point of information and tech-*  
23       *nical assistance that is necessary to ensure that the*  
24       *Nation’s schools are able to meet the special edu-*

1 *cational needs of gifted and talented students, and*  
2 *thereby serve a profound national interest; and*

3 *“(8) the experience and knowledge gained in de-*  
4 *veloping and implementing programs for gifted and*  
5 *talented students can and should be used as a basis*  
6 *to develop a rich and challenging curriculum for all*  
7 *students.*

8 *“(b) STATEMENT OF PURPOSE.—*

9 *“(1) It is the purpose of this part to provide fi-*  
10 *nancial assistance to State and local educational*  
11 *agencies, institutions of higher education, and other*  
12 *public and private agencies and organizations, to ini-*  
13 *tiate a coordinated program of research, demonstra-*  
14 *tion projects, personnel training, and similar activi-*  
15 *ties designed to build a nationwide capability in ele-*  
16 *mentary and secondary schools to meet the special*  
17 *educational needs of gifted and talented students. In*  
18 *addition, the purpose of this part is to encourage the*  
19 *development of rich and challenging curricula for all*  
20 *students through the appropriate application and ad-*  
21 *aptation of materials and instructional methods de-*  
22 *veloped under this part.*

23 *“(2) It is also the purpose of this part to supple-*  
24 *ment and make more effective the expenditure of State*

1        *and local funds, for the education of gifted and tal-*  
2        *ented students.*

3        **“SEC. 3303. DEFINITIONS.**

4        *“For purposes of this part, the term ‘gifted and tal-*  
5        *ented students’ means children and youth who give evidence*  
6        *of high performance capability in areas such as intellectual,*  
7        *creative, artistic, or leadership capacity, or in specific aca-*  
8        *demic fields, and who require services or activities not ordi-*  
9        *narily provided by the school in order to fully develop such*  
10       *capabilities.*

11       **“SEC. 3304. AUTHORIZED PROGRAMS.**

12       *“(a) ESTABLISHMENT OF PROGRAM.—*

13            *“(1) From the sums appropriated under section*  
14            *3308 in any fiscal year the Secretary (after consulta-*  
15            *tion with experts in the field of the education of gifted*  
16            *and talented students) shall make grants to or enter*  
17            *into contracts with State educational agencies, local*  
18            *educational agencies, institutions of higher education,*  
19            *or other public agencies and private agencies and or-*  
20            *ganizations (including Indian tribes and organiza-*  
21            *tions as defined by the Indian Self-Determination*  
22            *and Education Assistance Act and Hawaiian native*  
23            *organizations) to assist such agencies, institutions,*  
24            *and organizations which submit applications in car-*  
25            *rying out programs or projects authorized by this Act*

1     *that are designed to meet the educational needs of*  
2     *gifted and talented students, including the training of*  
3     *personnel in the education of gifted and talented stu-*  
4     *dents and in the use, where appropriate, of gifted and*  
5     *talented services, materials, and methods for all*  
6     *students.*

7             *“(2) Applications for funds must include a sec-*  
8     *tion on how the proposed gifted and talented services,*  
9     *materials, and methods could be adapted, if appro-*  
10    *priate, for use by all students and a section on how*  
11    *the proposed programs can be evaluated.*

12            *“(b) USES OF FUNDS.—Programs and projects as-*  
13    *sisted under this section may include—*

14             *“(1) professional development (including fellow-*  
15     *ships) for personnel (including leadership personnel)*  
16     *involved in the education of gifted and talented*  
17     *students;*

18             *“(2) establishment and operation of model*  
19     *projects and exemplary programs for serving gifted*  
20     *and talented students, including innovative methods*  
21     *for identifying and educating students who may not*  
22     *be served by traditional gifted and talented programs,*  
23     *summer programs, mentoring programs, service*  
24     *learning programs, and cooperative programs involv-*  
25     *ing business, industry, and education;*



1           “(3) training of personnel involved in gifted and  
2 talented programs with respect to the impact of gen-  
3 der role socialization on the educational needs of gift-  
4 ed and talented children and in gender equitable edu-  
5 cation methods, techniques, and practices;

6           “(4) strengthening the capability of State edu-  
7 cational agencies and institutions of higher education  
8 to provide leadership and assistance to local edu-  
9 cational agencies and nonprofit private schools in the  
10 planning, operation, and improvement of programs  
11 for the identification and education of gifted and tal-  
12 ented students and the appropriate use of gifted and  
13 talented programs and methods to serve all students;

14           “(5) programs of technical assistance and infor-  
15 mation dissemination which would include how gifted  
16 and talented programs and methods, where appro-  
17 priate, could be adapted for use by all students; and

18           “(6) carrying out—

19               “(A) research on methods and techniques for  
20 identifying and teaching gifted and talented stu-  
21 dents, and for using gifted and talented pro-  
22 grams and methods to serve all students; and

23               “(B) program evaluations, surveys, and the  
24 collection, analysis, and development of informa-

1           tion needed to accomplish the purposes of this  
2           part.

3           “(c) *ESTABLISHMENT OF NATIONAL CENTER.*—

4           “(1) *The Secretary (after consultation with ex-*  
5           *erts in the field of the education of gifted and tal-*  
6           *ented students) shall establish a National Center for*  
7           *Research and Development in the Education of Gifted*  
8           *and Talented Children and Youth through grants to*  
9           *or contracts with one or more institutions of higher*  
10          *education or State educational agencies, or a com-*  
11          *bination or consortium of such institutions and agen-*  
12          *cies, for the purpose of carrying out activities de-*  
13          *scribed in paragraph (5) of subsection (b).*

14          “(2) *Such National Center shall have a Director.*  
15          *The Secretary may authorize the Director to carry*  
16          *out such functions of the National Center as may be*  
17          *agreed upon through arrangements with other institu-*  
18          *tions of higher education, State or local educational*  
19          *agencies, or other public or private agencies and orga-*  
20          *nizations.*

21          “(d) *LIMITATION.*—*Not more than 30 percent of the*  
22          *funds available in any fiscal year to carry out the programs*  
23          *and projects authorized by this section may be used to con-*  
24          *duct activities pursuant to subsections (b)(5) or (c).*

1       “(e) *COORDINATION.*—*Research activities supported*  
2 *under this section—*

3               “(1) *shall be carried out in consultation with the*  
4 *Office of Educational Research and Improvement to*  
5 *ensure that such activities are coordinated with and*  
6 *enhance the research and development activities sup-*  
7 *ported by the Office; and*

8               “(2) *may include collaborative research activities*  
9 *which are jointly funded and carried out with the*  
10 *Office of Education Research and Improvement.*

11 **“SEC. 3305. PROGRAM PRIORITIES.**

12       “(a) *GENERAL PRIORITY.*—*In the administration of*  
13 *this part the Secretary shall give highest priority—*

14               “(1) *to the identification of and services to gifted*  
15 *and talented students who may not be identified and*  
16 *served through traditional assessment methods (in-*  
17 *cluding economically disadvantaged individuals, in-*  
18 *dividuals of limited-English proficiency, and individ-*  
19 *uals with disabilities; and*

20               “(2) *to programs and projects designed to de-*  
21 *velop or improve the capability of schools in an entire*  
22 *State or region of the Nation through cooperative ef-*  
23 *forts and participation of State and local educational*  
24 *agencies, institutions of higher education, and other*  
25 *public and private agencies and organizations (in-*

1       cluding business, industry, and labor), to plan, con-  
2       duct, and improve programs for the identification of  
3       and service to gifted and talented students, such as  
4       mentoring and apprenticeship programs.

5       “(b) *SERVICE PRIORITY.*—In approving applications  
6       under section 3304(a) of this part, the Secretary shall as-  
7       sure that in each fiscal year at least one-half of the applica-  
8       tions approved address the priority in section 3305(a)(1).

9       “**SEC. 3306. GENERAL PROVISIONS.**

10       “(a) *PARTICIPATION OF PRIVATE SCHOOL CHILDREN*  
11       *AND TEACHERS.*—In making grants and entering into con-  
12       tracts under this part, the Secretary shall ensure, where ap-  
13       propriate, that provision is made for the equitable partici-  
14       pation of students and teachers in private nonprofit elemen-  
15       tary and secondary schools, including the participation of  
16       teachers and other personnel in professional development  
17       programs for serving such children.

18       “(b) *REVIEW, DISSEMINATION, AND EVALUATION.*—  
19       The Secretary shall—

20               “(1) use a peer review process in reviewing ap-  
21               plications under this part;

22               “(2) ensure that information on the activities  
23               and results of projects funded under this part is dis-  
24               seminated to appropriate State and local agencies

1     *and other appropriate organizations, including non-*  
2     *profit private organizations; and*

3             *“(3) evaluate the effectiveness of programs under*  
4     *this part, both in terms of the impact on students tra-*  
5     *ditionally served in separate gifted and talented pro-*  
6     *grams and on other students, and submit the results*  
7     *of such evaluation to Congress not later than January*  
8     *1, 1998.*

9     **“SEC. 3307. ADMINISTRATION.**

10            *“The Secretary shall establish or designate an admin-*  
11     *istrative unit within the Department of Education—*

12                *“(1) to administer the programs authorized by*  
13     *this part;*

14                *“(2) to coordinate all programs for gifted and*  
15     *talented students administered by the Department;*

16                *“(3) to serve as a focal point of national leader-*  
17     *ship and information on the educational needs of gift-*  
18     *ed and talented students and the availability of edu-*  
19     *cational services and programs designed to meet such*  
20     *needs; and*

21                *“(4) to assist the Assistant Secretary of the Of-*  
22     *fice of Educational Research and Improvement in*  
23     *identifying research priorities which reflect the needs*  
24     *of gifted and talented students.*

1 *The administrative unit established or designated pursuant*  
2 *to this section shall be headed by a person of recognized*  
3 *professional qualifications and experience in the field of the*  
4 *education of gifted and talented students.*

5 ***“SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.***

6 *“There are authorized to be appropriated \$10,000,000*  
7 *for fiscal year 1995 and such sums as may be necessary*  
8 *for each of the fiscal years 1996, 1997, 1998, and 1999 to*  
9 *carry out the provisions of this part.*

10 ***“PART C—PUBLIC CHARTER SCHOOLS***

11 ***“SEC. 3401. PURPOSE.***

12 *“It is the purpose of this part to increase national un-*  
13 *derstanding of the charter schools model by—*

14 *“(1) providing financial assistance for the design*  
15 *and initial implementation of charter schools; and*

16 *“(2) evaluating the effects of those schools on im-*  
17 *proving student achievement, including their effects*  
18 *on students, staff, and parents.*

19 ***“SEC. 3402. PROGRAM AUTHORIZED.***

20 *“(a) GENERAL.—The Secretary may make grants to*  
21 *eligible applicants for the design and initial operation of*  
22 *charter schools.*

23 *“(b) PROJECT PERIODS.—Each such grant shall be for*  
24 *a period of not more than three years, of which the grantee*  
25 *may use—*

1           “(1) *no more than 18 months for planning and*  
2           *program design; and*

3           “(2) *no more than two years for the initial im-*  
4           *plementation of the charter school.*

5           “(c) *LIMITATION.—The Secretary shall not make more*  
6           *than one grant to support a particular charter school.*

7           **“SEC. 3403. APPLICATIONS.**

8           “(a) *APPLICATIONS REQUIRED.—Any eligible appli-*  
9           *cant that desires to receive a grant under this part shall*  
10          *submit an application to the Secretary at such time and*  
11          *in such manner as the Secretary may require.*

12          “(b) *SCOPE OF APPLICATION.—Each such application*  
13          *may request assistance for a single charter school or for a*  
14          *cluster of schools, which may include a high school and its*  
15          *feeder elementary and middle schools, within a community.*

16          “(c) *APPLICATION CONTENTS.—Each such application*  
17          *shall include, for each charter school for which assistance*  
18          *is sought—*

19                  “(1) *a description of the educational program to*  
20                  *be implemented by the proposed charter school, in-*  
21                  *cluding—*

22                          “(A) *how the program will enable all stu-*  
23                          *dents to meet challenging State performance*  
24                          *standards;*

1           “(B) the grade levels or ages of children to  
2           be served; and

3           “(C) the curriculum and instructional prac-  
4           tices to be used;

5           “(2) a description of how the school will be man-  
6           aged;

7           “(3) a description of—

8           “(A) the objectives of the school; and

9           “(B) the methods by which the school will  
10          determine its progress toward achieving those ob-  
11          jectives;

12          “(4) a description of the administrative relation-  
13          ship between the charter school and the local edu-  
14          cational agency that will authorize or approve the  
15          school’s charter and act as the grantee under this  
16          part;

17          “(5) a description of how parents and other  
18          members of the community will be involved in the de-  
19          sign and implementation of the charter school;

20          “(6) a description of how the local educational  
21          agency will provide for continued operation of the  
22          school once the Federal grant has expired, if such  
23          agency determines that the school is successful;

24          “(7) a request and justification for waivers of  
25          any Federal statutory or regulatory provisions that



1     *the applicant believes are necessary for the successful*  
2     *operation of the charter school, and a description of*  
3     *any State or local rules, generally applicable to pub-*  
4     *lic schools, that will be waived for, or otherwise not*  
5     *apply to, the school;*

6             *“(8) a description of how the grant funds would*  
7     *be used;*

8             *“(9) a description of how grant funds would be*  
9     *used in conjunction with other Federal programs ad-*  
10    *ministered by the Secretary;*

11            *“(10) a description of how students in the com-*  
12    *munity will be—*

13                *“(A) informed about the school; and*

14                *“(B) given an equal opportunity to attend*  
15    *the school;*

16            *“(11) an assurance that the applicant will annu-*  
17    *ally provide the Secretary such information as the*  
18    *Secretary may require to determine if the charter*  
19    *school is making satisfactory progress toward achiev-*  
20    *ing the objectives described under paragraph (3);*

21            *“(12) an assurance that the applicant will co-*  
22    *operate with the Secretary in evaluating the program*  
23    *authorized by this part; and*

24            *“(13) such other information and assurances as*  
25    *the Secretary may require.*

1       “(d) *STATE EDUCATIONAL AGENCY APPROVAL RE-*  
2 *QUIRED.*—(1) *A local educational agency that desires to re-*  
3 *ceive a grant under this part shall obtain the State edu-*  
4 *cational agency’s approval of its application before submit-*  
5 *ting it to the Secretary.*

6       “(2) *A State educational agency that approves an ap-*  
7 *plication of a local educational agency shall provide the*  
8 *local educational agency, and such local agency shall in-*  
9 *clude in its application to the Secretary, a statement that*  
10 *the State has granted, or will grant, the waivers and exemp-*  
11 *tions from State requirements described in such local agen-*  
12 *cy’s application.*

13       **“SEC. 3404. SELECTION OF GRANTEES; WAIVERS.**

14       “(a) *CRITERIA.*—*The Secretary shall select projects to*  
15 *be funded on the basis of the quality of the applications,*  
16 *taking into consideration such factors as—*

17               “(1) *the quality of the proposed curriculum and*  
18 *instructional practices;*

19               “(2) *the degree of flexibility afforded by the State*  
20 *and, if applicable, the local educational agency to the*  
21 *school;*

22               “(3) *the extent of community support for the ap-*  
23 *plication;*

24               “(4) *the ambitiousness of the objectives for the*  
25 *school;*

1           “(5) the quality of the plan for assessing achieve-  
2           ment of those objectives; and

3           “(6) the likelihood that the school will meet those  
4           objectives and improve educational results for stu-  
5           dents.

6           “(b) *PEER REVIEW.*—The Secretary shall use a peer  
7           review process to review applications for grants under this  
8           section.

9           “(c) *DIVERSITY OF PROJECTS.*—The Secretary may  
10          approve projects in a manner that ensures, to the extent  
11          possible, that they—

12                 “(1) are distributed throughout different areas of  
13                 the Nation, including in urban and rural areas; and

14                 “(2) represent a variety of educational ap-  
15                 proaches.

16          “(d) *WAIVERS.*—The Secretary may waive any statu-  
17          tory or regulatory requirement that the Secretary is respon-  
18          sible for enforcing, except for any such requirement relating  
19          to the elements of a charter school described in section  
20          3407(1), if—

21                 “(1) the waiver is requested in an approved ap-  
22                 plication or by a grantee under this part; and

23                 “(2) the Secretary determines that granting such  
24                 a waiver would promote the purpose of this part.

1 **“SEC. 3405. USES OF FUNDS.**

2 “A recipient of a grant under this part may use the  
3 grant funds only for—

4 “(1) post-award planning and design of the edu-  
5 cational program, which may include—

6 “(A) refinement of the desired educational  
7 results and of the methods for measuring  
8 progress toward achieving those results; and

9 “(B) professional development of teachers  
10 and other staff who will work in the charter  
11 school; and

12 “(2) initial implementation of the charter school,  
13 which may include—

14 “(A) informing the community about the  
15 school;

16 “(B) acquiring necessary equipment;

17 “(C) acquiring or developing curriculum  
18 materials; and

19 “(D) other operational costs that cannot be  
20 met from State or local sources.

21 **“SEC. 3406. NATIONAL ACTIVITIES.**

22 “The Secretary may reserve up to 10 percent of the  
23 funds appropriated for this part for any fiscal year for—

24 “(1) peer review of applications under section  
25 3404(b); and

1           “(2) an evaluation of the impact of charter  
2           schools on student achievement, including those as-  
3           sisted under this part.

4   **“SEC. 3407. DEFINITIONS.**

5           “As used in this part, the following terms have the fol-  
6           lowing meanings:

7           “(1) The term ‘charter school’ means a school  
8           that—

9                   “(A) in accordance with an enabling State  
10                  statute, is exempted from significant State or  
11                  local rules that inhibit the flexible operation and  
12                  management of public schools, but not from any  
13                  rules relating to the other requirements of this  
14                  paragraph;

15                  “(B) is created by a developer as a public  
16                  school, or is adapted by a developer from an ex-  
17                  isting public school;

18                  “(C) operates in pursuit of a specific set of  
19                  educational objectives determined by the school’s  
20                  developer and agreed to by the local educational  
21                  agency applying for a grant on behalf of the  
22                  school;

23                  “(D) provides a program of elementary or  
24                  secondary education, or both;

1           “(E) is nonsectarian in its programs, ad-  
2           missions policies, employment practices, and all  
3           other operations, and is not affiliated with a sec-  
4           tarian school or religious institution;

5           “(F) does not charge tuition;

6           “(G) complies with the Age Discrimination  
7           Act, title VI of the Civil Rights Act of 1964, title  
8           IX of the Education Amendments of 1972, sec-  
9           tion 504 of the Rehabilitation Act of 1973, and  
10          part B of the Individuals with Disabilities Edu-  
11          cation Act;

12          “(H) admits students on the basis of a lot-  
13          tery, if more students apply for admission than  
14          can be accommodated;

15          “(I) agrees to comply with the same Federal  
16          and State audit requirements as do other public  
17          schools in the State, unless such requirements are  
18          specifically waived for the purpose of this pro-  
19          gram;

20          “(J) meets all applicable Federal, State,  
21          and local health and safety requirements; and

22          “(K) operates in accordance with State law.

23          “(2) The term ‘developer’ means an individual  
24          or group of individuals (including a public or private  
25          nonprofit organization), which may include teachers,

1 *administrators and other school staff, parents, or*  
2 *other members of the local community in which a*  
3 *charter school project will be carried out.*

4 *“(3) The term ‘eligible applicant’ means a local*  
5 *educational agency, in partnership with a developer*  
6 *with an application approved under section 3403(d).*

7 **“SEC. 3408. AUTHORIZATION OF APPROPRIATIONS.**

8 *“For the purpose of carrying out this part, there are*  
9 *authorized to be appropriated \$15,000,000 for fiscal year*  
10 *1995 and such sums as may be necessary for each of the*  
11 *fiscal years 1996, 1997, 1998, and 1999.*

12 **“PART D—ARTS IN EDUCATION**

13 **“Subpart 1—Support for Arts Education**

14 **“SEC. 3501. SUPPORT FOR ARTS EDUCATION.**

15 *“(a) FINDINGS.—The Congress finds that—*

16 *“(1) the arts are forms of understanding and*  
17 *ways of knowing that are fundamentally important to*  
18 *education;*

19 *“(2) the arts are important to excellent edu-*  
20 *cation and to effective school reform;*

21 *“(3) the most significant contribution of the arts*  
22 *to education reform is the transformation of teaching*  
23 *and learning;*

24 *“(4) this transformation is best realized in the*  
25 *context of comprehensive, systemic education reform;*

1           “(5) demonstrated competency in the arts for  
2           American students is among the National Education  
3           Goals;

4           “(6) the arts can motivate at-risk students to  
5           stay in school and become active participants in the  
6           educational process; and

7           “(7) arts education should be an integral part of  
8           the elementary and secondary school curriculum.

9           “(b) PURPOSE. The purposes of this part are to—

10           “(1) support systemic education reform by  
11           strengthening arts education as an integral part of  
12           the elementary and secondary school curriculum;

13           “(2) help ensure that all students have the oppor-  
14           tunity to learn to challenging standards in the arts;  
15           and

16           “(3) support the national effort to enable all stu-  
17           dents to demonstrate competence in the arts in ac-  
18           cordance with the National Education Goals.

19           “(c) ELIGIBLE RECIPIENTS.—In order to carry out the  
20           purposes of this part, the Secretary is authorized to make  
21           grants to, or enter into contracts or cooperative agreements  
22           with—

23           “(1) State educational agencies;

24           “(2) local educational agencies;

25           “(3) institutions of higher education; and



1           “(4) other public and private agencies, institu-  
2           tions, and organizations.

3           “(d) *AUTHORIZED ACTIVITIES*.—Funds under this  
4           part may be used for—

5           “(1) research on arts education;

6           “(2) the development of, and dissemination of in-  
7           formation about, model arts education programs;

8           “(3) the development of model arts education as-  
9           sessments based on high standards;

10          “(4) the development and implementation of cur-  
11          riculum frameworks for arts education;

12          “(5) the development of model preservice and in-  
13          service professional development programs for arts  
14          educators and other instructional staff;

15          “(6) supporting collaborative activities with  
16          other Federal agencies or institutions involved in arts  
17          education, such as the National Endowment for the  
18          Arts, the Institute of Museum Services, the John F.  
19          Kennedy Center for the Performing Arts, and the Na-  
20          tional Gallery of Art;

21          “(7) supporting model projects and programs in  
22          the performing arts for children and youth through  
23          arrangements made with the John F. Kennedy Center  
24          for the Performing Arts;

1           “(8) *supporting model projects and programs in*  
2           *the arts for individuals with disabilities through ar-*  
3           *rangements with the organization, Very Special Arts;*

4           “(9) *supporting model projects and programs to*  
5           *integrate arts education into the regular elementary*  
6           *and secondary school curriculum; and*

7           “(10) *other activities that further the purposes of*  
8           *this part.*

9           “(e) *COORDINATION.—(1) A recipient of funds under*  
10          *this part shall, to the extent possible, coordinate its project*  
11          *with appropriate activities of public and private cultural*  
12          *agencies, institutions, and organizations, including muse-*  
13          *ums, arts education associations, libraries, and theaters.*

14          “(2) *In carrying out this part, the Secretary shall co-*  
15          *ordinate with the National Endowment for the Arts, the In-*  
16          *stitute of Museum Services, the John F. Kennedy Center*  
17          *for the Performing Arts, and the National Gallery of 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 National*  
11 *Endowment for the Arts;*

12                   *“(3) the arts access multiple human intelligences*  
13 *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 than*  
18 *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 edu-*  
21 *cational performance and future potential of at-risk chil-*  
22 *dren and youth by providing comprehensive and coordi-*  
23 *nated 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 Federal*

1 *share of the costs of the activities described in sub-*  
2 *section (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 serv-*  
7 *ices;*

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 from*  
19 *preschool programs, including the Head Start*  
20 *Act and preschool grants under the Individuals*  
21 *with Disabilities Education Act, to elementary*  
22 *schools;*

23 “(G) *facilitate school-to-work transition*  
24 *from secondary schools and alternative schools to*  
25 *job training, higher education, and employment;*

1           “(H) increase parental and community in-  
2           volvement in the educational, social, and cul-  
3           tural development of at-risk youth; or

4           “(I) replicate programs and strategies that  
5           provide high quality coordinated educational  
6           and cultural services and that are designed to  
7           integrate such coordination into the regular cur-  
8           riculum.

9           “(3) REQUIREMENT OF COORDINATION.—Grants  
10          may only be awarded under this part to eligible enti-  
11          ties that agree to coordinate activities carried out  
12          under other Federal, State, and local grants, received  
13          by the members of the partnership for purposes and  
14          target populations described in this part, into an in-  
15          tegrated service delivery system located at a school,  
16          cultural, or other community-based site accessible to  
17          and utilized by at-risk youth.

18          “(4) DURATION.—Grants made under this part  
19          may be renewable for a maximum of 5 years if the  
20          Secretary determines that the eligible recipient has  
21          made satisfactory progress toward the achievement of  
22          the program objectives described in application.

23          “(5) GEOGRAPHIC DISTRIBUTION.—In awarding  
24          grants under this part, the Secretary shall ensure—

1           “(A) an equitable geographic distribution;  
2           and

3           “(B) an equitable distribution to both urban  
4           and rural areas with a high proportion of at-risk  
5           youth as defined in subsection (e).

6           “(d) ELIGIBILITY.—

7           “(1) SERVICES FOR IN-SCHOOL YOUTH.—For the  
8           purpose of providing a grant under this part to serve  
9           in-school children and youth, the term ‘eligible entity’  
10          means a partnership between a local education agen-  
11          cy that is eligible for funds under title I of this Act,  
12          and at least 1 institution of higher education or cul-  
13          tural entity located within or accessible to the geo-  
14          graphical boundaries of the local education agency  
15          with a history of providing quality services to the  
16          community, and which may include—

17               “(A) nonprofit institutions of higher edu-  
18               cation; museums; libraries; performing, present-  
19               ing and exhibiting arts organizations; literary  
20               arts organizations; local arts organizations; and  
21               zoological and botanical organizations; and

22               “(B) private for-profit entities with a his-  
23               tory of training children and youth in the arts.

24           “(2) SERVICES FOR OUT-OF-SCHOOL YOUTH.—  
25           For purposes of providing a grant under this part to

1     *serve out-of-school youth, the term ‘eligible entity’*  
2     *means a partnership between at least 1 entity of the*  
3     *type described in paragraph (A) or (B) of subsection*  
4     *(1), or a local education agency eligible for funds*  
5     *under chapter 1 of title I of this Act and at least 1*  
6     *cultural entity described in subsection (1).*

7     “(e) *TARGET POPULATION.—In order to receive a*  
8     *grant under this part, an eligible entity shall serve—*

9             “(1) *students enrolled in schools in participating*  
10            *schoolwide projects assisted under title I of this Act*  
11            *and the families of such students; or*

12            “(2) *out-of-school youth at risk of having limited*  
13            *future options as a result of teenage pregnancy and*  
14            *parenting, substance abuse, recent migration, disabili-*  
15            *ty, limited English proficiency, family migration, il-*  
16            *literacy, being the child of a teen parent, living in a*  
17            *single parent household, or being a high school drop-*  
18            *out; or*

19            “(3) *any combination of in school and out-of-*  
20            *school at-risk youth.*

21     “(f) *AUTHORIZED ACTIVITIES.—*

22            “(1) *IN GENERAL.—Funds made under this part*  
23            *may be used—*

24            “(A) *to plan, develop, acquire, expand, and*  
25            *improve school-based or community-based coordi-*

1        *nated educational and cultural programs to*  
2        *strengthen the educational performance and fu-*  
3        *ture potential of in-school and out-of-school at-*  
4        *risk youth through cooperative agreements, con-*  
5        *tracts for services, or administrative coordina-*  
6        *tion;*

7                *“(B) to provide at-risk students with inte-*  
8                *grated cultural activities designed to develop a*  
9                *love of learning to ensure the smooth transition*  
10               *of preschool children to elementary school;*

11               *“(C) to design collaborative cultural activi-*  
12               *ties for students in secondary or alternative*  
13               *schools that ensure the smooth transition to job*  
14               *training, higher education, or full employment;*

15               *“(D) to provide child care for children of*  
16               *at-risk students who would not otherwise be able*  
17               *to participate in the program;*

18               *“(E) to provide transportation necessary for*  
19               *participation in the program;*

20               *“(F) to work with existing school personnel*  
21               *to develop curriculum materials and programs*  
22               *in the arts;*

23               *“(G) to work with existing school personnel*  
24               *on staff development activities that encourage the*  
25               *integration of the arts into the curriculum;*



1           “(H) for stipends that allow local artists to  
2 work with at-risk children and youth in the  
3 schools;

4           “(I) for cultural programs that encourage  
5 the active participation of parents in their chil-  
6 dren’s education;

7           “(J) for programs that use the art reform  
8 current school practices, including lengthening  
9 the school day or academic year;

10          “(K) for appropriate equipment and nec-  
11 essary supplies; and

12          “(L) for evaluation, administration, and  
13 supervision.

14          “(2) PRIORITY.—In providing assistance under  
15 this part, the Secretary shall give priority to eligible  
16 entities that provide comprehensive services that ex-  
17 tend beyond traditional school or service hour, that  
18 may include year round programs that provide serv-  
19 ices in the evenings and on weekends.

20          “(3) PLANNING GRANTS.—

21               “(A) APPLICATION.—An eligible entity may  
22 submit an application to the Secretary for a  
23 planning grant for an amount not to exceed  
24 \$50,000. Such grants shall be for periods of not  
25 more than 1 year.

1           “(B) *LIMIT ON PLANNING GRANTS.*—Not  
2           *more than 10 percent of the amounts appro-*  
3           *priated in each fiscal year under this part shall*  
4           *be used for grants under this subsection, and an*  
5           *eligible entity may receive not more than 1 such*  
6           *planning grant.*

7           “(g) *GENERAL PROVISIONS.*—

8           “(1) *IN GENERAL.*—*Each eligible entity desiring*  
9           *a grant under this part shall submit an application*  
10           *to the Secretary at such time, in such manner, and*  
11           *accompanied by such information as the Secretary*  
12           *may reasonably require.*

13           “(2) *CONTENTS.*—*Each application submitted*  
14           *pursuant to subsection (a) shall—*

15           “(A) *describe the cultural entity or entities*  
16           *that will participate in the partnership;*

17           “(B) *describe the target population to be*  
18           *served;*

19           “(C) *describe the services to be provided;*

20           “(D) *describe a plan for evaluating the suc-*  
21           *cess of the program;*

22           “(E) *describe, for a local educational agency*  
23           *participant, how services will be perpetuated be-*  
24           *yond the length of the grant;*

1           “(F) describe the manner in which the eligi-  
2           ble entity will improve the educational achieve-  
3           ment or future potential of at-risk youth through  
4           more effective coordination of cultural services in  
5           the community;

6           “(G) describe the overall and operational  
7           goals of the program; and

8           “(H) describe the nature and location of all  
9           planned sites where services will be delivered and  
10          a description of services which will be provided  
11          at each site.

12       “(h) PAYMENTS—FEDERAL SHARE.—

13           “(1) PAYMENTS.—The Secretary shall pay to  
14           each eligible entity having an application approved  
15           under subsection (g) the Federal share of the cost of  
16           the activities described in the application.

17           “(2) AMOUNTS OF GRANTS.—The amount of a  
18           grant made under this part may not be less than  
19           \$100,000 or exceed \$500,000 in the first year of such  
20           grant.

21           “(3) FEDERAL SHARE.—The Federal share shall  
22           be 80 percent.

23           “(4) NON-FEDERAL SHARE.—The non-Federal  
24           share shall be equal to 20 percent and may be in cash

1        *or in kind, fairly evaluated, including facilities or*  
2        *services.*

3            “(5) *LIMITATION.*—*Not more than 25 percent of*  
4        *any grant under this part may be used for*  
5        *noninstructional services such as those described in*  
6        *paragraphs D, E, and L of subsection (f).*

7            “(6) *SUPPLEMENT AND NOT SUPPLANT.*—*Grant*  
8        *funds awarded under this part shall be used to sup-*  
9        *plement not supplant the amount of funds made*  
10       *available from non-Federal sources, for the activities*  
11       *assisted under this part, in amounts that exceed the*  
12       *amounts expended for such activities in the year pre-*  
13       *ceding the year for which the grant is awarded.*

14           “(7) *DISSEMINATION OF MODELS.*—*The Sec-*  
15       *retary shall disseminate information concerning suc-*  
16       *cessful models under this part through the National*  
17       *Diffusion Network.*

18           “(i) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
19       *authorized to be appropriated to carry out this subpart,*  
20       *\$75,000,000 for fiscal year 1995 and such sums as may be*  
21       *necessary for each of the fiscal years 1996, 1997, 1998, and*  
22       *1999.*

1     **“PART E—INEXPENSIVE BOOK DISTRIBUTION**  
 2                                     **PROGRAM**

3     **“SEC. 3601. INEXPENSIVE BOOK DISTRIBUTION PROGRAM**  
 4                                     **FOR READING MOTIVATION.**

5           “(a) *AUTHORIZATION.*—*The Secretary is authorized to*  
 6 *enter into a contract with Reading Is Fundamental (herein-*  
 7 *after in this section referred to as ‘the contractor’) to sup-*  
 8 *port and promote programs, which include the distribution*  
 9 *of inexpensive books to students, that motivate children to*  
 10 *read.*

11          “(b) *REQUIREMENTS OF CONTRACT.*—*Any contract*  
 12 *entered into under subsection (a) shall—*

13            “(1) *provide that the contractor will enter into*  
 14 *subcontracts with local private nonprofit groups or*  
 15 *organizations or with public agencies under which*  
 16 *each subcontractor will agree to establish, operate,*  
 17 *and provide the non-Federal share of the cost of read-*  
 18 *ing motivation programs that include the distribution*  
 19 *of books, by gift, to the extent feasible, or by loan, to*  
 20 *children up through high school age, including those*  
 21 *in family literacy programs;*

22            “(2) *provide that funds made available to sub-*  
 23 *contractors will be used only to pay the Federal share*  
 24 *of the cost of such programs;*

25            “(3) *provide that in selecting subcontractors for*  
 26 *initial funding, the contractor will give priority to*

1 *programs that will serve a substantial number or per-*  
2 *centage of children with special needs, such as—*

3 *“(A) low-income children, particularly in*  
4 *high-poverty areas;*

5 *“(B) children at risk of school failure;*

6 *“(C) children with disabilities, including*  
7 *children with serious emotional disturbance;*

8 *“(D) foster children;*

9 *“(E) homeless children;*

10 *“(F) migrant children;*

11 *“(G) children without access to libraries;*

12 *“(H) institutionalized or incarcerated chil-*  
13 *dren; and*

14 *“(I) children whose parents are institu-*  
15 *tionalized or incarcerated;*

16 *“(4) provide that the contractor will provide*  
17 *such technical assistance to subcontractors as may be*  
18 *necessary to carry out the purpose of this section;*

19 *“(5) provide that the contractor will annually*  
20 *report to the Secretary the number of, and describe,*  
21 *programs funded under paragraph (3); and*

22 *“(6) include such other terms and conditions as*  
23 *the Secretary determines to be appropriate to ensure*  
24 *the effectiveness of such programs.*

1       “(c) *RESTRICTION ON PAYMENTS.*—The Secretary  
2 shall make no payment of the Federal share of the cost of  
3 acquiring and distributing books under any contract under  
4 this section unless the Secretary determines that the con-  
5 tractor or subcontractor, as the case may be, has made ar-  
6 rangements with book publishers or distributors to obtain  
7 books at discounts at least as favorable as discounts that  
8 are customarily given by such publisher or distributor for  
9 book purchases made under similar circumstances in the  
10 absence of Federal assistance.

11       “(d) *DEFINITION OF ‘FEDERAL SHARE’.*—For the pur-  
12 pose of this section, the term ‘Federal share’ means the por-  
13 tion of the cost to a subcontractor of purchasing books to  
14 be paid with funds made available under this section. The  
15 Federal share shall be established by the Secretary, and  
16 shall not exceed 75 percent, except that the Federal share  
17 for programs serving children of migrant or seasonal farm-  
18 workers shall be 100 percent.

19       “(e) *AUTHORIZATION OF APPROPRIATIONS.*—For the  
20 purpose of carrying out this section, there are authorized  
21 to be appropriated \$10,300,000 for fiscal year 1995 and  
22 such sums as may be necessary for each of the fiscal years  
23 1996, 1997, 1998, and 1999.

1                   **“PART F—CIVIC EDUCATION**  
2 **“SEC. 3701. INSTRUCTION ON THE HISTORY AND PRIN-**  
3 **CIPLES OF DEMOCRACY IN THE UNITED**  
4 **STATES.**

5           “(a) *GENERAL AUTHORITY.*—

6                   “(1) *PROGRAM ESTABLISHED.*—(A) *The Sec-*  
7 *retary shall carry out a program to enhance the at-*  
8 *tainment of Goals Three and Six of the National*  
9 *Education Goals by educating students about the his-*  
10 *tory and principles of the Constitution of the United*  
11 *States, including the Bill of Rights, and to foster civic*  
12 *competence and responsibility.*

13                   “(B) *Such program shall be known as ‘We the*  
14 *People . . . The Citizen and the Constitution’.*

15                   “(2) *EDUCATIONAL ACTIVITIES.*—*The program*  
16 *required by paragraph (1) shall—*

17                   “(A) *continue and expand the educational*  
18 *activities of the We the People . . . The Citizen*  
19 *and the Constitution program administered by*  
20 *the Center for Civic Education; and*

21                   “(B) *enhance student attainment of chal-*  
22 *lenging content standards in civics and govern-*  
23 *ment.*

24                   “(3) *CONTRACT OR GRANT AUTHORIZED.*—*The*  
25 *Secretary is authorized to enter into a contract or*



1       *grant with the Center for Civic Education to carry*  
2       *out the program required by paragraph (1).*

3       “(b) *PROGRAM CONTENT.*—*The education program*  
4       *authorized by this section shall provide—*

5               “(1) *a course of instruction on the basic prin-*  
6               *ciples of our constitutional democracy and the history*  
7               *of the Constitution and the Bill of Rights;*

8               “(2) *school and community simulated congres-*  
9               *sional hearings following the course of study at the re-*  
10              *quest of participating schools; and*

11              “(3) *an annual national competition of simu-*  
12              *lated congressional hearings for secondary students*  
13              *who wish to participate in such program.*

14       “(c) *PROGRAM PARTICIPANTS.*—*The education pro-*  
15       *gram authorized by this section shall be made available to*  
16       *public and private elementary and secondary schools in the*  
17       *435 congressional districts, the Commonwealth of Puerto*  
18       *Rico, the Virgin Islands, Guam, American Samoa, and the*  
19       *District of Columbia.*

20       “(d) *SPECIAL RULE.*—*Funds provided under this sec-*  
21       *tion may be used for the advanced training of teachers in*  
22       *civics and government after the provisions of subsection (b)*  
23       *have been implemented.*

1 **“SEC. 3702. INSTRUCTION IN CIVICS, GOVERNMENT, AND**  
2 **THE LAW.**

3 “(a) *PROGRAM ESTABLISHED.*—*The Secretary shall*  
4 *carry out a program of grants and contracts to assist State*  
5 *and local educational agencies and other public and private*  
6 *nonprofit agencies, organizations and institutions to en-*  
7 *hance—*

8 “(1) *attainment by students of challenging con-*  
9 *tent standards in civics, government, and the law;*  
10 *and*

11 “(2) *attainment by the Nation of Goals Three*  
12 *and Six of the National Education Goals.*

13 “(b) *AUTHORIZED ACTIVITIES.*—*Assistance under this*  
14 *section may support new and ongoing programs in elemen-*  
15 *tary and secondary schools that provide for—*

16 “(1) *the development and implementation of cur-*  
17 *ricular programs that enhance student understanding*  
18 *of—*

19 “(A) *the values and principles which under-*  
20 *lie, and the institutions and processes which*  
21 *comprise, our system of government;*

22 “(B) *the role of law in our constitutional*  
23 *democracy, including activities to promote—*

24 “(i) *legal literacy; and*

25 “(ii) *a dedication by students to the*  
26 *use of non-violent means of conflict resolu-*

1            *tion such as arbitration, mediation, nego-*  
2            *tiation, trials, and appellate hearings; and*

3            *“(C) the rights and responsibilities of citi-*  
4            *zenship;*

5            *“(2) professional development for teachers, in-*  
6            *cluding pre-service and in-service training;*

7            *“(3) outside-the-classroom learning experiences*  
8            *for students, including community service activities;*

9            *“(4) the active participation of community lead-*  
10           *ers, from the public and private sectors, in the schools;*  
11           *and*

12           *“(5) the provision of technical assistance to State*  
13           *and local educational agencies and other institutions*  
14           *and organizations working to further the progress of*  
15           *the Nation in attaining the Goals Three and Six of*  
16           *the National Education Goals in civics and govern-*  
17           *ment.*

18           *“(c) APPLICATIONS, PEER REVIEW AND PRIORITY.—*

19           *“(1) SUBMISSION OF APPLICATIONS.—A State or*  
20           *local educational agency, other public or private non-*  
21           *profit agency, organization or institution that desires*  
22           *to receive a grant or enter into a contract under this*  
23           *section shall submit an application to the Secretary*  
24           *at such time, in such manner, and containing or ac-*

1       *accompanied by such information as the Secretary may*  
2       *reasonably require.*

3               “(2) *PEER REVIEW.—(A) The Secretary shall*  
4       *convene a panel of individuals for purpose of review-*  
5       *ing and rating applications submitted under para-*  
6       *graph (1).*

7               “(B) *Such individuals shall have experience with*  
8       *education programs in civics, government, and the*  
9       *law.*

10              “(3) *Priority.—In making grants or awarding*  
11       *contracts under this section, the Secretary shall give*  
12       *priority consideration to applications which propose*  
13       *the operation of statewide programs.*

14              “(d) *DURATION OF GRANTS AND EXCEPTION.—*

15              “(1) *DURATION.—Except as provided in para-*  
16       *graph (2), the Secretary shall make grants and enter*  
17       *into contracts under this section for periods of 2 or*  
18       *3 years.*

19              “(2) *EXCEPTION.—The Secretary may make a*  
20       *grant or enter into a contract under this section for*  
21       *a period of less than 2 years if the Secretary deter-*  
22       *mines that special circumstances exist which warrant*  
23       *a one year grant or contract award.*

1 **“SEC. 3703. REPORT; AUTHORIZATION OF APPROPRIA-**  
2 **TIONS.**

3       “(a) *REPORT.*—*The Secretary shall report, on a bien-*  
4 *ennial basis, to the Committee on Education and Labor of*  
5 *the House of Representatives and to the Committee on*  
6 *Labor and Human Resources of the Senate related to the*  
7 *distribution and use of funds authorized under this part.*

8       “(b) *AUTHORIZATION OF APPROPRIATIONS.*—

9               “(1) *GENERAL.*—*To carry out this part, there*  
10 *are authorized to be appropriated \$15,000,000 for fis-*  
11 *cal year 1995 and such sums as may be necessary for*  
12 *each of the fiscal years 1996, 1997, 1998, and 1999.*

13               “(2) *ALLOCATION.*—*From the amount appro-*  
14 *priated under subsection (a), the Secretary shall allo-*  
15 *cate—*

16                       “(A) *40 percent of such amount to carry out*  
17 *section 3701; and*

18                       “(B) *60 percent of such amount to carry*  
19 *out section 3702.*

20 **“PART G—NATIVE HAWAIIAN EDUCATION**

21 **“SEC. 3801. SHORT TITLE.**

22       *“This part may be cited as the ‘Native Hawaiian Edu-*  
23 *cation Act’.*

24 **“SEC. 3802. FINDINGS.**

25       *“The Congress finds that:*

1           “(1) Native Hawaiians comprise a distinct and  
2           unique indigenous people with a historical continuity  
3           to the original inhabitants of the Hawaiian archipel-  
4           ago whose society was organized as a Nation prior to  
5           the arrival of the first non-indigenous people in 1778.

6           “(2) The Native Hawaiian people are entitled to  
7           preserve, develop and transmit to future generations  
8           their ancestral territory, and their cultural identity  
9           in accordance with their own spiritual and tradi-  
10          tional beliefs, customs, practices, languages, and so-  
11          cial institutions.

12          “(3) The constitution and statutes of the State of  
13          Hawaii:

14                 “(A) acknowledge the distinct land rights of  
15                 the Native Hawaiian people as beneficiaries of  
16                 the public lands trust; and

17                 “(B) reaffirm and protect the unique right  
18                 of the Native Hawaiian people to practice and  
19                 perpetuate their cultural and religious customs,  
20                 beliefs, practices, and language.

21          “(4) At the time of the arrival of the first non-  
22          indigenous people in Hawaii in 1778, the Native Ha-  
23          waiian people lived in a highly organized, self-suffi-  
24          cient, subsistence social system based on communal

1 *land tenure with a sophisticated language, culture,*  
2 *and religion.*

3 “(5) *A unified monarchial government of the*  
4 *Hawaiian Islands was established in 1810 under Ka-*  
5 *mehameha I, the first King of Hawaii.*

6 “(6) *Throughout the 19th century and until*  
7 *1893, the United States: (a) recognized the independ-*  
8 *ence of the Hawaiian Nation; (b) extended full and*  
9 *complete diplomatic recognition to the Hawaiian gov-*  
10 *ernment; and (c) entered into treaties and conven-*  
11 *tions with the Hawaiian monarchs to govern com-*  
12 *merce and navigation in 1826, 1842, 1849, 1875 and*  
13 *1887.*

14 “(7) *In the year 1893, the United States Min-*  
15 *ister assigned to the sovereign and independent King-*  
16 *dom of Hawaii, John L. Stevens, conspired with a*  
17 *small group of non-Hawaiian residents of the King-*  
18 *dom, including citizens of the United States, to over-*  
19 *throw the indigenous and lawful Government of*  
20 *Hawaii.*

21 “(8) *In pursuance of that conspiracy, the United*  
22 *States Minister and the naval representative of the*  
23 *United States caused armed naval forces of the Unit-*  
24 *ed States to invade the sovereign Hawaiian Nation in*  
25 *support of the overthrow of the indigenous and lawful*

1        *Government of Hawaii and the United States Min-*  
2        *ister thereupon extended diplomatic recognition of a*  
3        *provisional government formed by the conspirators*  
4        *without the consent of the native people of Hawaii or*  
5        *the lawful Government of Hawaii in violation of trea-*  
6        *ties between the two nations and of international law.*

7            *“(9) In a message to Congress on December 18,*  
8        *1893, then President Grover Cleveland reported fully*  
9        *and accurately on these illegal actions, and acknowl-*  
10       *edged that by these acts, described by the President as*  
11       *acts of war, the government of a peaceful and friendly*  
12       *people was overthrown, and the President concluded*  
13       *that a ‘substantial wrong has thus been done which*  
14       *a due regard for our national character as well as the*  
15       *rights of the injured people require that we should*  
16       *endeavor to repair.’*

17           *“(10) Queen Lili’uokalani, the lawful monarch of*  
18        *Hawaii, and the Hawaiian Patriotic League, rep-*  
19        *resenting the aboriginal citizens of Hawaii, promptly*  
20        *petitioned the United States for redress of these*  
21        *wrongs and for restoration of the indigenous govern-*  
22        *ment of the Hawaiian nation, but this petition was*  
23        *not acted upon.*

24           *“(11) In 1898, the United States annexed Ha-*  
25        *waii through the Newlands Resolution, without the*



1       *consent of or compensation to the indigenous people*  
2       *of Hawaii or their sovereign government, who were*  
3       *denied their land, ocean resources, and the mechanism*  
4       *for expression of their inherent sovereignty through*  
5       *self-government and self-determination.*

6               *“(12) Through the Newlands Resolution and the*  
7       *1900 Organic Act, the United States Congress re-*  
8       *ceived 1.75 million acres of lands formerly owned by*  
9       *the Crown and Government of the Hawaiian King-*  
10       *dom and exempted the lands from then existing public*  
11       *land laws of the United States by mandating that the*  
12       *revenue and proceeds from these lands be ‘used solely*  
13       *for the benefit of the inhabitants of the Hawaiian Is-*  
14       *lands for education and other public purposes,’ there-*  
15       *by establishing a special trust relationship between*  
16       *the United States and the indigenous native inhab-*  
17       *itants of Hawaii.*

18               *“(13) Congress enacted the Hawaiian Homes*  
19       *Commission Act of 1920 designating 200,000 acres of*  
20       *the ceded public lands for exclusive homesteading by*  
21       *Native Hawaiians, affirming the trust relationship*  
22       *between the United States and the Native Hawaiians,*  
23       *as expressed by then Secretary of the Interior Frank-*  
24       *lin K. Lane, who was cited in the Committee Report*  
25       *of the United States House of Representatives Com-*

1        *mittee on Territories as stating: ‘One thing that im-*  
2        *pressed me . . . was the fact that the natives of these*  
3        *islands who are our wards, I should say, and for*  
4        *whom in a sense we are trustees, are falling off rap-*  
5        *idly in numbers and many of them are in poverty.’*

6                *“(14) In 1938, the United States Congress again*  
7        *acknowledged the unique status of the Hawaiian peo-*  
8        *ple by including in the Act of June 20, 1938 (52 Stat.*  
9        *781 et seq.), a provision to lease lands within the Na-*  
10        *tional Parks extension to Native Hawaiians and to*  
11        *permit fishing in the area ‘only by native Hawaiian*  
12        *residents of said area or of adjacent villages and by*  
13        *visitors under their guidance.’*

14                *“(15) Under the Act entitled ‘An Act to provide*  
15        *for the admission of the State of Hawaii into the*  
16        *Union’ Approved March 18, 1959 (73 Stat. 4), the*  
17        *United States transferred responsibility for the ad-*  
18        *ministration of the Hawaiian Home Lands to the*  
19        *State of Hawaii but reaffirmed the trust relationship*  
20        *which existed between the United States and the Ha-*  
21        *waiian people by retaining the exclusive power to en-*  
22        *force the trust, including the power to approve land*  
23        *exchanges and legislative amendments affecting the*  
24        *rights of beneficiaries under such Act.*

1           “(16) 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 adminis-  
5           tration over portions of the ceded public lands trust  
6           not retained by the United States to the State of Ha-  
7           wahi but reaffirmed the trust responsibility which ex-  
8           isted between the United States and the Hawaiian  
9           people by retaining the legal responsibility to enforce  
10          the administration of the public trust responsibility of  
11          the State of Hawaii for the betterment of the condi-  
12          tions of Native Hawaiians under section 5(f) of the  
13          Act entitled ‘An Act to provide for the admission of  
14          the State of Hawaii into the Union.’

15          “(17) The authority of the Congress under the  
16          United States Constitution to legislate in matters af-  
17          fecting the aboriginal or indigenous peoples of the  
18          United States includes the authority to legislate in  
19          matters affecting the native peoples of Alaska and  
20          Hawaii.

21          “(18) In furtherance to the trust responsibility  
22          for the betterment of the conditions of native Hawai-  
23          ians, the United States has established educational  
24          programs to benefit Native Hawaiians and has ac-  
25          knowledged that special educational efforts are re-

1        *quired recognizing the unique cultural and historical*  
2        *circumstances of Native Hawaiians.*

3            *“(19) This historical and legal relationship has*  
4        *been consistently recognized and affirmed by the Con-*  
5        *gress through the enactment of Federal laws which ex-*  
6        *tend to the Hawaiian people the same rights and*  
7        *privileges accorded to American Indian, Alaska Na-*  
8        *tive, Eskimo, and Aleut communities, including the*  
9        *Native American Programs Act of 1974; the Native*  
10       *American Programs Act of 1992, as amended; the Na-*  
11       *tional Historic Act Amendments of 1992; the Amer-*  
12       *ican Indian Religious Freedom Act; the Native Amer-*  
13       *ican Graves Protection and Repatriation Act.*

14           *“(20) The United States has also recognized and*  
15        *reaffirmed the trust relationship to the Hawaiian*  
16        *people through legislation which authorizes the provi-*  
17        *sion of services to Native Hawaiians, specifically, the*  
18        *Older Americans Act of 1965, the Developmental Dis-*  
19        *abilities Assistance and Bill of Rights Act Amend-*  
20        *ments of 1987, the Veterans’ Benefits and Services Act*  
21        *of 1988, the Rehabilitation Act of 1973, the Native*  
22        *Hawaiian Health Care Act of 1988, the Health Pro-*  
23        *fessions Reauthorization Act of 1988, the Nursing*  
24        *Shortage Reduction and Education Extension Act of*  
25        *1988, the Handicapped Programs Technical Amend-*

1 *ments Act of 1988, the Indian Health Care Amend-*  
2 *ments of 1988, and the Disadvantaged Minority*  
3 *Health Improvements Act of 1990.*

4 “(21) *Despite the success of the programs estab-*  
5 *lished under the Native Hawaiian Education Act of*  
6 *1988, the education needs of Native Hawaiians con-*  
7 *tinue to be severe:*

8 “(A) *Native Hawaiian students continue to*  
9 *score below national norms on standardized edu-*  
10 *cation achievement tests;*

11 “(B) *Both public and private schools con-*  
12 *tinue to show a pattern of low percentages of Na-*  
13 *tive Hawaiian students in the uppermost*  
14 *achievement levels and in gifted and talented*  
15 *programs;*

16 “(C) *Native Hawaiian students continue to*  
17 *be overrepresented among those qualifying for*  
18 *special education programs provided to learning*  
19 *disabled, educable mentally retarded, handi-*  
20 *capped, and other such students;*

21 “(D) *Native Hawaiians continue to be dis-*  
22 *proportionately represented in many negative so-*  
23 *cial and physical statistics, indicative of special*  
24 *educational needs—*

1           “(i) lower educational attainment  
2 among Native Hawaiians has been found to  
3 relate to lower socioeconomic outcomes;

4           “(ii) Native Hawaiian students con-  
5 tinue to be disproportionately under-  
6 represented in Institutions of Higher Edu-  
7 cation;

8           “(iii) Native Hawaiians continue to be  
9 underrepresented in traditional white collar  
10 professions, health care professions, and the  
11 newly emerging technology based professions  
12 and are overrepresented in service occupa-  
13 tions;

14           “(iv) Native Hawaiian children con-  
15 tinue to be disproportionately victimized by  
16 child abuse and neglect, a signal of family  
17 stress; and

18           “(v) there are and will continue to be  
19 geographically rural, isolated areas with a  
20 high Native Hawaiian population density.

21           “(22) Special efforts in education recognizing the  
22 unique cultural and historical circumstances of Na-  
23 tive Hawaiians are required.

24 **“SEC. 3803. PURPOSE.**

25           *“It is the purpose of this part to—*

1           “(1) authorize and develop supplemental edu-  
2           cational programs to assist Native Hawaiians in  
3           reaching the National Education Goals,

4           “(2) provide direction and guidance to appro-  
5           priate Federal, State, and local agencies to focus re-  
6           sources, including those made available by the title on  
7           the problem of Native Hawaiian Education, and

8           “(3) supplement and expand existing programs  
9           and authorities in the area of education to further the  
10          purposes of the title.

11          “(4) encourage the maximum participation of  
12          Native Hawaiians in planning and management of  
13          Native Hawaiian Education Programs.

14       **“SEC. 3804. NATIVE HAWAIIAN EDUCATION COUNCIL.**

15          “(a) *ESTABLISHMENT.*—In order to better effectuate  
16          the purposes of this part through assistance in the coordina-  
17          tion of services and programs provided for under this part,  
18          the Secretary shall establish a Native Hawaiian Education  
19          Council.

20          “(b) *COMPOSITION.*—Such Council shall consist of, but  
21          not be limited to:

22               “(1) representatives of each of the programs  
23               which receive Federal funding under this part;

24               “(2) a representative from the Office of the  
25               Governor;

1           “(3) a representative from the Office of Hawai-  
2           ian Affairs;

3           “(4) representatives of other Native Hawaiian  
4           Educational organizations and Native Hawaiian or-  
5           ganizations which receive Federal or state education  
6           funds; and

7           “(5) parent, student, educator and community  
8           organizations.

9           “(c) *CONDITIONS AND TERMS.*—All members of the  
10          Council shall be residents of the State of Hawaii, and at  
11          least half of the members shall be Native Hawaiian. Mem-  
12          bers of the Council shall be appointed for five year terms.

13          “(d) *DUTIES AND RESPONSIBILITIES.*—(1) The Coun-  
14          cil shall provide direction and guidance to appropriate  
15          Federal, State, and local agencies to focus resources, includ-  
16          ing those made available by this title on Native Hawaiian  
17          Education.

18          “(2) The Council is authorized to make available to  
19          Congress any information, advice, and recommendations  
20          that the Council is authorized to give to the Secretary.

21          “(3) The Secretary shall, whenever practicable, consult  
22          with the Council before taking any significant action relat-  
23          ed to the education of Native Hawaiians. Any advice or  
24          recommendation made by the Council to the Secretary shall



1 *reflect the independent judgment of the Council on the mat-*  
2 *ter concerned.*

3       “(e) *ADMINISTRATIVE PROVISIONS.*—*The Council shall*  
4 *meet at the call of the Chair, or upon the request of the*  
5 *majority of the Council, but in any event not less than twice*  
6 *during each calendar year. All matters relating to, or pro-*  
7 *ceedings of, the Council need not comply with the Federal*  
8 *Advisory Committee Act.*

9       “(f) *COMPENSATION.*—*A member of the Native Hawai-*  
10 *ian Council shall not receive any compensation for service*  
11 *on the Council.*

12       “(g) *ANNUAL REPORT.*—*The Council shall present to*  
13 *the Secretary an annual report on its activities.*

14       “(h) *REPORT TO CONGRESS.*—*Not later than 4 years*  
15 *after the date of the enactment of the Improving America’s*  
16 *Schools Act, the Secretary shall prepare and submit to the*  
17 *Senate Committee on Indian Affairs and the House Com-*  
18 *mittee on Education and Labor, a report which summarizes*  
19 *the annual reports of the Native Hawaiian Council, de-*  
20 *scribes the allocation and utilization of monies under this*  
21 *part, and contains recommendations for changes in Fed-*  
22 *eral, State, and local policy to advance the purposes of this*  
23 *part.*

1 **“SEC. 3805. NATIVE HAWAIIAN LANGUAGE IMMERSION**  
2 **PROJECT.**

3 “(a) *NATIVE HAWAIIAN LANGUAGE IMMERSION AU-*  
4 *THORITY.*—*In order to continue the state-wide effort at revi-*  
5 *talizing the Native Hawaiian Language through the*  
6 *Punana Leo Project and the State of Hawaii’s immersion*  
7 *project, the Secretary shall make direct grants to—*

8 “(1) *Aha Punana Leo for the continued mainte-*  
9 *nance of the Punana Leo Project, a family-based Ha-*  
10 *waiian Immersion pre-school program;*

11 “(2) *the State of Hawaii for education support*  
12 *services for the State of Hawaii’s Hawaiian Immer-*  
13 *sion Program; and to*

14 “(3) *the State of Hawaii to establish a center for*  
15 *Native Hawaiian curriculum development and teach-*  
16 *er training.*

17 “(b) *ADMINISTRATIVE COSTS.*—*No more than 7 per-*  
18 *cent of the funds appropriated to carry out the provisions*  
19 *of this section for any fiscal year may be used for adminis-*  
20 *trative purposes.*

21 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
22 *authorized to be appropriated \$1,500,000 for fiscal year*  
23 *1995 and such sums as may be necessary for fiscal years*  
24 *1996 through 1999. Such funds shall remain available until*  
25 *expended.*

1 **“SEC. 3806. NATIVE HAWAIIAN FAMILY-BASED EDUCATION**  
2 **CENTERS.**

3 “(a) *GENERAL AUTHORITY.*—The Secretary shall  
4 make direct grants to Native Hawaiian Organizations (in-  
5 cluding Native Hawaiian Educational Organizations) to  
6 develop and operate a minimum of eleven Family-Based  
7 Education Centers throughout the Hawaiian Islands. Such  
8 centers shall include—

9 “(1) *Parent-Infant programs (prenatal through*  
10 *age 3);*

11 “(2) *Preschool programs for four and five year-*  
12 *olds;*

13 “(3) *continued research and development; and*

14 “(4) *long term followup and assessment pro-*  
15 *gram.*

16 “(b) *ADMINISTRATIVE COSTS.*—No more than 7 per-  
17 cent of the funds appropriated to carry out the provisions  
18 of this section for any fiscal year may be used for adminis-  
19 trative purposes.

20 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—In addi-  
21 tion to any other amount authorized for the centers de-  
22 scribed in subsection (a), there is authorized to be appro-  
23 priated \$6,000,000 for fiscal year 1995 and such sums as  
24 may be necessary for fiscal years 1996 through 1999. Such  
25 funds shall remain available until expended.

1 **“SEC. 3807. NATIVE HAWAIIAN HIGHER EDUCATION DEM-**  
2 **ONSTRATION PROGRAM.**

3 *“(a) HIGHER EDUCATION GENERAL AUTHORITY.—*  
4 *The Secretary shall make grants to the Kamehameha*  
5 *Schools/Bernice Pauahi Bishop Estate for a demonstration*  
6 *program to provide Higher Education fellowship assistance*  
7 *to Native Hawaiian students. The demonstration program*  
8 *under this program may include—*

9 *“(1) full or partial fellowship support for Native*  
10 *Hawaiian students enrolled at an accredited two or*  
11 *four year degree granting institution of higher edu-*  
12 *cation with awards to be based on academic potential*  
13 *and financial need;*

14 *“(2) counseling and support services for such*  
15 *students receiving fellowship assistance pursuant to*  
16 *subsection (a)(1) of this section;*

17 *“(3) college preparation and guidance counseling*  
18 *at the secondary school level for students who may be*  
19 *eligible for fellowship assistance pursuant to sub-*  
20 *section (a)(1) of this section;*

21 *“(4) appropriate research and evaluation of the*  
22 *activities authorized by this section; and*

23 *“(5) implementation of faculty development pro-*  
24 *grams for the improvement and matriculation of Na-*  
25 *tive Hawaiian students.*

1       “(b) *GRANTS AUTHORIZED.*—The Secretary shall  
2 make grants to Kamehameha Schools/Bernice Pauahi Bish-  
3 op Estate for a demonstration project of fellowship assist-  
4 ance for Native Hawaiian students in post-bachelor degree  
5 programs. Such project may include—

6               “(1) full or partial fellowship support for Native  
7 Hawaiian students enrolled at an accredited post-  
8 bachelor degree granting institution of higher edu-  
9 cation, with priority given to professions in which  
10 Native Hawaiians are under-represented and with  
11 awards to be based on academic potential and finan-  
12 cial need;

13               “(2) counseling and support services for such  
14 students receiving fellowship assistance pursuant to  
15 subsection (b)(1) of this section; and

16               “(3) appropriate research and evaluation of the  
17 activities authorized by this section.

18       “(c) *SPECIAL CONDITION REQUIRED.*—For the pur-  
19 pose of subsection (b) fellowship conditions shall be estab-  
20 lished whereby recipients obtain an enforceable contract ob-  
21 ligation to provide their professional services, either during  
22 their fellowship or upon completion of post-bachelor degree  
23 program, to the Native Hawaiian community within the  
24 State of Hawaii.

1       “(d) *SPECIAL RULE.*—No policy shall be made in im-  
2     plementing this Section to prevent a Native Hawaiian stu-  
3     dent enrolled at an accredited two or four year degree  
4     granting institution of higher education outside of the State  
5     of Hawaii from receiving a fellowship pursuant to Para-  
6     graphs (a) and (b) of this Section.

7       “(e) *ADMINISTRATIVE COSTS.*—No more than 7 per-  
8     cent of the funds appropriated to carry out the provisions  
9     of this section for any fiscal year may be used for adminis-  
10    trative purposes.

11       “(f) *AUTHORIZATION OF APPROPRIATIONS.*—

12           “(1) There are authorized to be appropriated  
13       \$2,000,000 for fiscal year 1995 and such sums as  
14       may be necessary for fiscal years 1996 through 1999  
15       for the purpose of funding the fellowship assistance  
16       demonstration project under subsection (a).

17           “(2) There are authorized to be appropriated  
18       \$1,500,000 for fiscal year 1995 and such sums as  
19       may be necessary for fiscal years 1996 through 1999  
20       for the purpose of funding the fellowship assistance  
21       demonstration project provided under subsection (b).

22           “(3) Funds appropriated under the authority of  
23       this subsection shall remain available until expended.

1 **“SEC. 3808. NATIVE HAWAIIAN GIFTED AND TALENTED DEM-**  
2 **ONSTRATION PROGRAM.**

3 “(a) *GIFTED AND TALENTED DEMONSTRATION AU-*  
4 *THORITY.*—

5 “(1) *The Secretary shall provide a grant to, or*  
6 *enter into a contract with, the University of Hawaii*  
7 *at Hilo for—*

8 “(A) *the establishment of a Native Hawai-*  
9 *ian Gifted and Talented Center at the University*  
10 *of Hawaii at Hilo, and*

11 “(B) *for demonstration projects designed*  
12 *to—*

13 *(i) address the special needs of Native*  
14 *Hawaiian elementary and secondary school*  
15 *students who are gifted and talented stu-*  
16 *dents, and*

17 *(ii) provide those support services to*  
18 *their families that are needed to enable such*  
19 *students to benefit from the project.*

20 *Such grant or contract shall be subject to the availability*  
21 *of appropriated funds and, contingent on satisfactory per-*  
22 *formance by the grantee, shall be provided for a term of*  
23 *3 years.*

24 “(2) *After the term of the grant or contract pro-*  
25 *vided, or entered into, under paragraph (1) has ex-*  
26 *pired, the Secretary shall, for the purposes described*

1        *in subparagraphs (A) and (B) of paragraph (1), pro-*  
2        *vide a grant to, or enter into a contract with, the*  
3        *public, 4-year, fully accredited institution of higher*  
4        *education located in the State of Hawaii which has*  
5        *made the greatest contribution to Native Hawaiian*  
6        *students. Such grant or contract shall be provided on*  
7        *an annual basis. The grantees shall be authorized to*  
8        *subcontract when appropriate, including with the*  
9        *Children’s Television Workshop.*

10        *“(b) USES OF FUNDS.—Demonstration projects funded*  
11        *under this section may include—*

12                *“(1) the identification of the special needs of gift-*  
13                *ed and talented students, 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 services*  
18                        *to their families that are needed to enable these*  
19                        *students to benefit from the projects;*

20                *“(2) the conduct of educational, psychosocial,*  
21                *and developmental activities which hold reasonable*  
22                *promise of resulting in substantial progress toward*  
23                *meeting the educational needs of such gifted and tal-*  
24                *ented children, including, but not limited to, dem-*  
25                *onstrating and exploring the use of the Native Ha-*



1        *waiian language and exposure to Native Hawaiian*  
2        *cultural traditions;*

3            *“(3) the use of public television in meeting the*  
4        *special educational needs of such gifted and talented*  
5        *children;*

6            *“(4) leadership programs designed to replicate*  
7        *programs for such children throughout the State of*  
8        *Hawaii and to other Native American peoples, in-*  
9        *cluding the dissemination of information derived*  
10       *from demonstration projects conducted under this sec-*  
11       *tion; and*

12           *“(5) appropriate research, evaluation, and relat-*  
13       *ed activities pertaining to—*

14                *“(A) the needs of such children, and*

15                *“(B) the provision of those support services*  
16        *to their families that are needed to enable such*  
17        *children to benefit from the projects.*

18           *“(c) INFORMATION PROVISION.—The Secretary shall*  
19        *facilitate the establishment of a national network of Native*  
20        *Hawaiian and American Indian Gifted and Talented Cen-*  
21        *ters, and ensure that the information developed by these cen-*  
22        *ters shall be readily available to the educational community*  
23        *at large.*

24           *“(d) ADMINISTRATIVE COSTS.—No more than 7 per-*  
25        *cent of the funds appropriated to carry out the provisions*

1 of this section for any fiscal year may be used for adminis-  
2 trative purposes.

3 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—In addi-  
4 tion to any other amount authorized for projects described  
5 in this section there are authorized to be appropriated  
6 \$2,000,000 for fiscal year 1995 and such sums as may be  
7 necessary for fiscal years 1996 through 1999. Such funds  
8 shall remain available until expended.

9 “**SEC. 3809. NATIVE HAWAIIAN SPECIAL EDUCATION PRO-**  
10 **GRAM.**

11 “(a) *SPECIAL EDUCATION AUTHORITY.*—The Sec-  
12 retary shall make grants to, and enter into contracts with,  
13 Pihana Na Mamo, to operate projects to address the special  
14 education needs of Native Hawaiian students. Such projects  
15 assisted under this section may include—

16 “(1) the identification of Native Hawaiian chil-  
17 dren who are learning disabled, mentally or phys-  
18 ically handicapped, educable mentally retarded, or  
19 otherwise in need of special educational services;

20 “(2) the identification of special education needs  
21 of such children, particularly at the elementary school  
22 level, with attention to—

23 “(A) the emotional and psychosocial needs  
24 of these students, and

1           “(B) the provision of those support services  
2           to their families that are needed to enable such  
3           children to benefit from the projects.

4           “(b) ADMINISTRATIVE COSTS.—No more than 7 per-  
5           cent of the funds appropriated to carry out the provisions  
6           of this section for any fiscal year may be used for adminis-  
7           trative purposes.

8           “(c) MATCHING FUNDS.—(1) The Secretary may not  
9           make a grant or provide funds pursuant to a contract under  
10          this subsection—

11           “(A) in an amount exceeding 83.3 percent of the  
12          costs of providing health services under the grant or  
13          contract; and

14           “(B) unless Pihana Na Mamo agrees that the  
15          State of Hawaii, the Office of Hawaiian Affairs, or  
16          any other non-Federal entity will make available, di-  
17          rectly or through donations to the Native Hawaiian  
18          Special Education Project, non-Federal contributions  
19          toward such costs in an amount equal to not less than  
20          \$1 (in cash or in kind under paragraph (2)) for each  
21          \$5 of Federal funds provided in such grant or  
22          contract.

23           “(2) Non-Federal contributions required in paragraph  
24          (1) may be in cash or in kind, fairly evaluated, including  
25          plant, equipment, or services. Amounts provided by the Fed-

1 eral Government or services assisted or subsidized to any  
2 significant extent by the Federal Government may not be  
3 included in determining the amount of non-Federal con-  
4 tributions.

5 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—In addi-  
6 tion to any other amount authorized for such project, there  
7 is authorized to be appropriated \$2,000,000 for fiscal year  
8 1995 and such sums as may be necessary for fiscal years  
9 1996 through 1999. Such funds shall remain available until  
10 expended.

11 **“SEC. 3810. ADMINISTRATIVE PROVISIONS.**

12 “(a) *APPLICATION REQUIRED.*—No grant may be  
13 made under this part, nor any contract be entered into  
14 under this part, unless an application is submitted to the  
15 Secretary in such form, in such manner, and containing  
16 such information as the Secretary may determine necessary  
17 to carry out the provisions of this title.

18 “(b) *SPECIAL RULE.*—Each application submitted  
19 under this title shall be accompanied by the comments of  
20 each local educational agency serving students who will  
21 participate in the project for which assistance is sought.

22 **“SEC. 3811. DEFINITIONS.**

23 “For the purposes of this part—

24 “(1) The term ‘Native Hawaiian’ means any in-  
25 dividual who is—

1           “(A) a citizen of the United States,

2           “(B) a resident of the State of Hawaii, and

3           “(C) a descendant of the aboriginal people,

4           who prior to 1778, occupied and exercised sov-

5           ereignty in the area that now comprises the

6           State of Hawaii, as evidenced by—

7                   “(i) genealogical records,

8                   “(ii) Kupuna (elders) or Kama’aina

9                   (long-term community residents) verifica-

10                  tion, or

11                  “(iii) birth records of the State of

12                  Hawaii.

13           “(2) The term ‘Secretary’ means the Secretary of

14           Education.

15           “(3) The term ‘Native Hawaiian Educational

16           Organization’ means a private nonprofit organization

17           that—

18                   “(A) serves the interests of Native Hawai-

19                   ians,

20                   “(B) has Native Hawaiians in substantive

21                   and policy-making positions within the organi-

22                   zations,

23                   “(C) has a demonstrated expertise in the

24                   education of Native Hawaiian youth, and

1           “(D) has demonstrated expertise in research  
2           and program development.

3           “(4) The term ‘Native Hawaiian Organization’  
4           means a private nonprofit organization that—

5                   “(A) serves the interests of Native Hawai-  
6                   ians, and

7                   “(B) has Native Hawaiians in substantive  
8                   and policy-making positions within the organi-  
9                   zations,

10                   “(C) is recognized by the Governor of Ha-  
11                   waii for the purpose of planning, conducting, or  
12                   administering programs (or portions of pro-  
13                   grams) for the benefit of Native Hawaiians.

14           “(5) The term ‘elementary school’ has the same  
15           meaning given that term under section 9101 of this  
16           Act.

17           “(6) The term ‘local educational agency’ has the  
18           same meaning given that term under section 9101 of  
19           this Act.

20           “(7) The term ‘secondary school’ has the same  
21           meaning given that term under section 9101 of this  
22           Act.

1       **“PART H—ALLEN J. ELLENDER FELLOWSHIP**

2                               **PROGRAM**

3       **“SEC. 3901. FINDINGS.**

4               *“The Congress makes the following findings:*

5                       *“(1) It is a worthwhile goal to ensure that all*  
6                       *students in America are prepared for responsible citi-*  
7                       *zenship and that all students should have the oppor-*  
8                       *tunity to be involved in activities that promote and*  
9                       *demonstrate good citizenship.*

10                      *“(2) It is a worthwhile goal to ensure that Amer-*  
11                      *ica’s educators have access to programs for the contin-*  
12                      *ued improvement of their professional skills.*

13                      *“(3) Allen J. Ellender, a Senator from Louisi-*  
14                      *ana and President pro tempore of the United States*  
15                      *Senate, had a distinguished career in public service*  
16                      *characterized by extraordinary energy and real con-*  
17                      *cern for young people. Senator Ellender provided val-*  
18                      *uable support and encouragement to the Close Up*  
19                      *Foundation, a nonpartisan, nonprofit foundation*  
20                      *promoting knowledge and understanding of the Fed-*  
21                      *eral Government among young people and educators.*  
22                      *Therefore, it is a fitting and appropriate tribute to*  
23                      *Senator Ellender to provide fellowships in his name*  
24                      *to students of limited economic means, the teachers*  
25                      *who work with them and older Americans so that they*







1 *ing out its programs of teaching skills enhancement for*  
2 *middle and secondary school teachers.*

3       “(b) *USE OF FUNDS.*—Grants under this title shall be  
4 *used only for financial assistance to teachers who partici-*  
5 *pate in the program described in subsection (a) of this sec-*  
6 *tion. Financial assistance received pursuant to this title by*  
7 *such individuals shall be known as Allen J. Ellender fellow-*  
8 *ships.*

9       **“SEC. 3916. APPLICATIONS.**

10       “(a) *APPLICATION REQUIRED.*—No grant under this  
11 *subpart may be made except upon an application at such*  
12 *time, in such manner, and accompanied by such informa-*  
13 *tion as the Secretary may reasonably require.*

14       “(b) *CONTENTS OF APPLICATION.*—Each such applica-  
15 *tion shall contain provisions to assure—*

16               “(1) *that fellowship grants are made only to*  
17 *teachers who have worked with at least one student*  
18 *from his or her school who participates in the pro-*  
19 *grams described in section 101(a);*

20               “(2) *that not more than one teacher in each*  
21 *school participating in the programs provided for in*  
22 *section 101(a) may receive a fellowship in any fiscal*  
23 *year;*

24               “(3) *the proper disbursement of the funds of the*  
25 *United States received under this title.*

1       **“Subpart 3—Programs for Recent Immigrants,**  
2       **Students of Migrant Parents and Older Americans**

3       **“SEC. 3921. ESTABLISHMENT.**

4           “(a) *GENERAL AUTHORITY.*—(1) *The Secretary is au-*  
5 *thorized to make grants in accordance with the provisions*  
6 *of this title to the Close Up Foundation of Washington, Dis-*  
7 *trict of Columbia, a nonpartisan, nonprofit foundation, for*  
8 *the purpose of assisting the Close Up Foundation in carry-*  
9 *ing out its programs of increasing understanding of the*  
10 *Federal Government among economically disadvantaged*  
11 *older Americans, recent immigrants and students of mi-*  
12 *grant parents.*

13           “(2) *For the purpose of this subpart, the term ‘older*  
14 *American’ means an individual who has attained 55 years*  
15 *of age.*

16           “(b) *USE OF FUNDS.*—*Grants under this subpart shall*  
17 *be used only for financial assistance to economically dis-*  
18 *advantaged older Americans, recent immigrants and stu-*  
19 *dents of migrant parents who participate in the program*  
20 *described in subsection (a) of this section. Financial assist-*  
21 *ance received pursuant to this subpart by such individuals*  
22 *shall be known as Allen J. Ellender fellowships.*

23       **“SEC. 3922. APPLICATIONS.**

24           “(a) *APPLICATION REQUIRED.*—*No grant under this*  
25 *subpart may be made except upon application at such time,*

1 *in such manner, and accompanied by such information as*  
2 *the Secretary may reasonably require.*

3       “(b) *CONTENTS OF APPLICATION.*—*Each such applica-*  
4 *tion shall contain provisions to assure—*

5               “(1) *that fellowship grants are made to economi-*  
6 *cally disadvantaged older Americans, recent immi-*  
7 *grants and students of migrant parents;*

8               “(2) *that every effort will be made to ensure the*  
9 *participation of older Americans, recent immigrants*  
10 *and students of migrant parents from rural and*  
11 *small town areas, as well as from urban areas, and*  
12 *that in awarding fellowships, special consideration*  
13 *will be given to the participation of older Americans,*  
14 *recent immigrants and students of migrant parents*  
15 *with special needs, including physically challenged*  
16 *individuals, visually- and hearing-impaired individ-*  
17 *uals, ethnic minorities, and gifted and talented stu-*  
18 *dents;*

19               “(3) *that activities permitted by section 301(a)*  
20 *are fully described; and*

21               “(4) *the proper disbursement of the funds of the*  
22 *United States received under this title.*

1                   **“Subpart 4—General Provisions**

2           **“SEC. 3925. ADMINISTRATIVE PROVISIONS.**

3           “(a) *GENERAL RULE.*—Payments under this part may  
4 be made in installments, in advance, or by way of reim-  
5 bursement, with necessary adjustments on account of  
6 underpayment or overpayment.

7           “(b) *AUDIT RULE.*—The Comptroller General of the  
8 United States or any of the Comptroller General’s duly au-  
9 thorized representatives shall have access for the purpose of  
10 audit and examination to any books, documents, papers,  
11 and records that are pertinent to any grant under this part.

12           **“SEC. 3926. AUTHORIZATION OF APPROPRIATIONS.**

13           “(a) There are authorized to be appropriated to carry  
14 out the provisions of subparts 1, 2, and 3 of this part  
15 \$4,400,000 for fiscal year 1995 and such sums as may be  
16 necessary for each of the fiscal years 1996, 1997, 1998, and  
17 1999.

18           “(b) Of the funds appropriated pursuant to subsection  
19 (a), not more than 30 percent may be used for teachers asso-  
20 ciated with students participating in the programs de-  
21 scribed in section 3911(a).

22                   **“PART I—TERRITORIAL EDUCATION**

23                           **IMPROVEMENT PROGRAM**

24           **“SEC. 3931. FINDINGS AND PURPOSES.**

25           “(a) *FINDINGS.*—The Congress finds that—

1           “(1) the attainment of a high quality education  
2           is important to a society and to each individual;

3           “(2) it is the policy of the United States that all  
4           citizens have a fair opportunity to receive a high  
5           quality education;

6           “(3) such opportunity should extend to United  
7           States citizens and nationals residing in the outlying  
8           areas;

9           “(4) reports show that the outlying areas have  
10          repeatedly placed last in national education tests  
11          which measure knowledge in core subject areas;

12          “(5) all students must realize their potential if  
13          the United States is to prosper; and

14          “(6) students in the outlying areas require addi-  
15          tional assistance if they are to obtain the high stand-  
16          ards established for all students in the United States.

17          “(b) PURPOSES.—The purpose of this part is to au-  
18          thorize an education improvement program for the United  
19          States Virgin Islands, Guam, American Samoa, the North-  
20          ern Mariana Islands, and Palau which will assist in devel-  
21          oping programs which will enhance student learning, in-  
22          crease the standard of education, and improve the perform-  
23          ance levels of all students.

1 **“SEC. 3932. GRANT AUTHORIZATION.**

2       *“The Secretary is authorized to make grants to the Vir-*  
3 *gin Islands, Guam, American Samoa, the Northern Mari-*  
4 *ana Islands and Palau, until the effective date of the Com-*  
5 *pact of Free Association with the Government of Palau, to*  
6 *fund innovative education improvement programs which*  
7 *will increase student learning.*

8 **“SEC. 3933. RESTRICTIONS.**

9       *“(a) CONSTRUCTION.—No funds from a grant under*  
10 *section 3922 may be used for construction.*

11       *“(b) FULL USE.—If funds authorized under section*  
12 *3922 are not fully committed within the period of the grant,*  
13 *the grant for the next period shall be reduced by the amount*  
14 *of funds not fully committed.*

15 **“SEC. 3934. AUTHORIZATION.**

16       *“There are authorized to be appropriated for grants*  
17 *under section 3922 \$5,000,000 for each of the fiscal years*  
18 *1994 through 1999.*

19 **“TITLE IV—SAFE AND DRUG-**  
20 **FREE SCHOOLS AND COMMU-**  
21 **NITIES**

22 **“SEC. 4001. SHORT TITLE.**

23       *“This title may be cited as the ‘Safe and Drug-Free*  
24 *Schools and Communities Act of 1994’.*

25 **“SEC. 4002. FINDINGS.**

26       *“The Congress finds as follows:*

1           “(1) National Education Goal Six provides that  
2           by the year 2000, all schools in America will be free  
3           of drugs and violence and offer a disciplined environ-  
4           ment that is conducive to learning.

5           “(2) The widespread illegal use of alcohol and  
6           other drugs among the Nation’s secondary school stu-  
7           dents, and increasingly by students in elementary  
8           schools as well, constitutes a grave threat to their  
9           physical and mental well-being, and significantly im-  
10          pedes the learning process. For example, data show  
11          that students who drink tend to receive lower grades  
12          and are more likely to miss school because of illness  
13          than students who do not drink.

14          “(3) Our Nation’s schools and communities are  
15          increasingly plagued by violence and crime. Approxi-  
16          mately three million thefts and violent crimes occur  
17          in or near our Nation’s schools every year, the equiva-  
18          lent of more than 16,000 incidents per school day.  
19          Approximately one of every five high school students  
20          now carries a firearm, knife, or club on a regular  
21          basis.

22          “(4) The tragic consequences of violence and the  
23          illegal use of alcohol and drugs by students are felt  
24          not only by students and their families, but by their



1 *communities and the Nation, which can ill afford to*  
2 *lose their skills, talents, and vitality.*

3 *“(5) While use of illegal drugs is a serious prob-*  
4 *lem among a minority of teenagers, alcohol use is far*  
5 *more widespread. The proportion of high school stu-*  
6 *dents using alcohol, though lower than a decade ago,*  
7 *remains unacceptably high. By the 8th grade, 70 per-*  
8 *cent of youth report having tried alcohol and by the*  
9 *12th grade, about 88 percent have used alcohol. Alco-*  
10 *hol use by young people can and does have adverse*  
11 *consequences for users, their families, communities,*  
12 *schools, and colleges.*

13 *“(6) Drug and violence prevention programs are*  
14 *essential components of a comprehensive strategy to*  
15 *promote school safety and to reduce the demand for*  
16 *and use of drugs throughout the Nation. Schools and*  
17 *local organizations in communities throughout the*  
18 *Nation have a special responsibility to work together*  
19 *to combat the growing epidemic of violence and illegal*  
20 *drug use and should measure the success of their pro-*  
21 *grams against clearly defined goals and objectives.*

22 *“(7) Students must take greater responsibility*  
23 *for their own well-being, health, and safety if schools*  
24 *and communities are to achieve their goals of provid-*

1        *ing a safe, disciplined, and drug-free learning envi-*  
2        *ronment.*

3        **“SEC. 4003. PURPOSE.**

4        *“The purpose of this title is to support programs to*  
5        *meet Goal Six of the National Educational Goals by pre-*  
6        *venting violence in and around schools and by strengthen-*  
7        *ing programs that prevent the illegal use of alcohol and*  
8        *drugs, involve parents, and are coordinated with related*  
9        *Federal, State, and community efforts and resources,*  
10       *through the provision of Federal assistance to—*

11            *“(1) States for grants to local and intermediate*  
12            *educational agencies and consortia to establish, oper-*  
13            *ate, and improve local programs of school drug and*  
14            *violence prevention, early intervention, rehabilitation*  
15            *referral, and education in elementary and secondary*  
16            *schools (including intermediate and junior high*  
17            *schools);*

18            *“(2) States for grants to local and intermediate*  
19            *educational agencies and consortia for grants to, and*  
20            *contracts with, community-based organizations and*  
21            *other public and private non-profit agencies and or-*  
22            *ganizations for programs of drug and violence preven-*  
23            *tion, early intervention, rehabilitation referral, and*  
24            *education;*

1           “(3) States for development, training, technical  
2 assistance, and coordination activities;

3           “(4) public and private non-profit organizations  
4 to conduct training, demonstrations, and evaluation,  
5 and to provide supplementary services for the preven-  
6 tion of drug use and violence among students and  
7 youth; and

8           “(5) institutions of higher education for the de-  
9 velopment and implementation of model programs  
10 and strategies to promote the safety of students at-  
11 tending institutions of higher education by preventing  
12 violent behavior and the illegal use of alcohol and  
13 drugs by such students.

14 **“SEC. 4004. FUNDING.**

15           “(a) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated—

17           “(1) for State grants under part A, \$630,000,000  
18 for fiscal year 1995 and such sums as may be nec-  
19 essary for each of fiscal years 1996 through 1999; and

20           “(2) for national programs under part B,  
21 \$25,000,000 for fiscal year 1995 and such sums as  
22 may be necessary for each of fiscal years 1996 through  
23 1999.

24           “(b) AVAILABILITY.—(1) Appropriations for any fiscal  
25 year for payments made under this title in accordance with

1 *regulations of the Secretary may be made available for obli-*  
2 *gation or expenditure by the agency or institution con-*  
3 *cerned on the basis of an academic or school year differing*  
4 *from such fiscal year.*

5       “(2) Funds appropriated for any fiscal year under this  
6 title shall remain available for obligation and expenditure  
7 until the end of the fiscal year succeeding the fiscal year  
8 for which such funds were appropriated.

9           **“PART A—STATE GRANTS FOR DRUG AND**  
10           **VIOLENCE PREVENTION PROGRAMS**

11       **“SEC. 4101. RESERVATIONS AND ALLOTMENTS.**

12       “(a) RESERVATIONS.—From the amount appropriated  
13 for each fiscal year under section 5004(a)(1), the Sec-  
14 retary—

15           “(1) shall reserve 1 percent of such amount for  
16 grants under this part to Guam, American Samoa,  
17 the Virgin Islands, the Commonwealth of the Northern  
18 Mariana Islands, and Palau (until the effective date  
19 of the Compact of Free Association with the Govern-  
20 ment of Palau), to be allotted in accordance with  
21 their respective needs;

22           “(2) shall reserve 1 percent of such amount for  
23 the Secretary of the Interior to carry out programs  
24 under this part for Indian youth;

1           “(3) shall reserve 0.2 percent for programs for  
2       Native Hawaiians under section 5202; and

3           “(4) may reserve no more than \$1,000,000 for  
4       the national impact evaluation required by section  
5       5106(a).

6           “(b) STATE ALLOTMENTS.—(1) Except as provided  
7       under paragraph (2), the Secretary shall, for each fiscal  
8       year, allocate among the States—

9           “(A) one-half of the remainder not reserved  
10       under subsection (a) according to the ratio between  
11       the school-aged population of each State and the  
12       school-aged population of all the States; and

13          “(B) one-half of such remainder according to the  
14       ratio between the amount each State received under  
15       section 1124 and 1124A of this Act for the preceding  
16       year (or, for fiscal year 1995 only, sections 1005 and  
17       1006 of this Act as in effect on the day before enact-  
18       ment of the Safe and Drug-Free Schools and Commu-  
19       nities Act Amendments of 1994) and the sum of such  
20       amounts received by all the States.

21          “(2) For any fiscal year, no State shall be allotted  
22       under this subsection an amount that is less than one-half  
23       of 1 percent of the total amount allotted to all the States  
24       under this subsection.

1       “(3) *The Secretary may reallocate any amount of any*  
2 *allotment to a State if the Secretary determines that the*  
3 *State will be unable to use such amount within two years*  
4 *of such allotment. Such reallocations shall be made on the*  
5 *same basis as allotments made under paragraph (1).*

6       “(4) *For the purpose of this subsection, the term ‘State’*  
7 *means each of the 50 States, the District of Columbia, and*  
8 *the Commonwealth of Puerto Rico.*

9       **“SEC. 4102. STATE APPLICATIONS.**

10       “(A) *IN GENERAL.—In order to receive its allotment*  
11 *under section 5101 for any fiscal year, a State shall submit*  
12 *to the Secretary, at such time as the Secretary may require,*  
13 *an application that—*

14               “(1) *designates the State educational agency as*  
15 *the State agency responsible for the administration*  
16 *and supervision of programs assisted with its allot-*  
17 *ment under section 5101;*

18               “(2)(A)(i) *is integrated into 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 that plan; and*

23               “(ii) *is submitted, if necessary, as an amend-*  
24 *ment to the State’s plan under title III of the Goals*  
25 *2000: Educate America Act; or*

1           “(B) if the State does not have an approved plan  
2 under title III of the Goals 2000: Educate America  
3 Act and is not developing such a plan, is integrated  
4 with other State plans under this Act and satisfies the  
5 requirements of this section;

6           “(3) contains the results of the State’s needs as-  
7 sessment for drug and violence prevention programs,  
8 which shall be based on the results of on-going State  
9 evaluation activities, including data on the prevalence  
10 of drug use and violence by youth in schools and com-  
11 munities;

12           “(4) has been developed in consultation with the  
13 chief executive officer, the head of the State alcohol  
14 and drug abuse agency, the heads of the State health  
15 and mental health agencies, the head of the State  
16 child welfare agency, and the heads of the State  
17 criminal and juvenile justice planning agencies;

18           “(5) contains a description of the procedures the  
19 State educational agency will use to review applica-  
20 tions from local educational agencies under section  
21 5104;

22           “(6) contains an assurance that the State will  
23 cooperate with, and assist, the Secretary in conduct-  
24 ing a national impact evaluation of programs re-  
25 quired by section 5106(a); and

1           “(7) includes any other information the Sec-  
2           retary may require.

3           “(b) STATE EDUCATIONAL AGENCY FUNDS.—A State’s  
4           application under this section shall also contain a com-  
5           prehensive plan for the use of funds under section 5103(a)  
6           by the State educational agency that includes—

7           “(1) a statement of the State educational agen-  
8           cy’s measurable goals and objectives for drug and vio-  
9           lence prevention and a description of the procedures  
10          it will use for assessing and publicly reporting  
11          progress toward meeting those goals and objectives;

12          “(2) a plan for monitoring the implementation  
13          of, and providing technical assistance regarding, the  
14          drug and violence prevention programs conducted by  
15          local educational agencies in accordance with section  
16          5105;

17          “(3) a description of how the State educational  
18          agency will use funds it reserves under section  
19          5103(b);

20          “(4) a description of how the State educational  
21          agency will coordinate its activities under this part  
22          with drug and violence prevention efforts of other  
23          State agencies; and

24          “(5) an explanation of the criteria the State edu-  
25          cational agency will use to identify which local edu-



1        *cational agencies receive supplemental funds under*  
2        *section 5103(d)(2)(A)(i)(II) and how the supple-*  
3        *mental funds will be allocated among those local edu-*  
4        *cational agencies.*

5        *“(d) PEER REVIEW.—The Secretary shall use a peer*  
6        *review process in reviewing State applications under this*  
7        *section.*

8        *“(e) INTERIM APPLICATION.—Notwithstanding any*  
9        *other provisions of this section, a State may submit for fis-*  
10       *cal year 1995 a one-year interim application and plan for*  
11       *the use of funds under this part that are consistent with*  
12       *the requirements of this section and contain such informa-*  
13       *tion as the Secretary may specify in regulations. The pur-*  
14       *pose of such interim application and plan shall be to afford*  
15       *the State the opportunity to fully develop and review its*  
16       *application and comprehensive plan otherwise required by*  
17       *this section. A State may not receive a grant under this*  
18       *part for a fiscal year subsequent to fiscal year 1995 unless*  
19       *the Secretary has approved its application and comprehen-*  
20       *sive plan.*

21       **“SEC. 4103. STATE AND LOCAL EDUCATIONAL AGENCY PRO-**  
22       **GRAMS.**

23       *“(a) USE OF FUNDS.—(1) Except as provided in para-*  
24       *graph (2), the total amount allocated to a State under sec-*  
25       *tion 5101 for each fiscal year shall be used by the State*

1 *educational agency and its local educational agencies for*  
2 *drug and violence prevention activities in accordance with*  
3 *this section.*

4       “(2)(A) *If a State has, on or before January 1, 1994,*  
5 *established an independent State agency for the purpose of*  
6 *administering all of the funds described in section 5121 of*  
7 *this Act (as such section was in effect on the day before*  
8 *the date of the enactment of the Safe and Drug-Free Schools*  
9 *and Communities Act Amendments of 1994), then—*

10           “(i) *an amount equal to 70 percent of the total*  
11 *amount allocated to such State under section 5101 for*  
12 *each fiscal year shall be used by the State educational*  
13 *agency and its local educational agencies for drug*  
14 *and violence prevention activities in accordance with*  
15 *this section; and*

16           “(ii) *an amount equal to 30 percent of such total*  
17 *amount shall be used by such independent State agen-*  
18 *cy for drug and violence prevention activities in ac-*  
19 *cordance with section 5122 of this Act (as such section*  
20 *was in effect on the day before the date of the enact-*  
21 *ment of the Safe and Drug-Free Schools and Commu-*  
22 *nities Act Amendments of 1994).*

23       “(B) *Not more than 2.5 percent of the amount reserved*  
24 *under subparagraph (A)(ii) may be used for administrative*

1 *costs of the independent State agency incurred in carrying*  
2 *out the activities described in such subparagraph.*

3       “(C) *For purposes of this paragraph, the term ‘inde-*  
4 *pendent State agency’ means an independent agency with*  
5 *a board of directors or a cabinet level agency whose chief*  
6 *executive officer is appointed by the chief executive officer*  
7 *of the State and confirmed with the advice and consent of*  
8 *the senate of such State.*

9       “(b) *STATE LEVEL PROGRAMS.—(1) A State edu-*  
10 *cational agency shall use no more than five percent of the*  
11 *amount reserved under subsection (a) for activities such*  
12 *as—*

13               “(A) *training and technical assistance concern-*  
14 *ing drug and violence prevention for local and inter-*  
15 *mediate educational agencies, including teachers, ad-*  
16 *ministrators, counselors, coaches and athletic direc-*  
17 *tors, other educational personnel, parents, students,*  
18 *community leaders, health service providers, local law*  
19 *enforcement officials, and judicial officials;*

20               “(B) *the development, identification, dissemina-*  
21 *tion and evaluation of the most readily available, ac-*  
22 *curate, and up-to-date curriculum materials (includ-*  
23 *ing videotapes, software, and other technology-based*  
24 *learning resources), for consideration by local edu-*  
25 *cational agencies;*

1           “(C) demonstration projects in drug and violence  
2 prevention;

3           “(D) financial assistance to enhance resources  
4 available for drug and violence prevention in areas  
5 serving large numbers of economically disadvantaged  
6 children or sparsely populated areas, or to meet other  
7 special needs consistent with the purposes of this part;  
8 and

9           “(E) the evaluation of activities carried out  
10 within the State under this part.

11          “(2) A State educational agency may carry out activi-  
12 ties under this subsection directly, or through grants or  
13 contracts.

14          “(c) STATE ADMINISTRATION.—(1) A State edu-  
15 cational agency may use no more than four percent of the  
16 amount reserved under subsection (a) for the administrative  
17 costs of carrying out its responsibilities under this part.

18          “(2) In administering its programs under this part,  
19 a State educational agency may not delegate or transfer  
20 any administrative functions in any manner to any other  
21 State entity.

22          “(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—(1)  
23 A State educational agency shall distribute not less than  
24 92 percent of the amount reserved under subsection (a) for

1 *each fiscal year to local educational agencies in accordance*  
2 *with this subsection.*

3       “(2)(A)(i) *Of the amount distributed under subsection*  
4 *(d)(1), a State educational agency shall distribute—*

5               “(I) *70 percent of such amount to local edu-*  
6 *cational agencies, based on the relative enrollments in*  
7 *public and private non-profit schools within their*  
8 *boundaries; and*

9               “(II) *30 percent of such amount to local edu-*  
10 *cational agencies that the State educational agency*  
11 *determines have the greatest need for additional funds*  
12 *to carry out drug and violence prevention programs*  
13 *authorized by this part.*

14       “(ii) *To the extent practicable, not less than 25 percent*  
15 *of the amount specified in clause (i)(II) for a fiscal year*  
16 *shall be distributed to local educational agencies located in*  
17 *rural areas.*

18       “(B)(i) *A State educational agency shall distribute*  
19 *funds under subparagraph (A)(i)(II) to no more than ten*  
20 *percent of its local educational agencies, or five such agen-*  
21 *cies, whichever is greater.*

22       “(ii) *In determining which local educational agencies*  
23 *have the greatest need for additional funds, the State edu-*  
24 *cational agency shall consider such factors as—*

1           “(I) high rates of alcohol or other drug use  
2 among youth;

3           “(II) high rates of victimization of youth by vio-  
4 lence and crime;

5           “(III) high rates of arrests and convictions of  
6 youth for violent or drug- or alcohol-related crime;

7           “(IV) the extent of illegal gang activity;

8           “(V) high rates of referrals of youths to drug and  
9 alcohol abuse treatment and rehabilitation programs;

10          “(VI) high rates of referrals of youths to juvenile  
11 court;

12          “(VII) high rates of expulsions and suspensions  
13 of students from schools; and

14          “(VIII) high rates of reported cases of child abuse  
15 and domestic violence.

16          “(e) REALLOCATION OF FUNDS.—If a local edu-  
17 cational agency chooses not to apply to receive the amount  
18 allocated to it under subsection (d), or if its application  
19 under section 5104 is disapproved by the State educational  
20 agency, the State educational agency shall reallocate such  
21 amount to one or more of the local education agencies deter-  
22 mined by the State educational agency under subsection  
23 (d)(2)(B) to have the greatest need for additional funds.

24          “(f) RETURN OF FUNDS TO STATE EDUCATIONAL  
25 AGENCY; REALLOCATION.—(1) Except as provided in para-

1 *graph (2), upon the expiration of the 1-year period begin-*  
2 *ning on the date that a local educational agency, intermedi-*  
3 *ate educational agency, or consortium under this title re-*  
4 *ceives its allocation under this title—*

5           “(A) *such agency or consortium shall return to*  
6 *the State educational agency any funds from such al-*  
7 *location that remain unobligated; and*

8           “(B) *the State educational agency shall reallo-*  
9 *cate any such amount to local educational agencies,*  
10 *intermediate educational agencies, or consortia that*  
11 *have plans for using such amount for programs or ac-*  
12 *tivities on a timely basis.*

13           “(2) *In any fiscal year, a local educational agency,*  
14 *intermediate educational agency, or consortium may retain*  
15 *for obligation in the succeeding fiscal year—*

16           “(A) *an amount equal to not more than 25 per-*  
17 *cent of the allocation it receives under this title for*  
18 *such fiscal year; or*

19           “(B) *upon a demonstration of good cause by*  
20 *such agency or consortium, a greater amount ap-*  
21 *proved by the State educational agency.*

22 **“SEC. 4104. LOCAL APPLICATIONS.**

23           “(a) *IN GENERAL.—(1) In order to be eligible to re-*  
24 *ceive an allocation under section 5103(d) for any fiscal*  
25 *year, a local educational agency shall submit, at such time*

1 *as the State educational agency requires, an application to*  
2 *the State educational agency for approval. Such an appli-*  
3 *cation shall be amended, as necessary, to reflect changes in*  
4 *the local educational agency's program.*

5       “(2)(A) *A local educational agency shall develop its*  
6 *application under subsection (a)(1) in consultation with a*  
7 *local or substate regional advisory council that includes, to*  
8 *the extent possible, representatives of local government,*  
9 *business, parents, students, teachers, appropriate state*  
10 *agencies, private schools, the medical profession, law en-*  
11 *forcement, community-based organizations, and other*  
12 *groups with interest and expertise in drug and violence*  
13 *prevention.*

14       “(B) *In addition to assisting the local educational*  
15 *agency to develop its application under this section, the ad-*  
16 *visory council established or designated under paragraph*  
17 *(2)(A) shall, on an on-going basis—*

18               “(i) *disseminate information about drug and vi-*  
19 *olence prevention programs, projects, and activities*  
20 *conducted within the boundaries of the local edu-*  
21 *cational agency;*

22               “(ii) *advise the local educational agency on how*  
23 *best to coordinate its activities under this part with*  
24 *other related programs, projects, and activities, in-*



1 *cluding community service and service learning*  
2 *projects, and the agencies that administer them; and*

3 *“(iii) review program evaluations and other rel-*  
4 *evant material and make recommendations to the*  
5 *local educational agency on how to improve its drug*  
6 *and violence prevention programs.*

7 *“(b) CONTENTS OF APPLICATIONS.—An application*  
8 *under this section shall contain—*

9 *“(1) an assessment of the current use (and con-*  
10 *sequences of such use) of alcohol, tobacco, and con-*  
11 *trolled, illegal, addictive or harmful substances as well*  
12 *as the violence, safety, and discipline problems among*  
13 *students who attend the schools of the applicant (in-*  
14 *cluding private school students who participate in the*  
15 *applicant’s drug and violence prevention program)*  
16 *that is based on ongoing local assessment or evalua-*  
17 *tion activities;*

18 *“(2) a detailed explanation of the local edu-*  
19 *cational agency’s comprehensive plan for drug and vi-*  
20 *olence prevention, which shall include a description*  
21 *of—*

22 *“(A) how that plan is consistent with, and*  
23 *promotes the goals in, the State’s application*  
24 *under section 5102 and the local educational*  
25 *agency’s plan, either approved or being devel-*

1            *oped, under title III of the Goals 2000: Educate*  
2            *America Act, or, if the local educational agency*  
3            *does not have such an approved plan and is not*  
4            *developing one, its plan under section 1112 of*  
5            *this Act;*

6            *“(B) the local educational agency’s measur-*  
7            *able goals for drug and violence prevention, and*  
8            *a description of how it will assess and publicly*  
9            *report progress toward attaining these goals;*

10           *“(C) the local educational agency’s com-*  
11           *prehensive plan for programs to be carried out*  
12           *under this part;*

13           *“(D) how the local educational agency will*  
14           *use its regular allocation under section*  
15           *5103(d)(2)(A)(i)(I) and its supplemental alloca-*  
16           *tion, if any, under section 5103(d)(2)(A)(i)(II);*

17           *“(E) how the local educational agency will*  
18           *coordinate its programs and projects with com-*  
19           *munity-wide efforts to achieve its goals for drug*  
20           *and violence prevention; and*

21           *“(F) how the local education agency will co-*  
22           *ordinate its programs and projects with other*  
23           *Federal, State, and local programs for drug-*  
24           *abuse prevention, including health programs;*  
25           *and*

1           “(3) such other information and assurances as  
2           the State educational agency may reasonably require.

3           “(c) REVIEW OF APPLICATION.—(1) In reviewing local  
4           applications under this section, a State educational agency  
5           shall use a peer review process or other methods of assuring  
6           the quality of such applications.

7           “(2)(A) In determining whether to approve the appli-  
8           cation of a local educational agency under this section, a  
9           State educational agency shall consider the quality of the  
10          local educational agency’s comprehensive plan under sub-  
11          section (b)(2) and the extent to which it is consistent with,  
12          and supports, the State’s application under section 5102  
13          and the State’s plan under the Goals 2000: Educate Amer-  
14          ica Act, and, if the State does not have such a plan, its  
15          plan under section 1111 of this Act.

16          “(B) A State educational agency may disapprove a  
17          local educational agency application under this section in  
18          whole or in part and may withhold, limit, or place restric-  
19          tions on the use of funds allotted to such a local educational  
20          agency in a manner the State educational agency deter-  
21          mines will best promote the purposes of this part or the  
22          State’s plan under the Goals 2000: Educate America Act,  
23          and, if the State does not have such a plan, its plan under  
24          section 1111 of this Act, except that a local educational

1 *agency shall be afforded an opportunity to appeal any such*  
2 *disapproval.*

3 ***“SEC. 4105. LOCAL DRUG AND VIOLENCE PREVENTION PRO-***  
4 ***GRAMS.***

5 *“(a) PROGRAM REQUIREMENTS.—A local educational*  
6 *agency shall use funds received under this part to adopt*  
7 *and carry out a comprehensive drug and violence preven-*  
8 *tion program which shall—*

9 *“(1) be designed, for all students and employees,*  
10 *to—*

11 *“(A) prevent the use, possession, and dis-*  
12 *tribution of tobacco, alcohol and illegal drugs by*  
13 *students and to prevent the illegal use, posses-*  
14 *sion, and distribution of such substances by em-*  
15 *ployees;*

16 *“(B) prevent violence and promote school*  
17 *safety; and*

18 *“(C) create a disciplined environment con-*  
19 *ducive to learning;*

20 *“(2) include activities to promote the involve-*  
21 *ment of parents and coordination with community*  
22 *groups and agencies, including the distribution of in-*  
23 *formation about the local educational agency’s needs*  
24 *assessments, goals, and programs under this part; and*

1           “(3) include community-based prevention and  
2           education activities in accordance with the require-  
3           ments of subsection (c).

4           “(b) *AUTHORIZED ACTIVITIES.*—A comprehensive  
5           drug and violence prevention program carried out under  
6           this part may include—

7           “(1) age-appropriate, developmentally based  
8           drug prevention and education programs for all stu-  
9           dents, from the preschool level through grade 12, that  
10          address the legal, social, personal and health con-  
11          sequences of the use of illegal drugs, promote a sense  
12          of individual responsibility, and provide information  
13          about effective techniques for resisting peer pressure to  
14          use illegal drugs;

15          “(2) programs of drug prevention, comprehensive  
16          health education, early intervention, counseling,  
17          mentoring, or rehabilitation referral, which emphasize  
18          students’ sense of individual responsibility and which  
19          may include—

20                  “(A) the dissemination of information about  
21                  drug prevention;

22                  “(B) the professional development of school  
23                  personnel, parents, students, law enforcement of-  
24                  ficials, judicial officials, health service providers  
25                  and community leaders in prevention, education,

1           *early intervention, counseling or rehabilitation*  
2           *referral;*

3           “(C) *the implementation of strategies, in-*  
4           *cluding strategies to integrate the delivery of*  
5           *services from a variety of providers, to combat il-*  
6           *legal alcohol and other drug use, such as—*

7                     “(i) *family counseling;*

8                     “(ii) *early intervention activities that*  
9                     *prevent family dysfunction, enhance school*  
10                    *performance, and boost attachment to school*  
11                    *and family; and*

12                   “(iii) *activities, such as community*  
13                    *service and service-learning projects, that*  
14                    *are designed to increase students’ sense of*  
15                    *community;*

16           “(3) *age-appropriate, developmentally based vio-*  
17           *lence prevention and education programs for all stu-*  
18           *dents, from the preschool level through grade 12, that*  
19           *address the legal, health, personal, and social con-*  
20           *sequences of violent and disruptive behavior, includ-*  
21           *ing sexual harassment, and that include activities de-*  
22           *signed to help students develop a sense of individual*  
23           *responsibility and respect for the rights of others, and*  
24           *to resolve conflicts without violence;*

1           “(4) violence prevention programs for school-aged  
2 youth, which emphasize students’ sense of individual  
3 responsibility and may include—

4                   “(A) the dissemination of information about  
5 school safety and discipline;

6                   “(B) the professional development of school  
7 personnel, parents, students, law enforcement of-  
8 ficials, judicial officials, and community leaders  
9 in designing and implementing strategies to pre-  
10 vent school violence;

11                   “(C) the implementation of strategies, such  
12 as conflict resolution and peer mediation and the  
13 use of mentoring programs, to combat school vio-  
14 lence and other forms of disruptive behavior,  
15 such as sexual harassment; and

16                   “(D) comprehensive, community-wide strat-  
17 egies to prevent or reduce illegal gang activities;

18           “(5) subject to the requirements of the matter fol-  
19 lowing paragraph (8), not more than one half of the  
20 cost of—

21                   “(A) minor remodeling to promote security  
22 and reduce the risk of violence, such as removing  
23 lockers, installing better lights, and upgrading  
24 locks; and

1           “(B) *acquiring and installing metal detec-*  
2           *tors and hiring security personnel;*

3           “(6) *the promotion of before-and-after school rec-*  
4           *reational, instructional, cultural, and artistic pro-*  
5           *grams in supervised community settings; and*

6           “(7) *drug abuse resistance education programs,*  
7           *designed to teach students to recognize and resist*  
8           *pressures to use alcohol or other drugs, which may in-*  
9           *clude activities such as classroom instruction by uni-*  
10          *formed law enforcement officers, resistance techniques,*  
11          *resistance to peer pressure and gang pressure, and*  
12          *provision for parental involvement;*

13          “(8) *the evaluation of any of the activities au-*  
14          *thorized under this subsection.*

15 *A local educational agency may use no more than 33 per-*  
16 *cent of the funds it receives under this part for any fiscal*  
17 *year for the activities described in paragraph (5).*

18          “(c) *COMMUNITY-BASED PREVENTION ACTIVITIES.—*

19 *(1) A local educational agency shall expend not less than*  
20 *21 percent of the funds received under this part on grants*  
21 *or contracts with parent groups, community action and job*  
22 *training agencies, community-based organizations, and*  
23 *other public entities and private nonprofit organizations.*  
24 *Such grants or contracts shall support community-based*  
25 *drug abuse and violence prevention programs and activities*



1 *described in paragraph (2). In awarding such grants or*  
2 *contracts, the local educational agency shall give priority*  
3 *to programs of demonstrated effectiveness and programs*  
4 *which have previously received assistance under section*  
5 *5122 of the Drug-Free Schools and Communities Act of*  
6 *1986.*

7       “(2) Grants and contracts under paragraph (1) shall  
8 *be used for programs and activities such as—*

9               “(A) *developing and implementing comprehen-*  
10 *sive, community-based drug and violence prevention*  
11 *programs that link community resources with schools*  
12 *and integrate services involving education, vocational*  
13 *and job skills training, community service and service*  
14 *learning projects, law enforcement, health, mental*  
15 *health, and other appropriate services;*

16               “(B) *planning and implementing drug and vio-*  
17 *lence prevention activities that coordinate the efforts*  
18 *of community-based agencies with those of the local*  
19 *educational agency;*

20               “(C) *activities to protect students traveling to*  
21 *and from school;*

22               “(D) *developing and implementing strategies to*  
23 *prevent illegal gang activity;*

24               “(E) *coordinating and conducting community-*  
25 *wide violence and safety assessments and surveys; and*

1           “(F) programs and activities which address the  
2           needs of children and youth who are not normally  
3           served by the local educational agency, including pre-  
4           schoolers, dropouts, youth in juvenile detention facili-  
5           ties, and runaways or homeless children and youth;

6           “(G) disseminating information about drug and  
7           violence prevention;

8           “(H) training parents, law enforcement officials,  
9           judicial officials, social service providers, health serv-  
10          ice providers and community leaders about drug and  
11          violence prevention, education, early intervention,  
12          counseling, or rehabilitation referral; and

13          “(I) before-and-after school recreational, instruc-  
14          tional, cultural, and artistic programs in supervised  
15          community settings.

16          “(d) ADMINISTRATIVE PROVISIONS.—Notwithstanding  
17          any other provisions of law, any funds expended prior to  
18          July 1, 1995, under part B of the Drug-Free Schools and  
19          Communities Act of 1986 (as in effect prior to enactment  
20          of the Improving America’s Schools Act) for the support of  
21          a comprehensive school health program shall be deemed to  
22          have been authorized by part B of such Act.

23          **“SEC. 4106. EVALUATION AND REPORTING.**

24          “(a) NATIONAL IMPACT EVALUATION.—The Secretary,  
25          in consultation with the Secretary of Health and Human

1 *Services, the Director of the Office of National Drug Control*  
2 *Policy, and the Attorney General, shall conduct an inde-*  
3 *pendent biennial evaluation of the national impact of pro-*  
4 *grams under this part and submit a report of the findings*  
5 *of such evaluation to the President and the Congress.*

6       “(b) *STATE REPORT.—(1) By October 1, 1997, and*  
7 *every third year thereafter, the State educational agency*  
8 *shall submit to the Secretary a report—*

9               “(A) *on the implementation and outcomes of*  
10 *State programs under section 5103(b) and local pro-*  
11 *grams under section 5103(d), as well as an assess-*  
12 *ment of their effectiveness; and*

13               “(B) *on the State’s progress toward attaining its*  
14 *goals for drug and violence prevention under section*  
15 *5103(b)(1).*

16       “(2) *The report required by this subsection shall be—*

17               “(A) *in the form specified by the Secretary;*

18               “(B) *based on the State’s on-going evaluation ac-*  
19 *tivities, and shall include data on the prevalence of*  
20 *drug use and violence by youth in schools and com-*  
21 *munities; and*

22               “(C) *made readily available to the public.*

23       “(c) *LOCAL EDUCATIONAL AGENCY REPORT.—Each*  
24 *local educational agency receiving funds under this subpart*  
25 *shall submit to the State educational agency whatever infor-*

1 *mation, and at whatever intervals, the State requires to*  
2 *complete the State report required by subsection (b), includ-*  
3 *ing information on the prevalence of drug use and violence*  
4 *by youth in the schools and the community. Such informa-*  
5 *tion shall be made readily available to the public.*

6 **“PART B—NATIONAL PROGRAMS**

7 **“SEC. 4201. FEDERAL ACTIVITIES.**

8 *“(a) PROGRAM AUTHORIZED.—From funds appro-*  
9 *priated under section 5004(a)(2), the Secretary of Edu-*  
10 *cation, in consultation with the Secretary of Health and*  
11 *Human Services, the Director of the Office of National*  
12 *Drug Control Policy, and the Attorney General, shall carry*  
13 *out programs to prevent the illegal use of drugs and violence*  
14 *among, and promote safety and discipline for, students at*  
15 *all educational levels, preschool through postsecondary. The*  
16 *Secretary shall carry out such programs directly, or*  
17 *through grants, contracts, or cooperative agreements with*  
18 *public and private organizations and individuals, or*  
19 *through agreements with other Federal agencies, and shall*  
20 *coordinate such programs with other appropriate Federal*  
21 *activities. Such programs may include—*

22 *“(1) the development and demonstration of inno-*  
23 *vative strategies for training school personnel, par-*  
24 *ents, and members of the community, including the*

1 *demonstration of model preservice training programs*  
2 *for prospective school personnel;*

3 *“(2) demonstrations and rigorous evaluations of*  
4 *innovative approaches to drug and violence preven-*  
5 *tion that are carried out in cooperation with other*  
6 *Federal agencies, including the Department of Health*  
7 *and Human Services, the Department of Justice, the*  
8 *Department of Housing and Urban Development, and*  
9 *the Department of Labor;*

10 *“(3) the provision of information on drug abuse*  
11 *education and prevention to the Secretary of Health*  
12 *and Human Services for dissemination by the clear-*  
13 *inghouse for alcohol and drug abuse information es-*  
14 *tablished under section 509 of the Public Health*  
15 *Service Act;*

16 *“(4) the development, dissemination, and imple-*  
17 *mentation of model programs and strategies to pro-*  
18 *mote the safety of students attending institutions of*  
19 *higher education by preventing violent behavior and*  
20 *the illegal use of alcohol and other drugs by such*  
21 *students;*

22 *“(5) the development of curricula related to child*  
23 *abuse prevention and education and the training of*  
24 *personnel to teach child abuse education and preven-*  
25 *tion to elementary and secondary school children;*

1           “(6) program evaluations that address issues not  
2           addressed under section 5106(a);

3           “(7) direct services to schools and school systems  
4           afflicted with especially severe drug and violence  
5           problems;

6           “(8) activities in communities designated as  
7           empowerment zones or enterprise communities that  
8           will connect schools to community-wide efforts to re-  
9           duce drug and violence problems;

10          “(9) developing and disseminating drug and vio-  
11          lence prevention materials, including video-based  
12          projects and model curricula;

13          “(10) developing and implementing a com-  
14          prehensive violence prevention strategy for schools and  
15          communities, that may include conflict resolution,  
16          peer mediation, the teaching of law and legal con-  
17          cepts, and other activities designed to stop violence;

18          “(11) the implementation of innovative activi-  
19          ties, such as community service projects, designed to  
20          rebuild safe and healthy neighborhoods and increase  
21          students’ sense of individual responsibility.

22          “(12) other activities that meet unmet national  
23          needs related to the purposes of this title; and

24          “(13) grants to noncommercial telecommuni-  
25          cations entities for the production and distribution of

1        *national video-based projects that provide young peo-*  
2        *ple with models for conflict resolution and responsible*  
3        *decisionmaking.*

4        *“(b) PEER REVIEW.—The Secretary shall use a peer*  
5        *review process in reviewing applications for funds under*  
6        *this section.*

7        **“SEC. 4202. PROGRAMS FOR NATIVE HAWAIIANS.**

8        *“(a) GENERAL AUTHORITY.—From the funds reserved*  
9        *pursuant to section 5101(a)(3), the Secretary shall make*  
10       *grants to or enter into cooperative agreements or contracts*  
11       *with organizations primarily serving and representing Na-*  
12       *tive Hawaiians which are recognized by the Governor of*  
13       *the State of Hawaii to plan, conduct, and administer pro-*  
14       *grams, or portions thereof, which are authorized by and*  
15       *consistent with the provisions of this for the benefit of*  
16       *Native Hawaiians.*

17       *“(b) DEFINITION OF ‘NATIVE HAWAIIAN’.—For the*  
18       *purposes of this section, the term ‘Native Hawaiian’ means*  
19       *any individual any of whose ancestors were natives, prior*  
20       *to 1778, of the area which now comprises the State of*  
21       *Hawaii.*

22        **“PART C—GENERAL PROVISIONS**

23       **“SEC. 4301. DEFINITIONS.**

24       *“For the purposes of this title, the following terms have*  
25       *the following meanings:*

1           “(1) The term ‘drug and violence prevention’  
2           means—

3                   “(A) with respect to drugs, prevention, early  
4                   intervention, rehabilitation referral, or education  
5                   related to the illegal use of alcohol, the use of to-  
6                   bacco and the use of controlled, illegal, addictive,  
7                   or harmful substances, including inhalants and  
8                   anabolic steroids; and

9                   “(B) with respect to violence, the promotion  
10                  of school safety, such that students and school  
11                  personnel are free from violent and disruptive  
12                  acts, including sexual harassment, on school  
13                  premises, going to and from school, and at  
14                  school-sponsored activities, through the creation  
15                  and maintenance of a school environment that is  
16                  free of weapons and fosters individual respon-  
17                  sibility and respect for the rights of others.

18                  “(2) The term ‘nonprofit’, as applied to a school,  
19                  agency, organization, or institution means a school,  
20                  agency, organization, or institution owned and oper-  
21                  ated by one or more nonprofit corporations or asso-  
22                  ciations, no part of the net earnings of which inures,  
23                  or may lawfully inure, to the benefit of any private  
24                  shareholder or individual.



1           “(3) The term ‘school-aged population’ means the  
2           population aged five through 17, inclusive, as deter-  
3           mined by the Secretary on the basis of the most recent  
4           satisfactory data available from the Department of  
5           Commerce.

6           “(4) The term ‘school personnel’ includes teach-  
7           ers, administrators, guidance counselors, social work-  
8           ers, psychologists, nurses, librarians, and other sup-  
9           port staff who are employed by a school or who per-  
10          form services for the school on a contractual basis.

11       **“SEC. 4302. MATERIALS.**

12          “(a) ‘WRONG AND HARMFUL’ MESSAGE.—Drug pre-  
13          vention programs supported under this title shall convey  
14          a clear and consistent message that the illegal use of alcohol  
15          and other drugs is wrong and harmful.

16          “(b) CURRICULUM.—The Secretary shall not prescribe  
17          the use of specific curricula for programs supported under  
18          this title, but may evaluate the effectiveness of such curric-  
19          ula and other strategies in drug and violence prevention.

20       **“SEC. 4303. PROHIBITED USES OF FUNDS.**

21          “No funds under this title may be used for—

22                  “(1) construction (except for minor remodeling  
23                  needed to accomplish the purposes of this title);

24                  “(2) drug treatment or rehabilitation; and

1           “(3) *psychiatric, psychological, or other medical*  
2           *treatment or rehabilitation, other than school-based*  
3           *counseling for students or school personnel who are*  
4           *victims or witnesses of school-related crime.*

5           **“SEC. 4304. CERTIFICATION OF DRUG AND ALCOHOL ABUSE**  
6                                   **PREVENTION PROGRAMS.**

7           “(a) *IN GENERAL.*—*Notwithstanding any other provi-*  
8           *sion of law other than section 432 of the General Education*  
9           *Provisions Act and section 103(b) of the Department of*  
10           *Education Organization Act, no local educational agency*  
11           *shall be eligible to receive funds or any other form of finan-*  
12           *cial assistance under any Federal program unless it cer-*  
13           *tifies to the State educational agency that it has adopted*  
14           *and has implemented a program to prevent the use of illicit*  
15           *drugs and alcohol by students or employees that, at a mini-*  
16           *mum, includes—*

17                   “(1) *age-appropriate, developmentally based*  
18           *drug and alcohol education and prevention programs*  
19           *(which address the legal, social, and health con-*  
20           *sequences of drug and alcohol use and which provide*  
21           *information about effective techniques for resisting*  
22           *peer pressure to use illicit drugs or alcohol) for stu-*  
23           *dents in all grades of the schools operated or served*  
24           *by the applicant, from early childhood level through*  
25           *grade 12;*

1           “(2) conveying to students that the use of illicit  
2           drugs and the unlawful possession and use of alcohol  
3           is wrong and harmful;

4           “(3) standards of conduct that are applicable to  
5           students and employees in all the applicant’s schools  
6           and that clearly prohibit, at a minimum, the unlaw-  
7           ful possession, use, or distribution of illicit drugs and  
8           alcohol by students and employees on school premises  
9           or as part of any of its activities;

10          “(4) a clear statement that sanctions (consistent  
11          with local, State, and Federal law), up to and includ-  
12          ing expulsion or termination of employment and re-  
13          ferral for prosecution, will be imposed on students  
14          and employees who violate the standards of conduct  
15          required by paragraph (3) and a description of those  
16          sanctions;

17          “(5) information about any available drug and  
18          alcohol counseling and rehabilitation and re-entry  
19          programs that are available to students and employ-  
20          ees;

21          “(6) a requirement that parents, students, and  
22          employees be given a copy of the standards of conduct  
23          required by paragraph (3) and the statement of sanc-  
24          tions required by paragraph (4);

1           “(7) notifying parents, students, and employees  
2           that compliance with the standards of conduct re-  
3           quired by paragraph (3) is mandatory; and

4           “(8) a biennial review by the applicant of its  
5           program to—

6                   “(A) determine its effectiveness and imple-  
7                   ment changes to the program if they are needed;  
8                   and

9                   “(B) ensure that the sanctions required by  
10                  paragraph (4) are consistently enforced.

11          “(b) *DISSEMINATION OF INFORMATION.*—Each local  
12          educational agency that provides the certification required  
13          by subsection (a) shall, upon request, make available to the  
14          Secretary, the State educational agency, and to the public  
15          full information about the elements of its program required  
16          by subsection (a), including the results of its biennial  
17          review.

18          “(c) *CERTIFICATION TO SECRETARY.*—Each State edu-  
19          cational agency shall certify to the Secretary that it has  
20          adopted and has implemented a program to prevent the use  
21          of illicit drugs and the abuse of alcohol by its students and  
22          employees that is consistent with the program required by  
23          subsection (a) of this section. The State educational agency  
24          shall, upon request, make available to the Secretary and

1 *to the public full information about the elements of its*  
2 *program.*

3       “(d) *REGULATIONS.—(1) The Secretary shall publish*  
4 *regulations to implement and enforce the provisions of this*  
5 *section, including regulations that provide for—*

6               “(A) *the periodic review by State educational*  
7 *agencies of a representative sample of programs re-*  
8 *quired by subsection (a); and*

9               “(B) *a range of responses and sanctions for local*  
10 *educational agencies that fail to implement their pro-*  
11 *grams or to consistently enforce their sanctions, in-*  
12 *cluding information and technical assistance, the de-*  
13 *velopment of a compliance agreement, and the termi-*  
14 *nation of any form of Federal financial assistance.*

15       “(2) *The sanctions required by subsection (a)(1)(4)*  
16 *may include the completion of an appropriate rehabilita-*  
17 *tion program.*

18       “(e) *APPEAL REGARDING TERMINATION OF ASSIST-*  
19 *ANCE.—Upon a determination by the Secretary to termi-*  
20 *nate financial assistance to any local educational agency*  
21 *under this section, the agency may file an appeal with an*  
22 *administrative law judge before the expiration of the 30-*  
23 *day period beginning on the date such agency is notified*  
24 *of the decision to terminate financial assistance under this*  
25 *section. Such judge shall hold a hearing with respect to such*

1 *termination of assistance before the expiration of the 45-*  
2 *day period beginning on the date that such appeal is filed.*  
3 *Such judge may extend such 45-day period upon a motion*  
4 *by the agency concerned. The decision of the judge with re-*  
5 *spect to such termination shall be considered to be a final*  
6 *agency action.”.*

7       **“TITLE V—MAGNET SCHOOLS**  
8                               **ASSISTANCE**

9                               **“PART A—PROMOTING EQUITY**

10 **“SEC. 5101. FINDINGS.**

11       *“The Congress finds that—*

12               *“(1) magnet schools are a significant part of our*  
13 *Nation’s effort to achieve voluntary desegregation in*  
14 *its schools;*

15               *“(2) the use of magnet schools has increased dra-*  
16 *matically since enactment of the magnet program,*  
17 *with approximately 1.4 million students nationwide*  
18 *now attending such schools, of which more than 60*  
19 *percent of the students are nonwhite;*

20               *“(3) magnet schools offer a wide range of distinc-*  
21 *tive programs that have served as models for school*  
22 *improvement efforts;*

23               *“(4) in administering this program, the Federal*  
24 *Government has learned that—*

1           “(A) where magnet programs are imple-  
2           mented for only a portion of a school’s student  
3           body, special efforts must be made to discourage  
4           the isolation of magnet students from other stu-  
5           dents in the school;

6           “(B) local educational agencies can maxi-  
7           mize their effectiveness in achieving the purposes  
8           of this program if they have more flexibility to  
9           serve students attending a school who are not en-  
10          rolled in the magnet school program;

11          “(C) local educational agencies must be cre-  
12          ative in designing magnet schools for students at  
13          all academic levels, so that school districts do not  
14          skim off only the highest achieving students to  
15          attend the magnet schools;

16          “(D) local educational agencies must seek to  
17          enable participation in magnet school programs  
18          by students who reside in the neighborhoods  
19          where the programs are placed; and

20          “(E) in order to ensure that magnet schools  
21          are sustained after Federal funding ends, the  
22          Federal Government must assist local edu-  
23          cational agencies to improve their capacity to  
24          continue to operate magnet schools at a high  
25          level of performance;

1           “(5) it is in the best interest of the Federal  
2           Government to—

3                   “(A) continue its support of local edu-  
4                   cational agencies implementing court-ordered de-  
5                   segregation plans and local educational agencies  
6                   seeking to foster meaningful interaction among  
7                   students of different racial and ethnic back-  
8                   grounds beginning at the earliest stage of their  
9                   education;

10                   “(B) ensure that all students have equitable  
11                   access to quality education that will prepare  
12                   them to function well in a culturally diverse,  
13                   technologically-oriented, and highly competitive  
14                   global community; and

15                   “(C) maximize the ability of local edu-  
16                   cational agencies to plan, develop, implement  
17                   and continue new and innovative programs in  
18                   magnet schools that contribute to State and local  
19                   systemic reform.

20           **“SEC. 5102. STATEMENT OF PURPOSE.**

21                   “The purpose of this part is to assist in the desegrega-  
22                   tion of local educational agencies by providing financial as-  
23                   sistance to eligible local educational agencies for—

24                   “(1) the elimination, reduction, or prevention of  
25                   minority group isolation in elementary and second-



1        *ary schools with substantial proportions of minority*  
2        *students;*

3            *“(2) the development and implementation of*  
4        *magnet school projects that will assist local edu-*  
5        *cational agencies in achieving systemic reforms and*  
6        *providing all students the opportunity to meet chal-*  
7        *lenging State performance standards;*

8            *“(3) the development and design of innovative*  
9        *educational methods and practices; and*

10           *“(4) courses of instruction within magnet schools*  
11        *that will substantially strengthen the knowledge of*  
12        *academic subjects and the grasp of tangible and mar-*  
13        *ketable vocational skills of students attending such*  
14        *schools.*

15        **“SEC. 5103. PROGRAM AUTHORIZED.**

16           *“The Secretary is authorized, in accordance with this*  
17        *part, to make grants to eligible local educational agencies*  
18        *for use in magnet schools that are part of an approved de-*  
19        *segregation plan and that are designed to bring students*  
20        *from different social, economic, ethnic, and racial back-*  
21        *grounds together.*

22        **“SEC. 5104. DEFINITION.**

23           *“For the purpose of this part, the term ‘magnet school’*  
24        *means a school or education center that offers a special cur-*

1 *riculum capable of attracting substantial numbers of stu-*  
2 *dents of different racial backgrounds.*

3 **“SEC. 5105. ELIGIBILITY.**

4 *“A local educational agency is eligible to receive assist-*  
5 *ance under this part if it—*

6 *“(1) is implementing a plan undertaken pursu-*  
7 *ant to a final order issued by a court of the United*  
8 *States, or a court of any State, or any other State*  
9 *agency or official of competent jurisdiction, and that*  
10 *requires the desegregation of minority-group-seg-*  
11 *regated children or faculty in the elementary and sec-*  
12 *ondary schools of such agency; or*

13 *“(2) without having been required to do so, has*  
14 *adopted and is implementing, or will, if assistance is*  
15 *made available to it under this part, adopt and im-*  
16 *plement a plan that has been approved by the Sec-*  
17 *retary as adequate under title VI of the Civil Rights*  
18 *Act of 1964 for the desegregation of minority-group-*  
19 *segregated children or faculty in such schools.*

20 **“SEC. 5106. APPLICATIONS AND REQUIREMENTS.**

21 *“(a) APPLICATIONS.—An eligible local educational*  
22 *agency desiring to receive assistance under this part shall*  
23 *submit an application to the Secretary at such time, in*  
24 *such manner, and containing such information and assur-*  
25 *ances as the Secretary may require.*

1       “(b) *INFORMATION AND ASSURANCES.*—An applica-  
2       tion under this part shall include—

3               “(1) a description of—

4                       “(A) how assistance made available under  
5                       this part will be used to promote desegregation,  
6                       including how the proposed magnet school project  
7                       will increase interaction among students of dif-  
8                       ferent social, economic, ethnic, and racial back-  
9                       grounds;

10                      “(B) the manner and extent to which the  
11                      magnet school project will increase student  
12                      achievement in the instructional area or areas  
13                      offered by the school;

14                      “(C) the manner in which an applicant will  
15                      continue the magnet school project after assist-  
16                      ance under this part is no longer available, in-  
17                      cluding, if applicable, an explanation of whether  
18                      successful magnet schools established or sup-  
19                      ported by the applicant with funds under this  
20                      part have been continued without the use of  
21                      funds under this part;

22                      “(D) how funds under this part will be used  
23                      to implement services and activities that are con-  
24                      sistent with the State’s and local educational

1           *agency’s systemic reform plan, if any, under title*  
2           *III of the Goals 2000: Educate America Act; and*

3           *“(E) the criteria to be used in selecting stu-*  
4           *dents to attend the proposed magnet school*  
5           *projects; and*

6           *“(2) assurances that the applicant will—*

7           *“(A) use funds under this part for the pur-*  
8           *poses specified in section 5103;*

9           *“(B) employ teachers in the courses of in-*  
10          *struction assisted under this part who are cer-*  
11          *tified or licensed by the State to teach the subject*  
12          *matter of the courses of instruction;*

13          *“(C) not engage in discrimination based on*  
14          *race, religion, color, national origin, sex, or dis-*  
15          *ability in—*

16                 *“(i) the hiring, promotion, or assign-*  
17                 *ment of employees of the agency or other*  
18                 *personnel for whom the agency has any ad-*  
19                 *ministrative responsibility;*

20                 *“(ii) the assignment of students to*  
21                 *schools, or to courses of instruction within*  
22                 *the school, of such agency, except to carry*  
23                 *out the approved plan; and*

24                 *“(iii) designing or operating extra-*  
25                 *curricular activities for students;*

1           “(D) carry out a high-quality education  
2           program that will encourage greater parental  
3           decisionmaking and involvement; and

4           “(E) give students residing in the local at-  
5           tendance area of the proposed magnet school  
6           projects equitable consideration for places in  
7           those projects.

8           “(c) *SPECIAL RULE.*—No application may be ap-  
9           proved under this section unless the Assistant Secretary of  
10          Education for Civil Rights determines that the assurances  
11          described in subsection (b)(2)(C) will be met.

12          **“SEC. 5107. PRIORITY.**

13          *“In approving applications under this part, the Sec-  
14          retary shall give priority to applicants that—*

15                 *“(1) have the greatest need for assistance, based  
16                 on the expense or difficulty of effectively carrying out  
17                 an approved desegregation plan and the projects for  
18                 which assistance is sought;*

19                 *“(2) propose to carry out new magnet school  
20                 projects or significantly revise existing magnet school  
21                 projects;*

22                 *“(3) propose to select students to attend magnet  
23                 school projects by methods such as lottery, rather than  
24                 through academic examination;*

1           “(4) propose to implement innovative edu-  
2           cational approaches that are consistent with the  
3           State’s and local educational agency’s approved sys-  
4           temic reform plans, if any, under title III of the  
5           Goals 2000: Educate America Act; and

6           “(5) propose to draw on comprehensive commu-  
7           nity involvement plans.

8           **“SEC. 5108. USE OF FUNDS.**

9           “(a) *USE OF FUNDS.*—Grants made under this part  
10          may be used by eligible local educational agencies—

11           “(1) for planning and promotional activities di-  
12           rectly related to the development, expansion, continu-  
13           ation, or enhancement of academic programs and  
14           services offered at magnet schools;

15           “(2) for the acquisition of books, materials, and  
16           equipment, including computers and the maintenance  
17           and operation thereof, necessary for the conduct of  
18           programs in magnet schools;

19           “(3) for the payment of, or subsidization of the  
20           compensation of, elementary and secondary school  
21           teachers who are certified or licensed by the State and  
22           who are necessary to conduct programs in magnet  
23           schools; and

1           “(4) with respect to a magnet school program of-  
2           ferred to less than the entire student population of a  
3           school, for instructional activities that—

4                   “(A) are designed to make available the spe-  
5                   cial curriculum that is offered by the magnet  
6                   school project to students who are enrolled in the  
7                   school but who are not enrolled in the magnet  
8                   school program; and

9                   “(B) further the purposes of this part.

10           “(b) *SPECIAL RULE.*—With respect to subsections (a)  
11           (2) and (3), such grants may be used by eligible local edu-  
12           cational agencies for such activities only if such activities  
13           are directly related to improving the students’ reading skills  
14           or their knowledge of mathematics, science, history, geog-  
15           raphy, English, foreign languages, art, or music, or to im-  
16           proving vocational skills.

17           **“SEC. 5109. PROHIBITIONS.**

18           “Grants under this part may not be used for transpor-  
19           tation, or for any activity that does not augment academic  
20           improvement.

21           **“SEC. 5110. LIMITATION ON PAYMENTS.**

22           “(a) *DURATION OF AWARDS.*—Awards made under  
23           this part shall not exceed 3 years.

24           “(b) *LIMITATION ON PLANNING FUNDS.*—A local edu-  
25           cational agency may expend for planning up to 50 percent

1 *of the funds received under this part for the first year of*  
2 *the project, 15 percent for the second year of the project,*  
3 *and up to 10 percent for the third year of the project.*

4       “(c) *LIMITATION ON GRANTS.*—A local educational  
5 *agency shall not receive more than \$4,000,000 under this*  
6 *part in any one grant cycle.*

7       “(d) *AWARD REQUIREMENT.*—To the extent prac-  
8 *ticable, for any fiscal year, the Secretary shall award grants*  
9 *to local educational agencies under this part no later than*  
10 *June 1 of the applicable fiscal year.*

11 **“SEC. 5111. AUTHORIZATION OF APPROPRIATIONS; RES-**  
12 **ERVATION.**

13       “(a) *AUTHORIZATION.*—For the purpose of carrying  
14 *out this part, there are authorized to be appropriated*  
15 *\$120,000,000 for fiscal year 1995 and such sums as may*  
16 *be necessary for each of the fiscal years 1996, 1997, 1998,*  
17 *and 1999.*

18       “(b) *AVAILABILITY OF FUNDS FOR GRANTS TO AGEN-*  
19 *CIES NOT PREVIOUSLY ASSISTED.*—In any fiscal year for  
20 *which the amount appropriated pursuant to subsection (a)*  
21 *exceeds \$75,000,000, the Secretary shall, with respect to*  
22 *such excess amount, give priority to grants to local edu-*  
23 *cational agencies that did not receive a grant under this*  
24 *part in the last fiscal year of the funding cycle prior to*  
25 *the fiscal year for which the determination is made.*



1       “(c) *EVALUATIONS.*—*The Secretary may reserve not*  
2 *more than 2 percent of the funds appropriated under sub-*  
3 *section (a) for any fiscal year to carry out evaluations of*  
4 *projects under this part.*

5               **“PART B—EQUALIZATION ASSISTANCE**

6       **“SEC. 5201. TECHNICAL AND OTHER ASSISTANCE FOR**  
7               **SCHOOL FINANCE.**

8       “(a) *TECHNICAL ASSISTANCE.*—(1) *The Secretary is*  
9 *authorized to make grants to, and enter into contracts and*  
10 *cooperative agreements with, State educational agencies*  
11 *and other public and private agencies, institutions, and or-*  
12 *ganizations to provide technical assistance to State and*  
13 *local educational agencies to assist them in achieving a*  
14 *greater degree of equity in the distribution of financial re-*  
15 *sources for education among local educational agencies in*  
16 *the State.*

17       “(2) *A grant or contract under this section may sup-*  
18 *port technical assistance activities, such as—*

19               “(A) *the establishment and operation of a center*  
20 *or centers for the provision of technical assistance to*  
21 *State and local educational agencies;*

22               “(B) *the convening of conferences on equalization*  
23 *of resources within local educational agencies, within*  
24 *States, and among States; and*

1           “(C) obtaining advice from experts in the field of  
2           school finance equalization.

3           “(b) RESEARCH.—(1) The Secretary is authorized to  
4           carry out applied research and analysis designed to further  
5           knowledge and understanding of methods to achieve greater  
6           equity in the distribution of financial resources among local  
7           educational agencies.

8           “(2) The Secretary may carry out research under this  
9           subsection directly or through grants to, or contracts or co-  
10          operative agreements with, any public or private organiza-  
11          tion.

12          “(3) In carrying out this section, the Secretary is  
13          authorized to—

14                 “(A) support research on the equity of existing  
15                 State school funding systems;

16                 “(B) train individuals in such research;

17                 “(C) promote the coordination of such research;

18                 “(D) collect and analyze data related to school  
19                 finance equity in the United States and other na-  
20                 tions; and

21                 “(E) report periodically on the progress of States  
22                 in achieving school finance equity.

23          “(4) The Secretary shall coordinate activities under  
24          this subsection with activities carried out by the Office of  
25          Educational Research and Improvement.

1       “(5) *Each State educational agency or local edu-*  
2 *cational agency receiving assistance under this Act shall*  
3 *provide such data and information on school finance as the*  
4 *Secretary may require to carry out the purposes of this*  
5 *section.*

6       “(c) *MODELS.—The Secretary is authorized, directly*  
7 *or through grants, contracts, or cooperative agreements, to*  
8 *develop and disseminate models and materials useful to*  
9 *States in planning and implementing revisions of their*  
10 *school finance systems.*

11       “(d) *AUTHORIZATION OF APPROPRIATIONS.—For the*  
12 *purpose of carrying out this part, there are authorized to*  
13 *be appropriated \$8,000,000 for fiscal year 1995 and such*  
14 *sums as may be necessary for each of the fiscal years 1996,*  
15 *1997, 1998, and 1999.*

16       **“PART C—WOMEN’S EDUCATIONAL EQUITY ACT**

17       **“SEC. 5301. FINDINGS AND STATEMENT OF PURPOSE.**

18       “(a) *FINDINGS.—The Congress finds and declares*  
19 *that—*

20               “(1) *educational programs in the United States*  
21 *are frequently inequitable as such programs relate to*  
22 *women and girls;*

23               “(2) *such inequities limit the full participation*  
24 *of all individuals in American society; and*

1           “(3) efforts to improve the quality of public edu-  
2           cation also must include efforts to ensure equal access  
3           to quality education programs for all women and  
4           girls.

5           “(b) *PURPOSE.*—The purpose of this part is to provide  
6           gender equity in education in the United States; to provide  
7           financial assistance to enable educational agencies and in-  
8           stitutions to meet the requirements of title IX of the Edu-  
9           cational Amendments of 1972; and to provide equity in  
10          education to women and girls who suffer multiple forms of  
11          discrimination based on sex, race, ethnic origin, limited  
12          English proficiency, disability, or age.

13          **“SEC. 5302. PROGRAMS AUTHORIZED.**

14          “The Special Assistant of the Office of Women’s Equity  
15          is authorized—

16                 “(1) to promote, coordinate and evaluate gender  
17                 equity policies, programs, activities and initiatives in  
18                 all federal education program and offices;

19                 “(2) to develop, maintain, and disseminate ma-  
20                 terials, resources, analyses and research relating to  
21                 education equity for women and girls;

22                 “(3) to provide information and technical assist-  
23                 ance to assure the effective implementation of gender  
24                 equity programs;

1           “(4) coordinate gender equity programs and ac-  
2           tivities with other federal agencies with jurisdiction  
3           over education and related programs;

4           “(5) to provide grants to develop model equity  
5           programs;

6           “(6) to provide funds for the implementation of  
7           equity programs in schools throughout the Nation;

8           “(7) to assist the Assistant Secretary of the Of-  
9           fice of Educational Research and Improvement in  
10          identifying research priorities related to education eq-  
11          uity for women and girls; and

12          “(8) any other activities consistent with achiev-  
13          ing the purposes of this part.

14   **“SEC. 5303. LOCAL IMPLEMENTATION GRANTS.**

15          “(a) *AUTHORITY.*—The Secretary is authorized to  
16          make grants to, and enter into contracts with, public agen-  
17          cies, private nonprofit agencies, organizations, and institu-  
18          tions, including students and community groups, for activi-  
19          ties designed to achieve the purposes of this part at all levels  
20          of education, including preschool, elementary and second-  
21          ary education, higher education, adult education and voca-  
22          tional/technical education; for the establishment and oper-  
23          ation, for a period not to exceed four years, of local pro-  
24          grams to ensure—

25               “(1) educational equity for women and girls

1           “(2) equal opportunities for both sexes

2           “(3) to conduct activities incident to achieving  
3 compliance with title IX of the Education Amend-  
4 ments of 1972; and

5           “(b) GRANT PROGRAM.—Authorized activities under  
6 subsection (a) may include—

7           “(1) introduction into the curriculum and class-  
8 room of curricula, textbooks, and other material de-  
9 signed to achieve equity for women and girls;

10           “(2) implementation of preservice and inservice  
11 training with special emphasis on programs and ac-  
12 tivities designed to provide educational equity for  
13 women and girls;

14           “(3) evaluation of promising or exemplary model  
15 programs to assess their ability to improve local ef-  
16 forts to advance educational equity for women and  
17 girls;

18           “(4) implementation of programs and policies to  
19 address sexual harassment and violence against  
20 women and girls and to ensure that educational insti-  
21 tutions are free from threats to the safety of students  
22 and personnel;

23           “(5) implementation of guidance and counseling  
24 activities, including career education program, de-

1       *signed to ensure educational equity for women and*  
2       *girls;*

3             “(6) *implementation of nondiscriminatory tests*  
4       *of aptitude and achievement and of alternative assess-*  
5       *ments that eliminate biased assessment instruments*  
6       *from use;*

7             “(7) *implementation of programs to increase*  
8       *educational opportunities, including higher education,*  
9       *vocational training, and other educational programs*  
10       *for low income women; including underemployed and*  
11       *unemployed women and women receiving Aid to*  
12       *Families with Dependent Children benefits;*

13            “(8) *implementation of programs to improve*  
14       *representation of women in educational administra-*  
15       *tion at all levels; and*

16            “(9) *planning, development and initial imple-*  
17       *mentation of:*

18               “(A) *comprehensive plans for implementa-*  
19       *tion of equity programs in state and local edu-*  
20       *cational agencies and institutions of higher edu-*  
21       *cation; including community colleges;*

22               “(B) *innovative approaches to school-com-*  
23       *munity partnerships for educational equity;*

24               “(C) *innovative approaches to equity pro-*  
25       *grams addressing combined bias, stereotyping,*

1           *and discrimination on the basis of sex and race,*  
2           *ethnic origin, limited English proficiency, and*  
3           *disability.*

4           “(c) *APPLICATION; PARTICIPATION.—A grant may be*  
5           *made, and a contract may be entered into, under this part*  
6           *only upon application to the Secretary, at such time, in*  
7           *such form, and containing or accompanied by such infor-*  
8           *mation as the Secretary may prescribe. Each such applica-*  
9           *tion shall—*

10           “(1) *provide that the program or activity for*  
11           *which assistance is sought will be administered by or*  
12           *under the supervision of the applicant and in co-*  
13           *operation with appropriate educational and commu-*  
14           *nity leaders, including parent, teacher and student*  
15           *organizations, educational institutions, business lead-*  
16           *ers, community-based organizations serving women,*  
17           *and other significant groups and individuals;*

18           “(2) *describe a program for carrying out the*  
19           *purpose set forth in Section 5303(b) which holds*  
20           *promise of making substantial contribution toward*  
21           *attaining such purposes;*

22           “(3) *describe plans for continuation and institu-*  
23           *tionalization of the program with local support fol-*  
24           *lowing completion of the grant period and termi-*  
25           *nation of Federal support under this part; and*



1           “(4) *establish policies and procedures which en-*  
2           *sure adequate documentation and evaluation of the*  
3           *activities intended to be carried out under the appli-*  
4           *cation.*

5           “(d) *CRITERIA; PRIORITIES; CATEGORIES OF COM-*  
6           *PETITION.—The Secretary shall establish criteria, prior-*  
7           *ities, and categories of competition for awards under this*  
8           *part to ensure that available funds are used for those pur-*  
9           *poses that most effectively will achieve the purposes of the*  
10          *Act.*

11           “(1) *The criteria shall address the extent to*  
12          *which—*

13                   “(A) *the program addresses the needs of*  
14                   *women and girls of color and women and girls*  
15                   *with disabilities;*

16                   “(B) *the program meets locally defined and*  
17                   *documented educational equity needs and prior-*  
18                   *ities, including title IX compliance;*

19                   “(C) *the program is a significant compo-*  
20                   *nent of a comprehensive plan for educational eq-*  
21                   *uity and title IX compliance in the particular*  
22                   *school district, institution of higher education,*  
23                   *vocational-technical institution, or other edu-*  
24                   *cational agency or institution; and*

1           “(D) the program implements an institu-  
2           tional change strategy with long-term impact  
3           and will continue as a central activity of the ap-  
4           plicant agency or institution after the grant is  
5           completed.

6           “(2) The Secretary shall establish no more than  
7           four priorities, one of which shall be a priority for  
8           compliance with title IX of the Education Amend-  
9           ments of 1972. Not more than 60 percent of funds  
10          available in each fiscal year shall be allocated to pro-  
11          grams under the four priorities.

12          “(3) The Secretary shall establish 3 categories of  
13          competition, distinguishing among three types of ap-  
14          plicants and levels of education that shall include—

15                 “(A) grants to local educational agencies,  
16                 state education agencies, and other agencies and  
17                 organizations providing elementary and second-  
18                 ary education;

19                 “(B) grants to institutions of higher edu-  
20                 cation, including community colleges and other  
21                 agencies and organizations providing postsecond-  
22                 ary education, including vocational-technical  
23                 education, adult education, and other programs;  
24                 and

1           “(C) grants to non-profit organizations, in-  
2           cluding community-based organizations, groups  
3           representing students, parents, and women, in-  
4           cluding women and girls of color and women  
5           and girls with disabilities.

6           “(e) REQUIREMENT.—Not less than 25 percent of funds  
7           used to support activities covered by subsection (b) shall be  
8           used for awards under each category of competition in each  
9           fiscal year.

10          “(f) SPECIAL RULE.—The Secretary shall ensure that  
11          the total of grants awarded each year address—

12                 “(1) all levels of education, including preschool,  
13                 elementary and secondary education, higher edu-  
14                 cation, vocational education, and adult education;

15                 “(2) all regions of the United States, including  
16                 at least one grant in each of the ten Federal regions;  
17                 and

18                 “(3) urban, rural, and suburban educational in-  
19                 stitutions.

20          “**SEC. 5304. RESEARCH AND DEVELOPMENT GRANTS.**

21          “(a) AUTHORITY.—The Secretary is authorized to  
22          make grants to, and enter into contracts with, public agen-  
23          cies, private nonprofit agencies, organizations, and institu-  
24          tions, including students, and community groups, for ac-  
25          tivities designed to achieve the purpose of this part at all

1 *levels of education, including preschool, elementary and sec-*  
2 *ondary education, higher education, adult education and*  
3 *vocational-technical education; to develop model policies*  
4 *and programs, and to conduct research to address and en-*  
5 *sure educational equities for women and girls, including*  
6 *but not limited to—*

7           “(1) *the development and evaluation of gender-*  
8 *equitable curricula, textbooks, software, and other*  
9 *educational material and technology;*

10           “(2) *the development of model preservice and in-*  
11 *service training programs for educational personnel*  
12 *with special emphasis on programs and activities de-*  
13 *signed to provide educational equity;*

14           “(3) *the development of guidance and counseling*  
15 *activities, including career education programs, de-*  
16 *signed to ensure gender equity;*

17           “(4) *the development and evaluation of non-*  
18 *discriminatory assessment systems;*

19           “(5) *the development of policies and programs to*  
20 *address and prevent sexual harassment and violence*  
21 *to ensure that educational institutions are free from*  
22 *threats to safety of students and personnel;*

23           “(6) *the development and improvement of pro-*  
24 *grams and activities to increase opportunity for*  
25 *women, including continuing educational activities,*

1        *vocational education, and programs for low income*  
2        *women; including underemployed and unemployed*  
3        *women, and women receiving Aid to Families with*  
4        *Dependent Children.*

5            *“(7) the development of instruments and strate-*  
6        *gies for program evaluation and dissemination of*  
7        *promising or exemplary programs designed to im-*  
8        *prove local efforts to achieve gender equity;*

9            *“(8) the development of instruments and proce-*  
10       *dures to assess the presence or absence of gender*  
11       *equity in educational settings;*

12           *“(9) the development and evaluation of various*  
13       *strategies to institutionalize gender equity in edu-*  
14       *cation.*

15        *“(b) APPLICATION.—A grant may be made, and a con-*  
16       *tract may be entered into, under this part only upon appli-*  
17       *cation to the Secretary, at such time, in such form, and*  
18       *containing or accompanied by such information as the Sec-*  
19       *retary may prescribe. Each such application shall—*

20           *“(1) provide that the program or activity for*  
21       *which assistance is sought will be administered by or*  
22       *under the supervision of the applicant;*

23           *“(2) describe a plan for carrying out 1 or more*  
24       *research and development activities authorized in*  
25       *paragraph (a) above, which holds promise of making*

1       *a substantial contribution toward attaining the pur-*  
2       *poses of this act; and*

3             *“(3) set forth policies and procedures which in-*  
4       *sure adequate documentation, data collection, and*  
5       *evaluation of the activities intended to be carried out*  
6       *under the application, including an evaluation or es-*  
7       *timate of the potential for continued significance fol-*  
8       *lowing completion of the grant period.*

9             *“(c) CRITERIA AND PRIORITIES.—(1) The Secretary*  
10       *shall establish criteria and priorities to ensure that avail-*  
11       *able funds are used for programs that most effectively will*  
12       *achieve the purposes of this part.*

13             *“(2) The criteria and priorities shall be promulgated*  
14       *in accordance with section 431 of the General Education*  
15       *Provisions Act.*

16             *“(3) In establishing priorities the Secretary shall es-*  
17       *tablish no more than 4 priorities, 1 of which shall be pro-*  
18       *grams which address the educational needs of women and*  
19       *girls who suffer multiple or compound discrimination based*  
20       *on sex and on race, ethnic origin, disability, or age.*

21             *“(d) SPECIAL RULE.—The Secretary shall ensure that*  
22       *the total of grants awarded each year address—*

23             *“(1) all levels of education, including preschool,*  
24       *elementary and secondary education, higher edu-*  
25       *cation, vocational education, and adult education;*

1           “(2) all regions of the United States;

2           “(d) *COORDINATION.*—Research activities supported  
3 under this part—

4           “(1) shall be carried out in consultation with the  
5 Office of Educational Research and Improvement to  
6 ensure that such activities are coordinated with and  
7 enhance the research and development activities sup-  
8 ported by the Office; and

9           “(2) may include collaborative research activities  
10 which are jointly funded and carried out by the Office  
11 of Women’s Equity and the Office of Educational Re-  
12 search and Improvement.

13           “(f) *LIMITATION.*—Nothing in this part shall be con-  
14 strued as prohibiting men and boys from participating in  
15 any programs or activities assisted under this part.

16 **“SEC. 5305. AUTHORIZATION OF APPROPRIATIONS.**

17           “There are authorized to be appropriated—

18           “(1) for the purpose of carrying out the provi-  
19 sions of section 5303, there are authorized to be ap-  
20 propriated \$3,000,000 for fiscal year 1995 and such  
21 sums as may be necessary for each of the fiscal years  
22 1996, 1997, 1998, and 1999; and

23           “(2) for the purpose of carrying out the provi-  
24 sions of section 5304, there are authorized to be ap-  
25 propriated \$2,000,000 for fiscal year 1995 and such

1       *sums as may be necessary for each of the fiscal years*  
2       *1996, 1997, 1998, and 1999.*

3       ***“TITLE VI—INDIAN EDUCATION***

4       ***“SEC. 6001. FINDINGS.***

5       *“The Congress finds that—*

6             *“(1) the Federal Government has a special re-*  
7       *sponsibility to ensure that educational programs for*  
8       *all American Indian and Alaska Native children and*  
9       *adults—*

10            *“(A) are based on high-quality, internation-*  
11        *ally competitive content and student perform-*  
12        *ance standards and build on Indian culture and*  
13        *the Indian community;*

14            *“(B) assist local educational agencies, In-*  
15        *Indian tribes, and others in providing Indian stu-*  
16        *dents the opportunity to achieve those standards;*  
17        *and*

18            *“(C) meet the special educational and cul-*  
19        *turally related academic needs of American In-*  
20        *dian and Alaska Native students;*

21            *“(2) since enactment of the original Indian Edu-*  
22        *cation Act in 1972, Indian parents have become sig-*  
23        *nificantly more involved in the planning, develop-*  
24        *ment, and implementation of educational programs*



1       *that affect them and their children, and schools should*  
2       *continue to foster such involvement;*

3           “(3) *although the numbers of Indian teachers,*  
4       *administrators, and university professors have in-*  
5       *creased since 1972, teacher training programs are not*  
6       *recruiting, training, or retraining sufficient numbers*  
7       *of Indian persons as educators to meet the needs of*  
8       *a growing Indian student population in elementary,*  
9       *secondary, vocational, adult, and higher education;*

10          “(4) *the dropout rate for Indian students is un-*  
11       *acceptably high; for example, nine percent of Indian*  
12       *students who were eighth graders in 1988 had already*  
13       *dropped out of school by 1990;*

14          “(5) *from 1980 to 1990, the percentage of Indian*  
15       *persons living in poverty increased from 24 percent*  
16       *to 31 percent, and the readiness of Indian children to*  
17       *learn is hampered by the high incidence of poverty,*  
18       *unemployment, and health problems among Indian*  
19       *children and families; and*

20          “(6) *research related specifically to the education*  
21       *of Indian children and adults is very limited, and*  
22       *much of it is poor in quality or focused on limited*  
23       *local or regional issues.*

1 **“SEC. 6002. PURPOSE.**

2       “(a) *PURPOSE.*—*It is the purpose of this title to sup-*  
3 *port the efforts of local educational agencies, Indian tribes*  
4 *and organizations, postsecondary institutions, and other*  
5 *entities to meet the special educational and culturally relat-*  
6 *ed academic needs of American Indians and Alaska Na-*  
7 *tives, so that they can achieve to the same challenging State*  
8 *performance standards expected of all students.*

9       “(b) *PROGRAMS AUTHORIZED.*—*This title carries out*  
10 *the purpose described in subsection (a) by authorizing pro-*  
11 *grams of direct assistance for—*

12               “(1) *meeting the special educational and cul-*  
13 *turally related academic needs of American Indians*  
14 *and Alaska Natives;*

15               “(2) *the education of Indian children and adults;*

16               “(3) *the training of Indian persons as educators*  
17 *and counselors, and in other professions serving In-*  
18 *dian people; and*

19               “(4) *research, evaluation, data collection, and*  
20 *technical assistance.*

21       **“PART A—FORMULA GRANTS TO LOCAL**  
22               **EDUCATIONAL AGENCIES**

23 **“SEC. 6101. PURPOSE.**

24       *“It is the purpose of this part to support local edu-*  
25 *cational agencies in their efforts to reform elementary and*

1 *secondary school programs that serve Indian students in*  
2 *order to ensure that such programs—*

3           “(1) *are based on challenging State content and*  
4           *student performance standards that are used for all*  
5           *students; and*

6           “(2) *are designed to assist Indian students meet*  
7           *those standards and assist the Nation in reaching the*  
8           *National Education Goals.*

9 **“SEC. 6102. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

10           *“A local educational agency is eligible for a grant*  
11 *under this part for any fiscal year if the number of Indian*  
12 *children who were enrolled in the schools of the agency, and*  
13 *to whom the agency provided free public education, during*  
14 *the preceding fiscal year—*

15           “(1) *was at least 20; or*

16           “(2) *constituted not less than 25 percent of the*  
17 *agency’s total enrollment.*

18 **“SEC. 6103. AMOUNT OF GRANTS.**

19           “(a) *AMOUNT OF GRANTS.—(1) The Secretary is au-*  
20 *thorized to allocate to each local educational agency which*  
21 *has an approved application under this part an amount*  
22 *equal to the product of—*

23           “(A) *the number of Indian children described in*  
24 *section 6106; and*

25           “(B) *the greater of—*

1                   “(i) the average per-pupil expenditure of the  
2                   State in which the agency is located; or

3                   “(ii) 80 percent of the average per-pupil ex-  
4                   penditure in the United States.

5                   “(2) The Secretary shall reduce the amount of each al-  
6                   location determined under paragraph (1) in accordance  
7                   with subsection (e) of this section.

8                   “(b) *MINIMUM GRANT AMOUNT.*—The Secretary shall  
9                   not make a grant to a local educational agency if the  
10                  amount determined under subsection (a) is less than \$4,000,  
11                  except that the Secretary may make a grant to a consortium  
12                  of local educational agencies, one or more of which does not  
13                  qualify for such a minimum award, if—

14                  “(1) the total amount so determined for such  
15                  agencies is not less than \$4,000;

16                  “(2) such agencies, in the aggregate, meet the eli-  
17                  gibility requirement of either section 6102(1) or  
18                  6102(2); and

19                  “(3) the Secretary determines that such a grant  
20                  would be effectively used to carry out the purpose of  
21                  this part.

22                  “(c) *DEFINITION.*—For the purpose of this section, the  
23                  average per-pupil expenditure of a State is determined by  
24                  dividing—

1           “(1) the aggregate current expenditures of all the  
2 local educational agencies in the State, plus any di-  
3 rect current expenditures by the State for the oper-  
4 ation of such agencies, without regard to the sources  
5 of funds from which such local or State expenditures  
6 were made, during the second fiscal year preceding  
7 the fiscal year for which the computation is made; by

8           “(2) the aggregate number of children who were  
9 in average daily attendance for whom such agencies  
10 provided free public education during such preceding  
11 fiscal year.

12       “(d) SCHOOLS OPERATED OR SUPPORTED BY THE BU-  
13 REAU OF INDIAN AFFAIRS.—(1) In addition to the grants  
14 determined under subsection (a), the Secretary shall allocate  
15 to the Secretary of the Interior an amount equal to the  
16 product of—

17           “(A) the total number of Indian children en-  
18 rolled in schools that are operated by—

19                   “(i) the Bureau of Indian Affairs; or

20                   “(ii) an Indian tribe, or an organization  
21 controlled or sanctioned by an Indian tribal gov-  
22 ernment, for the children of that tribe under a  
23 contract with, or grant from, the Department of  
24 the Interior under the Indian Self-Determination  
25 Act (25 U.S.C. 450f et seq.) or the Tribally Con-

1           *trolled Schools Act of 1988 (25 U.S.C. 2501 et*  
2           *seq.); and*

3           “(B) *the greater of—*

4                     *“(i) the average per-pupil expenditure of the*  
5                     *State in which the school is located; or*

6                     *“(ii) 80 percent of the average per-pupil ex-*  
7                     *penditure in the United States.*

8           “(2) *The Secretary shall transfer the amount deter-*  
9           *mined under paragraph (1), reduced as may be necessary*  
10           *under subsection (e), to the Secretary of the Interior in ac-*  
11           *cordance with, and subject to, section 9205 of this Act.*

12           “(e) *RATABLE REDUCTIONS.—If the sums appro-*  
13           *priated for any fiscal year under section 6602(a) are insuf-*  
14           *ficient to pay in full the amounts determined for local edu-*  
15           *cational agencies under subsection (a)(1) and for the Sec-*  
16           *retary of the Interior under subsection (d), each of those*  
17           *amounts shall be ratably reduced.*

18           **“SEC. 6104. APPLICATIONS.**

19           “(a) *GENERAL.—Any local educational agency that*  
20           *desires to receive a grant under this part shall submit an*  
21           *application to the Secretary at such time, in such manner,*  
22           *and containing such information as the Secretary may rea-*  
23           *sonably require.*

24           “(b) *COMPREHENSIVE PROGRAM REQUIRED.—Each*  
25           *such application shall include a comprehensive program for*

1 *meeting the needs of Indian children in the local edu-*  
2 *cational agency, including their language and cultural*  
3 *needs, that—*

4           “(1) *provides programs and activities to meet the*  
5 *culturally related academic needs of American Indian*  
6 *and Alaska Native students,*

7           “(2)(A) *is consistent with, and promotes the*  
8 *goals in, the State and local plans, either approved*  
9 *or being developed, under title III of the Goals 2000:*  
10 *Educate America Act or, if such plans are not ap-*  
11 *proved or being developed, with the State and local*  
12 *plans under sections 1111 and 1112 of this Act; and*

13           “(B) *includes academic content and student per-*  
14 *formance goals for such children, and benchmarks for*  
15 *attaining them, that are based on the challenging*  
16 *State standards adopted under title III of the Goals*  
17 *2000: Educate America Act or under title I of this*  
18 *Act for all children;*

19           “(3) *explains how Federal, State, and local pro-*  
20 *grams, especially under title I of this Act, will meet*  
21 *the needs of such students;*

22           “(4) *demonstrates how funds under this part will*  
23 *be used for activities authorized by section 6105;*

24           “(5) *describes the professional development to be*  
25 *provided, as needed, to ensure that—*

1           “(A) teachers and other school professionals  
2           who are new to the Indian community are pre-  
3           pared to work with Indian children; and

4           “(B) all teachers who will be involved in the  
5           project have been properly trained to carry it  
6           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 of  
25          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 Indian  
10 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 full

1 *opportunity to understand the program and to offer*  
2 *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 proce-*  
13 *dures, including policies and procedures relating*  
14 *to the hiring of personnel, as will ensure that the*  
15 *program for which assistance is sought will be*  
16 *operated and evaluated in consultation with, and*  
17 *with the involvement of, parents of the children*  
18 *and representatives of the area to be served; and*

19 *“(C) that, in the case of an application*  
20 *which includes a schoolwide project (as specified*  
21 *in section 6105(c) of this part) finds that such*  
22 *project will not diminish the availability of cul-*  
23 *turally related activities for American Indians*  
24 *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) *Be-*  
5           *fore submitting its application to the Secretary, the local*  
6           *educational agency shall obtain comments on the applica-*  
7           *tion from the State educational agency.*

8           “(2) *The local educational agency shall send the State*  
9           *educational agency’s comments to the Secretary with its ap-*  
10          *plication.*

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 comprehensive*  
17                  *plan for Indian students, described in its application*  
18                  *under section 6104(b);*

19                  “(2) *are designed with special regard for the lan-*  
20                  *guage and cultural needs of those students; and*

21                  “(3) *supplement and enrich the regular school*  
22                  *program.*

23          “(b) *PARTICULAR ACTIVITIES.*—*Such services and ac-*  
24          *tivities include—*

1           “(1) culturally related activities which support  
2 the program set out in the application, as required in  
3 section 6104;

4           “(2) early childhood and family programs that  
5 emphasize school readiness;

6           “(3) enrichment programs that focus on problem-  
7 solving and cognitive skills development and that di-  
8 rectly 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 enable  
13 Indian students to participate in programs such as  
14 those supported by the School-to-Work Opportunities  
15 Act of 1993 and the Carl D. Perkins Vocational and  
16 Applied Technology Education Act, including tech-  
17 prep, mentoring, and apprenticeship programs;

18           “(6) prevention of, and education about, sub-  
19 stance abuse; and

20           “(7) acquisition of equipment, but only if such  
21 acquisition is essential to meet the purpose of this  
22 part.

23           “(c) *SCHOOLWIDE PROGRAMS*.—Notwithstanding any  
24 other provision of this part, a local educational agency may  
25 use funds it receives under this part to support a schoolwide

1 program under section 1114 of title I of this Act, in accord-  
2 ance with such section, if the Secretary determines that the  
3 local educational agency has made adequate provision for  
4 the participation of Indian children in such project and  
5 the involvement of Indian parents in the formulation of  
6 such project.

7 **“SEC. 6106. STUDENT ELIGIBILITY FORMS.**

8       “(a) The Secretary shall require that each application  
9 for a grant under this subpart for each fiscal year be sup-  
10 ported by a form, maintained in the files of the applicant,  
11 for each eligible Indian child for whom the local educational  
12 agency is providing free public education that sets forth in-  
13 formation establishing the status of the child as an eligible  
14 Indian child.

15       “(b) The Secretary shall request on the form required  
16 under subsection (a) at least the following information:

17               “(1) either—

18                       “(A) the name of the tribe, band, or other  
19 organized group of Indians with which the child  
20 claims membership, along with the enrollment  
21 number establishing membership (if readily  
22 available), and the name and address of the or-  
23 ganization which has updated and accurate  
24 membership data for such tribe, band, or other  
25 organized group of Indians, or

1           “(B) if the child is not a member of a tribe,  
2           band, or other organized group of Indians, the  
3           name, the enrollment number (if readily avail-  
4           able), and the organization (and address thereof)  
5           responsible for maintaining updated and accu-  
6           rate membership rolls of any of the child’s par-  
7           ents or grandparents, from whom the child  
8           claims eligibility;

9           “(2) whether the tribe, band, or other organized  
10          group of Indians with which the child, his parents, or  
11          grandparents claim membership is federally recog-  
12          nized;

13          “(3) the name and address of the parent or legal  
14          guardian;

15          “(4) the signature of the parent or legal guard-  
16          ian verifying the accuracy of the information sup-  
17          plied; and

18          “(5) any other information which the Secretary  
19          deems necessary to provide an accurate program pro-  
20          file.

21          “(c) Nothing in the requirements of subsection (b) may  
22          be construed as affecting the definition set forth in section  
23          6601. In order for a child to be counted in computing the  
24          local educational agency’s grant award, the eligibility form  
25          for the child must contain at a minimum—

1           “(1) the child’s name;

2           “(2) the name of the tribe, band, or other orga-  
3           nized group of Indians; and

4           “(3) the parent’s dated signature.

5   *The failure of an applicant to furnish any other informa-*  
6   *tion listed in subsection (b) with respect to any child shall*  
7   *have no bearing on the determination of whether the child*  
8   *is an eligible Indian child.*

9           “(d) *The forms and the standards of proof (including*  
10   *the standard of good faith compliance) that were in use dur-*  
11   *ing the 1985–1986 academic year to establish a child’s eligi-*  
12   *bility for entitlement under the Indian Elementary and*  
13   *Secondary School Assistance Act shall be the only forms and*  
14   *standards of proof used to establish such eligibility and to*  
15   *meet the requirements of subsection (a).*

16          “(e) *For purposes of determining whether a child is*  
17   *an eligible Indian child, the membership of the child, or*  
18   *any parent or grandparent of the child, in a tribe, band,*  
19   *or other organized group of Indians may be established by*  
20   *proof other than an enrollment number, even if enrollment*  
21   *numbers for members of such tribe, band, or groups are*  
22   *available. Nothing in subsection (b) may be construed as*  
23   *requiring the furnishing of enrollment numbers.*

24          “(f)(1)(A) *The Secretary shall establish a method of*  
25   *auditing, on an annual basis, a sample of not less than*

1 *one-fourth of the total number of local educational agencies*  
2 *receiving funds under this part and shall submit to the Con-*  
3 *gress an annual report on the findings of the audits.*

4       “(B) *For purposes of an audit conducted by the Fed-*  
5 *eral Government with respect to funds provided under this*  
6 *part, all procedures, practices, and policies that are estab-*  
7 *lished by—*

8               “(i) *the Office of Indian Education of the De-*  
9 *partment of Education, or*

10              “(ii) *a grantee under this subpart who, in estab-*  
11 *lishing such procedures, practices, and policies, was*  
12 *acting under the direction of any employee of such*  
13 *Office that is authorized by the Director of such Office*  
14 *to provide such direction,*

15 *shall, with respect to the period beginning on the date of*  
16 *the establishment of such procedures, practices, and policies,*  
17 *and ending on the date (if any) on which the Director of*  
18 *such Office revokes authorization for such procedures, prac-*  
19 *tices, and policies, be considered appropriate and acceptable*  
20 *procedures, practices, and policies which are in conformity*  
21 *with Federal law.*

22       “(C) *A local educational agency may not be held liable*  
23 *to the United States, or be otherwise penalized, by reason*  
24 *of the findings of an audit that relate to the date of comple-*  
25 *tion, or the date of submission, of any forms used to estab-*



1 *lish, before April 28, 1988, a child's eligibility for entitle-*  
2 *ment under the Indian Elementary and Secondary School*  
3 *Assistance Act.*

4       “(2) *Any local educational agency that provides false*  
5 *information in the application for a grant under this sub-*  
6 *part shall be ineligible to apply for any other grants under*  
7 *this part and shall be liable to the United States for any*  
8 *funds provided under this part that have not been expended.*

9       “(3) *Any student who provides false information on*  
10 *the form required under subsection (d)(1) may not be taken*  
11 *into account in determining the amount of any grant under*  
12 *this part.*

13       “(g) *For purposes of distribution of funds under this*  
14 *Act to schools funded by the Bureau of Indian Affairs, the*  
15 *Secretary shall use the count of the number of students in*  
16 *each such school funded under the Indian Student Equali-*  
17 *zation Formula developed pursuant to section 1128 of Pub-*  
18 *lic Law 95-561, in lieu of the requirements of this section.*

19 **“SEC. 6107. PAYMENTS.**

20       “(a) *GENERAL.—The Secretary shall pay each local*  
21 *educational agency with an application approved under*  
22 *this part the amount determined under section 6103, subject*  
23 *to subsections (b) and (c) of this section and shall notify*  
24 *such local educational agency of the amount no later than*  
25 *June 1 of the year in which the grant will be paid.*

1       “(b) *PAYMENTS TAKEN INTO ACCOUNT BY THE*  
2 *STATE.*—*The Secretary shall not make a grant under this*  
3 *part for any fiscal year to any local educational agency*  
4 *in a State that has taken into consideration payments*  
5 *under this part (or under subpart 1 of the Indian Edu-*  
6 *cation Act of 1988) in determining the eligibility of the*  
7 *local educational agency for State aid, or the amount of*  
8 *that aid, with respect to the free public education of chil-*  
9 *dren during that year or the preceding fiscal year.*

10       “(c) *REDUCTION OF PAYMENT FOR FAILURE TO MAIN-*  
11 *TAIN FISCAL EFFORT.*—(1) *The Secretary shall not pay*  
12 *any local educational agency the full amount determined*  
13 *under section 6103 for any fiscal year unless the State edu-*  
14 *cational agency notifies the Secretary, and the Secretary*  
15 *determines, that the combined fiscal effort of that local agen-*  
16 *cy and the State with respect to the provision of free public*  
17 *education by such local agency for the preceding fiscal year,*  
18 *computed on either a per-student or aggregate expenditure*  
19 *basis, was not less than 90 percent of such combined fiscal*  
20 *effort, computed on the same basis, for the second preceding*  
21 *fiscal year.*

22       “(2) *If the Secretary determines for any fiscal year*  
23 *that a local educational agency failed to maintain its fiscal*  
24 *effort at the 90 percent level required by paragraph (1), the*  
25 *Secretary shall—*

1           “(A) reduce the amount of the grant that would  
2 otherwise be made to the agency under this part in  
3 the exact proportion of such agency’s failure to main-  
4 tain its fiscal effort at such level; and

5           “(B) not use the reduced amount of the agency’s  
6 expenditures for the preceding year to determine com-  
7 pliance with paragraph (1) for any succeeding fiscal  
8 year, but shall use the amount of expenditures that  
9 would have been required to comply with paragraph  
10 (1).

11          “(3)(A) The Secretary may waive the requirement of  
12 paragraph (1), for not more than one year at a time, if  
13 the Secretary determines that the failure to comply with  
14 such requirement is due to exceptional or uncontrollable cir-  
15 cumstances, such as a natural disaster or a precipitous and  
16 unforeseen decline in the agency’s financial resources.

17          “(B) The Secretary shall not use the reduced amount  
18 of such agency’s expenditures for the fiscal year preceding  
19 the fiscal year for which a waiver is granted to determine  
20 compliance with paragraph (1) for any succeeding fiscal  
21 year, but shall use the amount of expenditures that would  
22 have been required to comply with paragraph (1) in the  
23 absence of the waiver.

1       “(d) *REALLOCATIONS.*—*The Secretary may reallocate,*  
2 *in the manner the Secretary determines will best carry out*  
3 *the purpose of this part, any amounts that—*

4               “(1) *based on estimates by local educational*  
5 *agencies or other information, will not be needed by*  
6 *such agencies to carry out their approved projects*  
7 *under this part; or*

8               “(2) *otherwise become available for reallocation*  
9 *under this part.*

10   **“PART B—SPECIAL PROGRAMS AND PROJECTS**  
11       ***TO IMPROVE EDUCATIONAL OPPORTUNITIES***  
12       ***FOR INDIAN CHILDREN***

13   **“SEC. 6201. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**  
14       ***TIES FOR INDIAN CHILDREN.***

15       “(a) *IN GENERAL.*—*The Secretary shall carry out a*  
16 *program of making grants for the improvement of edu-*  
17 *cational opportunities for Indian children—*

18               “(1) *to support planning, pilot, and demonstra-*  
19 *tion projects, in accordance with subsection (b), which*  
20 *are designed to test and demonstrate the effectiveness*  
21 *of programs for improving educational opportunities*  
22 *for Indian children;*

23               “(2) *to assist in the establishment and operation*  
24 *of programs, in accordance with subsection (c), which*  
25 *are designed to stimulate—*

1           “(A) the provision of educational services  
2           not available to Indian children in sufficient  
3           quantity or quality, and

4           “(B) the development and establishment of  
5           exemplary educational programs to serve as  
6           models for regular school programs in which In-  
7           dian children are educated;

8           “(3) to assist in the establishment and operation  
9           of preservice and inservice training programs, in ac-  
10          cordance with subsection (d), for persons serving In-  
11          dian children as educational personnel; and

12          “(4) to encourage the dissemination of informa-  
13          tion and materials relating to, and the evaluation of  
14          the effectiveness of, education programs which may  
15          offer educational opportunities to Indian children.

16          “(b) *DEMONSTRATION PROJECTS.*—The Secretary is  
17          authorized to make grants to State and local educational  
18          agencies, federally supported elementary and secondary  
19          schools for Indian children and to Indian tribes, Indian  
20          organizations, and Indian institutions to support plan-  
21          ning, pilot, and demonstration projects which are designed  
22          to plan for, and test and demonstrate the effectiveness of,  
23          programs for improving educational opportunities for In-  
24          dian children, including—

1           “(1) innovative programs related to the edu-  
2           cational needs of educationally deprived children;

3           “(2) bilingual and bicultural education pro-  
4           grams and projects;

5           “(3) special health and nutrition services and  
6           other related activities which meet the special health,  
7           social, and psychological problems of Indian children;  
8           and

9           “(4) coordination of the operation of other feder-  
10          ally assisted programs which may be used to assist in  
11          meeting the needs of such children.

12          “(c) SERVICES AND PROGRAMS TO IMPROVE EDU-  
13          CATIONAL OPPORTUNITIES.—

14                 “(1) The Secretary is authorized to make grants  
15                 to State and local educational agencies and to tribal  
16                 and other Indian community organizations to assist  
17                 them in developing and establishing educational serv-  
18                 ices and programs specifically designed to improve  
19                 educational opportunities for Indian children. Such  
20                 grants may be used—

21                         “(A) to provide educational services not  
22                         available to such children in sufficient quantity  
23                         or quality, including—

24                                 “(i) remedial and compensatory in-  
25                                 struction, school health, physical education,

1           *psychological, and other services designed to*  
2           *assist and encourage Indian children to*  
3           *enter, remain in, or reenter elementary or*  
4           *secondary school;*

5           “(ii) *comprehensive academic and vo-*  
6           *cational instruction;*

7           “(iii) *instructional materials (such as*  
8           *library books, textbooks, and other printed,*  
9           *published, or audiovisual materials) and*  
10          *equipment;*

11          “(iv) *comprehensive guidance, counsel-*  
12          *ing, mentoring, and testing services;*

13          “(v) *special education programs for*  
14          *disabled and gifted and talented Indian*  
15          *children;*

16          “(vi) *early childhood programs, includ-*  
17          *ing kindergarten;*

18          “(vii) *bilingual and bicultural edu-*  
19          *cation programs; and*

20          “(viii) *other services which meet the*  
21          *purposes of this subsection; and*

22          “(B) *to establish and operate exemplary*  
23          *and innovative educational programs and cen-*  
24          *ters, involving new educational approaches,*  
25          *methods, and techniques designed to enrich pro-*

1           *grams of elementary and secondary education for*  
2           *Indian children.*

3           “(2) *In addition to the grants provided under*  
4           *paragraph (1), the Secretary is authorized to provide*  
5           *grants to consortia of Indian tribes or tribal organi-*  
6           *zations, local educational agencies, and institutions of*  
7           *higher education for the purpose of developing, im-*  
8           *proving, and implementing a program of—*

9                   “(A) *encouraging Indian students to ac-*  
10                  *quire a higher education, and*

11                  “(B) *reducing the incidence of dropouts*  
12                  *among elementary and secondary school stu-*  
13                  *dents.*

14           “(d) *TRAINING.—*

15                  “(1) *The Secretary is authorized to make grants*  
16                  *to institutions of higher education and to State and*  
17                  *local educational agencies, in combination with insti-*  
18                  *tutions of higher education, for carrying out pro-*  
19                  *grams and projects—*

20                   “(A) *to prepare persons to serve Indian stu-*  
21                  *dents as teachers, administrators, teacher aides,*  
22                  *social workers, and ancillary educational person-*  
23                  *nel; and*



1           “(B) to improve the qualifications of such  
2           persons who are serving Indian students in such  
3           capacities.

4           “(2) Grants made under this subsection may be  
5           used for the establishment of fellowship programs  
6           leading to an advanced degree, for institutes and, as  
7           part of a continuing program, for seminars,  
8           symposia, workshops, and conferences.

9           “(3) In programs funded by grants authorized  
10          under this subsection, preference shall be given to the  
11          training of Indians.

12          “(4) In making grants under this subsection, the  
13          Secretary shall consider prior performance and may  
14          not limit eligibility on the basis of the number of pre-  
15          vious grants or the length of time for which the appli-  
16          cant has received grants.

17          “(d) APPLICATIONS FOR GRANTS.—

18                 “(1) Applications for a grant under this section  
19                 shall be submitted at such time, in such manner, and  
20                 shall contain such information, and shall be consist-  
21                 ent with such criteria, as may be required under reg-  
22                 ulations prescribed by the Secretary. Such applica-  
23                 tions shall—

24                         “(A) set forth a statement describing the ac-  
25                         tivities for which assistance is sought;

1           “(B) *in the case of an application for a*  
2           *grant under subsection (c)—*

3                   “(i) *subject to such criteria as the Sec-*  
4                   *retary shall prescribe, provide for—*

5                           “(I) *the use of funds available*  
6                           *under this section, and*

7                                   “(II) *the coordination of other re-*  
8                                   *sources available to the applicant,*

9                                   *in order to ensure that, within the scope of*  
10                                   *the purpose of the project, there will be a*  
11                                   *comprehensive program to achieve the pur-*  
12                                   *poses of this section, and*

13                                   “(ii) *provide for the training of per-*  
14                                   *sonnel participating in the project; and*

15                                   “(C) *provide for an evaluation of the effec-*  
16                                   *tiveness of the project in achieving its purpose*  
17                                   *and the purposes of this section.*

18           “(2)(A) *The Secretary may approve an applica-*  
19           *tion for a grant under subsection (b) or (c) only if*  
20           *the Secretary is satisfied that such application, and*  
21           *any document submitted with respect thereto—*

22                   “(i) *demonstrate that—*

23                           “(I) *there has been adequate participa-*  
24                           *tion by the parents of the children to be*

1           *served and tribal communities in the plan-*  
2           *ning and development of the project, and*

3           *“(II) there will be such participation*  
4           *in the operation and evaluation of the*  
5           *project, and*

6           *“(ii) provide for the participation, on an*  
7           *equitable basis, of eligible Indian children—*

8           *“(I) who reside in the area to be*  
9           *served,*

10           *“(II) who are enrolled in private non-*  
11           *profit elementary and secondary schools,*  
12           *and*

13           *“(III) whose needs are of the type*  
14           *which the program is intended to meet,*  
15           *to the extent consistent with the number of such*  
16           *children.*

17           *“(B) In approving applications under this sec-*  
18           *tion, the Secretary shall give priority to applications*  
19           *from Indian educational agencies, organizations, and*  
20           *institutions.*

21           **“SEC. 6202. SPECIAL EDUCATIONAL TRAINING PROGRAMS**

22                           **FOR THE TEACHERS OF INDIAN CHILDREN.**

23           *“(a) IN GENERAL.—*

24           *“(1) The Secretary is authorized to make grants*  
25           *to, and enter into contracts with, institutions of*

1 *higher education, Indian organizations, and Indian*  
2 *tribes for the purpose of—*

3 *“(A) preparing individuals for teaching or*  
4 *administering special programs and projects de-*  
5 *signed to meet the special educational needs of*  
6 *Indian people, and*

7 *“(B) providing in-service training for per-*  
8 *sons teaching in such programs.*

9 *“(2) Priority shall be given in the awarding of*  
10 *grants, and in the entering into of contracts, under*  
11 *subsection (a) to Indian institutions and organiza-*  
12 *tions.*

13 *“(b) FELLOWSHIPS AND TRAINEESHIPS.—*

14 *“(1) In carrying out the provisions of this sec-*  
15 *tion, the Secretary is authorized to award fellowships*  
16 *and traineeships to individuals and to make grants*  
17 *to, and to enter into contracts with, institutions of*  
18 *higher education, Indian organizations, and Indian*  
19 *tribes for the costs of education allowances.*

20 *“(2) In awarding fellowships and traineeships*  
21 *under this subsection, the Secretary shall give pref-*  
22 *erence to Indians.*

23 *“(3) In the case of traineeships and fellowships,*  
24 *the Secretary is authorized to grant stipends to, and*

1        *allowances for dependents of, persons receiving*  
2        *traineeships and fellowships.*

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 pro-*  
7        *fessional programs at institutions of higher education. Such*  
8        *fellowships shall be awarded to Indian students in order*  
9        *to enable them to pursue a course of study of not more than*  
10       *4 academic years leading toward a postbaccalaureate degree*  
11       *in medicine, clinical psychology, psychology, law, edu-*  
12       *cation, and related fields or leading to an undergraduate*  
13       *or graduate degree in engineering, business administration,*  
14       *natural resources, and related fields.*

15       *“(b) STIPENDS.—The Secretary shall pay to persons*  
16       *awarded fellowships under subsection (a) such stipends (in-*  
17       *cluding such allowances for subsistence of such persons and*  
18       *their dependents) the Secretary may determine to be con-*  
19       *sistent with prevailing practices under comparable federally*  
20       *supported programs.*

21       *“(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUI-*  
22       *TION.—The Secretary shall pay to the institution of higher*  
23       *education at which the holder of a fellowship awarded under*  
24       *subsection (a) is pursuing a course of study, in lieu of tui-*  
25       *tion charged such holder, such amounts as the Secretary*

1 *may determine to be necessary to cover the cost of education*  
2 *provided the holder of such a fellowship.*

3 “(d) *SPECIAL RULES.*—

4 “(1) *The Secretary may, if a fellowship awarded*  
5 *under subsection (a) is vacated prior to the end of the*  
6 *period for which it was awarded, award an addi-*  
7 *tional fellowship for the remainder of such period.*

8 “(2) *By no later than the date that is 45 days*  
9 *before the commencement of an academic term, the*  
10 *Secretary shall provide to each individual who is*  
11 *awarded a fellowship under subsection (a) for such*  
12 *academic term written notice of the amount of such*  
13 *fellowship and of any stipends or other payments that*  
14 *will be made under this section to, or for the benefit*  
15 *of, such individual for such academic term.*

16 “(3) *Not more than 10 percent of the fellowships*  
17 *awarded under subsection (a) shall be awarded, on a*  
18 *priority basis, to persons receiving training in guid-*  
19 *ance counseling with a specialty in the area of alcohol*  
20 *and substance abuse counseling and education.*

21 “(e) *SERVICE OBLIGATION.*—*The Secretary shall, by*  
22 *regulation, require that individuals who receive training*  
23 *under this section perform related work and shall notify*  
24 *such local educational agency of the amount no later than*

1 *June 1 of the year in which the grant will be paid following*  
2 *that training or repay all or part of the cost of the training.*

3 ***“SEC. 6204. GIFTED AND TALENTED.***

4 *“(a) ESTABLISHMENT OF CENTERS.—The Secretary*  
5 *shall establish 2 centers for gifted and talented Indian stu-*  
6 *dents at tribally controlled community colleges.*

7 *“(b) DEMONSTRATION PROJECTS.—*

8 *“(1) The Secretary shall award separate grants*  
9 *to, or enter into contracts with—*

10 *“(A) 2 tribally controlled community col-*  
11 *leges that—*

12 *“(i) are eligible for funding under the*  
13 *Tribally Controlled Community College As-*  
14 *sistance Act of 1978, and*

15 *“(ii) are fully accredited, or*

16 *“(B) if acceptable applications are not sub-*  
17 *mitted to the Secretary by 2 of such colleges, the*  
18 *American Indian Higher Education Consortium,*  
19 *for the establishment of centers under subsection (a)*  
20 *and for demonstration projects designed to address the*  
21 *special needs of Indian students in elementary and*  
22 *secondary schools who are gifted and talented and to*  
23 *provide such support services to their families that*  
24 *are needed to enable the students to benefit from the*  
25 *project.*

1           “(2) Any person to whom a grant is made, or  
2           with whom a contract is entered into, under para-  
3           graph (1) may enter into a contract with any other  
4           persons, including the Children’s Television Work-  
5           shop, for the purpose of carrying out the demonstra-  
6           tion projects for which such grant was awarded or for  
7           which the contract was entered into by the Secretary.

8           “(3) Demonstration projects funded under this  
9           section may include—

10           “(A) the identification of the special needs  
11           of gifted and talented students, particularly at  
12           the elementary school level, with attention to the  
13           emotional and psychosocial needs of these stu-  
14           dents and to the provision of those support serv-  
15           ices to their families that are needed to enable  
16           these students to benefit from the project;

17           “(B) the conduct of educational,  
18           psychosocial, and developmental activities which  
19           hold reasonable promise of resulting in substan-  
20           tial progress toward meeting the educational  
21           needs of such gifted and talented children, in-  
22           cluding, but not limited to, demonstrating and  
23           exploring the use of Indian languages and expo-  
24           sure to Indian cultural traditions, and  
25           mentoring and apprenticeship programs;



1           “(C) the provision of technical assistance  
2           and the coordination of activities at schools  
3           which receive grants under subsection (c) with  
4           respect to the activities funded by such grants,  
5           the evaluation of programs at such schools fund-  
6           ed by such grants, or the dissemination of such  
7           evaluations;

8           “(D) the use of public television in meeting  
9           the special educational needs of such gifted and  
10          talented children;

11          “(E) leadership programs designed to rep-  
12          licate programs for such children throughout the  
13          United States, including the dissemination of in-  
14          formation derived from the demonstration  
15          projects conducted under this section; and

16          “(F) appropriate research, evaluation, and  
17          related activities pertaining to the needs of such  
18          children and to the provision of such support  
19          services to their families that are needed to en-  
20          able such children to benefit from the project.

21          “(c) *ADDITIONAL GRANTS.*—

22                 “(1) *The Secretary, in consultation with the Sec-*  
23                 *retary of the Interior, shall provide 5 grants to schools*  
24                 *that are Bureau funded schools for program research*  
25                 *and development regarding, and the development and*

1       *dissemination of curriculum and teacher training*  
2       *material regarding—*

3               “(A) *gifted and talented students,*

4               “(B) *college preparatory studies (including*  
5               *programs for Indian students interested in teach-*  
6               *ing careers),*

7               “(C) *students with special culturally related*  
8               *academic needs, including social, lingual, and*  
9               *cultural needs, and*

10              “(D) *math and science education.*

11              “(2) *Applications for the grants provided under*  
12              *paragraph (1) shall be submitted to the Secretary in*  
13              *such form and at such time as the Secretary may pre-*  
14              *scribe. Applications for such grants by Bureau*  
15              *schools, and the administration of any of such grants*  
16              *made to a Bureau school, shall be undertaken jointly*  
17              *by the supervisor of the Bureau school and the local*  
18              *school board.*

19              “(3) *Grants may be provided under paragraph*  
20              *(1) for one or more activities described in paragraph*  
21              *(1).*

22              “(4) *In providing grants under paragraph (1),*  
23              *the Secretary shall—*

24                      “(A) *achieve a mixture of programs de-*  
25                      *scribed in paragraph (1) which ensures that stu-*

1           *dents at all grade levels and in all geographic*  
2           *areas of the United States are able to participate*  
3           *in some programs funded by grants provided*  
4           *under this subsection, and*

5                   *“(B) ensure that a definition of the term*  
6                   *‘gifted and talented student’ for purposes of this*  
7                   *section and section 1128(c)(3)(A)(i) of the Edu-*  
8                   *cation Amendments of 1978 is developed as soon*  
9                   *as possible.*

10                   *“(5) Subject to the availability of appropriated*  
11                   *funds, grants provided under paragraph (1) shall be*  
12                   *made for a 3-year period and may be renewed by the*  
13                   *Secretary for additional 3-year periods if perform-*  
14                   *ance by the grantee is satisfactory to the Secretary.*

15                   *“(6)(A) The dissemination of any materials de-*  
16                   *veloped from activities funded by grants provided*  
17                   *under paragraph (1) shall be carried out in coopera-*  
18                   *tion with institutions receiving funds under sub-*  
19                   *section (b).*

20                   *“(B) The Secretary shall report to the Secretary*  
21                   *of the Interior and to the Congress any results from*  
22                   *activities described in paragraph (4)(B).*

23                   *“(7)(A) The costs of evaluating any activities*  
24                   *funded by grants made under paragraph (1) shall be*  
25                   *divided between the school conducting such activities*

1       *and the demonstration project recipients under sub-*  
2       *section (b).*

3           “(B) *If no funds are provided under subsection*  
4       *(b) for—*

5                   “(i) *the evaluation of activities funded by*  
6                   *grants made under paragraph (1),*

7                   “(ii) *technical assistance and coordination*  
8                   *with respect to such activities, or*

9                   “(iii) *dissemination of such evaluations,*  
10       *the Secretary shall, by grant or through contract, pro-*  
11       *vide for such evaluations, technical assistance, coordi-*  
12       *nation, and dissemination.*

13       “(d) *INFORMATION NETWORK.—The Secretary shall*  
14       *encourage persons to whom a grant is made, or with whom*  
15       *a contract is entered into, under this section to work coop-*  
16       *eratively as a national network so that the information de-*  
17       *veloped by such persons is readily available to the entire*  
18       *educational community.*

19       **“SEC. 6205. TRIBALLY CONTROLLED SCHOOLS ACT.**

20           “(a) *TIMELY PAYMENTS.—Subsection (a) is amended*  
21       *to read as follows:*

22                   “(a)(1) *Except as otherwise provided in this sub-*  
23       *section, the Secretary shall make payments to grantees*  
24       *under this part in 2 payments:*

1           “(A) one payment to be made no later than  
2           July 1 of each year in an amount equal to one-half  
3           of the amount which the grantee was entitled to re-  
4           ceive during the preceding academic year, and

5           “(B) the second payment, consisting of the re-  
6           mainder to which the grantee is entitled for the aca-  
7           demic year, shall be made no later than December 1  
8           of each year.

9           “(2) For any school for which no payment was made  
10          from Bureau funds in the preceding academic year, full  
11          payment of the amount computed for the first academic  
12          year of eligibility under this part shall be made no later  
13          than December 1 of the academic year.

14          “(3) With regard to funds for grantees that become  
15          available for obligation on October 1 of the fiscal year for  
16          which they are appropriated, the Secretary shall make pay-  
17          ments to grantees no later than December 1 of the fiscal  
18          year.

19          “(4) The provisions of the Prompt Payment Act (31  
20          U.S.C. 3901 et seq.) shall apply to the payments required  
21          to be made by paragraphs (1), (2), and (3) of this sub-  
22          section.’

23          “(b) Paragraph (3) is amended by striking ‘Para-  
24          graphs (1) and (2)’ and inserting in lieu thereof ‘Para-

1 *graphs (1), (2), and (3)', and is renumbered as paragraph*  
2 *'(5)'.*

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 operation*  
17 *of programs which are designed to stimulate—*

18                           *"(A) the provision of basic literacy opportu-*  
19 *nities 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 evaluations*  
4        *to define accurately the extent of the problems of illit-*  
5        *eracy and lack of high school completion among Indi-*  
6        *ans; 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 Secretary*  
17       *is also authorized to make grants to, and to enter into con-*  
18       *tracts with, public agencies and institutions and Indian*  
19       *tribes, institutions, and organizations for—*

20            *“(1) the dissemination of information concerning*  
21        *educational programs, services, and resources avail-*  
22        *able to Indian adults, including evaluations thereof;*  
23        *and*

24            *“(2) the evaluation of federally assisted programs*  
25        *in which Indian adults may participate to determine*

1     *the effectiveness of such programs in achieving the*  
2     *purposes of such programs with respect to such*  
3     *adults.*

4     “(d) *APPLICATIONS.*—

5             “(1) *Applications for a grant under this section*  
6     *shall be submitted at such time, in such manner, con-*  
7     *tain such information, and be consistent with such*  
8     *criteria, as may be required under regulations pre-*  
9     *scribed by the Secretary. Such applications shall—*

10             “(A) *set forth a statement describing the ac-*  
11     *tivities for which assistance is sought; and*

12             “(B) *provide for an evaluation of the effec-*  
13     *tiveness of the project in achieving its purposes*  
14     *and the purposes of this section.*

15             “(2) *The Secretary shall not approve an applica-*  
16     *tion for a grant under subsection (a) unless the Sec-*  
17     *retary is satisfied that such application, and any doc-*  
18     *uments submitted with respect thereto, indicate*  
19     *that—*

20             “(A) *there has been adequate participation*  
21     *by the individuals to be served and tribal com-*  
22     *munities in the planning and development of the*  
23     *project, and*

24             “(B) *there will be such a participation in*  
25     *the operation and evaluation of the project.*





1 *higher education, including Indian institutions of higher*  
2 *education, and other public and private agencies and insti-*  
3 *tutions.*

4       “(c) *COORDINATION.—Research activities supported*  
5 *under this section—*

6               “(1) *shall be carried out in consultation with the*  
7 *Office of Educational Research and Improvement to*  
8 *assure that such activities are coordinated with and*  
9 *enhance the research and development activities sup-*  
10 *ported by the Office; and*

11               “(2) *may include collaborative research activities*  
12 *which are jointly funded and carried out by the Office*  
13 *of Indian Education and the Office of Educational*  
14 *Research and Improvement.*

15 **“SEC. 6402. STATE EDUCATIONAL AGENCY REVIEW.**

16       “(a) *Before submitting its application to the Sec-*  
17 *retary, the local educational agency shall submit its appli-*  
18 *cation to the State educational agency.*

19       “(b) *The State education agency may send to the Sec-*  
20 *retary comments on each local educational agency applica-*  
21 *tion its reviews. The Secretary shall take such comments*  
22 *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 be*  
4 *an Office of Indian Education (referred to in this section*  
5 *as ‘the Office’) in the Department of Education.*

6           “(b) *DIRECTOR.*—(1) *The Office shall be under the di-*  
7 *rection of the Director, who shall be appointed by the Sec-*  
8 *retary and who shall report directly to the Assistant Sec-*  
9 *retary 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 Office*  
21 *of Educational Research and Improvement in identi-*  
22 *fying research priorities related to the education of*  
23 *Indian persons.*

24          “(3) *The Director of the Office shall be a member of*  
25 *the career Senior Executive Service.*

1       “(c) *INDIAN PREFERENCE IN EMPLOYMENT.*—(1) *The*  
 2 *Secretary shall give a preference to Indian persons in all*  
 3 *personnel actions in the Office.*

4       “(2) *Such preference shall be implemented in the same*  
 5 *fashion as the preference given to any veteran under section*  
 6 *2609 of the Revised Statutes, section 45 of title 25, United*  
 7 *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 be*  
 14 *appointed by the President from lists of nominees fur-*  
 15 *nished, from time to time, by Indian tribes and orga-*  
 16 *nizations; 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 ad-*  
 21 *ministration, including the development of regula-*  
 22 *tions and of administrative policies and practices, of*  
 23 *any program, including programs under this title, for*  
 24 *which the Secretary is responsible and in which In-*

1        *dian children or adults participate or from which*  
2        *they can benefit;*

3            *“(2) make recommendations to the Secretary for*  
4        *filling the Director’s position whenever a vacancy oc-*  
5        *curs in such position; and*

6            *“(3) submit to the Congress, by June 30 of each*  
7        *year, a report on its activities, which shall include—*

8            *“(A) any recommendations it finds appro-*  
9        *priate for the improvement of Federal education*  
10       *programs in which Indian children or adults*  
11       *participate, or from which they can benefit; and*

12           *“(B) its recommendations with respect to*  
13       *the funding of any such programs.*

14        **“SEC. 6503. PEER REVIEW.**

15        *“In reviewing applications under parts B, C, and D*  
16       *of this title, the Secretary may use a peer review process.*

17        **“SEC. 6504. PREFERENCE FOR INDIAN APPLICANTS.**

18        *“In making grants under parts B and C of this title,*  
19       *the Secretary shall give a preference to Indian tribes, In-*  
20       *dian organizations, and Indian institutions of higher edu-*  
21       *cation under any program for which they are eligible to*  
22       *apply.*

23        **“SEC. 6505. MINIMUM GRANT CRITERIA.**

24        *“In making grants under parts B and C of this title,*  
25       *the Secretary shall approve only projects that are—*

1           “(1) of sufficient size, scope, and quality to  
2           achieve the purpose of the section under which assist-  
3           ance is sought; and

4           “(2) based on relevant research findings.

5           **“PART F—DEFINITIONS; AUTHORIZATIONS**  
6                                   **OF APPROPRIATIONS**

7           **“SEC. 6601. DEFINITIONS.**

8           “The following definitions apply to terms as used in  
9           this title:

10           “(1) The term ‘adult’ means an individual who  
11           is either—

12                           “(A) not less than 16 years old; or

13                           “(B) beyond the age of compulsory school  
14           attendance under State law.

15           “(2) The term ‘adult education’ has the meaning  
16           given such term in section 312(2) of the Adult Edu-  
17           cation Act.

18           “(3) The term ‘free public education’ means edu-  
19           cation that is—

20                           “(A) provided at public expense, under pub-  
21           lic supervision and direction, and without tui-  
22           tion charge; and

23                           “(B) provided as elementary or secondary  
24           education in the applicable State or to preschool  
25           children.

1           “(4) The term ‘Indian’ means an individual who  
2       is—

3           “(A) a member of an Indian tribe or band,  
4       as membership is defined by the tribe or band,  
5       including—

6           “(i) tribes and bands terminated since  
7       1940; and

8           “(ii) tribes and bands recognized by  
9       the State in which they reside;

10          “(B) a descendant, in the first or second de-  
11       gree, of an individual described in subparagraph  
12       (A);

13          “(C) considered by the Secretary of the Inte-  
14       rior to be an Indian for any purpose; or

15          “(D) an Eskimo, Aleut, or other Alaska Na-  
16       tive.

17       **“SEC. 6602. AUTHORIZATIONS OF APPROPRIATIONS.**

18          “(a) PART A.—For the purpose of carrying out part  
19       A of this title, there are authorized to be appropriated  
20       \$61,300,000 for fiscal year 1995 and such sums as may be  
21       necessary for each of the fiscal years 1996, 1997, 1998, and  
22       1999.

23          “(b) PARTS B THROUGH D.—For the purpose of car-  
24       rying out parts B, C, and D of this title, there are author-  
25       ized to be appropriated \$20,925,000 for fiscal year 1995

1 *and such sums as may be necessary for each of the fiscal*  
2 *years 1996, 1997, 1998, and 1999.*

3 *“(c) PART E.—For the purpose of carrying out part*  
4 *E of this title, including section 6502, there are authorized*  
5 *to be appropriated \$3,775,000 for fiscal year 1995 and such*  
6 *sums as may be necessary for each of the fiscal years 1996,*  
7 *1997, 1998, and 1999.*

8 **“PART G—BUREAU OF INDIAN AFFAIRS**

9 **PROGRAMS**

10 **“SEC. 6701. STANDARDS FOR THE BASIC EDUCATION OF IN-**  
11 **DIAN CHILDREN IN BUREAU OF INDIAN AF-**  
12 **FAIRS SCHOOLS.**

13 *“(a) The purpose of the standards developed under this*  
14 *section shall be to afford Indian students being served by*  
15 *a Bureau funded school with the same opportunities as all*  
16 *other students to achieve the high goals embodied in the*  
17 *Goals 2000: Educate America Act. Consistent with the pro-*  
18 *visions of this section and section 6711 of this part, the*  
19 *Secretary shall take such actions as are necessary to coordi-*  
20 *nate standards developed and implemented under this sec-*  
21 *tion with those in the State plans developed and imple-*  
22 *mented pursuant to the GOALS 2000 Educate America Act*  
23 *for the States in which each Bureau funded school operates.*  
24 *In developing and reviewing these standards and such co-*  
25 *ordination, the Secretary shall utilize the findings and rec-*



1 *ommendations of the panel established by the Goals 2000:*  
2 *Educate America Act*

3       “(b) *The Secretary, in consultation with the Secretary*  
4 *of Education, and in consultation with Indian organiza-*  
5 *tions and tribes, shall carry out or cause to be carried out*  
6 *by contract with an Indian organization such studies and*  
7 *surveys, making the fullest use possible of other existing*  
8 *studies, surveys, and plans, as are necessary to establish*  
9 *and revise standards for the basic education of Indian chil-*  
10 *dren attending Bureau funded schools. Such studies and*  
11 *surveys shall take into account factors such as academic*  
12 *needs, local cultural differences, type and level of language*  
13 *skills, geographic isolation, and appropriate teacher-student*  
14 *ratios for such children, and shall be directed toward the*  
15 *attainment of equal educational opportunity for such chil-*  
16 *dren.*

17       “(c)(1) *Within 18 months of the date of enactment of*  
18 *this Act, the Secretary shall revise the minimum academic*  
19 *standards published in the Federal Register of November*  
20 *1983 for the basic education of Indian children which are*  
21 *consistent with subsections (a) and (b) of this section and*  
22 *section 6711, and shall distribute such revised standards in*  
23 *the Federal Register for the purpose of receiving comments*  
24 *from the tribes and other interested parties. Within 21*  
25 *months of the date of enactment of the Elementary and Sec-*

1 *ondary Education Act Amendments of 1993, the Secretary*  
2 *shall establish final standards, distribute such standards to*  
3 *all the tribes and publish such standards in the Federal*  
4 *Register. The Secretary shall revise such standards periodi-*  
5 *cally as necessary. Prior to any revision of such standards,*  
6 *the Secretary shall distribute such proposed revision to all*  
7 *the tribes, and publish such proposed revision in the Federal*  
8 *Register, for the purpose of receiving comments from the*  
9 *tribes and other interested parties.*

10       “(2) *Such standards shall apply to Bureau schools,*  
11 *and subject to subsection (f), to contract and grant schools,*  
12 *and may also serve as a model for educational programs*  
13 *for Indian children in public schools. In establishing and*  
14 *revising such standards, the Secretary shall take into ac-*  
15 *count the special needs of Indian students and the support*  
16 *and reinforcement of the specific cultural heritage of each*  
17 *tribe. Such standards shall include a requirement, developed*  
18 *in coordination with Indian tribes, the affected local school*  
19 *boards, the Indian Health Service of the Department of*  
20 *Health and Human Services, the State health departments,*  
21 *and the Centers for Disease Control and Prevention, on im-*  
22 *munization for childhood diseases, including provisions for*  
23 *in-school immunization, where necessary.*

24       “(d) *The Secretary shall provide alternative or modi-*  
25 *fied standards in lieu of the standards established under*

1 subsection (c), where necessary, so that the programs of each  
2 school shall be in compliance with the minimum standards  
3 required for accreditation of schools in the State where the  
4 school is located.

5       “(e) A tribal governing body, or the local school board  
6 so designated by the tribal governing body, shall have the  
7 local authority to waive, in part or in whole, the standards  
8 established under subsections (c) and (d), where such stand-  
9 ards are deemed by such body to be inappropriate or ill-  
10 conceived. The tribal governing body or designated school  
11 board shall, within 60 days thereafter, submit to the Sec-  
12 retary a proposal for alternative standards that takes into  
13 account the specific needs of the tribe’s children. Such re-  
14 vised standards shall be established by the Secretary unless  
15 specifically rejected by the Secretary for good cause and in  
16 writing to the affected tribes or local school board, which  
17 rejection shall be final and unreviewable.

18       “(f)(1) The Secretary, through contracting and grant-  
19 making procedures, shall assist school boards of contract  
20 and grant schools in the implementation of the standards  
21 established under subsection (c) and (d), if the school boards  
22 request that such standards, in part or in whole, be imple-  
23 mented. At the request of a contract or grant school board,  
24 the Secretary shall provide alternative or modified stand-  
25 ards for the standards established under subsections (c) and

1 *(d) to take into account the needs of the Indian children*  
2 *and the contract or grant school.*

3       “(2) *Within 1 year of the date of the enactment of the*  
4 *Indian Education Technical Amendments Act of 1985, the*  
5 *Bureau shall, either directly or through contract with an*  
6 *Indian organization, establish a consistent system of report-*  
7 *ing standards for fiscal control and fund accounting for all*  
8 *contract schools. Such standards shall yield data results*  
9 *comparable to those used by Bureau schools.*

10       “(g) *Subject to subsections (e) and (f), the Secretary*  
11 *shall begin to implement the standards established under*  
12 *this section immediately upon the date of their establish-*  
13 *ment. No later than January 1, 1995, and at each time*  
14 *thereafter that the annual budget request for Bureau edu-*  
15 *cational services is presented, the Secretary shall submit to*  
16 *the appropriate committees of Congress a detailed plan to*  
17 *bring all Bureau and contract and grant schools up to the*  
18 *level required by the applicable standards established under*  
19 *this section. Such plan shall include, but not be limited to,*  
20 *detailed information on the status of each school’s edu-*  
21 *cational program in relation to the applicable standards*  
22 *established under this section, specific cost estimates for*  
23 *meeting such standards at each school, and specific time*  
24 *lines for bringing each school up to the level required by*  
25 *such standards.*

1       “(h)(1) *Except as specifically required by statute, no*  
2 *school or peripheral dormitory operated by the Bureau of*  
3 *Indian Affairs on or after January 1, 1992, may be closed*  
4 *or consolidated or have its program substantially curtailed*  
5 *unless done according to the requirements of this subsection,*  
6 *except that, in those cases where the tribal governing body,*  
7 *or the local school board concerned (if so designated by the*  
8 *tribal governing body), requests closure or consolidation, the*  
9 *requirements of this subsection shall not apply. The require-*  
10 *ments of this subsection shall not apply when a temporary*  
11 *closure, consolidation, or substantial curtailment is re-*  
12 *quired by plant conditions which constitute an immediate*  
13 *hazard to health and safety.*

14       “(2) *The Secretary shall, by regulation, promulgate*  
15 *standards and procedures for the closing, consolidation, or*  
16 *substantial curtailment of Bureau schools in accordance*  
17 *with the requirements of this subsection.*

18       “(3) *Whenever closure, transfer to any other authority,*  
19 *consolidation, or substantial curtailment of a school is*  
20 *under active consideration or review by any division of the*  
21 *Bureau or the Department of the Interior, the affected tribe,*  
22 *tribal governing body, and designated local school board,*  
23 *will be notified as soon as such consideration or review be-*  
24 *gins, kept fully and currently informed, and afforded an*  
25 *opportunity to comment with respect to such consideration*

1 or review. When a formal decision is made to close, transfer  
2 to any other authority, consolidate, or substantially curtail  
3 a school, the affected tribe, tribal governing body, and des-  
4 igned local school board shall be notified at least 6 months  
5 prior to the end of the school year preceding the proposed  
6 effective date. Copies of any such notices and information  
7 shall be transmitted promptly to the Congress and published  
8 in the Federal Register.

9       “(4) The Secretary shall make a report to Congress,  
10 the affected tribe, and the designated local school board de-  
11 scribing the process of the active consideration or review  
12 referred to in paragraph (3). At a minimum, the report  
13 shall include a study of the impact of such action on the  
14 student population, with every effort to identify those stu-  
15 dents with particular educational and social needs, and to  
16 ensure that alternative services are available to such stu-  
17 dents. Such report shall include the description of the con-  
18 sultation conducted between the potential service provider,  
19 current service provider, parents, tribal representative and  
20 the tribe or tribes involved, and the Director of the Office  
21 of Indian Education Programs within the Bureau regard-  
22 ing such students. No irreversible action may be taken in  
23 furtherance of any such proposed school closure, transfer to  
24 any other authority, consolidation, or substantial curtail-  
25 ment (including any action which would prejudice the per-

1 *sonnel or programs of such school) until the end of the first*  
2 *full academic year after such report is made.*

3       “(5) *The Secretary may terminate, contract, transfer*  
4 *to any other authority, or consolidate or substantially cur-*  
5 *tail the operation or facilities of—*

6           “(A) *any Bureau funded school that is operated*  
7 *on or after April 1, 1987,*

8           “(B) *any program of such a school that is oper-*  
9 *ated on or after April 1, 1987, or*

10           “(C) *any school board of a school operated under*  
11 *a grant under the Tribally Controlled Schools Act of*  
12 *1988 (Public Law 100–297),*

13 *only if the tribal governing body approves such action.*

14       “(i) *There are hereby authorized to be appropriated*  
15 *such sums as may be necessary, for academic program costs,*  
16 *in order to bring all Bureau and contract schools up to*  
17 *the level required by the applicable standards established*  
18 *under this section.*

19       “(j)(1) *All schools funded by the Bureau of Indian Af-*  
20 *fairs shall include within their curriculum a program of*  
21 *instruction relating to alcohol and substance abuse preven-*  
22 *tion and treatment. The Assistant Secretary shall provide*  
23 *the technical assistance necessary to develop and implement*  
24 *such a program for students in kindergarten and grades*  
25 *1 through 12, at the request of—*

1           “(A) any Bureau of Indian Affairs school (sub-  
2           ject to the approval of the school board of such school);

3           “(B) any school board of a school operating  
4           under a contract entered into under the Indian Self-  
5           Determination and Education Assistance Act (25  
6           U.S.C. 450 et seq.); or

7           “(C) any school board of a school operating  
8           under a grant under the Tribally Controlled Schools  
9           Act of 1988 (Public Law 100–297).

10          “(2) In schools operated directly by the Bureau of In-  
11          dian Affairs, the Secretary shall provide for—

12                 “(A) accurate reporting of all incidents relating  
13                 to alcohol and substance abuse; and

14                 “(B) individual student crisis intervention.

15          “(3) The programs requested under paragraph (1)  
16          shall be developed in consultation with the Indian tribe that  
17          is to be served by such program and health personnel in  
18          the local community of such tribe.

19          “(4) Schools requesting program assistance under this  
20          subsection are encouraged to involve family units and,  
21          where appropriate, tribal elders and Native healers in such  
22          instructions.

23          “(k) For purposes of this section, the term ‘tribal gov-  
24          erning body’ means, with respect to any school, the tribal



1 *governing body, or tribal governing bodies, that represent*  
2 *at least 90 percent of the students served by such school.*

3 *“(l)(1)(A) The Secretary shall only consider the factors*  
4 *described in subparagraphs (B) and (C) in reviewing—*

5 *“(i) applications from any tribe for the award-*  
6 *ing of a contract or grant for a school that is not a*  
7 *Bureau funded school, and*

8 *“(ii) applications from any tribe or school board*  
9 *of any Bureau funded school for—*

10 *“(I) a school which is not a Bureau funded*  
11 *school; or*

12 *“(II) the expansion of a Bureau funded*  
13 *school which would increase the amount of funds*  
14 *received by the Indian tribe or school board*  
15 *under section 6707.*

16 *The Secretary shall give consideration to all of such factors,*  
17 *but none of such applications may be denied based pri-*  
18 *marily upon the geographic proximity of public education.*

19 *“(B) The Secretary shall consider the following factors*  
20 *relating to the program that is the subject of an application*  
21 *described in subparagraph (A):*

22 *“(i) the adequacy of facilities or the potential to*  
23 *obtain or provide adequate facilities;*

24 *“(ii) geographic and demographic factors in the*  
25 *affected areas;*

1           “(iii) adequacy of the applicant’s program plans  
2 or, in the case of a Bureau funded school, of projected  
3 needs analysis done either by a tribe or by Bureau  
4 personnel;

5           “(iv) geographic proximity of comparable public  
6 education; and

7           “(v) the stated needs of all affected parties, in-  
8 cluding (but not limited to) students, families, tribal  
9 governments at both the central and local levels, and  
10 school organizations.

11          “(C) The Secretary shall consider with respect to ap-  
12 plications described in subparagraph (A) the following fac-  
13 tors relating to all the educational services available at the  
14 time the application is considered:

15           “(i) geographic and demographic factors in the  
16 affected areas;

17           “(ii) adequacy and comparability of programs  
18 already available;

19           “(iii) consistency of available programs with  
20 tribal educational codes or tribal legislation on edu-  
21 cation; and

22           “(iv) the history and success of these services for  
23 the proposed population to be served, as determined  
24 from all factors and not just standardized examina-  
25 tion performance.

1       “(2)(A) *The Secretary shall make a determination of*  
2 *whether to approve any application described in paragraph*  
3 *(1)(A) by no later than the date that is 180 days after the*  
4 *day on which such application is submitted to the Sec-*  
5 *retary.*

6       “(B) *If the Secretary fails to make the determination*  
7 *described in subparagraph (A) with respect to an applica-*  
8 *tion by the date described in subparagraph (A), the applica-*  
9 *tion shall be treated as having been approved by the Sec-*  
10 *retary.*

11       “(3)(A) *Any application described in paragraph*  
12 *(1)(A) may be submitted to the Secretary only if—*

13               “(i) *the application has been approved by the*  
14 *tribal governing body of the students served by (or to*  
15 *be served by) the school or program that is the subject*  
16 *of the application, and*

17               “(ii) *written evidence of such approval is sub-*  
18 *mitted with the application.*

19       “(B) *Each application described in paragraph*  
20 *(1)(A)—*

21               “(i) *shall provide information concerning each of*  
22 *the factors described in paragraph (1)(B), and*

23               “(ii) *may provide information concerning the*  
24 *factors described in paragraph (1)(C).*

1       “(4) Whenever the Secretary makes a determination to  
2 deny approval of any application described in paragraph  
3 (1)(A), the Secretary shall—

4               “(A) state the objections in writing to the appli-  
5 cant by no later than the date that is 180 days after  
6 the day on which the application is submitted to the  
7 Secretary,

8               “(B) provide assistance to the applicant to over-  
9 come stated objections, and

10              “(C) provide the applicant a hearing, under the  
11 same rules and regulations pertaining to the Indian  
12 Self-Determination and Education Assistance Act,  
13 and an opportunity to appeal the objections raised by  
14 the Secretary.

15       “(5)(A) Except as otherwise provided in this para-  
16 graph, the action which is the subject of any application  
17 described in paragraph (1)(A) that is approved by the Sec-  
18 retary shall become effective with the commencement of the  
19 academic year succeeding the fiscal year in which the appli-  
20 cation is approved, or at an earlier date determined by the  
21 Secretary.

22              “(B) If an application is treated as having been ap-  
23 proved by the Secretary by reason of paragraph (2)(B), the  
24 action that is the subject of the application shall become  
25 effective on the date that is 18 months after the date on

1 *which the application is submitted to the Secretary, or at*  
2 *an earlier date determined by the Secretary.*

3 **“SEC. 6702. NATIONAL CRITERIA FOR DORMITORY SITUA-**  
4 **TIONS.**

5 *“(a) The Secretary, in consultation with the Secretary*  
6 *of the Department of Education, and in consultation with*  
7 *Indian organizations and tribes, shall conduct or cause to*  
8 *be conducted by contract with an Indian organization, a*  
9 *study of the costs applicable to boarding arrangements for*  
10 *Indian students provided in Bureau and contract and*  
11 *grant schools, for the purpose of establishing national cri-*  
12 *teria for such dormitory situations. Such criteria shall in-*  
13 *clude adult-child ratios, needs for counselors (including spe-*  
14 *cial needs related to off-reservation boarding arrange-*  
15 *ments), space, and privacy.*

16 *“(b) No later than January 1, 1996, the Secretary*  
17 *shall propose such criteria, and shall distribute such pro-*  
18 *posed criteria to the tribes and publish such proposed cri-*  
19 *teria in the Federal Register for the purpose of receiving*  
20 *comments from the tribes and other interested parties. With-*  
21 *in eighteen months of the date of the enactment of this Act,*  
22 *the Secretary shall establish final criteria, distribute such*  
23 *criteria to all the tribes, and publish such criteria in the*  
24 *Federal Register. The Secretary shall revise such criteria*  
25 *periodically as necessary. Any revisions to the standards*

1 *established under this section shall be developed subject to*  
2 *requirements established under section 6711.*

3       “(c) *The Secretary shall begin to implement the cri-*  
4 *teria established under this section immediately upon the*  
5 *date of their establishment. No later than January 1, 1981,*  
6 *and at each time thereafter that the annual budget request*  
7 *for Bureau educational services is presented, the Secretary*  
8 *shall submit to the appropriate committees of Congress a*  
9 *detailed plan to bring all Bureau and contract boarding*  
10 *schools up to the criteria established under this section.*  
11 *Such plan shall include, but not be limited to, predictions*  
12 *for the relative need for each boarding school in the future,*  
13 *detailed information on the status of each school in relation*  
14 *to the criteria established under this section, specific cost*  
15 *estimates for meeting such criteria at each school, and spe-*  
16 *cific time lines for bringing each school up to the level re-*  
17 *quired by such criteria.*

18       “(d)(1) *The criteria established under this section may*  
19 *be waived in the same manner as the standards provided*  
20 *under section 6701(c) may be waived under section 6701(e).*

21       “(2) *No school in operation on or before January 1,*  
22 *1987 (regardless of compliance or noncompliance with the*  
23 *criteria established under this section) may be closed, trans-*  
24 *ferred to another authority, consolidated or have its pro-*  
25 *gram substantially curtailed for failure to meet the criteria.*

1       “(3) By no later than May 1, 1996, the Secretary shall  
2 submit to the Congress a report detailing the costs associ-  
3 ated with, and the actions necessary for, complete compli-  
4 ance with the criteria established under this section.

5       “(e) There are hereby authorized to be appropriated  
6 such sums as may be necessary in order to bring each school  
7 up to the level required by the criteria established under  
8 this section.

9       **“SEC. 6703. REGULATIONS.**

10       “(a) The provisions of part 32 of title 25 of the Code  
11 of Federal Regulations, as in effect on January 1, 1987,  
12 are hereby incorporated into this Act and shall be treated  
13 as though such provisions are set forth in this subsection.  
14 Accordingly, such provisions may be altered only by means  
15 of an amendment to this subsection that is contained in  
16 an Act or joint resolution which is enacted into law. To  
17 the extent that such provisions of part 32 do not conform  
18 with this Act or any statutory provision of law enacted be-  
19 fore the date of enactment of this Act, the provisions of this  
20 Act and the provisions of such other statutory law shall gov-  
21 ern.

22       “(b) The provisions of parts 31, 33, 36, 39, 42, and  
23 43 of title 25 of the Code of Federal Regulations, as in effect  
24 on January 1, 1987, shall be applied by the Federal Gov-  
25 ernment and shall not, before July 1, 1989, be amended,

1 *revoked, or altered in any manner. No officer or employee*  
2 *of the Executive Branch shall have the authority to issue*  
3 *any other regulations, prior to July 1, 1989, that supersede,*  
4 *supplement, or otherwise affect the provisions of such parts.*  
5 *To the extent that the provisions of such parts do not con-*  
6 *form with this Act or any statutory provision of law en-*  
7 *acted before the date of enactment of this Act, the provisions*  
8 *of this Act and the provisions of such other statutory law*  
9 *shall govern.*

10 *“(c) After June 30, 1989, no regulation prescribed for*  
11 *the application of any program provided under this title*  
12 *shall become effective unless—*

13 *“(1) the regulation has been published as a pro-*  
14 *posed regulation in the Federal Register,*

15 *“(2) an opportunity of no less than 90 days has*  
16 *been afforded the public to comment on the published*  
17 *proposed regulation, and*

18 *“(3) the regulation has, after such period for*  
19 *public comment, been published in the Federal Reg-*  
20 *ister as a final regulation.*

21 *“(d) For purposes of this section, the term ‘regulation’*  
22 *means any rules, regulations, guidelines, interpretations,*  
23 *orders, or requirements of general applicability prescribed*  
24 *by any officer or employee of the Executive Branch.*



1 **“SEC. 6704. SCHOOL BOUNDARIES.**

2       “(a) *The Secretary shall, in accordance with this sec-*  
3 *tion, establish separate geographical attendance areas for*  
4 *each Bureau school.*

5       “(b)(1) *Except as provided in paragraph (2), on or*  
6 *after July 1, 1985, no attendance area shall be changed or*  
7 *established with respect to any such school unless the tribal*  
8 *governing body or the local school board concerned (if so*  
9 *designated by the tribal governing body) has been (i) af-*  
10 *forded at least six months notice of the intention of the Bu-*  
11 *reau to change or establish such attendance area, and (ii)*  
12 *given the opportunity to propose alternative boundaries.*  
13 *Any tribe may petition the Secretary for revision of existing*  
14 *attendance area boundaries. The Secretary shall accept such*  
15 *proposed alternative or revised boundaries unless the Sec-*  
16 *retary finds, after consultation with the affected tribe or*  
17 *tribes, that such revised boundaries do not reflect the needs*  
18 *of the Indian students to be served or do not provide ade-*  
19 *quate stability to all of the affected programs.*

20       “(2) *In any case where there is more than 1 Bureau*  
21 *funded school located on an Indian reservation, at the direc-*  
22 *tion of the tribal governing body, the relevant school boards*  
23 *of the Bureau funded schools on the reservation may, by*  
24 *mutual consent, establish the relevant attendance areas for*  
25 *such schools, subject to the approval of the tribal governing*

1 *body. Any such boundaries so established shall be accepted*  
2 *by the Secretary.*

3       “(c) *In any case where there is only 1 Bureau operated*  
4 *program located on an Indian reservation, the attendance*  
5 *area for the program shall be the boundaries of the reserva-*  
6 *tion served, and those students residing near the reservation*  
7 *shall also receive services from such program.*

8       “(d) *The Bureau of Indian Affairs shall include in the*  
9 *final rules the requirement that each appropriate education*  
10 *line officer coordinate and consult with the affected tribes*  
11 *and relevant school boards in the establishment of such geo-*  
12 *graphic boundaries.*

13 **“SEC. 6705. FACILITIES CONSTRUCTION.**

14       “(a) *The Secretary shall immediately begin to bring*  
15 *all schools, dormitories, and other facilities operated by the*  
16 *Bureau or under contract or grant with the Bureau in con-*  
17 *nection with the education of Indian children into compli-*  
18 *ance with all applicable Federal, tribal, or State health and*  
19 *safety standards, whichever provide greater protection (ex-*  
20 *cept that the tribal standards to be applied shall be no*  
21 *greater than any otherwise applicable Federal or State*  
22 *standards), and with section 504 of the Rehabilitation Act*  
23 *of 1973 (29 U.S.C. 794) and with the Americans with Dis-*  
24 *abilities Act of 1990, except that nothing in this section*  
25 *shall require termination of the operations of any facility*

1 *which does not comply with such provisions and which is*  
2 *in use on the date of enactment of this Act.*

3       “(b) *By January 1, 1996, and at each time thereafter*  
4 *that the annual budget request for Bureau educational serv-*  
5 *ices is presented, the Secretary shall submit to the appro-*  
6 *priate committees of Congress a detailed plan to bring such*  
7 *facilities into compliance with such standards. Such plan*  
8 *shall include, but not be limited to, detailed information*  
9 *on the status of each facility’s compliance with such stand-*  
10 *ards, specific cost estimates for meeting such standards at*  
11 *each school, and specific time lines for bringing each school*  
12 *into compliance with such standards.*

13       “(c) *Within six months of the date of enactment of this*  
14 *Act, the Secretary shall submit to the appropriate commit-*  
15 *tees of Congress, and publish in the Federal Register, the*  
16 *system used to establish priorities for school construction*  
17 *projects. At the time any budget request for school construc-*  
18 *tion is presented, the Secretary shall publish in the Federal*  
19 *Register and submit with the budget request the current list*  
20 *of all school construction priorities.*

21       “(d)(1) *A Bureau school may be closed or consolidated,*  
22 *and the programs of a Bureau school may be substantially*  
23 *curtailed, by reason of plant conditions that constitute an*  
24 *immediate hazard to health and safety only if a health and*

1 *safety officer of the Bureau determines that such conditions*  
2 *exist at the Bureau school.*

3       “(2)(A) *In making determinations described in para-*  
4 *graph (1) before July 1, 1989, health and safety officers of*  
5 *the Bureau shall use the health and safety guidelines of the*  
6 *Bureau that were in effect on January 1, 1988.*

7       “(B)(i) *If—*

8               “(I) *the Secretary fails to publish in the Federal*  
9 *Register in final form before July 1, 1989, and*

10               “(II) *action described in paragraph (1) is taken*  
11 *after June 30, 1989, and before the date on which*  
12 *such regulations are published in final form in the*  
13 *Federal Register by reason of the condition of any*  
14 *plant,*

15 *an inspection of the condition of such plant shall be con-*  
16 *ducted by an appropriate tribal, county, municipal, or*  
17 *State health and safety officer to determine whether condi-*  
18 *tions at such plant constitute an immediate hazard to*  
19 *health and safety. Such inspection shall be completed by*  
20 *no later than the date that is 30 days after the date on*  
21 *which the action described in paragraph (1) is taken.*

22               “(ii) *The inspection required under clause (i) shall be*  
23 *conducted by a health and safety officer designated jointly*  
24 *by the Secretary and the tribes affected by the action de-*  
25 *scribed in paragraph (1). If the Secretary and such tribes*

1 *are unable to agree on the designation of the health and*  
2 *safety officer, the Secretary shall designate the health and*  
3 *safety officer and shall provide notice of such designation*  
4 *to each of such tribes before the inspection is conducted by*  
5 *such officer.*

6       “(iii) *If the health and safety officer conducting an*  
7 *inspection of a plant required under clause (i) determines*  
8 *that conditions at the plant do not constitute an immediate*  
9 *hazard to health and safety, any consolidation or curtail-*  
10 *ment that was made by reason of conditions at the plant*  
11 *shall immediately cease and any school closed by reason of*  
12 *conditions at the plant shall be reopened immediately.*

13       “(3) *If—*

14               “(A) *a Bureau school is temporarily closed or*  
15 *consolidated, or the programs of a Bureau school are*  
16 *substantially curtailed, by reason of plant conditions*  
17 *that constitute an immediate hazard to health and*  
18 *safety, and*

19               “(B) *the Secretary estimates that the closure,*  
20 *consolidation, or curtailment will be more than 1*  
21 *year in duration,*

22 *the Secretary shall submit to the Congress, by no later than*  
23 *the date that is 6 months after the date on which the closure,*  
24 *consolidation, or curtailment is initiated, a report which*  
25 *sets forth the reasons for such temporary actions and the*

1 *actions the Secretary is taking to eliminate the conditions*  
2 *that constitute the hazard.*

3 *“(e) There are hereby authorized to be appropriated*  
4 *such sums as may be necessary to carry out subsection (a).*

5 **“SEC. 6706. BUREAU OF INDIAN AFFAIRS EDUCATION FUNC-**  
6 **TIONS.**

7 *“(a) The Secretary shall vest in the Assistant Sec-*  
8 *retary for Indian Affairs all functions with respect to for-*  
9 *mulation and establishment of policy and procedure, and*  
10 *supervision of programs and expenditures of Federal funds*  
11 *for the purpose of Indian education administered by the*  
12 *Bureau. The Assistant Secretary shall carry out such func-*  
13 *tions through the Director of the Office of Indian Edu-*  
14 *cation.*

15 *“(b) The Director of the Office shall direct and super-*  
16 *viser the operations of all personnel directly and substan-*  
17 *tially involved with provision of education services by the*  
18 *Bureau, including (but not limited to) school or institution*  
19 *custodial or maintenance personnel. The Assistant Sec-*  
20 *retary for Indian Affairs shall provide for the adequate co-*  
21 *ordination between the affected Bureau Offices and the Of-*  
22 *fice to facilitate the consideration of all contract functions*  
23 *relating to education. Except as required by section*  
24 *6709(d), nothing in this Act shall be construed to require*

1 *the provision of separate support services for Indian edu-*  
2 *cation.*

3       “(c) *Education personnel who are under the direction*  
4 *and supervision of the Director of the Office in accordance*  
5 *with the first sentence of subsection (b) shall—*

6               “(1) *monitor and evaluate Bureau education*  
7 *programs,*

8               “(2) *provide all services and support functions*  
9 *for education programs with respect to personnel mat-*  
10 *ters involving staffing actions and functions, and*

11               “(3) *provide technical and coordinating assist-*  
12 *ance in areas such as procurement, contracting, budg-*  
13 *eting, personnel, and curriculum.*

14       “(d)(1) *The Assistant Secretary shall submit in the an-*  
15 *nual Budget a plan—*

16               “(A) *for school facilities to be constructed under*  
17 *the system required by section 6705(c);*

18               “(B) *for establishing priorities among projects*  
19 *and for the improvement and repair of education fa-*  
20 *ilities, which together shall form the basis for the dis-*  
21 *tribution of appropriated funds; and*

22               “(C) *including a 5-year plan for capital im-*  
23 *provements.*

24       “(2) *The Assistant Secretary shall establish a program,*  
25 *including the distribution of appropriated funds, for the op-*

1 *eration and maintenance of education facilities. Such pro-*  
2 *gram shall include, but not be limited to—*

3           “(A) *a method of computing the amount nec-*  
4           *essary for each education facility;*

5           “(B) *similar treatment of all Bureau funded*  
6           *schools;*

7           “(C) *a notice of an allocation of appropriated*  
8           *funds from the Director of the Office directly to the*  
9           *appropriate education line officers; and*

10           “(D) *a system for the conduct of routine preven-*  
11           *tive maintenance.*

12 *The appropriate education line officers shall make arrange-*  
13 *ments for the maintenance of education facilities with the*  
14 *local supervisors of the Bureau maintenance personnel who*  
15 *are under the authority of the agency superintendent or*  
16 *area directors, respectively. The local supervisors of Bureau*  
17 *maintenance personnel shall take appropriate action to im-*  
18 *plement the decisions made in this regard by the appro-*  
19 *priate education line officers, except that no funds from this*  
20 *program may be authorized for expenditure unless such ap-*  
21 *propriate education line officer is assured that the necessary*  
22 *maintenance has been, or will be, provided in a reasonable*  
23 *manner. Subject to the requirements of subsection (b) of this*  
24 *section, nothing in this Act shall be construed to require*



1 *the provision of separate operations and maintenance per-*  
2 *sonnel for the Office.*

3       “(3) *The requirements of this subsection shall be imple-*  
4 *mented no later than July 1, 1995.*

5       “(e) *Any other provision of law notwithstanding, the*  
6 *Director shall promulgate guidelines for the establishment*  
7 *of mechanisms for the acceptance of gifts and bequests for*  
8 *the use of, and benefit of, particular schools or designated*  
9 *Bureau operated education programs, including, where ap-*  
10 *propriate, the establishment and administration of trust*  
11 *funds. When a Bureau operated program is the beneficiary*  
12 *of such a gift or bequest, the Director shall make provisions*  
13 *for monitoring its use, and shall report to the appropriate*  
14 *committees of Congress the amount and terms of such gift*  
15 *and bequest, the use to which it is put, and any positive*  
16 *results achieved by such action.*

17       “(f) *For the purpose of this section the term ‘functions’*  
18 *includes powers and duties.*

19 **“SEC. 6707. ALLOTMENT FORMULA.**

20       “(a) *The Secretary shall establish, by regulation adopt-*  
21 *ed in accordance with section 6719, a formula for determin-*  
22 *ing the minimum annual amount of funds necessary to sus-*  
23 *tain each Bureau funded school. In establishing such for-*  
24 *mula, the Secretary shall consider—*

1           “(1) the number of eligible Indian students  
2           served and size of the school;

3           “(2) special cost factors, such as—

4                 “(A) isolation of the school;

5                 “(B) need for special staffing, transpor-  
6                 tation, or educational programs;

7                 “(C) food and housing costs;

8                 “(D) maintenance and repair costs associ-  
9                 ated with the physical condition of the edu-  
10                cational facilities;

11                “(E) special transportation and other costs  
12                of isolated and small schools;

13                “(F) the costs of boarding arrangements,  
14                where determined necessary by a tribal govern-  
15                ing body or designated local school board;

16                “(G) costs associated with greater lengths of  
17                service by educational personnel; and

18                “(H) special programs for gifted and tal-  
19                ented students;

20           “(3) the cost of providing academic services  
21           which are at least equivalent to those provided by  
22           public schools in the State in which the school is lo-  
23           cated; and

24           “(4) such other relevant factors as the Secretary  
25           determines are appropriate.

1 *Upon the establishment of the standards required by sec-*  
2 *tions 6701 and 6702 of this Act, the Secretary shall revise*  
3 *the formula established under this subsection to reflect the*  
4 *cost and funding standards so established. Prior to January*  
5 *1, 1995, the Secretary shall review the formula established*  
6 *under this section and shall take such steps as may be nec-*  
7 *essary to increase the availability of counseling services for*  
8 *students in off-reservation boarding schools and other Bu-*  
9 *reau operated residential facilities. Concurrent with such*  
10 *action, the Secretary shall review the standards established*  
11 *under section 6701 of this title to be certain that adequate*  
12 *provision is made for parental notification regarding, and*  
13 *consent for, such counseling services.*

14       “(b) Notwithstanding any other provisions of law,  
15 Federal funds appropriated for the general local operation  
16 of Bureau funded schools, shall be allotted pro rata in ac-  
17 cordance with the formula established under subsection (a).

18       “(c)(1) For fiscal year 1990, and for each subsequent  
19 fiscal year, the Secretary shall adjust the formula estab-  
20 lished under subsection (a) to—

21               “(A) use a weighted unit of 1.2 for each eligible  
22 Indian student enrolled in the seventh and eighth  
23 grades of the school in considering the number of eli-  
24 gible Indian students served by the school;

1           “(B) consider a school with an enrollment of less  
2           than 50 eligible Indian students as having an average  
3           daily attendance of 50 eligible Indian students for  
4           purposes of implementing the adjustment factor for  
5           small schools; and

6           “(C) take into account the provision of residen-  
7           tial services on a less than 9-month basis at a school  
8           when the school board and supervisor of the school de-  
9           termine that a less than 9-month basis will be imple-  
10          mented for the school year involved.

11          “(2)(A) The Secretary shall reserve for national school  
12          board training 0.2 percent of the funds appropriated for  
13          each fiscal year for distribution under this section. Such  
14          training shall be conducted through the same organizations  
15          through which, and in the same manner in which, the  
16          training was conducted in fiscal year 1992. If the contract  
17          for such training is not awarded before May 1 of each fiscal  
18          year, the contract under which such training was provided  
19          for the fiscal year preceding such fiscal year shall be re-  
20          newed by the Secretary for such fiscal year. The agenda  
21          for the training sessions shall be established by the school  
22          boards through their regional or national organizations.

23          “(B) For each year in which the Secretary uses a  
24          weighted unit formula established under subsection (a) to  
25          fund Bureau schools, a Bureau school which generates less

1 *than 168 weighted units shall receive an additional 2*  
2 *weighted units to defray school board activities.*

3 *“(C) From the funds allotted in accordance with the*  
4 *formula established under subsection (a) for each Bureau*  
5 *school, the local school board of such school may reserve an*  
6 *amount which does not exceed the greater of—*

7 *“(i) \$5,000, or*

8 *“(ii) the lesser of—*

9 *“(I) \$15,000, or*

10 *“(II) 1 percent of such allotted funds,*

11 *for school board activities for such school, including but not*  
12 *limited to, and notwithstanding any other provision of law,*  
13 *meeting expenses and the cost of membership in, and sup-*  
14 *port of, organizations engaged in activities on behalf of In-*  
15 *dian education.*

16 *“(3)(A) The Secretary shall adjust the formula estab-*  
17 *lished under subsection (a) to use a weighted unit of 2.0*  
18 *for each eligible Indian student that—*

19 *“(i) is gifted and talented (as determined pursu-*  
20 *ant to section 6204 of the Indian Education Act of*  
21 *1988), and*

22 *“(ii) is enrolled in the school on a full-time*  
23 *basis,*

24 *in considering the number of eligible Indian students served*  
25 *by the school.*

1       “(B) The adjustment required under subparagraph (A)  
2 shall be used for the later of the following fiscal years and  
3 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 In-  
7 dian 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 im-  
12 plement such adjustment without reducing allotments  
13 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 this  
21 section. Funds reserved under this subsection may only be  
22 expended for education services or programs at a schoolsite  
23 (as defined in section 5204(c)(2) of the Tribally Controlled  
24 Schools Act of 1988). Funds reserved under this subsection  
25 shall remain available without fiscal year limitation until

1 *expended. However, the aggregate amount available from all*  
2 *fiscal years may not exceed 1 percent of the current year*  
3 *funds. Whenever the Secretary makes funds available under*  
4 *this subsection, the Secretary shall report such action to the*  
5 *appropriate committees of Congress within the annual*  
6 *budget submission.*

7       “(e) *Supplemental appropriations enacted to meet in-*  
8 *creased pay costs attributable to school level personnel shall*  
9 *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 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-res-*  
20 *ervation boarding school.*

21       “(g)(1) *An eligible Indian student may not be charged*  
22 *tuition for attendance at a Bureau or contract school. A*  
23 *student attending a Bureau school under clause (2)(C) of*  
24 *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 student’s*  
5 *attendance will not adversely affect the school’s pro-*  
6 *gram for eligible Indian students because of cost, over-*  
7 *crowding, or violation of standards,*

8               “(B) *the school board consents, and*

9               “(C) *the student is a dependent of a Bureau, In-*  
10 *dian Health Service, or tribal government employee*  
11 *who lives on or near the school site, or*

12               “(D) *a tuition is paid for the student that is not*  
13 *more than that charged by the nearest public school*  
14 *district for out-of-district students. The tuition col-*  
15 *lected is in addition to the school’s allocation under*  
16 *this section.*

17       “(3) *The school board of a contract school or grant*  
18 *school may permit students who are not eligible Indian stu-*  
19 *dents under this subsection to attend its contract school or*  
20 *grant school and any tuition collected for those students is*  
21 *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 date*  
4 *of enactment of this Act to a school based budget system*  
5 *of financing. The Assistant Secretary shall take such steps*  
6 *as are necessary to immediately implement this provision.*

7       “(2) For the purposes of this study, the term ‘school-  
8 based budget system’ means a system based upon an initial  
9 determination, at each school site, of the number of students  
10 who shall be served at the site, the needs of those students,  
11 the standards which will best meet those needs (including  
12 any standards or conditions reflecting local community  
13 input and the program developed under this part), the per-  
14 sonnel profile necessary to establish such program and the  
15 cost (determined on an actual basis) of funding such a pro-  
16 gram. Such a system would include procedures to aggregate  
17 the determinations for each school site to determine the  
18 amount needed to fund all Bureau-funded schools, to pre-  
19 pare a budget submission based upon such aggregate and  
20 would provide for a mechanism for distributing such sums  
21 as may be appropriated based upon the determination at  
22 each school site.

23       “(3) No later than January 20, 1996, the Secretary  
24 shall transmit to the Committees on Education and Labor  
25 and Appropriations of the House of Representatives and the

1 *Committees on Indian Affairs and Appropriations of the*  
2 *Senate of the United States the study required under this*  
3 *subsection, along with any views or comments of the Sec-*  
4 *retary on such study.*

5       “(i) Any other provision of law notwithstanding, at  
6 the election of the school board made at any time during  
7 the fiscal year, a portion equal to no more than 15 percent  
8 of the funds allocated with respect to a school under this  
9 section for any fiscal year shall remain available to the  
10 school for expenditure without fiscal year limitation. The  
11 Assistant Secretary shall take steps as may be necessary  
12 to implement this provision immediately.

13       “(j) Tuition for the out-of-State students boarding at  
14 the Richfield Dormitory in Richfield, Utah, who attend  
15 Sevier County high schools in Richfield, Utah, may be paid  
16 from the Indian School Equalization Program funds at a  
17 rate not to exceed the amount per Weighted Student Unit  
18 for that year for instruction. No additional administrative  
19 cost funds will be added to the grant.

20 **“SEC. 6708. ADMINISTRATIVE COST GRANTS.**

21       “(a)(1) The Secretary shall, subject to the availability  
22 of appropriated funds, provide grants to each tribe or tribal  
23 organization operating a contract or grant school in the  
24 amount determined under this section with respect to the  
25 tribe or tribal organization for the purpose of paying the

1 *administrative and indirect costs incurred in operating*  
2 *contract schools in order to—*

3           “(A) *enable tribes and tribal organizations oper-*  
4 *ating such schools, without reducing direct program*  
5 *services to the beneficiaries of the program, to provide*  
6 *all related administrative overhead services and oper-*  
7 *ations necessary to meet the requirements of law and*  
8 *prudent management practice, and*

9           “(B) *carry out other necessary support functions*  
10 *which would otherwise be provided by the Secretary*  
11 *or other Federal officers or employees, from resources*  
12 *other than direct program funds, in support of com-*  
13 *parable Bureau operated programs.*

14           “(2) *Amounts appropriated to fund the grants pro-*  
15 *vided under this section shall be in addition to, and shall*  
16 *not reduce, the amounts appropriated for the program being*  
17 *administered by the contract schools.*

18           “(b)(1) *The amount of the grant provided to each tribe*  
19 *or tribal organization under this section for each fiscal year*  
20 *shall be determined by applying the administrative cost*  
21 *percentage rate of the tribe or tribal organization to the*  
22 *aggregate of the Bureau elementary and secondary func-*  
23 *tions operated by the tribe or tribal organization for which*  
24 *funds are received from or through the Bureau. The admin-*  
25 *istrative cost percentage rate determined under subsection*

1 *(c) does not apply to other programs operated by the tribe*  
2 *or tribal organization.*

3 *“(2) The Secretary shall—*

4 *“(A) reduce the amount of the grant determined*  
5 *under paragraph (1) to the extent that payments for*  
6 *administrative costs are actually received by an In-*  
7 *dian tribe or tribal organization under any Federal*  
8 *education program included in the direct cost base of*  
9 *the tribe or tribal organization, and*

10 *“(B) take such actions as may be necessary to be*  
11 *reimbursed by any other department or agency of the*  
12 *Federal Government for the portion of grants made*  
13 *under this section for the costs of administering any*  
14 *program for Indians that is funded by appropriations*  
15 *made to such other department or agency.*

16 *“(c) For purposes of this section, the administrative*  
17 *cost percentage rate for a contract or grant school for a fis-*  
18 *cal year is equal to the percentage determined by divid-*  
19 *ing—*

20 *“(1) the sum of—*

21 *“(A) the amount equal to—*

22 *“(i) the direct cost base of the tribe or*  
23 *tribal organization for the fiscal year, mul-*  
24 *tiplied by*

25 *“(ii) the minimum base rate, plus*

1                   “(B) the amount equal to—

2                           “(i) the standard direct cost base, mul-  
3                   tplied by

4                           “(ii) the maximum base rate, by

5                   “(2) the sum of—

6                           “(A) the direct cost base of the tribe or trib-  
7                   al organization for the fiscal year, plus

8                           “(B) the standard direct cost base.

9   *The administrative cost percentage rate shall be determined*  
10 *to the 1/100 of a decimal point.*

11           “(d)(1)(A) *Funds received by a tribe or contract or*  
12 *grant school as grants under this section for tribal elemen-*  
13 *tary or secondary educational programs may be combined*  
14 *by the tribe or contract school into a single administrative*  
15 *cost account without the necessity of maintaining separate*  
16 *funding source accounting.*

17           “(B) *Indirect cost funds for programs at the school*  
18 *which share common administrative services with tribal ele-*  
19 *mentary or secondary educational programs may be in-*  
20 *cluded in the administrative cost account described in sub-*  
21 *paragraph (A).*

22           “(2) *Funds received as grants under this section with*  
23 *respect to tribal elementary or secondary education pro-*  
24 *grams shall remain available to the contract or grant school*  
25 *without fiscal year limitation and without diminishing the*

1 amount of any grants otherwise payable to the school under  
2 this section for any fiscal year beginning after the fiscal  
3 year for which the grant is provided.

4       “(3) Funds received as grants under this section for  
5 Bureau funded programs operated by a tribe or tribal orga-  
6 nization under a contract or agreement shall not be taken  
7 into consideration for purposes of indirect cost  
8 underrecovery and overrecovery determinations by any Fed-  
9 eral agency for any other funds, from whatever source de-  
10 rived.

11       “(4) In applying this section and section 106 of the  
12 Indian Self-Determination and Education Assistance Act  
13 with respect to an Indian tribe or tribal organization  
14 that—

15               “(A) receives funds under this section for admin-  
16 istrative costs incurred in operating a contract school  
17 or a school operated under the Tribally Controlled  
18 Schools Act of 1988, and

19               “(B) operates 1 or more other programs under a  
20 contract or grant provided under the Indian Self-De-  
21 termination and Education Assistance Act,

22 the Secretary shall ensure that the Indian tribe or tribal  
23 organization is provided with the full amount of the admin-  
24 istrative costs, and of the indirect costs, that are associated  
25 with operating the contract school, a school operated under

1 *the Tribally Controlled Schools Act of 1988, and all of such*  
2 *other programs, except that funds appropriated for imple-*  
3 *mentation of this section shall be used only to supply the*  
4 *amount of the grant required to be provided by this section.*

5 *“(e) For purposes of this section—*

6 *“(1)(A) The term ‘administrative cost’ means the*  
7 *costs of necessary administrative functions which—*

8 *“(i) the tribe or tribal organization incurs*  
9 *as a result of operating a tribal elementary or*  
10 *secondary educational program,*

11 *“(ii) are not customarily paid by com-*  
12 *parable Bureau operated programs out of direct*  
13 *program funds, and*

14 *“(iii) are either—*

15 *“(I) normally provided for comparable*  
16 *Bureau programs by Federal officials using*  
17 *resources other than Bureau direct program*  
18 *funds, or*

19 *“(II) are otherwise required of tribal*  
20 *self-determination program operators by*  
21 *law or prudent management practice.*

22 *“(B) The term ‘administrative cost’ may include,*  
23 *but is not necessarily limited to—*

24 *“(i) contract (or other agreement) adminis-*  
25 *tration;*

1           “(ii) executive, policy, and corporate leader-  
2 ship and decisionmaking;

3           “(iii) program planning, development, and  
4 management;

5           “(iv) fiscal, personnel, property, and pro-  
6 curement management;

7           “(v) related office services and record keep-  
8 ing; and

9           “(vi) costs of necessary insurance, auditing,  
10 legal, safety and security services.

11          “(2) The term ‘Bureau elementary and second-  
12 ary functions’ means—

13           “(A) all functions funded at Bureau schools  
14 by the Office of Indian Education Programs of  
15 the Bureau;

16           “(B) all programs—

17           “(i) funds for which are appropriated  
18 to other agencies of the Federal Government,  
19 and

20           “(ii) which are administered for the  
21 benefit of Indians through Bureau schools;  
22 and

23           “(C) all operation, maintenance, and repair  
24 funds for facilities and government quarters used  
25 in the operation or support of elementary and



1           *secondary education functions for the benefit of*  
2           *Indians, from whatever source derived.*

3           “(3) The term ‘tribal elementary or secondary  
4           *educational programs’ means all Bureau elementary*  
5           *and secondary functions, together with any other Bu-*  
6           *reau programs or portions of programs (excluding*  
7           *funds for social services that are appropriated to*  
8           *agencies other than the Bureau and are expended*  
9           *through the Bureau, funds for major subcontracts,*  
10           *construction, and other major capital expenditures,*  
11           *and unexpended funds carried over from prior years)*  
12           *which share common administrative cost functions,*  
13           *that are operated directly by a tribe or tribal organi-*  
14           *zation under a contract or agreement with the Bu-*  
15           *reau.*

16           “(4)(A) Except as otherwise provided in this  
17           *paragraph, the direct cost base of a tribe or tribal or-*  
18           *ganization for the fiscal year is the aggregate direct*  
19           *cost program funding for all tribal elementary or sec-*  
20           *ondary educational programs operated by the tribe or*  
21           *tribal organization during—*

22                   “(i) the second fiscal year preceding such  
23                   *fiscal year, or*

24                   “(ii) if such programs have not been oper-  
25                   *ated by the tribe or tribal organization during*

1           *the 2 preceding fiscal years, the first fiscal year*  
2           *preceding such fiscal year.*

3           “(B) *In the case of Bureau elementary or second-*  
4           *ary education functions which have not previously*  
5           *been operated by a tribe or tribal organization under*  
6           *contract or agreement with the Bureau, the direct cost*  
7           *base for the initial year shall be the projected aggre-*  
8           *gate direct cost program funding for all Bureau ele-*  
9           *mentary and secondary functions to be operated by*  
10          *the tribe or tribal organization during that fiscal*  
11          *year.*

12          “(5) *The term ‘maximum base rate’ means 50*  
13          *percent.*

14          “(6) *The term ‘minimum base rate’ means 11*  
15          *percent.*

16          “(7) *The term ‘standard direct cost base’ means*  
17          *\$600,000.*

18          “(f)(1) *Upon the enactment of the Indian Education*  
19          *Amendments of 1988, the Secretary shall—*

20                 “(A) *conduct such studies as may be needed to*  
21                 *establish an empirical basis for determining relevant*  
22                 *factors substantially affecting the required adminis-*  
23                 *trative costs of tribal elementary and secondary edu-*  
24                 *cational programs, using the formula set forth in sub-*  
25                 *section (c), and*

1           “(B) a study to determine—

2                   “(i) a maximum base rate which ensures  
3           that the amount of the grants provided under  
4           this section will provide adequate (but not exces-  
5           sive) funding of the administrative costs of the  
6           smallest tribal elementary or secondary edu-  
7           cational programs,

8                   “(ii) a minimum base rate which ensures  
9           that the amount of the grants provided under  
10          this section will provide adequate (but not exces-  
11          sive) funding of the administrative costs of the  
12          largest tribal elementary or secondary edu-  
13          cational programs, and

14                  “(iii) a standard direct cost base which is  
15          the aggregate direct cost funding level for which  
16          the percentage determined under subsection (c)  
17          will—

18                          “(I) be equal to the median between the  
19                          maximum base rate and the minimum base  
20                          rate, and

21                          “(II) ensure that the amount of the  
22                          grants provided under this section will pro-  
23                          vide adequate (but not excessive) funding of  
24                          the administrative costs of tribal elementary

1            *or secondary educational programs closest*  
2            *to the size of the program.*

3            *“(2) The studies required under paragraph (1) shall—*

4            *“(A) be conducted in full consultation (in ac-*  
5            *cordance with section 1130) with—*

6            *“(i) the tribes and tribal organizations that*  
7            *are affected by the application of the formula set*  
8            *forth in subsection (c), and*

9            *“(ii) all national and regional Indian orga-*  
10           *nizations of which such tribes and tribal organi-*  
11           *zations are typically members;*

12           *“(B) be conducted on-site at a representative sta-*  
13           *tistical sample of the tribal elementary or secondary*  
14           *educational programs under a contract entered into*  
15           *with a nationally reputable public accounting and*  
16           *business consulting firm;*

17           *“(C) take into account the availability of skilled*  
18           *labor, commodities, business and automatic data*  
19           *processing services, related Indian preference and In-*  
20           *dian control of education requirements, and any other*  
21           *market factors found substantially to affect the ad-*  
22           *ministrative costs and efficiency of each such tribal*  
23           *elementary or secondary educational program studied*  
24           *in order to assure that all required administrative ac-*  
25           *tivities can reasonably be delivered in a cost effective*

1 manner for each such program, given an administra-  
2 tive cost allowance generated by the values, percent-  
3 ages, or other factors found in the studies to be rel-  
4 evant in such formula;

5 “(D) identify, and quantify in terms of percent-  
6 ages of direct program costs, any general factors aris-  
7 ing from geographic isolation, or numbers of pro-  
8 grams administered, independent of program size fac-  
9 tors used to compute a base administrative cost per-  
10 centage in such formula; and

11 “(E) identify any other incremental cost factors  
12 substantially affecting the costs of required adminis-  
13 trative cost functions at any of the tribal elementary  
14 or secondary educational programs studied and deter-  
15 mine whether the factors are of general applicability  
16 to other such programs, and (if so) how they may ef-  
17 fectively be incorporated into such formula.

18 “(3) In carrying out the studies required under this  
19 subsection, the Secretary shall obtain the input of, and af-  
20 ford an opportunity to participate to, the Inspector General  
21 of the Department of the Interior.

22 “(4) Determinations described in paragraph (2)(C)  
23 shall be based on what is pragmatically possible to do at  
24 each location studied, given prudent management practice,  
25 irrespective of whether required administrative services

1 *were actually or fully delivered at these sites, or other serv-*  
2 *ices were delivered instead, during the period of the study.*

3       “(5) *Upon completion of the studies conducted under*  
4 *paragraph (1), but in no case later than October 1, 1989,*  
5 *the Secretary shall submit to the Congress a report on the*  
6 *findings of the studies, together with determinations based*  
7 *upon such findings that would affect the definitions of terms*  
8 *used in the formula that is set forth in subsection (c).*

9       “(6) *The Secretary shall include in the Bureau’s jus-*  
10 *tification for each appropriations request for each fiscal*  
11 *year beginning after fiscal year 1989, a projection of the*  
12 *overall costs associated with the formula set forth in sub-*  
13 *section (c) for all tribal elementary or secondary edu-*  
14 *cational programs which the Secretary expects to be funded*  
15 *in the fiscal year for which the appropriations are sought.*

16       “(7) *For purposes of this subsection, the size of tribal*  
17 *elementary or secondary educational programs is deter-*  
18 *mined by the aggregate direct cost program funding level*  
19 *for all Bureau funded programs which share common ad-*  
20 *ministrative cost functions.*

21       “(g)(1) *There are authorized to be appropriated for*  
22 *each fiscal year such sums as may be necessary to carry*  
23 *out the provisions of this section.*

24       “(2) *If the total amount of funds necessary to provide*  
25 *grants to tribes and tribal organizations in the amounts*

1 *determined under subsection (b) for a fiscal year exceeds*  
2 *the amount of funds appropriated to carry out this section*  
3 *for such fiscal year, the Secretary shall reduce the amount*  
4 *of each grant determined under subsection (b) for such fiscal*  
5 *year by an amount that bears the same relationship to such*  
6 *excess as the amount of such grant determined under sub-*  
7 *section (b) bears to the total of all grants determined under*  
8 *subsection (b) for all tribes and tribal organizations for such*  
9 *fiscal year.*

10       “(h)(1) *Notwithstanding any other provision of this*  
11 *section, the amount of the grants provided under this sec-*  
12 *tion for fiscal year 1989 shall—*

13               “(A) *in lieu of being determined under sub-*  
14 *section (b), be determined for each tribal elementary*  
15 *or secondary educational program on the same basis*  
16 *that indirect costs were determined for such programs*  
17 *for fiscal year 1988, and*

18               “(B) *be subject to the provisions of subsection*  
19 *(d).*

20       “(2) *Notwithstanding any other provision of this sec-*  
21 *tion, the amount of the grant provided under this section*  
22 *for fiscal year 1990 with respect to each tribal elementary*  
23 *and secondary educational program that was operated by*  
24 *a tribe or tribal organization in fiscal year 1989 shall be*  
25 *equal to—*

1           “(A) if the amount of the grant determined  
2 under subsection (b) for fiscal year 1990 with respect  
3 to such program exceeds the amount received by the  
4 tribe or tribal organization with respect to such pro-  
5 gram for administrative costs for fiscal year 1988 (or  
6 fiscal year 1989 if such program was not operated by  
7 the tribe or tribal organization during fiscal year  
8 1988), the sum of—

9                   “(i) such amount received, plus

10                   “(ii)  $\frac{1}{3}$  of the excess of—

11                           “(I) such amount determined under  
12 subsection (b), over

13                           “(II) such amount received, or

14           “(B) if such amount received exceeds such  
15 amount determined under subsection (b), the excess  
16 of—

17                   “(i) such amount received, over

18                   “(ii) an amount equal to  $\frac{1}{3}$  of the excess  
19 of—

20                           “(I) such amount received, over

21                           “(II) such amount determined under  
22 subsection (b).

23           “(3) Notwithstanding any other provision of this sec-  
24 tion, the amount of the grants provided under this section  
25 for fiscal year 1991 with respect to each tribal elementary



1 *and secondary educational program that was operated by*  
2 *a tribe or tribal organization in fiscal year 1989 shall be*  
3 *equal to—*

4           “(A) *if the amount of the grant determined*  
5 *under subsection (b) for fiscal year 1991 with respect*  
6 *to such program exceeds the amount received by the*  
7 *tribe or tribal organization with respect to such pro-*  
8 *gram for administrative costs for fiscal year 1990, the*  
9 *sum of—*

10                   “(i) *such amount received, plus*

11                   “(ii) *1/2 of the excess of—*

12                           “(I) *such amount determined under*  
13 *subsection (b), over*

14                           “(II) *such amount received, or*

15           “(B) *if such amount received exceeds such*  
16 *amount determined under subsection (b), the excess*  
17 *of—*

18                   “(i) *such amount received, over*

19                   “(ii) *an amount equal to 1/2 of the excess*  
20 *of—*

21                           “(I) *such amount received over,*

22                           “(II) *such amount determined under*  
23 *subsection (b).*

1       “(i) The provisions of this section shall also apply to  
2 those schools operating under the Tribally Controlled  
3 Schools Act of 1988.

4       **“SEC. 6709. BUDGET PREPARATION AND SUBMISSION.**

5       “(a) For each fiscal year beginning after October 1,  
6 1994, and ending before October 1, 1998, the Secretary shall  
7 enter into an interagency agreement with the Secretary of  
8 Education for the purpose of carrying out this section. The  
9 Secretary shall take such actions as are necessary to trans-  
10 fer information requested by the Secretary of Education or  
11 the entity designated under subsection (b) of this section  
12 needed to carry out this section in a timely and accurate  
13 fashion.

14       “(b) The Secretary of Education, through the National  
15 Center for Education Statistics, shall prepare and submit  
16 to Congress the study set forth in subsection (c) of this sec-  
17 tion no later than January 20, 1995, and January 20 of  
18 each of the next 3 succeeding years. The Secretary of Edu-  
19 cation shall transmit the report directly and without sub-  
20 stantive amendment to the Secretary of the Interior, the As-  
21 sistant Secretary for Indian Affairs of the Department of  
22 the Interior, and the Committees on Education and Labor  
23 and Appropriations of the House of Representatives and the  
24 Committees on Indian Affairs and Appropriations of the  
25 Senate of the United States.

1           “(c)(1) *The National Center for Educational Statistics*  
2 *(hereinafter referred to as the ‘Center’) shall prepare for*  
3 *each of the fiscal years covered under subsection (a) of this*  
4 *section a report on the amount needed to achieve academic*  
5 *and residential programs set forth in this part for Bureau-*  
6 *funded schools funded under section 6707. Such study shall*  
7 *be based on (A) the standards developed and implemented*  
8 *for Bureau-funded schools under section 6701 and 6702 of*  
9 *this part or such other standards as may apply to Bureau-*  
10 *funded contract schools or schools funded under the Tribally*  
11 *Controlled Schools Act of 1988, (B) the student count and*  
12 *characteristics of such schools, as determined pursuant to*  
13 *the formula developed and implemented pursuant to section*  
14 *6707 of this part for the preceding academic year, adjusted*  
15 *for any changes in student demographics which the Center*  
16 *may project, (C) the employee statistics with respect to such*  
17 *schools for the preceding fiscal year, and (D) such other fac-*  
18 *tors as the Center may set forth, including but not limited*  
19 *to age or physical condition of the schools and changes in*  
20 *isolation.*

21           “(2) *Each study shall include a total projected cost for*  
22 *attaining the standards set forth under paragraph (1), and*  
23 *shall presume compliance with those standards. Such study*  
24 *shall also include a projection of the cost for meeting such*  
25 *standards for each Bureau-funded school. Such study shall*

1 *also include a report on any shortfall in the amount needed*  
2 *to fund Bureau-funded schools, as determined by the study*  
3 *conducted pursuant to this section and the appropriations*  
4 *amount requested and enacted for the period covered by the*  
5 *study.*

6       “(d)(1) *Within 24 months of the date of enactment of*  
7 *this Act, the Secretary shall establish within the Office of*  
8 *Indian Education Programs a Division of Budget Analysis*  
9 *(hereinafter referred to as the ‘Division’). Such Division*  
10 *shall be under the direct supervision and control of the Di-*  
11 *rector of the Office.*

12       “(2) *The Division shall have the capacity to conduct*  
13 *such studies, surveys, or other activities as are necessary*  
14 *to gather demographic information on Bureau-funded*  
15 *schools (current and future) and project the amount nec-*  
16 *essary to provide Indian students in such schools the edu-*  
17 *cational program set forth in this part.*

18       “(3) *The Division shall prepare projections on such*  
19 *amounts, along with such other information as the Director*  
20 *of the Office shall require, for each fiscal year beginning*  
21 *after October 1, 1996. The Director of the Office and the*  
22 *Assistant Secretary for Indian Affairs shall use such reports*  
23 *when preparing their annual budget submissions.*

1 **“SEC. 6710. UNIFORM DIRECT FUNDING AND SUPPORT.**

2       “(a)(1) *Within six months after the date of enactment*  
3 *of this Act, the Secretary shall establish, by regulation*  
4 *adopted in accordance with section 6719, a system for the*  
5 *direct funding and support of all Bureau-funded schools.*  
6 *Such system shall allot funds, in accordance with section*  
7 *6707. Amounts appropriated for distribution under this*  
8 *section may be made available under paragraph (2) or*  
9 *under paragraph (3), as provided in the appropriation Act.*

10       “(2)(A) *For the purpose of affording adequate notice*  
11 *of funding available pursuant to the allotments made by*  
12 *section 6707, amounts appropriated in an appropriation*  
13 *Act for any fiscal year shall become available for obligation*  
14 *by the affected schools on July 1 of the fiscal year in which*  
15 *they are appropriated without further action by the Sec-*  
16 *retary, and shall remain available for obligation through*  
17 *the succeeding fiscal year.*

18       “(B) *The Secretary shall, on the basis of the amount*  
19 *appropriated in accordance with this paragraph—*

20               “(i) *publish, on July 1 preceding the fiscal year*  
21 *for which the funds are appropriated, allotments to*  
22 *each affected school made under section 6707 of 85*  
23 *percent of such appropriation; and*

24               “(ii) *publish, no later than September 30 of such*  
25 *preceding fiscal year, the allotments to be made under*  
26 *section 6707 of the remaining 15 percent of such ap-*

1        *appropriation, adjusted to reflect actual student attend-*  
2        *ance.*

3        *“(3) Notwithstanding any law or regulation, the su-*  
4        *pervisor of a Bureau school may expend an aggregate of*  
5        *no more than \$35,000 of the amount allotted the school*  
6        *under section 6707 to acquire supplies and equipment for*  
7        *the school without competitive bidding if—*

8                *“(A) the cost for any single item purchased does*  
9                *not exceed \$10,000;*

10               *“(B) the school board approves the procurement;*

11               *“(C) the supervisor certifies that the cost is fair*  
12               *and reasonable;*

13               *“(D) the documents relating to the procurement*  
14               *executed by the supervisor or other school staff cite*  
15               *this paragraph as authority for the procurement; and*

16               *“(E) the transaction is documented in a journal*  
17               *maintained at the school clearly identifying when the*  
18               *transaction occurred, what was acquired and from*  
19               *whom, the prices paid, the quantities acquired, and*  
20               *any other information the supervisor or school board*  
21               *considers relevant.*

22        *The Director shall be responsible for determining the appli-*  
23        *cation of this paragraph, including the authorization of*  
24        *specific individuals to carry out this authority, and shall*

1 *be responsible for the provision of guidelines on the use of*  
2 *this authority and adequate training on such guidelines.*

3       “(4) *If a sequestration order issued under the Balanced*  
4 *Budget and Emergency Deficit Control Act of 1985 reduces*  
5 *the amount of funds available for allotment under section*  
6 *6707 for any fiscal year by more than 7 percent of the*  
7 *amount of funds available for allotment under such section*  
8 *during the preceding fiscal year—*

9               “(A) *the Secretary may, notwithstanding any*  
10 *other provision of law, use—*

11                       “(i) *funds appropriated for the operation of*  
12 *any Bureau school that is closed or consolidated,*  
13 *and*

14                       “(ii) *funds appropriated for any program*  
15 *that has been curtailed at any Bureau school,*  
16 *to fund allotments made under section 6707, and*

17               “(B) *the Secretary may waive the application of*  
18 *the provisions of section 6701(h) with respect to the*  
19 *closure or consolidation of a school, or the curtailment*  
20 *of a program at a school, during such fiscal year if*  
21 *the funds described in clauses (i) and (ii) of subpara-*  
22 *graph (A) with respect to such school are used to fund*  
23 *allotments made under section 6707 for such fiscal*  
24 *year.*

1       “(b) In the case of all Bureau schools, allotted funds  
2 shall be expended on the basis of local financial plans which  
3 shall be prepared by the local school supervisor in active  
4 consultation with the local school board for each school, and  
5 the local school board for each school shall have the author-  
6 ity to ratify, reject, or amend such financial plan, and ex-  
7 penditures thereunder, and, on its own determination or  
8 in response to the supervisor of the school, to revise such  
9 financial plan to meet needs not foreseen at the time of  
10 preparation of the financial plan. The supervisor shall pro-  
11 vide the appropriate union representative of the education  
12 employees with copies of proposed draft financial plans and  
13 all amendments or modifications thereto, at the same time  
14 they are submitted to the local school board. The supervisor  
15 of the school may appeal any such action of the local school  
16 board to the appropriate education officer of the Bureau  
17 agency by filing a written statement describing the action  
18 and the reasons the supervisor believes such action should  
19 be overturned. A copy of such statement shall be submitted  
20 to the local school board and such board shall be afforded  
21 an opportunity to respond, in writing, to such appeal. After  
22 reviewing such written appeal and response, the appro-  
23 priate education officer may, for good cause, overturn the  
24 action of the local school board. The appropriate education  
25 officer shall transmit the determination of such appeal in



1 *the form of a written opinion to such board and to such*  
2 *supervisor identifying the reasons for overturning such ac-*  
3 *tion.*

4       “(c) Funds for self-determination grants under section  
5 103(a)(2) of the Indian Self-Determination and Education  
6 Assistance Act shall not be used for providing technical as-  
7 sistance and training in the field of education by the Bu-  
8 reau unless such services are provided in accordance with  
9 a plan, agreed to by the tribe or tribes affected and the Bu-  
10 reau, under which control of education programs is in-  
11 tended to be transferred to such tribe or tribes within a spe-  
12 cific period of time negotiated under such agreement. The  
13 Secretary may approve applications for funding tribal di-  
14 visions of education and the development of tribal codes of  
15 education from funds appropriated pursuant to section  
16 104(a) of such Act.

17       “(d) In the exercise of its authority under this section,  
18 a local school board may request technical assistance and  
19 training from the Secretary, and he shall, to the greatest  
20 extent possible, provide such services, and make appropriate  
21 provisions in the budget of the Office for such services.

22       “(e)(1) A financial plan under subsection (b) for a  
23 school may include, at the discretion of the local adminis-  
24 trator and the school board of such school, a provision for  
25 a summer program of academic and support services for

1 *students of the school. Any such program may include ac-*  
2 *tivities related to the prevention of alcohol and substance*  
3 *abuse. The Assistant Secretary of Indian Affairs shall pro-*  
4 *vide for the utilization of any such school facility during*  
5 *any summer in which such utilization is requested.*

6       “(2) *Notwithstanding any other provision of law,*  
7 *funds authorized under the Act of April 16, 1934 (25 U.S.C.*  
8 *452 et seq.) and the Indian Education Act may be used*  
9 *to augment the services provided in each summer program*  
10 *at the option, and under the control, of the tribe or Indian*  
11 *controlled school receiving such funds.*

12       “(3) *The Assistant Secretary of Indian Affairs, acting*  
13 *through the Director of the Office of Indian Education Pro-*  
14 *grams, shall provide technical assistance and coordination*  
15 *for any program described in paragraph (1) and shall, to*  
16 *the extent possible, encourage the coordination of such pro-*  
17 *grams with any other summer programs that might benefit*  
18 *Indian youth, regardless of the funding source or adminis-*  
19 *trative entity of any such program.*

20       “(f)(1) *From funds allotted to a Bureau school under*  
21 *section 6707, the Secretary shall, if specifically requested*  
22 *by the tribal governing body (within the meaning of section*  
23 *6701(k)), implement any cooperative agreement entered*  
24 *into between the tribe, the Bureau school board, and the*  
25 *local public school district which meets the requirements of*

1 *paragraph (2) and involves the school. The tribe, the Bu-*  
2 *reau school board, and the local public school district shall*  
3 *determine the terms of the agreement. Such agreement may*  
4 *encompass coordination of all or any part of the following:*

5           “(A) *Academic program and curriculum, unless*  
6           *the Bureau school is currently accredited by a State*  
7           *or regional accrediting entity and would not continue*  
8           *to be so accredited.*

9           “(B) *Support services, including procurement*  
10          *and facilities maintenance.*

11          “(C) *Transportation.*

12          “(2) *Each agreement entered into pursuant to the au-*  
13 *thority provided in paragraph (1) shall confer a benefit*  
14 *upon the Bureau school commensurate with the burden as-*  
15 *sumed, though this requirement shall not be construed so*  
16 *as to require equal expenditures or an exchange of similar*  
17 *services.*

18          “(g) *Any other provision of law notwithstanding,*  
19 *where there is agreement on such action between the super-*  
20 *intendent and school board of a B.I.A. funded school, the*  
21 *product or result of a project conducted in whole or in*  
22 *major part by a student may be given to that student upon*  
23 *the completion of said project.*

24          “(h) *Notwithstanding any other provision of law,*  
25 *funds received by Bureau funded schools under this title*

1 *shall not be considered Federal funds for purposes of meet-*  
2 *ing a match requirement in any Federal program.*

3 **“SEC. 6711. POLICY FOR INDIAN CONTROL OF INDIAN EDU-**  
4 **CATION.**

5 *“(a) It shall be the policy of the the Secretary and the*  
6 *Bureau, in carrying out the functions of the Bureau, to fa-*  
7 *cilitate Indian control of Indian affairs in all matters relat-*  
8 *ing to education.*

9 *“(b)(1) All actions under this Act shall be done with*  
10 *active consultation with tribes.*

11 *“(2) The consultation required under paragraph (1)*  
12 *means a process involving the open discussion and joint de-*  
13 *liberation of all options with respect to potential issues or*  
14 *changes between the Bureau and all interested parties. Dur-*  
15 *ing such discussions and joint deliberations, interested par-*  
16 *ties (including, but not limited to, tribes and school offi-*  
17 *cial) shall be given an opportunity to present issues includ-*  
18 *ing proposals regarding changes in current practices or*  
19 *programs which will be considered for future action by the*  
20 *Bureau. All interested parties shall be given an opportunity*  
21 *to participate and discuss the options presented or to*  
22 *present other alternatives, with the views and concerns of*  
23 *the interested parties given effect unless the Secretary deter-*  
24 *mines, from information educed or presented by the inter-*  
25 *ested parties during 1 or more of the discussions and delib-*

1 *erations, that there is a substantial reason for another*  
2 *course of action. The Secretary shall submit to any Member*  
3 *of Congress, within 18 days of the receipt of a written re-*  
4 *quest by such Member, a written explanation of any deci-*  
5 *sion made by the Secretary which is not consistent with*  
6 *the views of the interested parties.*

7 ***“SEC. 6712. EDUCATION PERSONNEL.***

8 *“(a)(1) Chapter 51, subchapter III of chapter 53, and*  
9 *chapter 63 of title 5, United States Code, relating to leave,*  
10 *pay, and classification, and the sections relating to the ap-*  
11 *pointment, promotion and removal of civil service employ-*  
12 *ees, shall not apply to educators or to education positions*  
13 *(as defined in subsection (n)).*

14 *“(2) Paragraph (1) shall take effect 1 year after the*  
15 *date of enactment of this Act.*

16 *“(b) Not later than the effective date of subsection*  
17 *(a)(2), the Secretary shall prescribe regulations to carry out*  
18 *this section. Such regulations shall govern—*

19 *“(1) the establishment of education positions,*

20 *“(2) the establishment of qualifications for edu-*  
21 *cators,*

22 *“(3) the fixing of basic compensation for edu-*  
23 *cators and education positions,*

24 *“(4) the appointment of educators,*

25 *“(5) the discharge of educators,*

1           “(6) the entitlement of educators to compensa-  
2           tion,

3           “(7) the payment of compensation to educators,

4           “(8) the conditions of employment of educators,

5           “(9) the length of the school year applicable to  
6           education positions described in subsection (n)(1)(A),

7           “(10) the leave system for educators, and

8           “(11) such other matters as may be appropriate.

9           “(c)(1) In prescribing regulations to govern the quali-  
10          fications of educators, the Secretary shall require—

11           “(A)(i) that lists of qualified and interviewed  
12          applicants for education positions be maintained in  
13          each agency and area office of the Bureau from  
14          among individuals who have applied at the agency or  
15          area level for an education position or who have ap-  
16          plied at the national level and have indicated in such  
17          application an interest in working in certain areas or  
18          agencies; and

19           “(ii) that a list of qualified and interviewed ap-  
20          plicants for education positions be maintained in the  
21          Office from among individuals who have applied at  
22          the national level for an education position and who  
23          have expressed interest in working in an education  
24          position anywhere in the United States;

1           “(B) that a local school board shall have the au-  
2           thority to waive on a case-by-case basis, any formal  
3           education or degree qualifications established by regu-  
4           lation pursuant to subsection (b)(2), in order for a  
5           tribal member to be hired in an education position to  
6           teach courses on tribal culture and language and that  
7           subject to subsection (d)(2)(A), a determination by a  
8           school board that such a person be hired shall be fol-  
9           lowed by the supervisor; and

10           “(C) that it shall not be a prerequisite to the em-  
11           ployment of an individual in an education position  
12           at the local level that such individual’s name appear  
13           on the national list maintained pursuant to sub-  
14           section (c)(1)(A)(ii) or that such individual has ap-  
15           plied at the national level for an education position.

16           “(2) The Secretary may authorize the temporary em-  
17           ployment in an education position of an individual who  
18           has not met the certification standards established pursuant  
19           to regulations, if the Secretary determines that failure to  
20           do so would result in that position remaining vacant.

21           “(d)(1) In prescribing regulations to govern the ap-  
22           pointment of educators, the Secretary shall require—

23           “(A)(i) that educators employed in a school  
24           (other than the supervisor of the school) shall be hired  
25           by the supervisor of the school unless there are no

1     *qualified applicants available, in which case the va-*  
2     *cant position shall be filed at the national level from*  
3     *the list maintained pursuant to subsection*  
4     *(c)(1)(A)(ii);*

5             *“(ii) each school supervisor shall be hired by the*  
6     *superintendent for education of the agency office of*  
7     *the Bureau in which the school is located, and*

8             *“(iii) educators employed in an agency office of*  
9     *the Bureau shall be hired by the superintendent for*  
10    *education of the agency office;*

11            *“(B) that before an individual is employed in an*  
12    *education position in a school by the supervisor of a*  
13    *school (or, with respect to the position of supervisor,*  
14    *by the appropriate agency superintendent for edu-*  
15    *cation), the local school board for the school shall be*  
16    *consulted, and that subject to subsection (d)(2), a de-*  
17    *termination by the school board that such individual*  
18    *should or should not be so employed shall be followed*  
19    *by the supervisor (or with respect to the position of*  
20    *supervisor, by the agency superintendent for edu-*  
21    *cation); and*

22            *“(C) that before an individual may be employed*  
23    *in an education position at the agency level, the ap-*  
24    *propriate agency school board shall be consulted, and*  
25    *that, subject to subsection (d)(3), a determination by*



1        *such school board that such individual should or*  
2        *should not be employed shall be followed by the agen-*  
3        *cy superintendent for education.*

4        *“(2)(A) The supervisor of a school may appeal to the*  
5        *appropriate agency superintendent for education any deter-*  
6        *mination by the local school board for the school that an*  
7        *individual be employed, or not be employed, in an edu-*  
8        *cation position in the school (other than that of supervisor)*  
9        *by filing a written statement describing the determination*  
10       *and the reasons the supervisor believes such determination*  
11       *should be overturned. A copy of such statement shall be sub-*  
12       *mitted to the local school board and such board shall be*  
13       *afforded an opportunity to respond, in writing, to such ap-*  
14       *peal. After reviewing such written appeal and response, the*  
15       *superintendent may, for good cause, overturn the deter-*  
16       *mination of the local school board. The superintendent 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 determination.*

20       *“(B) The superintendent for education of an agency*  
21       *office of the Bureau may appeal to the Director of the Office*  
22       *any determination by the local school board for the school*  
23       *that an individual be employed, or not be employed, as the*  
24       *supervisor of a school by filing a written statement describ-*  
25       *ing the determination and the reasons the supervisor be-*

1 *believes such determination should be overturned. A copy of*  
2 *such statement shall be submitted to the local school board*  
3 *and such board shall be afforded an opportunity to respond,*  
4 *in writing, to such appeal. After reviewing such written ap-*  
5 *peal and response, the Director may, for good cause, over-*  
6 *turn the determination of the local school board. The Direc-*  
7 *tor shall transmit the determination of such appeal in the*  
8 *form of a written opinion to such board and to such super-*  
9 *intendent identifying the reasons for overturning such de-*  
10 *termination.*

11       “(3) *The superintendent for education of an agency of-*  
12 *fice of the Bureau may appeal to the Director of the Office*  
13 *any determination by the agency school board that an indi-*  
14 *vidual be employed, or not be employed, in an education*  
15 *position in such agency office by filing a written statement*  
16 *describing the determination and the reasons the supervisor*  
17 *believes such determination should be overturned. A copy*  
18 *of such statement shall be submitted to the agency school*  
19 *board and such board shall be afforded an opportunity to*  
20 *respond, in writing, to such appeal. After reviewing such*  
21 *written appeal and response, the Director may, for good*  
22 *cause, overturn the determination of the agency school*  
23 *board. The Director shall transmit the determination of*  
24 *such appeal in the form of a written opinion to such board*

1 *and to such superintendent identifying the reasons for over-*  
2 *turning such determination.*

3       “(4) Any individual who applies at the local level for  
4 an education position shall state on such individual’s ap-  
5 plication whether or not such individual has applied at the  
6 national level for an education position in the Bureau. If  
7 such individual is employed at the local level, such individ-  
8 ual’s name shall immediately be forwarded to the Secretary,  
9 who shall, as soon as possible but in no event in more than  
10 thirty days, ascertain the accuracy of the statement made  
11 by such individual pursuant to the first sentence of this  
12 subparagraph. If the individual’s statement is found to have  
13 been false, such individual, at the Secretary’s discretion,  
14 may be disciplined or discharged. If the individual had ap-  
15 plied at the national level for an education position in the  
16 Bureau, if the appointment of such individual at the local  
17 level shall be conditional for a period of ninety days, during  
18 which period the Secretary may appoint a more qualified  
19 individual (as determined by the Secretary) from the list  
20 maintained at the national level pursuant to subsection  
21 (c)(1)(A)(ii) to the position to which such individual was  
22 appointed.

23       “(5) Except as expressly provided, nothing in this sec-  
24 tion shall be construed as conferring upon local school  
25 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 Sec-  
3 retary shall require—

4               “(A) that procedures be established for the rapid  
5 and equitable resolution of grievances of educators;

6               “(B) that no educator may be discharged without  
7 notice of the reasons therefore and opportunity for a  
8 hearing under procedures that comport with the re-  
9 quirements of due process; and

10              “(C) educators employed in Bureau schools shall  
11 be notified sixty days prior to the end of the school  
12 year whether their employment contract will be re-  
13 newed for the coming year.

14       “(2) The supervisor of a Bureau school may discharge  
15 (subject to procedures established under paragraph (1)(B)  
16 for cause (as determined under regulations prescribed by  
17 the Secretary) any educator employed in such school. Upon  
18 giving notice of proposed discharge to an educator, the su-  
19 pervisor involved shall immediately notify the local school  
20 board for the school of such action. A determination by the  
21 local school board that such educator shall not be discharged  
22 shall be followed by the supervisor. The supervisor shall  
23 have the right to appeal such action to the superintendent  
24 for education of the appropriate agency office of the Bureau.  
25 Upon such an appeal, the agency superintendent for edu-

1 cation may, for good cause and in writing to the local school  
2 board, overturn the determination of the local school board  
3 with respect to the employment of such individual.

4       “(3) Each local school board for a Bureau school shall  
5 have the right (A) to recommend to the supervisor of such  
6 school that an educator employed in the school be dis-  
7 charged, and (B) to recommend to the superintendent of  
8 education of the appropriate agency office of the Bureau  
9 and to the Director of the Office, that the supervisor of the  
10 school be discharged.

11       “(f)(1) Notwithstanding any provision of the Indian  
12 preference laws, such laws shall not apply in the case of  
13 any personnel action within the purview of this section re-  
14 specting an applicant or employee not entitled to Indian  
15 preference if each tribal organization concerned grants, in  
16 writing, a waiver of the application of such laws with re-  
17 spect to such personnel action, where such a waiver is in  
18 writing deemed to be a necessity by the tribal organization,  
19 except that this shall in no way relieve the Bureau of its  
20 responsibility to issue timely and adequate announcements  
21 and advertisements concerning any such personnel action  
22 if it is intended to fill a vacancy (no matter how such va-  
23 cancy is created).

24       “(2) For purposes of this subsection, the term ‘tribal  
25 organization’ means—

1           “(A) the recognized governing body of any In-  
2           dian tribe, band, nation, pueblo, or other organized  
3           community, including a Native village (as defined in  
4           section 3(c) of the Alaska Native Claims Settlement  
5           Act (43 U.S.C. 1602(c); 85 Stat. 688)); or

6           “(B) in connection with any personnel action re-  
7           ferred to in this subsection, any local school board as  
8           defined in section 1139, and which has been delegated  
9           by such governing body the authority to grant a  
10          waiver under such subsection with respect to such per-  
11          sonnel action.

12          “(3) The term ‘Indian preference laws’ means section  
13          12 of the Act of June 18, 1934 (25 U.S.C. 472; 48 Stat.  
14          986) or any other provision of law granting a preference  
15          to Indians in promotions and other personnel actions, ex-  
16          cept that such term shall not be considered to include section  
17          7(b) of the Indian Self-Determination and Education As-  
18          sistance Act (25 U.S.C. 450e(b); 88 Stat. 2295).

19          “(g) Subject to the authority of the Civil Service Com-  
20          mission to determine finally the applicability of chapter 51  
21          of title 5, United States Code, to specific positions and em-  
22          ployees in the executive branch, the Secretary shall deter-  
23          mine in accordance with subsection (a)(1) the applicability  
24          or inapplicability of such chapter to positions and employ-  
25          ees in the Bureau.

1       “(h)(1)(A) Except as otherwise provided in this sec-  
2 tion, the Secretary shall fix the basic compensation or an-  
3 nual salary rate for educators and education positions at  
4 rates comparable to the rates in effect under the General  
5 Schedule for individuals with comparable qualifications,  
6 and holding comparable positions, to whom chapter 51 is  
7 applicable or on the basis of the Federal Wage System  
8 schedule in effect for the locality.

9       “(B) By no later than October 28, 1988, the Secretary  
10 shall establish, for contracts for the 1991–1992 academic  
11 year, and thereafter, the rates of basic compensation, or an-  
12 nual salary rates, for the positions of teachers and coun-  
13 selors (including dormitory counselors and home-living  
14 counselors) at the rates of basic compensation applicable  
15 (on the date of enactment of such Amendments and there-  
16 after) to comparable positions in overseas schools under the  
17 Defense Department Overseas Teachers Pay and Personnel  
18 Practices Act, unless the Secretary establishes such rates  
19 within such 6-month period through collective bargaining  
20 with the appropriate union representative of the education  
21 employees that is recognized by the Bureau.

22       “(C) By no later than October 28, 1988, the Secretary  
23 shall establish the rates of basic compensation or annual  
24 salary rates for the positions of teachers and counselors (in-  
25 cluding dormitory and home-living counselors)—

1           “(i) for contracts for the 1989–1990 academic  
2           year, at rates which reflect  $\frac{1}{3}$  of the changes in the  
3           rates applicable to such positions on April 28, 1988,  
4           that must be made to conform the rates to the rates  
5           established under subparagraph (B) for such positions  
6           for contracts for the 1991–1992 academic year, and

7           “(ii) for contracts for the 1990–1991 academic  
8           year, at rates which reflect  $\frac{2}{3}$  of such changes.

9           “(D) The establishment of rates of basic compensation  
10          and annual salary rates by the Secretary under subpara-  
11          graphs (B) and (C) shall not preclude the use of regulations  
12          and procedures used by the Bureau before the enactment  
13          of the Indian Education Amendments of 1988 in making  
14          determinations regarding promotions and advancements  
15          through levels of pay that are based on the merit, education,  
16          experience, or tenure of the educator.

17          “(E)(i) Except as provided in clause (ii), the establish-  
18          ment of rates of basic compensation and annual salary  
19          rates by the Secretary under subparagraphs (B) and (C)  
20          shall not affect the continued employment or compensation  
21          of an educator who was employed in an education position  
22          on October 31, 1979, and who did not make the election  
23          under paragraph (2) of subsection (o).

24          “(ii) Any individual described in clause (i) may, dur-  
25          ing the 5-year period beginning on the date on which the



1 *Secretary establishes rates of basic compensation and an-*  
2 *nual salary rates under subparagraph (B), make an irrev-*  
3 *ocable election to have the basic compensation rate or an-*  
4 *nual salary rate of such individual determined in accord-*  
5 *ance with this paragraph.*

6       “(iii) *If an individual makes the election described in*  
7 *clause (ii), such election shall not affect the application to*  
8 *the individual of the same retirement system and leave sys-*  
9 *tem that applies to the individual during the fiscal year*  
10 *preceding the fiscal year in which such election is made,*  
11 *except that the individual must use leave accrued during*  
12 *a contract period by the end of that contract period.*

13       “(F) *The President shall include with the budget sub-*  
14 *mitted under section 1105 of title 31, United States Code,*  
15 *for each of the fiscal years 1990, 1991, and 1992 a written*  
16 *statement by the Secretary which specifies—*

17               “(i) *the amount of funds the Secretary needs to*  
18 *pay basic compensation and the annual salaries of*  
19 *educators for such fiscal year, and*

20               “(ii) *the amount of funds the Secretary estimates*  
21 *would be needed to pay basic compensation and the*  
22 *annual salaries of educators for such fiscal year if the*  
23 *amendments made to this paragraph by the Indian*  
24 *Education Amendments of 1988 had not been enacted.*

1       “(2) Each educator employed in an education position  
2 in Alaska shall be paid a cost-of-living allowance equal to  
3 25 per centum of the rate of basic compensation to which  
4 such educator is entitled.

5       “(3)(A) The Secretary may pay a postdifferential not  
6 to exceed 25 per centum of the rate of basic compensation,  
7 on the basis of conditions of environment or work which  
8 warrant additional pay as a recruitment and retention  
9 incentive.

10       “(B)(i) Upon the request of the supervisor and the local  
11 school board of a Bureau school, the Secretary shall grant  
12 the supervisor of the school authorization to provide 1 or  
13 more post differentials under subparagraph (A) unless the  
14 Secretary determines for clear and convincing reasons (and  
15 advises the board in writing of those reasons) that certain  
16 of the requested post differentials should be disapproved or  
17 decreased because there is no disparity of compensation for  
18 the involved employees or positions in the Bureau school,  
19 as compared with the nearest public school, that is either—

20               “(I) at least 5 percent, or

21               “(II) less than 5 percent and affects the recruit-  
22 ment or retention of employees at the school.

23 The request under this subparagraph shall be deemed grant-  
24 ed as requested at the end of the 60th day after the request  
25 is received in the Central Office of the Bureau unless before

1 *that time it is approved, approved with modification, or*  
2 *disapproved by the Secretary.*

3       “(ii) *The Secretary or the supervisor of a Bureau*  
4 *school may discontinue or decrease a post differential au-*  
5 *thorized by reason of this subparagraph at the beginning*  
6 *of a school year after either—*

7               “(I) *the local school board requests that it be dis-*  
8 *continued or decreased, or*

9               “(II) *the Secretary or the supervisor determines*  
10 *for clear and convincing reasons (and advises the*  
11 *board in writing of those reasons) that there is no dis-*  
12 *parity of compensation that would affect the recruit-*  
13 *ment or retention of employees at the school after the*  
14 *differential is discontinued or decreased.*

15       “(iii) *On or before February 1 of each year, the Sec-*  
16 *retary shall submit to Congress a report describing the re-*  
17 *quests and grants of authority under this subparagraph*  
18 *during the previous fiscal year and listing the positions*  
19 *contracted under those grants of authority.*

20       “(i) *Any individual—*

21               “(1) *who on the date of enactment of this Act is*  
22 *holding a position which is determined under sub-*  
23 *section (f) to be an education position and who elects*  
24 *under subsection (o)(2) to be covered under the provi-*  
25 *sions of this section, or*

1           “(2) who is an employee of the Federal Govern-  
2           ment or the municipal government of the District of  
3           Columbia and is transferred, promoted, or  
4           reappointed, without break in service, from a position  
5           under a different leave system to an education posi-  
6           tion,  
7           shall be credited for the purpose of the leave system provided  
8           under regulations prescribed pursuant to subsection (b)(10),  
9           with the annual and sick leave to his credit immediately  
10          before the effective date of such election, transfer, promotion,  
11          or reappointment.

12          “(j) Upon termination of employment with the Bu-  
13          reau, any annual leave remaining to the credit of an indi-  
14          vidual within the purview of this section shall be liquidated  
15          in accordance with sections 5551(a) and 6306 of title 5,  
16          United States Code, except that leave earned or accrued  
17          under regulations prescribed pursuant to subsection (b)(10)  
18          shall not be so liquidated.

19          “(k) In the case of any educator who is transferred,  
20          promoted, or reappointed, without break in service, to a po-  
21          sition in the Federal Government under a different leave  
22          system, any remaining leave to the credit of such person  
23          earned or credited under the regulations prescribed pursu-  
24          ant to subsection (b)(10) shall be transferred to his credit  
25          in the employing agency on an adjusted basis in accordance

1 *with regulations which shall be prescribed by the Civil Serv-*  
2 *ice Commission.*

3       “(l) *An educator who voluntarily terminates employ-*  
4 *ment with the Bureau before the expiration of the existing*  
5 *employment contract between such educator and the Bureau*  
6 *shall not be eligible to be employed in another education*  
7 *position in the Bureau during the remainder of the term*  
8 *of such contract.*

9       “(m) *In the case of any educator employed in an edu-*  
10 *cation position described in subsection (n)(1)(A) who—*

11               “(1) *is employed at the close of a school year,*

12               “(2) *agrees in writing to serve in such a position*  
13 *for the next school year, and*

14               “(3) *is employed in another position during the*  
15 *recess period immediately preceding such next school*  
16 *year, or during such recess period receives additional*  
17 *compensation referred to in subsection (g)(2) or*  
18 *(g)(3), section 5533 of title 5, United States Code, re-*  
19 *lating to dual compensation, shall not apply to such*  
20 *educator by reason of any such employment during a*  
21 *recess period for any such receipt of additional com-*  
22 *ensation.*

23       “(n) *For the purpose of this section—*

1           “(1) The term “education position” means a po-  
2           sition in the Bureau the duties and responsibilities of  
3           which—

4                   “(A) are performed on a school-year basis  
5           principally in a Bureau school and involve—

6                           “(i) classroom or other instruction or  
7                           the supervision or direction of classroom or  
8                           other instruction;

9                           “(ii) any activity (other than teaching)  
10                          which requires academic credits in edu-  
11                          cational theory and practice equal to the  
12                          academic credits in educational theory and  
13                          practice required for a bachelor’s degree in  
14                          education from an accredited institution of  
15                          higher education;

16                          “(iii) any activity in or related to the  
17                          field of education notwithstanding that aca-  
18                          demic credits in educational theory and  
19                          practice are not a formal requirement for  
20                          the conduct of such activity; or

21                          “(iv) support services at, or associated  
22                          with, the site of the school; or

23                          “(B) are performed at the agency level of  
24           the Bureau and involve the implementation of

1           *education-related programs other than the posi-*  
2           *tion for agency superintendent for education.*

3           “(2) The term “educator” means an individual  
4           *whose services are required, or who is employed, in an*  
5           *education position.*

6           “(o)(1) Subsections (a) through (n) of this section  
7           *apply to an educator hired after November 1, 1979 (and*  
8           *to an educator who elected application under paragraph*  
9           *(2)) and to the position in which such individual is em-*  
10          *ployed. Subject to paragraph (2), the enactment of this Act*  
11          *shall not affect the continued employment of an individual*  
12          *employed on October 31, 1979 in an education position, or*  
13          *such individual’s right to receive the compensation attached*  
14          *to such position.*

15          “(2) Any individual employed in an education posi-  
16          *tion on October 31, 1979, may, not later than November*  
17          *1, 1983, make an irrevocable election to be covered under*  
18          *the provisions of subsection (a) through (n) of this section.*

19          “(p)(1) An educator who was employed in an edu-  
20          *cation position on October 31, 1979, who was eligible to*  
21          *make an election under paragraph (2) of subsection (o) at*  
22          *that time, and who did not make the election under para-*  
23          *graph (2) of subsection (o), may not be placed on furlough*  
24          *(within the meaning of section 7511(a)(5) of title 5, United*  
25          *States Code) without the consent of such educator for an*

1 *aggregate of more than 4 weeks within the same calendar*  
2 *year, unless—*

3           “(A) *the supervisor, with the approval of the*  
4 *local school board (or of the agency superintendent for*  
5 *education upon appeal under paragraph (2)), of the*  
6 *Bureau school at which such educator provides serv-*  
7 *ices determines that a longer period of furlough is*  
8 *necessary due to an insufficient amount of funds*  
9 *available for personnel compensation at such school,*  
10 *as determined under the financial plan process as de-*  
11 *termined under section 1129(b) of this Act, and*

12           “(B) *all educators (other than principals and*  
13 *clerical employees) providing services at such Bureau*  
14 *school are placed on furloughs of equal length, except*  
15 *that the supervisor, with the approval of the local*  
16 *school board (or of the agency superintendent for edu-*  
17 *cation upon appeal under paragraph (2)), may con-*  
18 *tinue 1 or more educators in pay status if (i) they*  
19 *are needed to operate summer programs, attend sum-*  
20 *mer training sessions, or participate in special activi-*  
21 *ties including (but not limited to) curriculum devel-*  
22 *opment committees, and (ii) they are selected based*  
23 *upon their qualifications, after public notice of the*  
24 *minimum qualifications reasonably necessary and*  
25 *without discrimination as to supervisory, non-*



1        *supervisory, or other status of the educators who*  
2        *apply.*

3        *“(2) The supervisor of a Bureau school may appeal*  
4        *to the appropriate agency superintendent for education any*  
5        *refusal by the local school board to approve any determina-*  
6        *tion of the supervisor that is described in paragraph (1)(A)*  
7        *by filing a written statement describing the determination*  
8        *and the reasons the supervisor believes such determination*  
9        *should be approved. A copy of such statement shall be sub-*  
10       *mitted to the local school board and such board shall be*  
11       *afforded an opportunity to respond, in writing, to such ap-*  
12       *peal. After reviewing such written appeal and response, the*  
13       *superintendent may, for good cause, approve the determina-*  
14       *tion of the supervisor. The superintendent shall transmit*  
15       *the determination of such appeal in the form of a written*  
16       *opinion to such local school board and to the supervisor*  
17       *identifying the reasons for approving such determination.*

18       **“SEC. 6713. MANAGEMENT INFORMATION SYSTEM.**

19       *“The Secretary shall establish within the Office, within*  
20       *1 year after the date of the enactment of the Indian Edu-*  
21       *cation Amendments of 1984, a computerized management*  
22       *information system, which shall provide information to the*  
23       *Office. Such information shall include but shall not be lim-*  
24       *ited to—*

25                *“(1) student enrollment;*

1           “(2) curriculum;

2           “(3) staff;

3           “(4) facilities;

4           “(5) community demographics;

5           “(6) student assessment information; and

6           “(7) information on the administrative and pro-  
7           gram costs attributable to each Bureau program, di-  
8           vided into discreet elements.

9   **“SEC. 6714. BUREAU EDUCATION POLICIES.**

10           *“Within 180 days of the date of enactment of this Act,*  
11 *the Secretary shall develop, publish in the Federal Register,*  
12 *and submit to all agency and area offices of the Bureau,*  
13 *all tribal governments, and the appropriate committees of*  
14 *the Congress, a draft set of education policies, procedures,*  
15 *and practices for education-related action of the Bureau.*  
16 *The Secretary shall, within 1 year of the date of enactment*  
17 *of this Act, provide that such uniform policies, procedures,*  
18 *and practices shall be finalized and promulgated. There-*  
19 *after, such policies, procedures, and practices and their*  
20 *periodic revisions, shall serve as the foundation for future*  
21 *Bureau actions in education.*

22   **“SEC. 6715. UNIFORM EDUCATION PROCEDURES AND PRAC-**  
23           **TICES.**

24           *“The Secretary shall cause the various divisions of the*  
25 *Bureau to formulate uniform procedures and practices with*

1 *respect to such concerns of those divisions as relate to edu-*  
2 *cation, and shall report such practices and procedures to*  
3 *the Congress.*

4 ***“SEC. 6716. RECRUITMENT OF INDIAN EDUCATORS.***

5 *“The Secretary shall institute a policy for the recruit-*  
6 *ment of qualified Indian educators and a detailed plan to*  
7 *promote employees from within the Bureau. Such plan shall*  
8 *include opportunities for acquiring work experience prior*  
9 *to actual work assignment.*

10 ***“SEC. 6717. ANNUAL REPORT.***

11 *“(a) The Secretary shall submit to each appropriate*  
12 *committee of the Congress a detailed annual report on the*  
13 *state of education within the Bureau and any problems en-*  
14 *countered in the field of education during the year. Such*  
15 *report shall contain suggestions for improving the Bureau*  
16 *educational system and increasing local Indian control of*  
17 *such system. Such report shall also include the current sta-*  
18 *tus of tribally controlled community colleges. The annual*  
19 *budget submission for the Bureau’s education programs*  
20 *shall, among other things, include (1) information on the*  
21 *funds provided previously private schools under section 208*  
22 *of the Indian Self-Determination and Education Assistance*  
23 *Act (25 U.S.C. 458d; 88 Stat. 2216) and recommendations*  
24 *with respect to the future use of such funds; (2) the needs*  
25 *and costs of operation and maintenance of tribally con-*

1 *trolled community colleges eligible for assistance under the*  
2 *Tribally Controlled Community College Assistance Act of*  
3 *1978 (92 Stat. 1325; 25 U.S.C. 1801 et seq.) and rec-*  
4 *ommendations with respect to meeting such needs and costs;*  
5 *and (3) the plans required by section 1121(f), and 1122(c);*  
6 *and 1125(b) of this Act (25 U.S.C. 2001(f), 2002(c), and*  
7 *2005(b)).*

8       “(b) *The Inspector General of the Department of the*  
9 *Interior shall establish a system to ensure that financial*  
10 *and compliance audits are conducted of each Bureau school*  
11 *at least once in every three years. Audits of Bureau schools*  
12 *shall be based upon the extent to which such school has com-*  
13 *plied with its local financial plan under section 1129.*

14 **“SEC. 6718. RIGHTS OF INDIAN STUDENTS.**

15       “*Within six months of the date of enactment of this*  
16 *Act, the Secretary shall prescribe such rules and regulations*  
17 *as are necessary to insure the constitutional and civil rights*  
18 *of Indian students attending Bureau schools, including, but*  
19 *not limited to, their right to privacy under the laws of the*  
20 *United States, their right to freedom of religion and expres-*  
21 *sion and their right to due process in connection with dis-*  
22 *ciplinary actions, suspensions, and expulsions.*

23 **“SEC. 6719. REGULATIONS.**

24       “*Regulations required to be adopted under sections*  
25 *6706 through 6718 and any revisions of the standards de-*

1 *veloped under section 6701 or 6702 of this Act shall be*  
2 *deemed rules of general applicability prescribed for the ad-*  
3 *ministration of an applicable program for the purposes of*  
4 *section 431 of the General Education Provisions Act and*  
5 *shall be promulgated, submitted for congressional review,*  
6 *and take effect in accordance with the provisions of such*  
7 *section. Such regulations shall contain, immediately follow-*  
8 *ing each substantive provision of such regulations, citations*  
9 *to the particular section or sections of statutory law or other*  
10 *legal authority upon which such provision is based.*

11 **“SEC. 6720. DEFINITIONS.**

12 *“For the purpose of this part—*

13 *“(1) the term ‘agency school board’ means a*  
14 *body, the members of which are appointed by the*  
15 *school boards of the schools located within such agen-*  
16 *cy, and the number of such members shall be deter-*  
17 *mined by the Secretary in consultation with the af-*  
18 *ected tribes, except that, in agencies serving a single*  
19 *school, the school board of such school shall fulfill*  
20 *these duties;*

21 *“(2) the term ‘Bureau’ means the Bureau of In-*  
22 *Indian Affairs of the Department of the Interior;*

23 *“(3) the term ‘Bureau funded school’ means—*

24 *“(A) a Bureau school;*

25 *“(B) a contract school; or*

1           “(C) a school for which assistance is pro-  
2           vided under the Tribally Controlled Schools Act  
3           of 1988;

4           “(4) the term ‘Bureau school’ means a Bureau  
5           operated elementary or secondary day or boarding  
6           school or a Bureau operated dormitory for students  
7           attending a school other than a Bureau school;

8           “(5) the term ‘contract school’ means an elemen-  
9           tary or secondary school or a dormitory which re-  
10          ceives financial assistance for its operation under a  
11          contract or agreement with the Bureau under section  
12          102, 103(a), or 208 of the Indian Self-Determination  
13          and Education Assistance Act (25 U.S.C. 450f,  
14          450h(a), and 458d);

15          “(6) the term ‘education line officer’ means edu-  
16          cation personnel under the supervision of the Direc-  
17          tor, whether located in central, area, or agency offices;

18          “(7) the term ‘financial plan’ means a plan of  
19          services to be provided by each Bureau school;

20          “(8) the term ‘grant school’ means a school which  
21          is provided assistance under the Tribally Controlled  
22          Schools Act of 1988;

23          “(9) the term ‘Indian organization’ means any  
24          group, association, partnership, corporation, or other  
25          legal entity owned or controlled by a federally recog-

1        *nized Indian tribe or tribes, or a majority of whose*  
2        *members are members of federally recognized Indian*  
3        *tribes;*

4                *“(10) the term ‘local educational agency’ means*  
5        *a board of education or other legally constituted local*  
6        *school authority having administrative control and*  
7        *direction of free public education in a county, town-*  
8        *ship, independent, or other school district located*  
9        *within a State, and includes any State agency which*  
10       *directly operates and maintains facilities for provid-*  
11       *ing free public education;*

12               *“(11) the term ‘local school board’, when used*  
13       *with respect to a Bureau school, means a body chosen*  
14       *in accordance with the laws of the tribe to be served*  
15       *or, in the absence of such laws, elected by the parents*  
16       *of the Indian children attending the school, except*  
17       *that in schools serving a substantial number of stu-*  
18       *dents from different tribes, the members shall be ap-*  
19       *pointed by the governing bodies of the tribes affected;*  
20       *and the number of such members shall be determined*  
21       *by the Secretary in consultation with the affected*  
22       *tribes;*

23               *“(12) the term ‘Office’ means the Office of In-*  
24       *dian Education Programs within the Bureau;*

1           “(13) the term ‘Secretary’ means the Secretary of  
2           the Interior;

3           “(14) the term ‘supervisor’ means the individual  
4           in the position of ultimate authority at a Bureau  
5           school; and

6           “(15) the term ‘tribe’ means any Indian tribe,  
7           band, nation, or other organized group or community,  
8           including any Alaska Native village or regional or  
9           village corporation as defined in or established pursu-  
10          ant to the Alaska Native Claims Settlement Act (85  
11          Stat. 688) which is recognized as eligible for the spe-  
12          cial programs and services provided by the United  
13          States to Indians because of their status as Indians.

14       **“SEC. 6721. VOLUNTARY SERVICES.**

15          “Notwithstanding section 1342 of title 31, United  
16          States Code, the Secretary may, subject to the approval of  
17          the local school board concerned, accept voluntary services  
18          on behalf of Bureau schools. Nothing in this title shall be  
19          construed to require Federal employees to work without  
20          compensation or to allow the use of volunteer services to  
21          displace or replace Federal employees. An individual pro-  
22          viding volunteer services under this section is a Federal em-  
23          ployee only for purposes of chapter 81 of title 5, United  
24          States Code, and chapter 171 of title 28, United States  
25          Code.



1 **“SEC. 6722. PRORATION OF PAY.**

2       “(a) Notwithstanding any other provision of law, in-  
3 cluding laws relating to dual compensation, the Secretary,  
4 at the election of the employee, shall prorate the salary of  
5 an employee employed in an education position for the aca-  
6 demic school-year over the entire twelve month period. Each  
7 educator employed for the academic school-year shall annu-  
8 ally elect to be paid on a twelve month basis or for those  
9 months while school is in session. No educator shall suffer  
10 a loss of pay or benefits, including benefits under unemploy-  
11 ment or other Federal or federally-assisted programs, be-  
12 cause of such election.

13       “(b) During the course of such year the employee may  
14 change election once.

15       “(c) That portion of the employee’s pay which would  
16 be paid between academic school years may be paid in lump  
17 sum at the election of the employee.

18       “(d) For the purposes of this section the terms “educa-  
19 tor” and “education position” have the meaning contained  
20 in section 6712(n)(1) and (n)(2) of this title. This section  
21 applies to those individuals employed under the provisions  
22 of section 6712 of this title or title 5, United States Code.

23 **“SEC. 6723. EXTRACURRICULAR ACTIVITIES.**

24       “(a) Notwithstanding any other provision of law, the  
25 Secretary may provide, for each Bureau area, a stipend in  
26 lieu of overtime premium pay or compensatory time off.

1 *Any employee of the Bureau who performs additional ac-*  
2 *tivities to provide services to students or otherwise support*  
3 *the school's academic and social programs may elect to be*  
4 *compensated for all such work on the basis of the stipend.*  
5 *Such stipend shall be paid as a supplement to the employ-*  
6 *ee's base pay.*

7       “(b) *If an employee elects not to be compensated*  
8 *through the stipend established by this section, the appro-*  
9 *priate provisions of title 5, United States Code, shall apply.*

10       “(c) *This section applies to all Bureau employees,*  
11 *whether employed under section 6712 of this title or title*  
12 *5, United States Code.*

13 **“SEC. 6724. EARLY CHILDHOOD DEVELOPMENT PROGRAM.**

14       “(a) *The Secretary shall provide grants to tribes, tribal*  
15 *organizations, and consortia of tribes and tribal organiza-*  
16 *tions to fund early childhood development programs that*  
17 *are operated by such tribes, organizations, or consortia.*

18       “(b)(1) *The total amount of the grants provided under*  
19 *subsection (a) with respect to each tribe, tribal organiza-*  
20 *tion, or consortium of tribes or tribal organizations for each*  
21 *fiscal year shall be equal to the amount which bears the*  
22 *same relationship to the total amount appropriated under*  
23 *the authority of subsection (f) for such fiscal year (less*  
24 *amounts provided under subsection (e)) as—*

1           “(A) the total number of children under 6 years  
2 of age who are members of—

3           “(i) such tribe,

4           “(ii) the tribe that authorized such tribal  
5 organization, or

6           “(iii) any tribe that—

7           “(I) is a member of such consortium,  
8 or

9           “(II) authorizes any tribal organiza-  
10 tion that is a member of such consortium,  
11 bears to

12           “(B) the total number of all children under 6  
13 years of age who are members of any tribe that—

14           “(i) is eligible to receive funds under sub-  
15 section (a),

16           “(ii) is a member of a consortium that is el-  
17 igible to receive such funds, or

18           “(iii) authorizes a tribal organization that  
19 is eligible to receive such funds.

20           “(2) No grant may be provided under subsection (a)—

21           “(A) to any tribe that has less than 500 mem-  
22 bers,

23           “(B) to any tribal organization which is author-  
24 ized—

1           “(i) by only 1 tribe that has less than 500  
2           members, or

3           “(ii) by 1 or more tribes that have a com-  
4           bined total membership of less than 500 mem-  
5           bers, or

6           “(C) to any consortium composed of tribes, or  
7           tribal organizations authorized by tribes, that have a  
8           combined total tribal membership of less than 500  
9           members.

10          “(c)(1) A grant may be provided under subsection (a)  
11          to a tribe, tribal organization, or consortia of tribes and  
12          tribal organizations only if the tribe, organization or con-  
13          sortia submits to the Secretary an application for the grant  
14          at such time and in such form as the Secretary shall  
15          prescribe.

16          “(2) Applications submitted under paragraph (1) shall  
17          set forth the early childhood development program that the  
18          applicant desires to operate.

19          “(d) The early childhood development programs that  
20          are funded by grants provided under subsection (a)—

21                  “(1) shall coordinate existing programs and may  
22                  provide services that meet identified needs of parents  
23                  and children under 6 years of age which are not being  
24                  met by existing programs, including—

25                          “(A) prenatal care,

1           “(B) nutrition education,

2           “(C) health education and screening,

3           “(D) educational testing, and

4           “(E) other educational services,

5           “(2) may include instruction in the language,  
6           art, and culture of the tribe, and

7           “(3) shall provide for periodic assessment of the  
8           program.

9           “(e) The Secretary shall, out of funds appropriated  
10          under the authority of subsection (f), include in the grants  
11          provided under subsection (a) amounts for administrative  
12          costs incurred by the tribe or tribal organization in estab-  
13          lishing and maintaining the early childhood development  
14          program.

15          “(f) For the purpose of carrying out the provisions of  
16          this section, there are authorized to be appropriated  
17          \$5,000,000 for fiscal year 1995 and such sums as may be  
18          necessary for each of the fiscal years 1996, 1997, 1998, and  
19          1999.

20       **“SEC. 6725. TRIBAL DEPARTMENTS OF EDUCATION.**

21          “(a) Subject to the availability of appropriations, the  
22          Secretary shall provide grants and technical assistance to  
23          tribes for the development and operation of tribal depart-  
24          ments of education for the purpose of planning and coordi-  
25          nating all educational programs of the tribe.

1       “(b) Grants provided under this section shall—

2               “(1) be based on applications from the governing  
3       body of the tribe,

4               “(2) reflect factors such as geographic and popu-  
5       lation diversity,

6               “(3) facilitate tribal control in all matters relat-  
7       ing to the education of Indian children on Indian  
8       reservations and on former Indian reservations in  
9       Oklahoma,

10              “(4) provide for the development of coordinated  
11       educational programs on Indian reservations (includ-  
12       ing all preschool, elementary, secondary, and higher  
13       or vocational educational programs funded by tribal,  
14       Federal, or other sources) by encouraging tribal ad-  
15       ministrative support of all Bureau funded edu-  
16       cational programs as well as encouraging tribal co-  
17       operation and coordination with all educational pro-  
18       grams receiving financial support from State agen-  
19       cies, other Federal agencies, or private entities,

20              “(5) provide for the development and enforce-  
21       ment of tribal educational codes, including tribal edu-  
22       cational policies and tribal standards applicable to  
23       curriculum, personnel, students, facilities, and sup-  
24       port programs, and

1           “(6) otherwise comply with regulations for  
2 grants under section 103(a) of the Indian Self-Deter-  
3 mination and Educational Assistance Act (25 U.S.C.  
4 450h) that are in effect on the date application for  
5 such grants are made.

6           “(c)(1) In approving and funding applications for  
7 grants under this section, the Secretary shall give priority  
8 to any application that—

9           “(A) includes assurances from the majority of  
10 Bureau funded schools located within the boundaries  
11 of the reservation of the applicant that the tribal de-  
12 partment of education to be funded under this section  
13 will provide coordinating services and technical as-  
14 sistance to all of such schools, including (but not lim-  
15 ited to) the submission to each applicable agency of  
16 a unified application for funding for all of such  
17 schools which provides that—

18           “(i) no administrative costs other than those  
19 attributable to the individual programs of such  
20 schools will be associated with the unified appli-  
21 cation, and

22           “(ii) the distribution of all funds received  
23 under the unified application will be equal to the  
24 amount of funds provided by the applicable

1           agency to which each of such schools is entitled  
2           under law,

3           “(B) includes assurances from the tribal govern-  
4           ing body that the tribal department of education  
5           funded under this section will administer all con-  
6           tracts or grants (except those covered by the other pro-  
7           visions of this title and the Tribally Controlled Com-  
8           munity College Assistance Act of 1978) for education  
9           programs administered by the tribe and will coordi-  
10          nate all of the programs to the greatest extent pos-  
11          sible,

12          “(C) includes assurances for the monitoring and  
13          auditing by or through the tribal department of edu-  
14          cation of all education programs for which funds are  
15          provided by contract or grant to ensure that the pro-  
16          grams meet the requirements of law, and

17          “(D) provides a plan and schedule for—

18                  “(i) the assumption over the term of the  
19                  grant by the tribal department of education of  
20                  all assets and functions of the Bureau agency of-  
21                  fice associated with the tribe, insofar as those re-  
22                  sponsibilities relate to education, and

23                  “(ii) the termination by the Bureau of such  
24                  operations and office at the time of such assump-  
25                  tion,



1       *but when mutually agreeable between the tribal gov-*  
2       *erning body and the Assistant Secretary, the period*  
3       *in which such assumption is to occur may be modi-*  
4       *fied, reduced, or extended after the initial year of the*  
5       *grant.*

6       “(2) *Subject to the availability of appropriated funds,*  
7       *grants provided under this section shall be provided for a*  
8       *period of 3 years and the grant may, if performance by*  
9       *the grantee is satisfactory to the Secretary, be renewed for*  
10       *additional 3-year terms.*

11       “(d) *The Secretary shall not impose any terms, condi-*  
12       *tions, or requirements on the provision of grants under this*  
13       *section that are not specified in this section.*

14       “(e) *For the purpose of carrying out the provisions of*  
15       *this section, there are authorized to be appropriated*  
16       *\$2,000,000 for fiscal year 1995 and such sums as may be*  
17       *necessary for each of the fiscal years 1996, 1997, 1998, and*  
18       *1999.*

19       **“SEC. 6726. PAYMENTS.**

20       “(a)(1) *Except as otherwise provided in this sub-*  
21       *section, the Secretary shall make payments to grantees*  
22       *under this part in 2 payments:*

23               “(A) *one payment to be made no later than July*  
24       *1 of each year in an amount equal to one-half of the*

1        *amount which the grantee was entitled to receive dur-*  
2        *ing the preceding academic year, and*

3            *“(B) the second payment, consisting of the re-*  
4        *mainder to which the grantee is entitled for the aca-*  
5        *demic year, shall be made no later than December 1*  
6        *of each year.*

7            *“(2) For any school for which no payment was made*  
8        *from Bureau funds in the preceding academic year, full*  
9        *payment of the amount computed for the first academic*  
10       *year of eligibility under this part shall be made no later*  
11       *than December 1 of the academic year.*

12           *“(3) With regard to funds for grantees that become*  
13        *available for obligation on October 1 of the fiscal year for*  
14        *which they are appropriated, the Secretary shall make pay-*  
15        *ments to grantees no later than December 1 of the fiscal*  
16        *year.*

17           *“(4) The provisions of the Prompt Payment Act (31*  
18        *U.S.C. 3901 et seq.) shall apply to the payments required*  
19        *to be made by paragraphs (1), (2), and (3) of this sub-*  
20        *section.*

21           *(b) Paragraph (3) is amended by striking “Para-*  
22        *graphs (1) and (2)” and inserting in lieu thereof “Para-*  
23        *graphs (1), (2), and (3)”, and is renumbered as paragraph*  
24        *“(5)”.*

1                   **“TITLE VII—BILINGUAL**  
2                   **EDUCATION PROGRAMS**

3   **“SEC. 7001. SHORT TITLE.**

4           *“This title may be cited as the ‘Bilingual Education*  
5 *Act’.*

6   **“SEC. 7002. FINDINGS, POLICY, AND PURPOSE.**

7           *“(a) FINDINGS.—The Congress finds that—*

8                   *“(1) language-minority Americans constitute a*  
9 *large and growing proportion of the Nation’s popu-*  
10 *lation;*

11                   *“(2) language-minority Americans speak vir-*  
12 *tually all world languages plus many that are indige-*  
13 *nous to the United States;*

14                   *“(3) the presence of language-minority Ameri-*  
15 *cans is related in part to Federal immigration poli-*  
16 *cies;*

17                   *“(4) many language-minority Americans are*  
18 *limited in their English proficiency, and many have*  
19 *limited education and income;*

20                   *“(5) limited-English-proficient children and*  
21 *youth, like all other children and youth, have diverse*  
22 *educational needs and strengths and therefore require*  
23 *access to all educational programs and services;*

24                   *“(6) the Federal Government has a responsibility*  
25 *for the education of American Indians and a special*

1 *obligation to Native Alaskans, Native Hawaiians and*  
2 *native residents of the territories and freely associated*  
3 *nations to redress the effect of past Federal policies;*

4 *“(7) institutions of higher education can assist*  
5 *in preparing teachers, administrators and other*  
6 *school personnel to understand and build upon the*  
7 *educational strengths and needs of language-minority*  
8 *and culturally diverse student enrollments;*

9 *“(8) it is the purpose of this title to help ensure*  
10 *that limited-English-proficient students master Eng-*  
11 *lish and develop high levels of academic attainment*  
12 *in content areas;*

13 *“(9) quality bilingual education programs enable*  
14 *children and youth to learn English and meet high*  
15 *academic standards including proficiency in more*  
16 *than one language;*

17 *“(10) as the world becomes increasingly inter-*  
18 *dependent and as international communication be-*  
19 *comes a daily occurrence in government, business,*  
20 *commerce, and family life, multilingual skills con-*  
21 *stitute an important national resource which deserves*  
22 *protection and development;*

23 *“(11) educational technology has the potential*  
24 *for improving the education of language-minority and*  
25 *limited-English-proficient students and their families,*

1       *and the Federal Government should foster this devel-*  
2       *opment;*

3             *“(12) research, development, implementation and*  
4       *dissemination of effective bilingual education meth-*  
5       *ods, practices, and programs for limited-English-*  
6       *proficient children are essential to systemwide school*  
7       *reform that improves education for all children; and*

8             *“(13) a recognized means by which a child*  
9       *learns is through the use of the child’s native lan-*  
10       *guage, cultural heritage, and instructional programs*  
11       *which use and build upon a child’s non-English na-*  
12       *tive language and cultural heritage to promote parent*  
13       *and community involvement in education, student*  
14       *self-esteem, proficiency in English, and subject matter*  
15       *achievement.*

16            *“(b) POLICY.—The Congress declares it to be the policy*  
17       *of the United States, in order to ensure equal educational*  
18       *opportunity for all children and youth and to promote edu-*  
19       *cational excellence, to assist State and local educational*  
20       *agencies, institutions of higher education, and community-*  
21       *based organizations to build their capacity to establish, im-*  
22       *plement, and sustain programs of instruction for language*  
23       *minority and limited-English-proficient children and*  
24       *youth.*

1       “(c) *PURPOSE.*—*The purpose of this title is to educate*  
2 *language minority and limited-English-proficient children*  
3 *and youth to meet the same rigorous standards for academic*  
4 *performance expected of all children and youth, including*  
5 *meeting challenging State performance standards in aca-*  
6 *demic areas by developing—*

7               “(1) *systemic improvement and reform of edu-*  
8 *cational programs serving language-minority and*  
9 *limited-English-proficient students through the devel-*  
10 *opment and implementation of exemplary bilingual*  
11 *education programs and special alternative instruc-*  
12 *tion programs;*

13               “(2) *data collection and dissemination, research,*  
14 *materials development, and technical assistance which*  
15 *is focused on school improvement for language-minor-*  
16 *ity and limited-English-proficient students; and*

17               “(3) *programs which strengthen and improve the*  
18 *professional training of educational personnel who*  
19 *work with limited-English-proficient and language-*  
20 *minority students.*

21 **“SEC. 7003. AUTHORIZATION OF APPROPRIATIONS.**

22       “(a) *IN GENERAL.*—*For the purpose of carrying out*  
23 *the provisions of this title (except part F), there are author-*  
24 *ized to be appropriated \$215,000,000 for the fiscal year*

1 1995 and such sums as may be necessary for each of the  
2 fiscal years 1996, 1997, 1998, and 1999.

3 “(b) *DISTRIBUTION.*—From the sums appropriated  
4 under subsection (a) for any fiscal year, the Secretary shall  
5 reserve at least 25 percent for part C of this title.

6 **“SEC. 7004. DEFINITIONS; REGULATIONS:**

7 “(a) *GENERAL RULE.*—For purposes of this title—

8 “(1) The term ‘native language’, when used with  
9 reference to an individual, means the language nor-  
10 mally used by such individuals, or, in the case of a  
11 child, the language normally used by the parents of  
12 the child.

13 “(2) The term ‘language-minority’ means—

14 “(A) individuals whose native language is  
15 other than English;

16 “(B) individuals who usually speak a lan-  
17 guage other than English or come from home en-  
18 vironments where a language other than English  
19 is usually spoken; or

20 “(C) American Indians, Alaskan Natives,  
21 and Native Hawaiians and native residents of  
22 the territories and freely associated nations.

23 “(3) The term ‘limited-English-proficient’ means  
24 a language-minority person who has difficulty under-  
25 standing, speaking, reading, or writing the English

1     *language at a level appropriate to his or her age and*  
2     *grade and is, thereby, academically disadvantaged in*  
3     *programs conducted exclusively in English.*

4             *“(4) The term ‘bilingual education’ refers to edu-*  
5     *cational programs for limited-English-proficient stu-*  
6     *dents which make instructional use of both English*  
7     *and a student’s native language. Programs of bilin-*  
8     *gual education must enable limited-English-proficient*  
9     *students to achieve English proficiency and academic*  
10    *mastery of subject matter content and higher order*  
11    *skills, including critical thinking, so as to meet age-*  
12    *appropriate grade-promotion and graduation stand-*  
13    *ards in concert with national education goals. Bilin-*  
14    *gual education programs may also develop the native*  
15    *language skills of limited-English-proficient students,*  
16    *or ancestral languages of American Indians, Alaskan*  
17    *Natives, Native Hawaiians and native residents of the*  
18    *territories and freely associated nations. English pro-*  
19    *ficient students may participate in bilingual edu-*  
20    *cation programs if the programs are designed to en-*  
21    *able all enrolled students to become proficient in Eng-*  
22    *lish and a second language.*

23             *“(5) The term ‘special alternative instructional*  
24    *program’ refers to educational programs for limited-*  
25    *English-proficient students which utilize specially de-*



1        *signed English language curricula and services but do*  
2        *not use the student's native language for instructional*  
3        *purposes. Special alternative instructional programs*  
4        *must enable limited-English-proficient students to*  
5        *achieve English proficiency and academic mastery of*  
6        *subject matter content and higher order skills, includ-*  
7        *ing critical thinking so as to meet age-appropriate*  
8        *grade-promotion and graduation standards in concert*  
9        *with national education goals. Special alternative in-*  
10       *structional programs are suitable for schools where*  
11       *the diversity of the limited-English-proficient stu-*  
12       *dents' native languages and the small number of stu-*  
13       *dents speaking each respective language makes bilin-*  
14       *gual education impractical and where there is a criti-*  
15       *cal shortage of bilingual education teachers.*

16                *“(6) The term ‘family education programs’ refers*  
17        *to bilingual education or special alternative instruc-*  
18        *tional programs designed to help limited-English-pro-*  
19        *ficient adults and out-of-school youths achieve pro-*  
20        *iciency in the English language and to provide in-*  
21        *struction on how parents and family members can fa-*  
22        *ilitate the educational achievement of their children.*  
23        *When feasible, instructional programs such as the*  
24        *model developed under the Even Start Literacy Pro-*  
25        *grams that promote adult literacy and train parents*

1       to support the educational growth of their children  
2       shall be developed. Programs shall give preference to  
3       participation by parents and immediate family mem-  
4       bers of children attending school. Family education  
5       programs may also provide instruction to facilitate  
6       higher education and employment outcomes.

7               “(7) The term ‘institution of higher education’  
8       has the meaning given such term in section 1201(a)  
9       of the Higher Education Act of 1965.

10              “(8) The term ‘Office’ means the Office of Biling-  
11       ual Education and Minority Languages Affairs.

12              “(9) The term ‘community college’ has the mean-  
13       ing given such term in section 1201(a) of the Higher  
14       Education Act of 1965 for an institution which pro-  
15       vides not less than a 2-year program which is accept-  
16       able for full credit toward a bachelor’s degree, includ-  
17       ing institutions receiving assistance under the Trib-  
18       ally Controlled Community College Assistance Act of  
19       1978.

20              “(10) The term ‘paraprofessional’ means an in-  
21       dividual who is employed in preschool or elementary  
22       or secondary school under the supervision of a cer-  
23       tified or licensed teacher, including individuals em-  
24       ployed in bilingual education, special education and  
25       migrant education.

1           “(11) The term ‘other programs for persons of  
2           *limited-English-proficiency*’ means any programs ad-  
3           *ministered by the Secretary that serve persons of lim-*  
4           *ited-English-proficiency.*

5           “(12) The term ‘community-based organization’  
6           *means a private nonprofit organization or Indian*  
7           *tribe or tribally sanctioned educational authority*  
8           *which is representative of a community or significant*  
9           *segments of a community and which provides edu-*  
10           *cational or related services to individuals in the com-*  
11           *munity. The term ‘community-based organization’ in-*  
12           *cludes Native Hawaiian organizations (including Na-*  
13           *tive Hawaiian education organizations) as defined in*  
14           *section 4009 of Public Law 100–297).*

15           “(13) The term ‘children and youth’ means indi-  
16           *viduals aged 3 through 21.*

17           “(14) The term ‘immigrant children and youth’  
18           *means individuals who—*

19                   “(A) are aged 3 through 21;

20                   “(B) were not born in any State; and

21                   “(C) have not been attending 1 or more  
22                   *schools in any 1 or more States for more than*  
23                   *2 full academic years.*

24           “(b) *REGULATION RULE.*—*In developing regulations*  
25           *under this title, the Secretary shall consult with State and*

1 *local educational agencies, organizations representing lim-*  
2 *ited-English-proficient individuals, and organizations rep-*  
3 *resenting teachers and other personnel involved in bilingual*  
4 *education.*

5       “(c) *PARENTAL NOTIFICATION.*—*Parents of children*  
6 *and youth participating in programs assisted under this*  
7 *title shall be informed of—*

8               “(1) *a student’s level of English proficiency, how*  
9 *it was assessed, the status of a student’s academic*  
10 *achievement and the implications of a student’s edu-*  
11 *cational strengths and needs for age and grade appro-*  
12 *prate academic attainment, promotion, and gradua-*  
13 *tion;*

14               “(2) *what programs are available to meet the*  
15 *student’s educational strengths and needs and how the*  
16 *programs differ in content and instructional goals,*  
17 *and in the case of a disabled student, how the pro-*  
18 *gram meets the objectives of a student’s individualized*  
19 *education program;*

20               “(3) *the instructional goals of the bilingual edu-*  
21 *cation or special alternative instructional program,*  
22 *and how the program will specifically help the lim-*  
23 *ited-English-proficient student acquire English and*  
24 *meet age-appropriate standards for grade-promotion*  
25 *and graduation, including—*

1           “(A) *the benefits and nature of the bilingual*  
2           *educational program and of the instructional al-*  
3           *ternatives; and*

4           “(B) *the reasons for the selection of their*  
5           *child as being in need of bilingual education.*

6           “(4)(A) *Parents shall also be informed that they*  
7           *have the option of declining enrollment of their chil-*  
8           *dren and youth in such programs and shall be given*  
9           *an opportunity to do so if they so choose.*

10          “(B) *Local educational agencies are not relieved*  
11          *of any of their obligations under title VI of the Civil*  
12          *Rights Act of 1964 because parents choose not to en-*  
13          *roll their children in bilingual education programs.*

14          “(5) *Parents must receive, in a manner and*  
15          *form understandable to them, including, if necessary*  
16          *and to the extent feasible, in their native language,*  
17          *the information required by this subsection. At a*  
18          *minimum, parents must receive—*

19                 “(A) *timely information about projects*  
20                 *funded under this part; and*

21                 “(B) *if the parents of participating children*  
22                 *so desire, notice of opportunities for regular*  
23                 *meetings for the purpose of formulating and re-*  
24                 *sponding to recommendations from such parents.*

1           “(6) no action may involve the admission or ex-  
2           clusion of students to or from any federally assisted  
3           education program merely on the basis of the sur-  
4           names or language-minority status of such students.

5           **“SEC. 7005. INDIAN AND ALASKAN NATIVE CHILDREN IN**  
6                                   **SCHOOLS.**

7           “(a) *ELIGIBLE ENTITIES.*—For the purpose of carry-  
8           ing out programs under this title for individuals served by  
9           elementary, secondary, or postsecondary schools operated  
10          predominately for Indian or Alaska Native children and  
11          youth, an Indian tribe, a tribally sanctioned educational  
12          authority, or an elementary or secondary school that is op-  
13          erated or funded by the Bureau of Indian Affairs shall be  
14          considered to be a local educational agency as such term  
15          is used in this title, subject to the following qualifications:

16               “(1) The term ‘Indian tribe’ means any Indian  
17               tribe, band, nation, or other organized group or com-  
18               munity, including any Alaska Native village or re-  
19               gional or village corporation as defined in or estab-  
20               lished pursuant to the Alaska Native Claims Settle-  
21               ment Act (43 U.S.C. 1601 et seq.), that is recognized  
22               for the special programs and services provided by the  
23               United States to Indians because of their status as  
24               Indians.

1           “(2) The term ‘tribally sanctioned educational  
2 authority’ means—

3           “(A) any department or division of edu-  
4 cation operating within the administrative  
5 structure of the duly constituted governing body  
6 of an Indian tribe; or

7           “(B) any nonprofit institution or organiza-  
8 tion that is—

9           “(i) chartered by the governing body of  
10 an Indian tribe to operate any such school  
11 or otherwise to oversee the delivery of edu-  
12 cational services to members of that tribe;  
13 and

14           “(ii) approved by the Secretary for the  
15 purpose of this section.

16           “(b) BUREAU OF INDIAN AFFAIRS SCHOOLS.—From  
17 the sums appropriated pursuant to section 7003, the Sec-  
18 retary is authorized to make payments to applicants to  
19 carry out programs of bilingual education or special alter-  
20 native instruction for Indian children served by elementary  
21 and secondary schools operated or funded by the Bureau  
22 of Indian Affairs.

23           “(c) ANNUAL REPORT.—(1) The Assistant Secretary of  
24 the Interior for the Bureau of Indian Affairs in collabora-  
25 tion with the Secretary shall submit to the Congress, the

1 *President, and the Secretary, by September 30 of each year,*  
2 *a report which provides—*

3           “(A) *an assessment of the educational outcomes*  
4 *and needs of Indian children with respect to the pur-*  
5 *poses of this title in schools operated or funded by the*  
6 *Department of the Interior, including tribes and local*  
7 *educational agencies receiving assistance under the*  
8 *Johnson-O’Malley Act and the Native American Lan-*  
9 *guages Act; and*

10           “(B) *an assessment of the extent to which such*  
11 *needs are being met by funds provided to such schools*  
12 *for educational purposes through the Secretary of the*  
13 *Interior.*

14           “(2) *The results presented in this report shall be in-*  
15 *cluded in the report under section 7041 of this Act.*

16           “(3) *The assessments required under this subsection*  
17 *shall be waived if such assessments duplicate similar assess-*  
18 *ment requirements under other Federal or tribal laws.*

19 **“SEC. 7006. RESIDENTS OF THE TERRITORIES AND FREELY**  
20 **ASSOCIATED NATIONS.**

21           “*For the purpose of carrying out programs under this*  
22 *title in Guam and the freely associated nations, the term*  
23 *‘local educational agency’ shall include public institutions*  
24 *or agencies whose mission is the preservation and mainte-*  
25 *nance of native languages.*



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 higher*  
6 *education, and community-based organizations which pro-*  
7 *vide educational programs to initiate, develop, enhance or*  
8 *improve bilingual education or special alternative instruc-*  
9 *tion programs for children and youth of limited-English-*  
10 *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 suc-*  
15 *cessful bilingual education or special alternative instruc-*  
16 *tional programs for limited-English-proficient students in-*  
17 *cluding programs of early childhood education, K–12 edu-*  
18 *cation, gifted and talented education, and vocational and*  
19 *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 be  
2           used to improve the education of limited-English-pro-  
3           ficient 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 the  
9                   full range of educational needs of limited-Eng-  
10                  lish-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-pro-  
19           ficient 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. A*  
8 *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 implement*  
11 *early childhood education or family education programs or*  
12 *to conduct an instructional program which supplements the*  
13 *educational services provided by a local educational agency.*

14           “(d) *DISTRIBUTION.*—The Secretary shall, to the ex-  
15 *tent practicable, award grants equally among early child-*  
16 *hood education, elementary education, and secondary edu-*  
17 *cation programs.*

18           **“SEC. 7103. PROGRAM ENHANCEMENT PROJECTS.**

19           “(a) *PURPOSE.*—The purpose of this section is to carry  
20 *out highly focused, innovative, locally designed projects to*  
21 *expand or enhance existing bilingual education or special*  
22 *alternative instructional programs for limited-English-pro-*  
23 *ficient students.*

24           “(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 be*  
5           *used for providing in-service training to classroom*  
6           *teachers, administrators, and other school or commu-*  
7           *nity-based organization personnel to improve the in-*  
8           *struction 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. A*  
25           *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 conduct*  
4 *an instructional project which supplements the educational*  
5 *services provided by a local educational agency.*

6 **“SEC. 7104. WHOLE-SCHOOL PROGRAMS.**

7       “(a) *PURPOSE.*—*The purpose of this section is to pro-*  
8 *vide financial assistance to eligible applicants to reform,*  
9 *restructure, and upgrade all relevant programs and oper-*  
10 *ations within an individual school to fulfill the comprehen-*  
11 *sive educational needs of all of a school’s limited-English-*  
12 *proficient students and their families.*

13       “(b) *PROGRAM AUTHORIZED.*—

14               “(1) *The Secretary is authorized to make 5-year*  
15 *grants of up to \$100,000 for the first year and up to*  
16 *\$250,000 for each of the subsequent 4 years to eligible*  
17 *applicants.*

18               “(2) *Grants approved under this section shall be*  
19 *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-pro-*

1        *efficient students and their families by reviewing, re-*  
2        *structuring, 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 pro-*  
22                *vide financial assistance to improve, reform, and upgrade*  
23                *relevant programs and operations with an entire local edu-*  
24                *cational agency to fulfill the comprehensive educational*

1 *needs of all the agency's limited-English-proficient students*  
2 *and, to the extent feasible, their families.*

3 *“(b) PROGRAM AUTHORIZED.—*

4 *“(1) The Secretary is authorized to make 5-year*  
5 *grants of up to \$1,000,000 for the first year and up*  
6 *to \$5,000,000 for each of the subsequent 4 years to eli-*  
7 *gible applicants.*

8 *“(2) Grants approved under this section may be*  
9 *used during the first 12 months exclusively for activi-*  
10 *ties 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 lim-*  
15          *ited-English-proficient students in rural and linguis-*  
16          *tically isolated settings.*

17          **“SEC. 7106. APPLICATIONS.**

18           “(a) *SUBMISSION.—To receive a grant under this part,*  
19          *applicants shall submit an application to the Secretary in*  
20          *such form and containing such information as the Sec-*  
21          *retary may require:*

22           “(1) *An application for a grant under this part*  
23          *shall be developed in consultation with, and shall pro-*  
24          *vide for the continuing involvement of, an advisory*  
25          *council which shall be composed of representatives re-*



1        *sponsible for implementing grant activities and of*  
2        *parents and other relatives of the children to be served*  
3        *in such programs; parents shall comprise a majority*  
4        *of all council members.*

5                *“(2) All applicants for grants under this part,*  
6        *except for those applicants identified in section 7005,*  
7        *shall submit a copy of the application to the relevant*  
8        *State educational agency. The State educational*  
9        *agency may submit to the Secretary written com-*  
10        *ments on the application with respect to how the ap-*  
11        *plications further State education improvement plans*  
12        *including any developed under Goals 2000: Educate*  
13        *America Act (if such plans exist) or title I of this Act.*  
14        *If the State educational agency of a State submits*  
15        *written comments on any application, it must submit*  
16        *written comment on all applications within that*  
17        *same grant category from within that State. The Sec-*  
18        *retary shall take comments into consideration when*  
19        *funding applications under this part.*

20                *“(b) REQUIRED DOCUMENTATION.—Such application*  
21        *shall include documentation that the applicant has the*  
22        *qualified personnel required to develop, administer, and im-*  
23        *plement the proposed program.*

24                *“(c) CONTENTS.—(1) An application for a grant under*  
25        *this part shall contain the following:*

1           “(A) A description of the need for the proposed  
2           program, including data on the number of children  
3           and youth of limited-English-proficiency in the school  
4           or district to be served and their characteristics, such  
5           as language spoken, dropout rates, proficiency in  
6           English and the native language, academic standing  
7           in relation to their English proficient peers, and,  
8           where applicable, the recency of immigration.

9           “(B) A description of the program to be imple-  
10          mented and how its design—

11                 “(i) relates to the linguistic and academic  
12                 needs of the children and youth of limited-Eng-  
13                 lish-proficiency to be served;

14                 “(ii) is consistent with, and promotes the  
15                 goals in, the local educational agency plan under  
16                 title III of the Goals 2000: Educate America Act,  
17                 if such plan exists, and the local educational  
18                 agency’s plan under title I of this Act, particu-  
19                 larly as those plans relate to the education of  
20                 children and youth of limited-English-pro-  
21                 ficiency;

22                 “(iii) involves the parents of the children  
23                 and youth of limited-English-proficiency to be  
24                 served;

1           “(iv) ensures accountability in the expected  
2           student outcomes; and

3           “(v) promotes coordination of services for  
4           the children and youth of limited-English-pro-  
5           ficiency to be served and their families.

6           “(C) A description, if appropriate, of the appli-  
7           cant’s collaborative activities with institutions of  
8           higher education, community-based organizations,  
9           local or State educational agencies, private schools,  
10          nonprofit organizations, or businesses in carrying out  
11          the proposed program.

12          “(D) An assurance that the applicant will not  
13          reduce the level of State and local funds that it ex-  
14          pends for bilingual education or special alternative  
15          instruction programs if it receives an award under  
16          this part.

17          “(E) A budget for grant funds.

18          “(2) An application for a grant under section 7102  
19          or 7104 shall also contain a description of the instructional  
20          program, student services, in-service training, and family  
21          education programs to be provided under the grant.

22          “(3) An application for a grant under section 7103  
23          shall also contain the following:

1           “(A) A description of the existing bilingual edu-  
2           cation or special alternative instruction program  
3           which the project is designed to enhance.

4           “(B) A description of the proposed project activi-  
5           ties.

6           “(4) An application for a grant under section 7105  
7           shall also contain a description of the activities which  
8           would be carried out under the grant.

9           “(d) APPROVAL OF APPLICATIONS.—An application  
10          for a grant under this part may be approved only if the  
11          Secretary determines that—

12           “(1) the program will use qualified personnel,  
13           including those personnel who are proficient in the  
14           language or languages used for instruction;

15           “(2) in designing the program for which appli-  
16           cation is made, the needs of children in nonprofit pri-  
17           vate elementary and secondary schools have been  
18           taken into account through consultation with appro-  
19           priate private school officials and, consistent with the  
20           number of such children enrolled in such schools in  
21           the area to be served whose educational needs are of  
22           the type and whose language and grade levels are of  
23           a similar type that the program is intended to ad-  
24           dress, after consultation with appropriate private  
25           school officials, provision has been made for the par-

1        *icipation of such children on a basis comparable to*  
2        *that provided for public school children;*

3            *“(3) student evaluation and assessment proce-*  
4        *dures in the program are valid, reliable, and fair for*  
5        *limited-English-proficient students, and that limited-*  
6        *English-proficient students who are disabled are iden-*  
7        *tified and served in accordance with the requirements*  
8        *of the Individuals with Disabilities Education Act;*

9            *“(4) Federal funds made available for the project*  
10       *or activity will be used so as to supplement the level*  
11       *of State and local funds that, in the absence of such*  
12       *Federal funds, would have been expended for special*  
13       *programs for children of limited-English-proficient*  
14       *individuals and in no case to supplant such State*  
15       *and local funds, except that nothing in this para-*  
16       *graph shall preclude a local educational agency from*  
17       *using funds under this title for activities carried out*  
18       *under an order of a court of the United States or of*  
19       *any State respecting services to be provided such chil-*  
20       *dren, or to carry out a plan approved by the Sec-*  
21       *retary as adequate under title VI of the Civil Rights*  
22       *Act of 1964 with respect to services to be provided*  
23       *such children;*

24            *“(5) the assistance provided under the applica-*  
25       *tion will contribute toward building the capacity of*

1     *the applicant to provide a program on a regular*  
2     *basis, similar to that proposed for assistance, which*  
3     *will be of sufficient size, scope, and quality to promise*  
4     *significant improvement in the education of students*  
5     *of limited-English-proficiency, and that the applicant*  
6     *will have the resources and commitment to continue*  
7     *the program when assistance under this title is re-*  
8     *duced or no longer available;*

9             *“(6) the applicant provides for utilization of the*  
10     *State and national dissemination sources for program*  
11     *design and in dissemination of results and products.*

12     “(e) *SPECIAL CONSIDERATION AND PRIORITIES.*—

13             *“(1) Students may participate in any program*  
14     *receiving funds under this part for the duration of the*  
15     *program.*

16             *“(2) The Secretary shall give priority to applica-*  
17     *tions which provide for the development of bilingual*  
18     *proficiency for all participating students.*

19             *“(3) Grants for special alternative instructional*  
20     *programs shall not exceed 25 percent of the funds pro-*  
21     *vided for any type of grant under any section or of*  
22     *total funds provided under this part.*

23             *“(4) Notwithstanding paragraph (3), the Sec-*  
24     *retary may award grants for special alternative in-*  
25     *structional programs if an applicant has dem-*

1        *onstrated that they cannot develop and implement a*  
2        *bilingual education program for the following reasons:*

3                *“(A) Where the diversity of the limited-Eng-*  
4                *lish-proficient students’ native languages and the*  
5                *small number of students speaking each respec-*  
6                *tive language makes bilingual education imprac-*  
7                *tical.*

8                *“(B) Where, despite documented convincing*  
9                *efforts, the applicant has not been able to hire*  
10               *instructional personnel who are able to commu-*  
11               *nicate in the students’ native language.*

12               *“(5) In approving applications under this part,*  
13               *the Secretary shall give consideration to the degree to*  
14               *which the program for which assistance is sought in-*  
15               *volves the collaborative efforts of institutions of higher*  
16               *education, community-based organizations, the appro-*  
17               *priate local and State educational agency, or busi-*  
18               *ness.*

19               *“(6) The Secretary shall ensure that projects*  
20               *funded under this part address the full needs of school*  
21               *systems of all sizes and geographical areas, including*  
22               *rural schools.*

23               *“(7) The Secretary shall give priority to applica-*  
24               *tions providing training for personnel participating*  
25               *in or preparing to participate in the program which*

1        *will assist them in meeting State and local certifi-*  
2        *cation requirements and that, to the extent possible,*  
3        *college or university credit will be awarded for such*  
4        *training.*

5        **“SEC. 7107. INTENSIFIED INSTRUCTION.**

6        *“In carrying out this part, each grant recipient may*  
7        *intensify instruction for limited-English-proficient students*  
8        *by—*

9                *“(1) expanding the educational calendar of the*  
10        *school in which such student is enrolled to include*  
11        *programs before and after school and during the sum-*  
12        *mer months;*

13                *“(2) expanding the use of professional and vol-*  
14        *unteer aids;*

15                *“(3) applying technology to the course of instruc-*  
16        *tion; and*

17                *“(4) providing intensified instruction through*  
18        *supplementary instruction or activities, including*  
19        *educationally enriching extracurricular activities,*  
20        *during times when school is not routinely in session.*

21        **“SEC. 7108. CAPACITY BUILDING.**

22        *“Each recipient of a grant under this part shall use*  
23        *its grant in ways that will build its capacity to continue*  
24        *to offer high-quality bilingual and special alternative edu-*  
25        *cation programs and services to children and youth of lim-*



1 *ited-English-proficiency once Federal assistance is reduced*  
2 *or eliminated.*

3 **“SEC. 7109. SUBGRANTS.**

4 *“A local educational agency that receives a grant*  
5 *under this part may, with the approval of the Secretary,*  
6 *make a subgrant to, or enter into a contract with, an insti-*  
7 *tution of higher education, a non-profit organization, or a*  
8 *consortium of such entities to carry out an approved pro-*  
9 *gram, including a program to serve out-of-school youth.*

10 **“SEC. 7110. GEOGRAPHIC DISTRIBUTION OF FUNDS.**

11 *“To the extent possible, the Secretary shall award*  
12 *funds under this part throughout the Nation in a manner*  
13 *that reflects the geographic distribution of children and*  
14 *youth of limited-English-proficiency.*

15 **“SEC. 7111. PROGRAMS IN PUERTO RICO.**

16 *“Programs authorized under this title in the Common-*  
17 *wealth of Puerto Rico may, notwithstanding any other pro-*  
18 *vision of this title, include programs of instruction, teacher*  
19 *training, curriculum development, evaluation, and testing*  
20 *designed for children and youth of limited-Spanish pro-*  
21 *ficiency.*

22 **“SEC. 7112. EVALUATIONS.**

23 *“(a) EVALUATION.—Each recipient of funds under this*  
24 *part shall provide the Secretary with an evaluation, in the*

1 *form prescribed by the Secretary, of its program every two*  
2 *years.*

3       “(b) *USE OF EVALUATION.*—*Such evaluation shall be*  
4 *used by a grantee—*

5               “(1) *for program improvement;*

6               “(2) *to further define the local program’s goals*  
7 *and objectives; and*

8               “(3) *to determine program effectiveness.*

9       “(c) *EVALUATION COMPONENTS.*—*Evaluations shall*  
10 *include—*

11               “(1) *student outcome indicators that measure*  
12 *progress toward the performance standards set out in*  
13 *the State’s plan, either approved or being developed,*  
14 *under title III of the Goals 2000: Educate America*  
15 *Act, or, if the State does not have an approved plan*  
16 *under title III of the Goals 2000: Educate America*  
17 *Act and is not developing such a plan, with the State*  
18 *plan approved or being developed under section 1111*  
19 *of this Act, including data comparing children and*  
20 *youth of limited-English-proficiency with non-lim-*  
21 *ited-English-proficient children and youth with re-*  
22 *gard to school retention, academic achievement, and*  
23 *gains in English (and, where applicable, native lan-*  
24 *guage) proficiency;*

1           “(2) program implementation indicators that  
2           provide information for informing and improving  
3           program management and effectiveness, including  
4           data on appropriateness of curriculum in relation-  
5           ship to grade and course requirements, appropriate-  
6           ness of program management, appropriateness of the  
7           program’s staff professional development, and appro-  
8           priateness of the language of instruction;

9           “(3) program context indicators that describe the  
10          relationship of the activities funded under the grant  
11          to the overall school program and other Federal,  
12          State, or local programs serving children and youth  
13          of limited-English-proficiency; and

14          “(4) such other information as the Secretary  
15          may require.

16          **“PART B—RESEARCH AND DISSEMINATION**

17          **“SEC. 7201. USE OF FUNDS.**

18          *“The Secretary is authorized to conduct data collec-  
19          tion, dissemination, research, and evaluation activities  
20          through the Office of Bilingual Education and Minority  
21          Languages Affairs for the purpose of improving bilingual  
22          education and special alternative instruction programs for  
23          children and youth of limited-English-proficiency.*

1 **“SEC. 7202. RESEARCH.**

2       “(a) *RESEARCH ACTIVITIES.*—*The Secretary shall*  
3 *support through competitive grants contracts and coopera-*  
4 *tive agreements to institutions of higher education, non-*  
5 *profit and for-profit organizations, and local and State*  
6 *educational agencies, funds for research with a practical*  
7 *application to teachers, counselors, paraprofessionals, school*  
8 *administrators, parents, and others involved in improving*  
9 *the education of limited-English-proficient students and*  
10 *their families.*

11       “(b) *AUTHORIZED ACTIVITIES.*—

12               “(1) *The Secretary may conduct research activi-*  
13 *ties that include—*

14                       “(A) *identifying criteria for the establish-*  
15 *ment, use and monitoring of local, State, or na-*  
16 *tional education goals, content, performance and*  
17 *delivery standards, and assessments for all stu-*  
18 *dents that provide for appropriate, valid, reli-*  
19 *able, and fair participation by limited-English-*  
20 *proficient and language-minority students;*

21                       “(B) *identifying determinants of appro-*  
22 *priate high quality secondary school programs*  
23 *for limited-English-proficient students, and high*  
24 *quality curriculum-related instructional mate-*  
25 *rials;*

1           “(C) identifying determinants of appro-  
2           priate high quality early childhood development  
3           programs for limited-English-proficient children,  
4           including families, and appropriate high quality  
5           materials;

6           “(D) studies to identify models of effective  
7           program coordination that support students  
8           while in transition to English language class-  
9           rooms that develop and maintain high levels of  
10          proficiency in the native languages and English;

11          “(E) studies of effective curricula and in-  
12          structional strategies for the development and  
13          maintenance of high levels of student proficiency  
14          in both their native language and English, in-  
15          cluding the role of family, community, and ca-  
16          reer contexts;

17          “(F) identification of strategies for effective  
18          participation by limited-English-proficient par-  
19          ents in their children’s education for attainment  
20          of educational excellence;

21          “(G) identifying methods of improving clas-  
22          sification, placement, and services to limited-  
23          English-proficient students including, but not  
24          limited to their participation in early childhood  
25          development programs, title I, special education,

1           *foreign language education, and gifted and tal-*  
2           *ented education;*

3           “(H) *identification of methods for effective*  
4           *delivery of bilingual education to rural schools*  
5           *and in the less-commonly-taught languages using*  
6           *educational technology and electronic commu-*  
7           *nications networks;*

8           “(I) *identification of trends in demand for*  
9           *language skills and of career opportunities for*  
10          *individuals with high levels of proficiency in*  
11          *English and a second language; and*

12          “(J) *establishing through the National Cen-*  
13          *ter for Education Statistics and in consultation*  
14          *with the Office of Bilingual Education and Mi-*  
15          *nority Languages Affairs, and experts in bilin-*  
16          *gual education, second language acquisition and*  
17          *English-as-a-second language, a common defini-*  
18          *tion of ‘limited-English-proficient student’ for*  
19          *purposes of national data collection.*

20          “(c) *FIELD-INITIATED RESEARCH.—The Secretary*  
21          *shall reserve at least 5 percent of the funds available under*  
22          *this section for field-initiated research by current or recent*  
23          *recipients of grants under parts A or C of this title. Re-*  
24          *search must be conducted by current grant recipients or by*  
25          *former recipients who have received such grants within the*

1 *previous 5 years. Field-initiated research may provide for*  
2 *longitudinal studies of students or teachers in bilingual*  
3 *education, monitoring the education of such students from*  
4 *entry in bilingual education through high school comple-*  
5 *tion. Applicants may submit an application for field-initi-*  
6 *ated research at the same time as applications are submit-*  
7 *ted under part A or part C. The Secretary shall complete*  
8 *a review of such applications on a timely basis to allow*  
9 *research and program grants to proceed in coordination*  
10 *where appropriate.*

11       “(d) *CONSULTATION.*—*The Secretary shall consult*  
12 *with agencies and organizations that are engaged in bilin-*  
13 *gual education research and practice, or related research,*  
14 *and bilingual education researchers and practitioners to*  
15 *identify areas of study and activities to be funded under*  
16 *this section.*

17       “(e) *COORDINATION.*—*Research activities supported*  
18 *under this section—*

19               “(1) *shall be carried out in consultation with the*  
20 *Office of Educational Research and Improvement to*  
21 *ensure that such activities are coordinated with and*  
22 *enhance the research and development activities sup-*  
23 *ported by the Office; and*

24               “(2) *may include collaborative research activities*  
25 *which are jointly funded and carried out by the Office*

1       *of Bilingual Education and Minority Language Af-*  
2       *fairs and the Office of Educational Research and Im-*  
3       *provement.*

4       “(f) *DATA COLLECTION.*—*The Secretary shall provide*  
5       *for the continuation of data collection on limited-English-*  
6       *proficient students as part of the data systems operated by*  
7       *the Department.*

8       **“SEC. 7203. ACADEMIC EXCELLENCE AWARDS.**

9       “(a) *AWARDS.*—*The Secretary may make grants to,*  
10       *and enter into contracts and cooperative agreements with,*  
11       *State and local educational agencies, nonprofit organiza-*  
12       *tions, and institutions of higher education to promote the*  
13       *adoption and implementation of bilingual education, spe-*  
14       *cial alternative instruction programs, and professional de-*  
15       *velopment programs that demonstrate great promise of as-*  
16       *sisting children and youth of limited-English-proficiency to*  
17       *meet challenging State standards.*

18       “(b) *APPLICATIONS.*—(1) *An entity desiring to receive*  
19       *an award under this section shall submit an application*  
20       *to the Secretary in such form, at such time, and containing*  
21       *such information and assurances as the Secretary may re-*  
22       *quire.*

23       “(2) *The Secretary shall use a peer review process,*  
24       *using effectiveness criteria that the Secretary shall establish,*  
25       *to review applications under this section.*



1       “(c) *USE OF FUNDS.*—Funds under this section shall  
2 be used to enhance the capacity of States and local edu-  
3 cation agencies to provide high quality academic programs  
4 for children and youth of limited-English-proficiency,  
5 which may include—

6               “(1) completing the development of such pro-  
7 grams;

8               “(2) professional development of staff participat-  
9 ing in bilingual education programs;

10              “(3) sharing strategies and materials; and

11              “(4) supporting professional networks.

12       “(d) *COORDINATION.*—Recipients of funds under this  
13 section shall coordinate their activities with those carried  
14 out by comprehensive technical assistance centers under  
15 title II of this Act.

16       **“SEC. 7204. STATE GRANT PROGRAM.**

17       “(a) *STATE GRANT PROGRAM.*—The Secretary is au-  
18 thorized to make an award to a State educational agency  
19 that demonstrates, to the satisfaction of the Secretary, that  
20 its approved plan under title III of the Goals 2000: Educate  
21 America Act, if such plan exists, or, if such plan does not  
22 exist, its plan under title I of this Act, effectively provides  
23 for the education of children and youth of limited-English-  
24 proficiency within the State.

1       “(b) *PAYMENTS.*—*The amount paid to a State edu-*  
2 *cational agency under subsection (a) shall not be less than*  
3 *\$100,000 nor greater than 5 percent of the total amount*  
4 *awarded to local educational agencies within the State*  
5 *under part A of this title for the previous fiscal year.*

6       “(c) *USE OF FUNDS.*—(1) *A State educational agency*  
7 *shall use funds for programs authorized by this section to—*

8               “(A) *assist local educational agencies in the*  
9 *State with program design, capacity building, assess-*  
10 *ment of student performance, and program evalua-*  
11 *tion; and*

12               “(B) *collect data on the State’s language-minor-*  
13 *ity and limited English-proficient populations and*  
14 *the educational programs and services available to*  
15 *these populations.*

16       “(2) *The State educational agency may also use funds*  
17 *for the training of State educational agency personnel in*  
18 *educational issues affecting limited-English-proficient chil-*  
19 *dren and youth.*

20       “(3) *Recipients of awards under this section shall not*  
21 *restrict the provision of services under this section to feder-*  
22 *ally-funded programs.*

23       “(d) *STATE CONSULTATION.*—*A State educational*  
24 *agency receiving funds under this section shall consult with*  
25 *recipients of grants under this title and other individuals*

1 *or organizations involved in the development or operation*  
2 *of programs serving limited-English-proficient children or*  
3 *youth to ensure that funds are used in a manner consistent*  
4 *with the requirements of this title.*

5       “(e) *APPLICATIONS.*—A State educational agency de-  
6 *siring to receive an award under this section shall submit*  
7 *an application to the Secretary in such form, at such time,*  
8 *containing such information and assurances as the Sec-*  
9 *retary may require.*

10       “(f) *SUPPLEMENT NOT SUPPLANT.*—Funds made  
11 *available under this section for any fiscal year shall be used*  
12 *by the State educational agency to supplement and, to the*  
13 *extent practical, to increase to level of funds that would,*  
14 *in the absence of such funds, be made available by the State*  
15 *for the purposes described in this section, and in no case*  
16 *to supplant such funds.*

17       “(g) *REPORT TO THE SECRETARY.*—State educational  
18 *agencies receiving grants under this section shall provide*  
19 *for the annual submission of a summary report to the Sec-*  
20 *retary containing information on such matters as the Sec-*  
21 *retary shall, by regulation, determine necessary and proper*  
22 *to achieve the purposes of this title, including information*  
23 *on State capacity and progress in meeting the education*  
24 *needs of all limited-English-proficient children, plans for*  
25 *additional action, the effect of standards and assessments*

1 *in improving their education. Such reports shall be in such*  
2 *form and shall be submitted on such date as the Secretary*  
3 *shall specify by regulation.*

4 **“SEC. 7205. NATIONAL CLEARINGHOUSE FOR BILINGUAL**  
5 **EDUCATION.**

6 *“(a) ESTABLISHMENT.—The Secretary shall establish*  
7 *and support the operation of a National Clearinghouse for*  
8 *Bilingual Education, which shall collect, analyze, syn-*  
9 *thesize, and disseminate information about bilingual edu-*  
10 *cation and related programs.*

11 *“(b) FUNCTIONS.—The National Clearinghouse for Bi-*  
12 *lingual Education shall—*

13 *“(1) be administered as an adjunct clearinghouse*  
14 *of the ERIC system of clearinghouses supported by the*  
15 *Office of Educational Research and Improvement;*

16 *“(2) coordinate its activities with Federal data*  
17 *and information clearinghouses and dissemination*  
18 *networks and systems; and*

19 *“(3) develop a data base management and mon-*  
20 *itoring system for improving the operation and effec-*  
21 *tiveness of funded programs.*

22 **“SEC. 7206. INSTRUCTIONAL MATERIALS DEVELOPMENT.**

23 *“The Secretary may provide grants for the develop-*  
24 *ment, publication and dissemination of high quality in-*  
25 *structional materials in Native American, Native Hawai-*

1 *ian and other languages for which instructional materials*  
2 *are not readily available. The Secretary shall give priority*  
3 *to the development of instructional materials in languages*  
4 *indigenous to the United States, its territories, and freely*  
5 *associated nations. The Secretary shall also accord priority*  
6 *to applications which provide for developing and evaluating*  
7 *materials in collaboration with activities under parts A*  
8 *and C of this title and which are consistent with national*  
9 *and State content standards.*

10 ***“SEC. 7207. EVALUATION ASSISTANCE CENTERS AND***  
11 ***MULTIFUNCTIONAL RESOURCE CENTERS.***

12 *“(a) TRANSITION.—The Secretary shall extend grants*  
13 *or contracts for Evaluation Assistance Centers and*  
14 *Multifunctional Resource Centers that are in effect on the*  
15 *date of enactment of the Improving America’s School Act*  
16 *through fiscal year 1996.*

17 *“(b) CONTINUITY OF SERVICES.—(1) The Secretary*  
18 *shall ensure that the comprehensive regional technical as-*  
19 *sistance centers authorized under title II of this Act provide*  
20 *services which are at least equal in volume, scope, and qual-*  
21 *ity to those provided by Evaluation Assistance Centers and*  
22 *Multifunctional Resource Centers.*

23 *“(2) The Secretary shall ensure that the comprehensive*  
24 *regional technical assistance centers authorized under title*  
25 *II of this Act, as amended by the Improving America’s*

1 School Act, provide services which enable children and  
 2 youth of limited-English-proficiency to meet challenging  
 3 State and National standards.

4       “(3) The Secretary shall ensure that the comprehensive  
 5 technical assistance centers authorized under title II of this  
 6 Act are established with consideration given to the geo-  
 7 graphic and linguistic distribution of children and youth  
 8 of limited-English-proficiency.

9       “(c) GIFTS, BEQUESTS, AND DEVISES.—The entities  
 10 may accept (but not solicit), use, and dispose of gifts, be-  
 11 quests, or devises of services or property, both real and per-  
 12 sonal for the purpose of aiding or facilitating the work of  
 13 entities under this section. Gifts, bequests, or devises of  
 14 money and proceeds from sales of other property received  
 15 as gifts, bequests or devises shall be deposited in the Treas-  
 16 ury and shall be available for disbursement upon order of  
 17 the national clearinghouse on bilingual education, the Eval-  
 18 uation and Assistance Center or Multifunctional Resource  
 19 Center, respectively.

20       **“PART C—BILINGUAL EDUCATION TEACHER**

21                               **TRAINING**

22       **“SEC. 7301. PURPOSE.**

23       “The purpose of this part is to assist in preparing edu-  
 24 cators to improve the delivery of educational services to lan-  
 25 guage-minority and limited-English-proficient children

1 *and youth. This part supports the training of all edu-*  
2 *cational personnel to serve more effectively limited-English-*  
3 *proficient students. The goal of this part is to provide for*  
4 *the training of not less than 50,000 teachers who meet pro-*  
5 *fessional preparation and certification standards for bilin-*  
6 *gual education teachers by the year 2000.*

7 ***“SEC. 7302. TRAINING FOR ALL TEACHERS PROGRAM.***

8       “(a) *PURPOSE.*—*The purpose of this section is to pro-*  
9 *vide for the incorporation of courses and curricula on ap-*  
10 *propriate and effective instructional and assessment meth-*  
11 *odologies, strategies and resources specific to limited-Eng-*  
12 *lish-proficient and language-minority students into edu-*  
13 *cation personnel preparation programs for teachers, coun-*  
14 *selors, administrators and other education personnel.*

15       “(b) *AUTHORIZATION.*—*The Secretary shall award*  
16 *grants for up to 5 years to institutions of higher education,*  
17 *local educational agencies, and State educational agencies*  
18 *or to nonprofit organizations which have entered into con-*  
19 *sortia arrangements with one of such institutions, agencies,*  
20 *or organizations.*

21       “(c) *PERMISSIBLE ACTIVITIES.*—*Activities conducted*  
22 *under this section may include the development of training*  
23 *programs in collaboration with training under titles I and*  
24 *II of this Act, the Head Start Act, and other relevant pro-*  
25 *grams.*

1       “(d) *PRIORITY.*—*The Secretary shall give priority to*  
2 *applications from institutions of higher education which*  
3 *currently operate, with full-time tenured faculty, programs*  
4 *to prepare educators and administrators to work with lan-*  
5 *guage-minority and limited-English-proficient students in*  
6 *bilingual education settings and from institutions of higher*  
7 *education which are attempting to start bilingual teacher*  
8 *training programs if such institutions demonstrate a sig-*  
9 *nificant commitment in financial and human resources, in-*  
10 *cluding cash and in-kind. The Secretary shall give special*  
11 *consideration to applications for such programs which pro-*  
12 *vide training of secondary school teachers or early childhood*  
13 *development teachers. Such special consideration would not*  
14 *disallow the funding of applications for exemplary pro-*  
15 *grams for the training of elementary school teachers.*

16       **“SEC. 7303. BILINGUAL EDUCATION TEACHERS AND PER-**  
17                               **SONNEL GRANTS.**

18       “(a) *PURPOSE.*—*The purpose of this section is to pro-*  
19 *vide for degree programs to prepare new bilingual edu-*  
20 *cation teachers, administrators, counselors, and other edu-*  
21 *cational personnel to meet high professional standards for*  
22 *bilingual education teachers and to increase the availability*  
23 *of educators to provide high quality education limited-Eng-*  
24 *lish-proficient students.*





1 *may include community-based organizations or profes-*  
2 *sional education organizations.*

3       “(c) *ACTIVITIES.—Grants funded under this section*  
4 *may—*

5               “(1) *include the development of bilingual edu-*  
6 *cation career ladder program curricula appropriate*  
7 *to the needs of the consortium participants;*

8               “(2) *provide assistance for stipends and costs re-*  
9 *lated to tuition, fees and books for enrolling in courses*  
10 *required to complete degree and certification require-*  
11 *ments as bilingual education teachers; and*

12               “(3) *include programs to introduce secondary*  
13 *school students to careers in bilingual education*  
14 *teaching that are coordinated with other activities*  
15 *under this program.*

16       “(d) *SPECIAL CONSIDERATION.—The Secretary shall*  
17 *give special consideration to applications under this section*  
18 *which provide for—*

19               “(1) *participant completion of baccalaureate and*  
20 *masters degree teacher education programs, certifi-*  
21 *cation and may include effective employment place-*  
22 *ment activities;*

23               “(2) *development of teacher proficiency in Eng-*  
24 *lish and a second language, including required dem-*

1        *onstration of proficiency in the instructional use of*  
2        *English and a second language in classroom contexts;*

3            *“(3) coordination with Trio, the Teacher Corps,*  
4        *National Community and Service Trust Act, Mini*  
5        *Corps, and other programs for the recruitment and*  
6        *retention of bilingual students in secondary and post-*  
7        *secondary programs to train as bilingual educators;*  
8        *and*

9            *“(4) the applicant’s contribution of additional*  
10        *student financial aid to participating students.*

11        **“SEC. 7305. GRADUATE FELLOWSHIPS IN BILINGUAL EDU-**  
12                        **CATION PROGRAM.**

13            *“(a) AUTHORIZATION.—The Secretary may award fel-*  
14        *lowships for masters, doctoral, and post-doctoral study re-*  
15        *lated to instruction of children and youth of limited-Eng-*  
16        *lish-proficiency in such areas as teacher training, program*  
17        *administration, research and evaluation, and curriculum*  
18        *development, and for the support of dissertation research*  
19        *related to such study. For fiscal year 1994 not less than*  
20        *500 fellowships leading to a masters or doctorate degree*  
21        *shall be awarded under this section, rising each subsequent*  
22        *year of this authorization by not less than 50. The Secretary*  
23        *shall include information on the operation and the number*  
24        *of fellowships awarded under the fellowship program in the*  
25        *report required under section 7401 of this title.*

1       “(b) *FELLOWSHIP REQUIREMENTS.*—(1) Any person  
2 receiving a fellowship under this section shall agree to—

3               “(A) work in an activity related to the program  
4 or in an activity such as those authorized under this  
5 title, including work as a bilingual education teacher,  
6 for a period of time equivalent to the period of time  
7 during which such person receives assistance under  
8 this title; or

9               “(B) repay such assistance.

10       “(2) The Secretary shall establish in regulations such  
11 terms and conditions for such agreement as the Secretary  
12 deems reasonable and necessary and may waive the require-  
13 ment of paragraph (1) in extraordinary circumstances.

14       “(c) The Secretary may give priority to institutions  
15 of higher education that demonstrate experience in assisting  
16 fellowship recipients find employment in the field of bilin-  
17 gual education.

18       **“SEC. 7306. APPLICATIONS.**

19       “(a) *IN GENERAL.*—Each applicant or consortium  
20 that desires to receive a grant under this part shall submit  
21 an application to the Secretary and the State educational  
22 agency or State board for higher education as appropriate,  
23 at such time and in such manner as the Secretary shall  
24 prescribe. The application shall demonstrate integration,  
25 where appropriate, with the State and local plans, if such

1 *plans exist, for serving limited-English-proficient students.*  
2 *The State and local educational agency, and where applica-*  
3 *ble the State board for higher education, may comment in*  
4 *writing on the application indicating how the application*  
5 *furtheres State education reform activities, including the*  
6 *provision of appropriate high quality education to all lan-*  
7 *guage minority students. If the State educational agency*  
8 *or State Board for Higher Education submits comments on*  
9 *any application, it shall submit comments on all. The Sec-*  
10 *retary shall take any written comments that have been*  
11 *made into consideration when considering applications*  
12 *under this part.*

13       “(b) *ELIGIBLE ENTITIES.*—

14               “(1) *A grant may be made under this part upon*  
15 *application of an institution of higher education, ap-*  
16 *plying individually or jointly with one or more local*  
17 *educational agencies, nonprofit organizations, or*  
18 *State educational agencies.*

19               “(2) *The Secretary shall provide for outreach*  
20 *and technical assistance to institutions of higher edu-*  
21 *cation eligible under title III of the Higher Education*  
22 *Act and institutions of higher education that are op-*  
23 *erated or funded by the Bureau of Indian Affairs to*  
24 *facilitate their participation in activities under this*  
25 *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 State  
10          plan, if one exists, for serving limited-English-proficient  
11          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, and

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.

24                         “(C) provide additional resources for such  
25                         training from other sources.

1           “(2) In making grants under sections 7302, 7303  
2           and 7304, the Secretary shall give special consider-  
3           ation to programs that ensure that individuals com-  
4           pleting such programs demonstrate proficiency in  
5           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 possible,  
10          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 ex-  
14          penses for such persons and their dependents), as the Sec-  
15          retary determines to be appropriate, to persons participat-  
16          ing 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 shall  
19          provide the Secretary with an evaluation of its program  
20          every two years. Such evaluation shall include data on—

21                  “(1) post-program placement of persons trained;

22                  “(2) how the training relates to the employment  
23                  of persons served by the program;

24                  “(3) program completion; and

1           “(4) *such other information as the Secretary*  
2           *may require.*

3                           **“PART D—ADMINISTRATION**

4           **“SEC. 7401. OFFICE OF BILINGUAL EDUCATION AND MINOR-**  
5                           **ITY LANGUAGE AFFAIRS.**

6           “(a) *ESTABLISHMENT.*—*There shall be, in the Depart-*  
7           *ment of Education, an Office of Bilingual Education and*  
8           *Minority Languages Affairs through which the Secretary*  
9           *shall carry out functions relating to bilingual education.*

10          “(b) *DIRECTOR.*—(1) *The Office shall be headed by a*  
11          *Director of Bilingual Education and Minority Languages*  
12          *Affairs, appointed by the Secretary, to whom the Secretary*  
13          *shall delegate all delegable functions relating to bilingual*  
14          *education. The Director shall also be assigned responsibility*  
15          *for recommending improvements and providing technical*  
16          *assistance to other Federal programs serving language-mi-*  
17          *nority and limited-English-proficient students and their*  
18          *families and for assisting the Assistant Secretary of the Of-*  
19          *fice of Educational Research and Improvement in identify-*  
20          *ing research priorities which reflect the needs of language-*  
21          *minority and limited-English language proficient students.*

22          “(2) *The Office shall be organized as the Director de-*  
23          *termines to be appropriate in order to carry out such func-*  
24          *tions and responsibilities effectively.*



1       “(3) *The Secretary shall ensure that limited-English-*  
2 *proficient and language-minority students are included in*  
3 *ways that are valid, reliable and fair under all standards*  
4 *and assessment development conducted or funded by the De-*  
5 *partment.*

6       “(c) *REPORT.—The Director shall prepare and, not*  
7 *later than February 1 of every other year, shall submit to*  
8 *Congress, the President, the Governors, and the clearing-*  
9 *house a report on—*

10           “(1) *the activities carried out under this title*  
11 *and their effectiveness in improving the education*  
12 *provided to limited-English-proficient children and*  
13 *youth;*

14           “(2) *a critical synthesis of data reported by the*  
15 *States pursuant to section 7204;*

16           “(3) *an estimate of the number of certified bilin-*  
17 *gual education personnel in the field and an estimate*  
18 *of the number of bilingual education teachers which*  
19 *will be needed for the succeeding 5 fiscal years;*

20           “(4) *the major findings of research carried out*  
21 *under this title; and*

22           “(5) *recommendations for further developing the*  
23 *capacity of our Nation’s schools to educate effectively*  
24 *limited-English-proficient students.*

1       “(d) *ASSESSMENT OF GATEWAY EDUCATION.*—The  
2 Secretary shall prepare a report on the education of all stu-  
3 dents who reside near the United States border with Can-  
4 ada and Mexico or areas or communities which serve as  
5 a gateway for immigrants to the United States. Gateway  
6 communities shall include Hawaii, the Commonwealth of  
7 Puerto Rico, as well as the territories and freely associated  
8 nations. The report shall identify trends in student and out-  
9 of-school youth immigration trends, appropriate procedures  
10 for the international transfer of records, the language pro-  
11 ficiency of students living in border and gateway areas, and  
12 opportunities for teacher exchange. Such efforts shall be co-  
13 ordinated with other ongoing efforts in this area. A prelimi-  
14 nary report on these issues shall be provided to the Congress  
15 not later than 2 years after the enactment of this Act. The  
16 final report including policy proposals for improvements  
17 in these areas shall be provided to Congress and the Presi-  
18 dent not later than October 21, 1997.

19       “(e) *COORDINATION WITH RELATED PROGRAMS.*—In  
20 order to maximize Federal efforts aimed at serving the edu-  
21 cational needs of children and youth of limited-English pro-  
22 ficiency, the Secretary shall coordinate and ensure close co-  
23 operation with other programs serving language-minority  
24 and limited-English-proficient students that are adminis-  
25 tered by the Department of Education and other agencies.

1 *The Secretary shall consult with the Secretary of Labor, the*  
2 *Secretary of Health and Human Services, the Secretary of*  
3 *Agriculture, Attorney General and other relevant agencies*  
4 *to identify and eliminate barriers to appropriate coordina-*  
5 *tion of programs that affect language-minority and limited-*  
6 *English-proficient students and their families. The Sec-*  
7 *retary shall provide for continuing consultation and col-*  
8 *laboration between Office and relevant programs operated*  
9 *by the Department, including title I and other programs*  
10 *in this Act, in planning, contracts, providing joint tech-*  
11 *nical assistance, providing joint field monitoring activities*  
12 *and in other relevant activities to ensure effective program*  
13 *coordination to provide high quality education opportuni-*  
14 *ties to all language-minority and limited-English-proficient*  
15 *students. In no case shall such coordination at the local,*  
16 *State or Federal level permit funds under this title to be*  
17 *used in programs that do not provide bilingual education*  
18 *or special alternative instructional programs for the in-*  
19 *struction of language-minority or limited-English-pro-*  
20 *ficient students.*

21       “(f) *The Secretary shall, to the extent feasible, ensure*  
22 *that all data collected shall include for the collection and*  
23 *reporting of data on limited-English-proficient students in*  
24 *all Departmental data keeping and with respect to all Fed-*  
25 *eral education programs.*

1       “(g) *STAFFING REQUIREMENTS.*—*The Secretary shall*  
2 *ensure that the Office of Bilingual Education and Minority*  
3 *Language Affairs is staffed with sufficient personnel*  
4 *trained or with experience in bilingual education to dis-*  
5 *charge effectively the provisions of this title.*

6               “(1) *Notwithstanding section 403 of the Depart-*  
7 *ment of Education Organization Act, the Assistant*  
8 *Secretary may appoint not more than 7 additional*  
9 *employees to serve as staff without regard to the pro-*  
10 *visions of title 5, United States Code, governing ap-*  
11 *pointments in the competitive service.*

12               “(2) *The employees appointed under paragraph*  
13 *(1) may be paid without regard to the provisions of*  
14 *chapter 51 and subchapter III of chapter 53 of that*  
15 *title relating to classification and General Schedule*  
16 *pay rates, but shall not be paid a rate that exceeds*  
17 *the minimum rate of basic pay payable for GS–15 of*  
18 *the General Schedule.*

19       “(h) *READING APPLICATIONS.*—*For the purpose of*  
20 *reading applications for competitive grants authorized*  
21 *under this title, the Secretary shall use persons who are not*  
22 *employees of the Federal Government and who are experi-*  
23 *enced and involved in bilingual education including teach-*  
24 *ers, researchers, and administrators of educational pro-*  
25 *grams similar to those assisted under this title. Readers of*

1 *applications for grants involving conservation of Indian*  
2 *languages and other indigenous language which are subject*  
3 *to loss shall include individuals with expertise in such pro-*  
4 *grams. The Secretary shall solicit nominations for applica-*  
5 *tion readers from State directors of bilingual education,*  
6 *graduate programs of bilingual education, tribal organiza-*  
7 *tions and professional associations and shall have readers*  
8 *serve for a period of 3 years.*

9       “(i) *PUBLICATION OF PROPOSALS.—The Secretary*  
10 *shall publish and disseminate all requests for proposals for*  
11 *programs funded under this title.*

12 **“SEC. 7402. RELEASE TIME.**

13       “*Professional development programs funded under this*  
14 *Act shall permit use of funds for professional release time*  
15 *to enable participation in programs assisted under this*  
16 *part.*

17 **“SEC. 7403. EDUCATION TECHNOLOGY.**

18       “*Funds available under this Act may be used to pro-*  
19 *vide for the acquisition or development of education tech-*  
20 *nology or instructional materials, including authentic ma-*  
21 *terials in languages other than English, access to and par-*  
22 *ticipation in electronic networks for materials, training*  
23 *and communications, and incorporation of such resources*  
24 *in curricula and programs such as those funded under this*  
25 *title.*

1 **“SEC. 7404. NOTIFICATION.**

2       *“The State educational agency, when applicable, the*  
3 *State Board for postsecondary education, when applicable,*  
4 *the clearinghouse, the applicable Evaluation and Assistance*  
5 *Center and Multifunctional Resource Center shall be noti-*  
6 *fied within three working days of the date a grant is made*  
7 *to an eligible entity within the State.*

8 **“SEC. 7405. CONTINUED ELIGIBILITY.**

9       *“Entities receiving grants under this title shall remain*  
10 *eligible for grants for subsequent activities which extend or*  
11 *expand and do not duplicate those activities supported by*  
12 *a previous grant under this title. In considering applica-*  
13 *tions for grants under this title the Secretary shall take into*  
14 *consideration the applicant’s record of accomplishments*  
15 *under previous grants.*

16 **“SEC. 7406. LIMITATION OF AUTHORITY.**

17       *“The Secretary shall not impose restrictions on the*  
18 *availability of funds authorized under this title other than*  
19 *those set out in this title or other applicable Federal statutes*  
20 *and regulations.*

21                                   **“PART E—TRANSITION**

22 **“SEC. 7501. TRANSITION PROVISIONS.**

23       *“Any grant or contract awarded under this title prior*  
24 *to the date of the enactment of the Improving America’s*  
25 *Schools Act of 1994 shall be allowed to continue the term*  
26 *of the original award in accordance with the conditions of*

1 *the original award but not for a period in excess of 3 years*  
2 *from the date of the grant or contract.*

3 **“PART F—EMERGENCY IMMIGRANT EDUCATION**  
4 **PROGRAM**

5 **“SEC. 7601. PURPOSE.**

6 *“The purpose of this part is to assist eligible local edu-*  
7 *cational agencies that experience unexpectedly large in-*  
8 *creases in their student population due to immigration to—*

9 *“(1) provide high-quality instruction to immi-*  
10 *grant children and youth; and*

11 *“(2) help such children and youth—*

12 *“(A) with their transition into American*  
13 *society; and*

14 *“(B) meet the same challenging State per-*  
15 *formance standards expected of all children and*  
16 *youth.*

17 **“SEC. 7602. STATE ADMINISTRATIVE COSTS.**

18 *“For any fiscal year, a State educational agency may*  
19 *reserve up to 1.5 percent of the amount allocated to it under*  
20 *section 7604 to pay the costs of performing its administra-*  
21 *tive functions under this part.*

22 **“SEC. 7603. WITHHOLDING.**

23 *“Whenever the Secretary, after reasonable notice and*  
24 *opportunity for a hearing to any State educational agency,*  
25 *finds that there is a failure to meet the requirement of any*

1 *provision of this part, the Secretary shall notify that agency*  
2 *that further payments will not be made to the agency under*  
3 *this part, or in the discretion of the Secretary, that the*  
4 *State educational agency shall not make further payments*  
5 *under this part to specified local educational agencies whose*  
6 *actions cause or are involved in such failure until the Sec-*  
7 *retary is satisfied that there is no longer any such failure*  
8 *to comply. Until the Secretary is so satisfied, no further*  
9 *payments shall be made to the State educational agency*  
10 *under this part, or payments by the State educational agen-*  
11 *cy under this part shall be limited to local educational*  
12 *agencies whose actions did not cause or were not involved*  
13 *in the failure, as the case may be.*

14 **“SEC. 7604. STATE ALLOCATIONS.**

15       “(a) *PAYMENTS.*—*The Secretary shall, in accordance*  
16 *with the provisions of this section, make payments to State*  
17 *educational agencies for each of the fiscal years 1995*  
18 *through 1999 for the purpose set forth in section 7601.*

19       “(b) *ALLOCATIONS.*—(1) *Except as provided in sub-*  
20 *sections (c) and (d) of this section, of the amount appro-*  
21 *priated for each fiscal year for this part, each State partici-*  
22 *pating in this program shall receive a share equal to the*  
23 *proportion of its number of immigrant children and youth*  
24 *who are enrolled in elementary and secondary public*  
25 *schools under the jurisdiction of each local educational*



1 agency described in paragraph (2) within that State, and  
2 in elementary and secondary nonpublic schools within the  
3 district served by each such local educational agency, rel-  
4 ative to the total number of immigrant children and youth  
5 so enrolled in all the States participating in this program.

6       “(2) The local educational agencies referred to in para-  
7 graph (1) are those local educational agencies in which the  
8 sum of the number of immigrant children and youth who  
9 are enrolled in elementary or secondary public schools  
10 under the jurisdiction of such agencies, and in elementary  
11 or secondary nonpublic schools within the districts served  
12 by such agencies, during the fiscal year for which the pay-  
13 ments are to be made under this part, is equal to—

14               “(A) at least 500; or

15               “(B) at least 3 percent of the total number of  
16 students enrolled in such public or nonpublic schools  
17 during such fiscal year;

18 whichever number is less.

19       “(c) DETERMINATIONS OF NUMBER OF CHILDREN AND  
20 YOUTH.—(1) Determinations by the Secretary under this  
21 section for any period with respect to the number of immi-  
22 grant children and youth shall be made on the basis of data  
23 or estimates provided to the Secretary by each State edu-  
24 cational agency in accordance with criteria established by  
25 the Secretary, unless the Secretary determines, after notice

1 *and opportunity for a hearing to the affected State edu-*  
2 *cational agency, that such data or estimate are clearly erro-*  
3 *neous.*

4       “(2) *No such determination with respect to the number*  
5 *of immigrant children and youth shall operate because of*  
6 *an underestimate or overestimate to deprive any State edu-*  
7 *cational agency of the allocation under this section that*  
8 *such agency would otherwise have received had such deter-*  
9 *mination been made on the basis of accurate data.*

10       “(d) *REALLOCATION.—Whenever the Secretary deter-*  
11 *mines that any amount of a payment made to a State*  
12 *under this part for a fiscal year will not be used by such*  
13 *State for carrying out the purpose for which the payment*  
14 *was made, the Secretary shall make such amount available*  
15 *for carrying out such purpose to one or more other States*  
16 *to the extent the Secretary determines that such other States*  
17 *will be able to use such additional amount of carrying out*  
18 *such purpose. Any amount made available to a State from*  
19 *any appropriation for a fiscal year in accordance with the*  
20 *preceding sentence shall, for purposes of this part, be re-*  
21 *garded as part of such State’s payment (as determined*  
22 *under subsection (b)) for such year, but shall remain avail-*  
23 *able until the end of the succeeding fiscal year.*

24       “(e) *RESERVATION OF FUNDS.—(1) If appropriations*  
25 *under this part exceed \$40,000,000 for a fiscal year, a State*

1 *educational agency may reserve up to 20 percent of its pay-*  
2 *ment for redistribution through competitive grants to local*  
3 *educational agencies within the State in the following man-*  
4 *ner:*

5           “(A) *At least one-half of such grants shall be*  
6 *made to local educational agencies within the State*  
7 *with the highest numbers and percentages of immi-*  
8 *grant children and youth.*

9           “(B) *Remaining funds shall be distributed to*  
10 *local educational agencies within the State with a*  
11 *sudden influx of immigrant children and youth which*  
12 *are otherwise not eligible for assistance under this*  
13 *part.*

14           “(2) *Local educational agencies with the highest num-*  
15 *ber of immigrant children and youth receiving additional*  
16 *funds under this subsection may make information avail-*  
17 *able on serving immigrant children and youth to areas in*  
18 *the State with sparse numbers of such children.*

19 **“SEC. 7605. STATE APPLICATIONS.**

20           “(a) *SUBMISSION.—No State educational agency shall*  
21 *receive any payment under this part for any fiscal year*  
22 *unless such agency submits an application to the Secretary*  
23 *at such time, in such manner, and containing or accom-*  
24 *panied by such information, as the Secretary may reason-*  
25 *ably require. Each such application shall—*

1           “(1) provide that the educational programs, serv-  
2           ices, and activities for which payments under this  
3           part are made will be administered by or under the  
4           supervision of the agency;

5           “(2) provide assurances that payments under  
6           this part will be used for purposes set forth in section  
7           7601, including a description of how local educational  
8           agencies receiving funds under this part will use such  
9           funds to meet such purposes, and how the program  
10          designs are consistent with other education improve-  
11          ment plans, including any developed under Goals  
12          2000: Educate America Act, if such plan exists, or  
13          title I;

14          “(3) provide assurances that such payments,  
15          with the exception of payments reserved under section  
16          7604(e), will be distributed among local educational  
17          agencies within that State on the basis of the number  
18          of immigrant children and youth counted with respect  
19          to each such local educational agency under section  
20          7604(b)(1);

21          “(4) provide assurances that the State edu-  
22          cational agency will not finally disapprove in whole  
23          or in part any application for funds received under  
24          this part without first affording the local educational

1       *agency submitting an application for such funds rea-*  
2       *sonable notice and opportunity for a hearing;*

3             *“(5) provide for making such reports as the Sec-*  
4       *retary may reasonably require to perform the func-*  
5       *tions under this part;*

6             *“(6) provide assurances—*

7                 *“(A) that to the extent consistent with the*  
8       *number of immigrant children and youth en-*  
9       *rolled in the elementary or secondary nonpublic*  
10       *schools within the district served by a local edu-*  
11       *cational agency, such agency, after consultation*  
12       *with appropriate officials of such schools, shall*  
13       *provide for the benefit of these children and*  
14       *youth secular, neutral, and nonideological serv-*  
15       *ices, materials, and equipment necessary for the*  
16       *education of such children and youth;*

17                 *“(B) that the control of funds provided*  
18       *under this part and title to any materials,*  
19       *equipment, and property repaired, remodeled, or*  
20       *constructed with those funds shall be in a public*  
21       *agency for the uses and purposes provided in*  
22       *this part, and a public agency shall administer*  
23       *such funds and property; and*

24                 *“(C) that the provision of services pursuant*  
25       *to this paragraph shall be provided by employees*

1           *of a public agency or through contract by such*  
2           *public agency with a person, association, agency,*  
3           *or corporation who or which, in the provision of*  
4           *such services, is independent of such elementary*  
5           *or secondary nonpublic school and of any reli-*  
6           *gious organization; and such employment or con-*  
7           *tract shall be under the control and supervision*  
8           *of such public agency, and the funds provided*  
9           *under this paragraph shall not be commingled*  
10          *with State or local funds;*

11           *“(7) provide that funds reserved under subsection*  
12          *(e) of section 7604 be awarded on the basis of merit*  
13          *and need consistent with such subsection; and*

14           *“(8) provide an assurance that State and local*  
15          *educational agencies receiving funds under this part*  
16          *will comply with the requirements of section 1121(b).*

17          **“SEC. 7606. PAYMENTS.**

18           *“(a) AMOUNT.—The Secretary shall pay by not later*  
19          *than June 1 of each year to each State educational agency*  
20          *that has its application approved under section 7605 the*  
21          *amount of the State’s allocation as determined under sec-*  
22          *tion 7604.*

23           *“(b) SERVICES TO CHILDREN ENROLLED IN*  
24          *NONPUBLIC SCHOOLS.—If by reason of any provision of*  
25          *law a local educational agency is prohibited from providing*

1 *educational services for children enrolled in elementary and*  
2 *secondary nonpublic schools, as required by section*  
3 *7605(a)(6), or if the Secretary determines that a local edu-*  
4 *cational agency has substantially failed or is unwilling to*  
5 *provide for the participation on an equitable basis of chil-*  
6 *dren enrolled in such schools, the Secretary may waive such*  
7 *requirement and shall arrange for the provision of services*  
8 *to such children through arrangements which shall be sub-*  
9 *ject to the requirements of this part. Such waivers shall be*  
10 *subject to consultation, withholding, notice, and judicial re-*  
11 *view requirements in accordance with the provisions of title*  
12 *I.*

13 ***“SEC. 7607. USES OF FUNDS.***

14 *“(a) USE OF FUNDS.—Funds awarded under this part*  
15 *shall be used to pay for enhanced instructional opportuni-*  
16 *ties for immigrant children and youth, which may in-*  
17 *clude—*

18 *“(1) family literacy, parent outreach, and train-*  
19 *ing activities designed to assist parents to become ac-*  
20 *tive participants in the education of their children;*

21 *“(2) salaries of personnel, including teacher*  
22 *aides who have been specifically trained, or are being*  
23 *trained, to provide services to immigrant children*  
24 *and youth;*

1           “(3) tutorials, mentoring, and academic or ca-  
2           reer counseling for immigrant children and youth;

3           “(4) identification and acquisition of curricular  
4           materials, educational software, and technologies to be  
5           used in the program; and

6           “(5) such other activities, related to the purposes  
7           of this part, as the Secretary may authorize.

8           “(b) *CONSORTIA*.—A local educational agency that re-  
9           ceives a grant under this part may collaborate or form a  
10          consortium with one or more local educational agencies, in-  
11          stitutions of higher education, and non-profit organizations  
12          to carry out the approved program.

13          “(c) *SUBGRANTS*.—A local educational agency that re-  
14          ceives a grant under this part may, with the approval of  
15          the Secretary, make a subgrant to, or enter into a contract  
16          with, an institution of higher education, a non-profit orga-  
17          nization, or a consortium of such entities to carry out an  
18          approved program, including a program to serve out-of-  
19          school youth.

20          “**SEC. 7608. REPORTS.**

21          “(a) *TRIENNIAL REPORT*.—Each State educational  
22          agency receiving funds under this part shall submit, once  
23          every 3 years, a report to the Secretary concerning the ex-  
24          penditure of funds by local educational agencies under this  
25          part. Each local educational agency receiving funds under



1 *this part shall submit to the State educational agency such*  
2 *information as may be necessary for such report.*

3       “(b) *REPORT TO CONGRESS.*—*The Secretary shall sub-*  
4 *mit, once every 3 years, a report to the appropriate commit-*  
5 *tees of the Congress concerning programs under this part.*

6 **“SEC. 7609. AUTHORIZATION OF APPROPRIATIONS.**

7       “*For the purpose of carrying out the provisions of this*  
8 *part, there are authorized to be appropriated \$40,000,000*  
9 *in fiscal year 1995, and such sums as may be necessary*  
10 *for each of the fiscal years 1996, 1997, 1998, and 1999.*

11               **“TITLE VIII—IMPACT AID**

12 **“SEC. 8001. FINDINGS.**

13       “*The Congress finds that—*

14               “(1) *certain activities of the Federal Government*  
15 *place a financial burden on the local educational*  
16 *agencies serving areas where such activities are car-*  
17 *ried out; and*

18               “(2) *it is the shared responsibility of the Federal*  
19 *Government, the States, and local educational agen-*  
20 *cies to provide for the education of children connected*  
21 *to those activities.*

22 **“SEC. 8002. PURPOSE.**

23       “*In order to fulfill the Federal responsibility to assist*  
24 *with the provision of educational services to federally con-*  
25 *nected children, and to help them meet challenging State*

1 *standards, it is the purpose of this title to provide financial*  
2 *assistance to local educational agencies that—*

3           “(1) *experience a substantial and continuing fi-*  
4 *nancial burden due to the acquisition of real property*  
5 *by the United States;*

6           “(2) *educate children who reside on Federal*  
7 *property and whose parents are employed on Federal*  
8 *property;*

9           “(3) *educate children of parents who are in the*  
10 *military services and children who live in low-rent*  
11 *housing;*

12           “(4) *experience sudden and substantial increases*  
13 *in enrollments because of military realignments; or*

14           “(5) *need special assistance with capital expend-*  
15 *itures for construction activities because of the enroll-*  
16 *ments of substantial numbers of children who reside*  
17 *on Indian lands or who are defined in sections 2 and*  
18 *3 of the Act of September 23, 1950 (Public Law 815,*  
19 *81st Congress; 20 U.S.C. 631 et seq.).*

20 **“SEC. 8003. PAYMENTS RELATING TO FEDERAL ACQUI-**  
21 **SION OF REAL PROPERTY.**

22           “(a) *IN GENERAL.—Where the Secretary, after con-*  
23 *sultation with any local educational agency and with the*  
24 *appropriate State educational agency, determines for a fis-*  
25 *cal year ending prior to October 1, 1999—*

1           “(1) that the United States owns Federal prop-  
2           erty in the local educational agency, and that such  
3           property—

4                   “(A) has been acquired by the United States  
5                   since 1938;

6                   “(B) was not acquired by exchange for other  
7                   Federal property in the local educational agency  
8                   which the United States owned before 1939; and

9                   “(C) had an assessed value (determined as  
10                  of the time or times when so acquired) aggregat-  
11                  ing 10 percent or more of the assessed value of  
12                  all real property in the local educational agency  
13                  (similarly determined as of the time or times  
14                  when such Federal property was so acquired);

15           “(2) that the ownership by the United States of  
16           such Federal property places a substantial and con-  
17           tinuing financial burden on such agency; and

18                   “(3) that such agency is not being substantially  
19                   compensated for the loss in revenue resulting from  
20                   such ownership by increases in revenue accruing to  
21                   the agency from the conduct of Federal activities with  
22                   respect to such Federal property,

23           then such agency shall be entitled to receive for such fiscal  
24           year such amount as, in the judgment of the Secretary, is  
25           equal to the continuing Federal responsibility for the addi-

1 *tional financial burden with respect to current expenditures*  
2 *placed on such agency by the ownership of such Federal*  
3 *property.*

4 “(b) AMOUNT.—

5 “(1) IN GENERAL.—*The amount to which a local*  
6 *educational agency is entitled to receive under sub-*  
7 *section (a) for a fiscal year—*

8 “(A) *shall not exceed—*

9 “(i) *the amount which, in the judg-*  
10 *ment of the Secretary, such agency would*  
11 *have derived in such year, and would have*  
12 *had available for current expenditures, from*  
13 *the property acquired by the United States;*  
14 *and*

15 “(ii) *the amount which is equal to the*  
16 *difference of—*

17 “(I) *the maximum amount that*  
18 *such agency is eligible to receive for*  
19 *such fiscal year under section*  
20 *8004(b)(1)(C); and*

21 “(II) *the amount that such agency*  
22 *receives in such fiscal year under sec-*  
23 *tion 8004(b)(2); and*

24 “(B) *shall be reduced by the Secretary by*  
25 *an amount equal to the amount of revenue, if*

1           any, that such agency received from activities  
2           conducted on such property during the previous  
3           year.

4           “(2) *APPLICATION OF CURRENT LEVIED REAL*  
5           *PROPERTY TAX RATE.*—In making a determination of  
6           the amount that would have been derived in such year  
7           under paragraph (1)(A)(i), the Secretary shall apply  
8           the current levied real property tax rate for current  
9           expenditures levied by fiscally independent local edu-  
10          cational agencies or imputed, for fiscally dependent  
11          local educational agencies, to the current annually de-  
12          termined aggregate assessed value of such acquired  
13          Federal property.

14          “(3) *DETERMINATION OF AGGREGATE ASSESSED*  
15          *VALUE.*—Such aggregate assessed value of such ac-  
16          quired Federal property shall be determined (on the  
17          basis of the highest and best use of property adjacent  
18          to such acquired Federal property as of the time such  
19          value is determined), and provided to the Secretary,  
20          by the local official responsible for assessing the value  
21          of real property located in the jurisdiction of such  
22          local educational agency for the purpose of levying a  
23          property tax.

24          “(c) *APPLICABILITY TO TENNESSEE VALLEY AUTHOR-*  
25          *ITY ACT.*—For the purposes of this section, any real prop-

1 *erty with respect to which payments are being made under*  
2 *section 13 of the Tennessee Valley Authority Act of 1933*  
3 *shall not be regarded as Federal property.*

4 “(d) *OWNERSHIP BY UNITED STATES.*—*The United*  
5 *States shall be deemed to own Federal property for the pur-*  
6 *poses of this Act, where—*

7 “(1) *prior to the transfer of Federal property, the*  
8 *United States owned Federal property meeting the re-*  
9 *quirements of subparagraphs (A), (B), and (C) of sub-*  
10 *section (a)(1); and*

11 “(2) *the United States transfers a portion of the*  
12 *property referred to in paragraph (1) to another non-*  
13 *taxable entity, and the United States—*

14 “(A) *restricts some or any construction on*  
15 *such property;*

16 “(B) *requires that the property be used in*  
17 *perpetuity for the public purposes for which it*  
18 *was conveyed;*

19 “(C) *requires the grantee of the property to*  
20 *report to the Federal government (or its agent)*  
21 *containing information on the use of the prop-*  
22 *erty;*

23 “(D) *except with the approval of the Fed-*  
24 *eral government (or its agent), prohibits the sale,*  
25 *lease, assignment, or other disposal of the prop-*

1           erty unless such sale, lease, assignment, or other  
2           disposal is to another eligible government agen-  
3           cy; and

4                   “(E) reserves to the Federal government a  
5           right of reversion at any time the Federal gov-  
6           ernment (or its agent) deems it necessary for the  
7           national defense.

8   **“SEC. 8004. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**  
9                   **NECTED CHILDREN.**

10           “(a) COMPUTATION OF PAYMENT.—

11                   “(1) IN GENERAL.—For the purpose of comput-  
12           ing the amount that a local educational agency is eli-  
13           gible to receive under subsection (b) or (f) for any fis-  
14           cal year, the Secretary shall determine the number of  
15           children who were in average daily attendance in the  
16           schools of such agency, and for whom such agency  
17           provided free public education, during the preceding  
18           school year and who, while in attendance at such  
19           schools—

20                   “(A) resided on Federal property and had a  
21           parent employed on Federal property situated in  
22           whole or in part within the boundaries of the  
23           school district of such agency;

24                   “(B) resided on Federal property and had  
25           a parent on active duty in the uniformed serv-

1            *ices (as defined in section 101 of title 37, United*  
2            *States Code);*

3            *“(C) resided on Indian lands;*

4            *“(D) had a parent on active duty in the*  
5            *uniformed services (as defined by section 101 of*  
6            *title 37, United States Code) but did not reside*  
7            *on Federal property; or*

8            *“(E) resided in low-rent housing.*

9            *“(2) DETERMINATION OF WEIGHTED STUDENT*  
10           *UNITS.—For purposes of computing the basic support*  
11           *payment under subsection (b), the Secretary shall cal-*  
12           *culate the total number of weighted student units for*  
13           *a local educational agency by adding together the re-*  
14           *sults obtained by the following computations:*

15           *“(A) Multiply the number of children de-*  
16           *scribed in subparagraphs (A) and (B) of para-*  
17           *graph (1) who are not eligible to receive services*  
18           *under the Individuals With Disabilities Edu-*  
19           *cation Act (20 U.S.C. 1400 et seq.) by a factor*  
20           *of 1.0.*

21           *“(B) Multiply the number of children de-*  
22           *scribed in subparagraphs (A) and (B) of para-*  
23           *graph (1) who are eligible to receive services*  
24           *under such Act by a factor of 1.50.*



1           “(C) Multiply the number of children de-  
2 scribed in paragraph (1)(C) who are not eligible  
3 to receive services under such Act by a factor of  
4 1.25.

5           “(D) Multiply the number of children de-  
6 scribed in paragraph (1)(C) who are eligible to  
7 receive services under such Act by a factor of  
8 1.825.

9           “(E) Multiply the number of children de-  
10 scribed in subparagraphs (D) and (E) of para-  
11 graph (1) who are not eligible to receive services  
12 under such Act by a factor of .25.

13           “(F) Multiply the number of children de-  
14 scribed in subparagraphs (D) and (E) of para-  
15 graph (1) who are eligible to receive services  
16 under such Act by a factor of .375.

17           “(b) BASIC SUPPORT PAYMENTS AND PAYMENTS WITH  
18 RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT  
19 FUNDS ARE APPROPRIATED.—

20           “(1) BASIC SUPPORT PAYMENTS.—

21           “(A) IN GENERAL.—From the amount ap-  
22 propriated under section 8013(b) for a fiscal  
23 year, the Secretary is authorized to make basic  
24 support payments to eligible local educational

1           *agencies with children described under subsection*  
2           *(a).*

3           “(B) *ELIGIBILITY.*—*A local educational*  
4           *agency shall be entitled to receive a basic support*  
5           *payment under subparagraph (A) for a fiscal*  
6           *year with respect to a number of children deter-*  
7           *mined under subsection (a) only if the number*  
8           *of children so determined with respect to such*  
9           *agency amounts to the lesser of—*

10                   “(i) *at least 400 such children, or*

11                   “(ii) *a number of such children which*  
12                   *equals at least 3 percent of the total number*  
13                   *of children who were in average daily at-*  
14                   *tendance, during such year, at the schools of*  
15                   *such agency and for whom such agency pro-*  
16                   *vided free public education.*

17           “(C) *MAXIMUM AMOUNT.*—*The maximum*  
18           *amount that a local educational agency is eligi-*  
19           *ble to receive under this subsection for any fiscal*  
20           *year is the sum of the total weighted student*  
21           *units, as computed under subsection (a)(2), mul-*  
22           *tiplied by—*

23                   “(i) *the greater of—*

24                   “(I) *one-half of the average per*  
25                   *pupil expenditure of the State in which*

1                   *the local educational agency is located,*  
2                   *or*

3                   “(II) *one-half of the average per*  
4                   *pupil expenditures of all of the States,*  
5                   *or*

6                   “(ii) *the comparable local contribution*  
7                   *rate certified by the State, as determined*  
8                   *under regulations prescribed to carry out*  
9                   *the Act of September 30, 1950 (Public Law*  
10                   *874, 81st Congress), as in effect on January*  
11                   *1, 1994.*

12                   “(2) *PAYMENTS WITH RESPECT TO FISCAL YEARS*  
13                   *IN WHICH INSUFFICIENT FUNDS ARE APPRO-*  
14                   *PRIATED.—*

15                   “(A) *IN GENERAL.—For any fiscal year in*  
16                   *which the sums appropriated under section*  
17                   *8013(b) are insufficient to pay to each local edu-*  
18                   *cational agency the full amount computed under*  
19                   *paragraph (1), the Secretary shall make pay-*  
20                   *ments based upon the provisions of this para-*  
21                   *graph.*

22                   “(B) *LEARNING OPPORTUNITY THRESHOLD*  
23                   *PAYMENTS.—For fiscal years described in sub-*  
24                   *paragraph (A), the Secretary shall compute a*  
25                   *learning opportunity threshold payment (herein-*

1           *after ‘threshold payment’)* by multiplying the  
2           *amount obtained under paragraph (1)(C) by the*  
3           *total percentage obtained by adding—*

4                   “(i) *the percentage of federally con-*  
5                   *ected children for each local educational*  
6                   *agency determined by calculating the frac-*  
7                   *tion, the numerator of which is the total*  
8                   *number of children described under sub-*  
9                   *section (a)(1) and the denominator of which*  
10                  *is the total number of children in average*  
11                  *daily attendance at the schools served by*  
12                  *such agency; and*

13                  “(ii) *the percentage that funds under*  
14                  *this paragraph represent of the total budget*  
15                  *of the local educational agency, determined*  
16                  *by calculating the fraction, the numerator*  
17                  *of which is the total amount of funds cal-*  
18                  *culated for each educational agency under*  
19                  *this paragraph, and the denominator of*  
20                  *which is the total current expenditures for*  
21                  *such agency.*

22                  “(C) *RATABLE DISTRIBUTION.—For fiscal*  
23                  *years described in subparagraph (A), the Sec-*  
24                  *retary shall make payments as a ratable dis-*

1           *tribution based upon the computation made*  
2           *under subparagraph (B).*

3           “(c) *PRIOR YEAR DATA.*—*All calculations under this*  
4 *title shall be based upon data for each local educational*  
5 *agency from the fiscal year preceding the fiscal year for*  
6 *which the agency is making application for payment.*

7           “(d) *USE OF FUNDS FOR CHILDREN WITH DISABIL-*  
8 *ITIES.*—*The local educational agency shall use an amount*  
9 *equal to the amount of funds generated by the factors in*  
10 *subparagraphs (B), (D), and (F) of subsection (a)(2) which*  
11 *are in excess of the factor of 1.0 applied to the amount of*  
12 *payments generated for each fiscal year applicable to the*  
13 *weighted student unit factor of 1.0 to provide a free appro-*  
14 *priate public education to children described in subsection*  
15 *(a)(2), in accordance with part B of the Individuals with*  
16 *Disabilities Education Act (20 U.S.C. 1411 et seq.).*

17           “(e) *HOLD-HARMLESS AMOUNTS.*—

18           “(1) *IN GENERAL.*—*Notwithstanding any other*  
19 *provision of this section, the total amount that the*  
20 *Secretary shall pay to a local educational agency*  
21 *under subsections (b) and (f)—*

22                   “(A) *for fiscal year 1995, shall not be less*  
23 *than 80 percent of the payment such agency re-*  
24 *ceived for fiscal year 1994 under section 3(a) of*  
25 *the Act of September 30, 1950 (Public Law 81-*

1           874, 81st Congress), as in effect for fiscal year  
2           1994;

3           “(B) for fiscal year 1996, shall not be less  
4           than 60 percent of such payment received for fis-  
5           cal year 1994; and

6           “(C) for fiscal year 1997, shall not be less  
7           than 40 percent of such payment received for fis-  
8           cal year 1994.

9           “(2) *REDUCTION IN PAYMENTS.*—In order to  
10          make payments to local educational agencies in ac-  
11          cordance with paragraph (1), the Secretary shall re-  
12          duce payments to other local educational agencies de-  
13          termined under subsection (b).

14          “(f) *SUPPLEMENTAL ASSISTANCE.*—

15                  “(1) *RESERVATION.*—

16                          “(A) *IN GENERAL.*—Except as provided in  
17                          subparagraph (B), from amounts appropriated  
18                          under section 8013(b) for a fiscal year, the Sec-  
19                          retary shall reserve not less than 6 percent to  
20                          provide supplemental assistance to meet special  
21                          circumstances relating to the provision of edu-  
22                          cation in local educational agencies eligible to  
23                          receive assistance under this section.

24                          “(B) *RESERVATION IN FISCAL YEARS WHEN*  
25                          *AMOUNTS FROM PRIOR FISCAL YEAR RESERVA-*

1           *TIONS AVAILABLE.*—*With respect to a fiscal year*  
2           *in which amounts are available from a reserva-*  
3           *tion made by the Secretary under subparagraph*  
4           *(A) for a prior fiscal year, the Secretary shall,*  
5           *from amounts appropriated under section*  
6           *8013(b) for the current fiscal year, reserve an*  
7           *amount which, when added to the amount avail-*  
8           *able from such prior fiscal year reservation,*  
9           *equals not less than 6 percent of amounts appro-*  
10          *priated under such section for such current fiscal*  
11          *year.*

12           “(C) *AVAILABILITY.*—*Amounts reserved*  
13          *under subparagraph (A) are authorized to re-*  
14          *main available until expended.*

15          “(2) *ELIGIBILITY.*—

16           “(A) *IN GENERAL.*—*A local educational*  
17          *agency shall be eligible to receive supplemental*  
18          *assistance under this subsection only if such*  
19          *agency—*

20           “(i)(I) *has an enrollment of federally*  
21          *connected children described in subsection*  
22          *(a)(1) which constitutes at least 40 percent*  
23          *of the total student enrollment of such agen-*  
24          *cy; and*

1           “(II) has a tax rate for general fund  
2 purposes which is at least 95 percent of the  
3 average tax rate for general fund purposes  
4 (before any State mandated tax rate reduc-  
5 tions) of all local educational agencies in  
6 the State;

7           “(ii)(I) has an enrollment of federally  
8 connected children described in subsection  
9 (a)(1) which constitutes at least 35 percent  
10 of the total student enrollment of such agen-  
11 cy; and

12           “(II) has a tax rate for general fund  
13 purposes which is at least 125 percent of the  
14 average tax rate for general fund purposes  
15 (before any State mandated tax rate reduc-  
16 tions) of all local educational agencies in  
17 the State; or

18           “(iii) is a local education agency  
19 whose boundaries are the same as a Federal  
20 military installation or includes Federal  
21 property under exclusive Federal jurisdic-  
22 tion.

23           “(B) SPECIAL RULE.—If a local educational  
24 agency receives assistance under this subsection  
25 for 3 consecutive fiscal years because such agency



1           *satisfied the requirements of clause (i) or (ii) of*  
2           *subparagraph (A), then such agency shall be*  
3           *deemed to meet such requirements with respect to*  
4           *assistance under this subsection for each consecu-*  
5           *tive succeeding fiscal year in which such agency*  
6           *applies for assistance under this subsection.*

7           “(C) *EXCLUSION OF REMAINING CASH BAL-*  
8           *ANCES.—In determining eligibility under this*  
9           *paragraph, the Secretary shall exclude any cash*  
10           *balances of the local educational agency remain-*  
11           *ing at the end of the school year as allowed by*  
12           *State law.*

13           “(3) *CURRENT YEAR DATA.—Notwithstanding*  
14           *subsection (c), the Secretary shall, for purposes of pro-*  
15           *viding assistance under this subsection (or section*  
16           *3(d)(2)(B) of the Act of September 30, 1950 (Public*  
17           *Law 81–874, 81st Congress), as in effect on October*  
18           *1, 1993), use—*

19           “(A) *data from the fiscal year in which the*  
20           *local educational agency is applying for assist-*  
21           *ance under this subsection; or*

22           “(B) *the most recent data available which is*  
23           *adjusted to such fiscal year.*

24           “(4) *APPLICATION PROCEDURES.—The Secretary*  
25           *shall prescribe regulations establishing procedures for*

1     *the application for assistance by a local educational*  
2     *agency under this subsection.*

3             “(5) *PROHIBITION ON STATE RESTRICTIONS*  
4     *WITH RESPECT TO ASSISTANCE.—A State shall not*  
5     *restrict the ability of a local educational agency to*  
6     *use assistance received by such agency under this sub-*  
7     *section.*

8             “(6) *PROHIBITION ON CONSIDERATION OF AS-*  
9     *SISTANCE IN STATE AID CALCULATION.—Notwith-*  
10    *standing section 8009(b), a State shall not take into*  
11    *consideration any assistance received under this sub-*  
12    *section in determining a State aid calculation for a*  
13    *local educational agency.*

14    **“SEC. 8005. POLICIES AND PROCEDURES RELATING TO**  
15                    **CHILDREN RESIDING ON INDIAN LANDS.**

16             “(a) *IN GENERAL.—A local educational agency that*  
17    *claims children residing on Indian lands for the purpose*  
18    *of receiving funds under section 8004 shall establish policies*  
19    *and procedures to ensure that—*

20                    “(1) *such children participate in programs and*  
21    *activities supported by such funds on an equal basis*  
22    *with all other children;*

23                    “(2) *parents of such children and Indian tribes*  
24    *are afforded an opportunity to present their views on*  
25    *such programs and activities, including an oppor-*

1        *tunity to make recommendations on the needs of those*  
2        *children and how they may help those children realize*  
3        *the benefits of those programs and activities;*

4            *“(3) parents and Indian tribes are consulted and*  
5        *involved in planning and developing such programs*  
6        *and activities;*

7            *“(4) relevant applications, evaluations, and pro-*  
8        *gram plans are disseminated to the parents and In-*  
9        *dian tribes; and*

10           *“(5) parents and Indian tribes are afforded an*  
11        *opportunity to present their views on the agency’s*  
12        *general educational program to such agency.*

13        *“(b) RECORDS.—A local educational agency that*  
14        *claims children residing on Indian lands for the purpose*  
15        *of receiving funds under section 8004 shall maintain*  
16        *records demonstrating its compliance with requirements*  
17        *contained in subsection (a).*

18        *“(c) WAIVER.—A local educational agency that claims*  
19        *children residing on Indian lands for the purpose of receiv-*  
20        *ing funds under section 8004 is excused from the require-*  
21        *ments contained in subsections (a) and (b) for any year*  
22        *with respect to any Indian tribe from which it has received*  
23        *a written statement that the agency need not comply with*  
24        *those subsections because the tribe is satisfied with the pro-*

1 *vision of educational services by such agency to such chil-*  
2 *dren.*

3 “(d) *TECHNICAL ASSISTANCE AND ENFORCEMENT.*—

4 *The Secretary shall—*

5 “(1) *provide technical assistance to local edu-*  
6 *cational agencies, parents, and Indian tribes to en-*  
7 *able them to carry out this section; and*

8 “(2) *enforce this section through such actions,*  
9 *which may include the withholding of funds, as the*  
10 *Secretary determines to be appropriate, after afford-*  
11 *ing the affected local educational agency, parents, and*  
12 *Indian tribe an opportunity to present their views.*

13 ***“SEC. 8006. APPLICATION FOR PAYMENTS UNDER SECTIONS***  
14 ***8003 AND 8004.***

15 “(a) *IN GENERAL.*—*A local educational agency desir-*  
16 *ing to receive a payment under section 8003 or 8004 shall—*

17 “(1) *submit an application for such payment to*  
18 *the Secretary; and*

19 “(2) *provide a copy of such application to the*  
20 *State educational agency.*

21 “(b) *CONTENTS.*—*Each such application shall be sub-*  
22 *mitted in such form and manner, and shall contain such*  
23 *information, as the Secretary may require, including—*

1           “(1) information to determine the eligibility of  
2           the local educational agency for a payment and the  
3           amount of such payment; and

4           “(2) where applicable, an assurance that such  
5           agency is in compliance with section 8005 (relating  
6           to children residing on Indian lands).

7           “(c) *DEADLINE FOR SUBMISSION.*—The Secretary  
8           shall establish deadlines for the submission of applications  
9           under this section.

10          “(d) *APPROVAL.*—

11           “(1) *IN GENERAL.*—The Secretary shall approve  
12           an application submitted under this section that—

13                   “(A) is filed by the deadline established  
14                   under subsection (c); and

15                   “(B) otherwise meets the requirements of  
16                   this title.

17           “(2) *REDUCTION IN PAYMENT.*—The Secretary  
18           shall approve an application filed up to 60 days after  
19           a deadline established under subsection (c) that other-  
20           wise meets the requirements of this title, except that,  
21           notwithstanding section 8004(e), the Secretary shall  
22           reduce the payment based on such late application by  
23           10 percent of the amount that would otherwise be  
24           paid.

1           “(3) *LATE APPLICATIONS.*—*The Secretary shall*  
2           *not accept or approve any application that is filed*  
3           *more than 60 days after a deadline established under*  
4           *subsection (c).*

5           “**SEC. 8007. PAYMENTS FOR SUDDEN AND SUBSTANTIAL IN-**  
6                            **CREASES IN ATTENDANCE OF MILITARY DE-**  
7                            **PENDENTS.**

8           “(a) *ELIGIBILITY.*—*A local educational agency is eli-*  
9           *gible for a payment under this section if—*

10           “(1) *the number of children in average daily at-*  
11           *tendance during the current school year is at least ten*  
12           *percent or 100 more than the number of children in*  
13           *average daily attendance in the preceding school year;*  
14           *and*

15           “(2) *the number of children in average daily at-*  
16           *tendance with a parent on active duty (as defined in*  
17           *section 101(18) of title 37, United States Code) in the*  
18           *Armed Forces who are in attendance at such agency*  
19           *because of the assignment of their parent to a new*  
20           *duty station between July 1 and September 30, inclu-*  
21           *sive, of the current year, as certified by an appro-*  
22           *priate local official of the Department of Defense, is*  
23           *at least ten percent or 100 more than the number of*  
24           *children in average daily attendance in the preceding*  
25           *school year.*

1       “(b) *APPLICATION.*—A local educational agency that  
2 wishes to receive a payment under this section shall file an  
3 application with the Secretary by October 15 of the current  
4 school year, in such manner and containing such informa-  
5 tion as the Secretary may prescribe, including information  
6 demonstrating that it is eligible for such a payment.

7       “(c) *CHILDREN TO BE COUNTED.*—For each eligible  
8 local educational agency that applies for a payment under  
9 this section, the Secretary shall determine the lesser of—

10           “(1) the increase in the number of children in  
11 average daily attendance from the preceding year;  
12 and

13           “(2) the number of children described in sub-  
14 section (a)(2).

15       “(d) *PAYMENTS.*—From the amount appropriated for  
16 a fiscal year under section 8013(c), the Secretary shall pay  
17 each local educational agency with an approved application  
18 an amount, not to exceed \$200 per eligible child, 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 for  
25 that local educational agency.

1       “(e) *NOTIFICATION PROCESS.*—

2               “(1) *ESTABLISHMENT.*—*The Secretary shall en-*  
3       *deavor to establish, with the Secretary of Defense, a*  
4       *notification process relating to the closure of Depart-*  
5       *ment of Defense facilities, or the adjustment of per-*  
6       *sonnel levels assigned to such facilities, which may*  
7       *substantially affect the student enrollment levels of*  
8       *local educational agencies which receive or may re-*  
9       *ceive payments under this title.*

10              “(2) *INFORMATION.*—*Such process shall provide*  
11       *timely information regarding such closures and such*  
12       *adjustments—*

13              “(A) *by the Secretary of Defense to the Sec-*  
14       *retary; and*

15              “(B) *by the Secretary to the affected local edu-*  
16       *cational agencies.*

17       **“SEC. 8008. FACILITIES.**

18              “(a) *CURRENT FACILITIES.*—*From the amount appro-*  
19       *priated for any fiscal year under section 8013(e), the Sec-*  
20       *retary may continue to provide assistance for school facili-*  
21       *ties that were supported by the Secretary under section 10*  
22       *of the Act of September 23, 1950 (Public Law 815, 81st*  
23       *Congress; 20 U.S.C. 640) as in effect prior to the date of*  
24       *the enactment of the Improving America’s Schools Act of*  
25       *1994.*



1       “(b) *TRANSFER OF FACILITIES.*—

2               “(1) *IN GENERAL.*—*The Secretary shall, as soon*  
3 *as practicable, transfer to the appropriate local edu-*  
4 *cational agency or another appropriate entity all the*  
5 *right, title, and interest of the United States in and*  
6 *to each facility provided under section 10 of the Act*  
7 *of September 23, 1950 (Public Law 815, 81st Con-*  
8 *gress; 20 U.S.C. 640), or under section 204 or 310 of*  
9 *the Act of September 30, 1950 (Public Law 874, 81st*  
10 *Congress), as in effect on January 1, 1958.*

11               “(2) *OTHER REQUIREMENTS.*—*Any such transfer*  
12 *shall be without charge to such agency or entity, and*  
13 *prior to such transfer, the transfer must be consented*  
14 *to by the local education agency or other appropriate*  
15 *entity, and may be made on such terms and condi-*  
16 *tions as the Secretary deems appropriate to carry out*  
17 *the purposes of this Act.*

18       **“SEC. 8009. STATE CONSIDERATION OF PAYMENTS IN PRO-**  
19                               **VIDING STATE AID.**

20               “(a) *GENERAL PROHIBITION.*—*Except as provided in*  
21 *subsection (b), a State may not—*

22               “(1) *consider payments under this title or under*  
23 *the Act of September 30, 1950 (Public Law 874, 81st*  
24 *Congress) in determining for any fiscal year—*

1           “(A) *the eligibility of a local educational*  
2           *agency for State aid for free public education; or*

3           “(B) *the amount of such aid; or*

4           “(2) *make such aid available to local educational*  
5           *agencies in a manner that results in less State aid to*  
6           *any local educational agency that is eligible for such*  
7           *payment than it would receive if it were not so eligi-*  
8           *ble.*

9           “(b) *STATE EQUALIZATION PLANS.—*

10           “(1) *IN GENERAL.—A State may reduce State*  
11           *aid to a local educational agency that receives a pay-*  
12           *ment under section 8004 or under the Act of Septem-*  
13           *ber 30, 1950 (Public Law 874, 81st Congress) as such*  
14           *Act existed prior to the enactment of the Improving*  
15           *America’s Schools Act of 1994 (other than a payment*  
16           *under section 2 or an increase in payments described*  
17           *in paragraphs (2)(B), (2)(C), (2)(D), or (3)(B)(ii) of*  
18           *section 3(d)) for any fiscal year if the Secretary de-*  
19           *termines, and certifies under subsection (c)(3)(A),*  
20           *that such State has in effect a program of State aid*  
21           *that equalizes expenditures for free public education*  
22           *among local educational agencies in such State.*

23           “(2) *COMPUTATION.—*

24           “(A) *IN GENERAL.—For purposes of para-*  
25           *graph (1), a program of State aid equalizes ex-*

1        *penditures among local educational agencies if,*  
2        *in the second preceding fiscal year, the amount*  
3        *of per-pupil expenditures made by, or per-pupil*  
4        *revenues available to, the local educational agen-*  
5        *cy in the State with the highest such per-pupil*  
6        *expenditures or revenues did not exceed the*  
7        *amount of such per-pupil expenditures made by,*  
8        *or per-pupil revenues available to, the local edu-*  
9        *cational agency in the State with the lowest such*  
10       *expenditures or revenues by more than 10 per-*  
11       *cent.*

12                *“(B) OTHER FACTORS.—In making a deter-*  
13                *mination under this subsection, the Secretary*  
14                *shall—*

15                        *“(i) disregard local educational agen-*  
16                        *cies with per-pupil expenditures or revenues*  
17                        *above the 95th percentile or below the 5th*  
18                        *percentile of such expenditures or revenues*  
19                        *in the State; and*

20                        *“(ii) take into account the extent to*  
21                        *which a program of State aid reflects the*  
22                        *additional cost of providing free public edu-*  
23                        *cation in particular types of local edu-*  
24                        *cational agencies, such as those that are geo-*  
25                        *graphically isolated, or to particular types*

1           *of students, such as children with disabili-*  
2           *ties.*

3           “(3) *EXCEPTION.—Notwithstanding paragraph*  
4           *(2), if the Secretary determines that the State has*  
5           *substantially revised its program of State aid, the*  
6           *Secretary may certify such program for any fiscal*  
7           *year only if—*

8                   “(A) *the Secretary determines, on the basis*  
9                   *of projected data, that the State’s program will*  
10                  *meet the 10 percent disparity standard described*  
11                  *in paragraph (2) in that fiscal year; and*

12                   “(B) *the State provides an assurance to the*  
13                   *Secretary that, if final data do not demonstrate*  
14                   *that the State’s program met such standard for*  
15                   *that year (or that it met such standard with a*  
16                   *greater percentage of disparity than antici-*  
17                   *pated), the State will pay to each affected local*  
18                   *educational agency the amount by which it re-*  
19                   *duced State aid to the local educational agency*  
20                   *on the basis of such certification, or a propor-*  
21                   *tionate share thereof, as the case may be.*

22           “(c) *PROCEDURES FOR REVIEW OF STATE EQUALI-*  
23           *ZATION PLANS.—*

24                   “(1) *WRITTEN NOTICE.—*

1           “(A) *IN GENERAL.*—Any State that wishes  
2           to consider payments described in subsection  
3           (b)(1) in providing State aid to local edu-  
4           cational agencies shall submit to the Secretary,  
5           not later than 120 days before the beginning of  
6           the State’s fiscal year, a written notice of its in-  
7           tention to do so.

8           “(B) *CONTENTS.*—Such notice shall be in  
9           the form and contain the information the Sec-  
10          retary requires, including evidence that the State  
11          has notified each local educational agency in the  
12          State of its intention to consider such payments  
13          in providing State aid.

14          “(2) *OPPORTUNITY TO PRESENT VIEWS.*—Before  
15          making a determination under subsection (b), the  
16          Secretary shall afford the State, and local educational  
17          agencies in the State, an opportunity to present their  
18          views.

19          “(3) *QUALIFICATION PROCEDURES.*—If the Sec-  
20          retary determines that a program of State aid quali-  
21          fies under subsection (b), the Secretary shall—

22                  “(A) certify the program and so notify the  
23                  State; and

24                  “(B) afford an opportunity for a hearing,  
25                  in accordance with section 8011(a), to any local

1           *educational agency adversely affected by such*  
2           *certification.*

3           “(4) *NON-QUALIFICATION PROCEDURES.*—*If the*  
4           *Secretary determines that a program of State aid*  
5           *does not qualify under subsection (b), the Secretary*  
6           *shall—*

7                     “(A) *so notify the State; and*

8                     “(B) *afford an opportunity for a hearing,*  
9                     *in accordance with section 8011(a), to the State,*  
10                    *and to any local educational agency adversely*  
11                    *affected by such determination.*

12           “(d) *REDUCTIONS OF STATE AID.*—

13                    “(1) *IN GENERAL.*—*A State whose program of*  
14                    *State aid has been certified by the Secretary under*  
15                    *subsection (c)(3) may reduce the amount of such aid*  
16                    *provided to a local educational agency that receives a*  
17                    *payment described in subsection (b)(1) by any*  
18                    *amount up to—*

19                            “(A) *the amount of such payment; multi-*  
20                            *plied by*

21                            “(B) *100 percent minus the percentage of*  
22                            *disparity determined under subsection (b).*

23                    “(2) *PROHIBITION.*—*A State may not make a re-*  
24                    *duction described in paragraph (1) before its program*

1 *of State aid has been certified by the Secretary under*  
2 *subsection (c)(3).*

3 *“(e) REMEDIES FOR STATE VIOLATIONS.—*

4 *“(1) IN GENERAL.—The Secretary or any ag-*  
5 *grieved local educational agency may, without ex-*  
6 *hausting administrative remedies, bring an action in*  
7 *a United States district court against any State that*  
8 *violates subsection (a) or subsection (d)(2) or fails to*  
9 *carry out an assurance provided under subsection*  
10 *(b)(3)(B).*

11 *“(2) IMMUNITY.—A State shall not be immune*  
12 *under the eleventh amendment to the Constitution of*  
13 *the United States from an action described in para-*  
14 *graph (1).*

15 *“(3) RELIEF.—The court shall grant such relief*  
16 *as it determines is appropriate, which may include*  
17 *attorney’s fees to a prevailing local educational agen-*  
18 *cy.*

19 **“SEC. 8010. FEDERAL ADMINISTRATION.**

20 *“(a) PAYMENTS IN WHOLE DOLLAR AMOUNTS.—The*  
21 *Secretary shall round any payments under this title to the*  
22 *nearest whole dollar amount.*

23 *“(b) OTHER AGENCIES.—Each Federal agency admin-*  
24 *istering Federal property on which children reside, and*  
25 *each agency principally responsible for an activity that*

1 *may occasion assistance under this title, shall, to the maxi-*  
2 *mum extent practicable, comply with requests of the Sec-*  
3 *retary for information the Secretary may require to carry*  
4 *out this title.*

5 **“SEC. 8011. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**  
6 **VIEW.**

7 “(a) *ADMINISTRATIVE HEARINGS.*—A local edu-  
8 *cational agency and a State that is adversely affected by*  
9 *any action of the Secretary under this title shall be entitled*  
10 *to a hearing on such action in the same manner as if such*  
11 *agency were a person under chapter 5 of title 5, United*  
12 *States Code.*

13 “(b) *JUDICIAL REVIEW OF SECRETARIAL ACTION.*—

14 “(1) *IN GENERAL.*—A local educational agency  
15 *or a State aggrieved by the Secretary’s final decision*  
16 *following an agency proceeding under subsection (a)*  
17 *may, within 60 days after receiving notice of such de-*  
18 *cision, file with the United States court of appeals for*  
19 *the circuit in which such agency or State is located*  
20 *a petition for review of that action. The clerk of the*  
21 *court shall promptly transmit a copy of the petition*  
22 *to the Secretary. The Secretary shall then file in the*  
23 *court the record of the proceedings on which the Sec-*  
24 *retary’s action was based, as provided in section 2112*  
25 *of title 28, United States Code.*



1           “(2) *FINDINGS OF FACT.*—The findings of fact by  
2           the Secretary, if supported by substantial evidence,  
3           shall be conclusive, but the court, for good cause  
4           shown, may remand the case to the Secretary to take  
5           further evidence. The Secretary may thereupon make  
6           new or modified findings of fact and may modify the  
7           Secretary’s previous action, and shall file in the court  
8           the record of the further proceedings. Such new or  
9           modified findings of fact shall likewise be conclusive  
10          if supported by substantial evidence.

11          “(3) *REVIEW.*—The court shall have exclusive ju-  
12          risdiction to affirm the action of the Secretary or to  
13          set it aside, in whole or in part. The judgment of the  
14          court shall be subject to review by the Supreme Court  
15          of the United States upon certiorari or certification  
16          as provided in section 1254 of title 28, United States  
17          Code.

18          **“SEC. 8012. DEFINITIONS.**

19          “For purposes of this title, the following definitions  
20          apply:

21                 “(1) *ARMED FORCES.*—The term ‘Armed Forces’  
22                 means the Army, Navy, Air Force, and Marine Corps.

23                 “(2) *AVERAGE PER-PUPIL EXPENDITURE.*—The  
24                 term ‘average per-pupil expenditure’ means—

1           “(A) the aggregate current expenditures of  
2 all local educational agencies in the State; di-  
3 vided by

4           “(B) the total number of children in average  
5 daily attendance for whom such agencies pro-  
6 vided free public education.

7           “(3) CONSTRUCTION.—The term ‘construction’  
8 means—

9           “(A) the preparation of drawings and speci-  
10 fications for school facilities;

11           “(B) erecting, building, acquiring, altering,  
12 remodeling, repairing, or extending school facili-  
13 ties;

14           “(C) inspecting and supervising the con-  
15 struction of school facilities; and

16           “(D) debt service for such activities.

17           “(4) FEDERAL PROPERTY.—

18           “(A) IN GENERAL.—Except as provided in  
19 subparagraphs (B) through (E), the term ‘Fed-  
20 eral property’ means real property that is not  
21 subject to taxation by any State or any political  
22 subdivision of a State due to Federal agreement,  
23 law, or policy, and that is—

1           “(i) owned by the United States or  
2 leased by the United States from another  
3 entity;

4           “(ii)(I) held in trust by the United  
5 States for individual Indians or Indian  
6 tribes;

7           “(II) held by individual Indians or In-  
8 dian tribes subject to restrictions on alien-  
9 ation imposed by the United States;

10           “(III) conveyed at any time under the  
11 Alaska Native Claims Settlement Act (Pub-  
12 lic Law 92–203, 43 U.S.C. 1601 et seq.) to  
13 a Native individual, Native group, or Vil-  
14 lage or Regional corporation; or

15           “(IV) public land owned by the United  
16 States that is designated for the sole use and  
17 benefit of individual Indians or Indian  
18 tribes; or

19           “(iii) owned by a foreign government or by  
20 an international organization.

21           “(B) SCHOOLS PROVIDING FLIGHT TRAINING  
22 TO MEMBERS OF AIR FORCE.—The term ‘Federal  
23 property’ includes, so long as not subject to tax-  
24 ation by any State or any political subdivision  
25 of a State, and whether or not that tax exemp-

1           tion is due to Federal agreement, law, or policy,  
2           any school providing flight training to members  
3           of the Air Force under contract with the Air  
4           Force at an airport owned by a State or politi-  
5           cal subdivision of a State.

6           “(C) NON-FEDERAL EASEMENTS, LEASES,  
7           LICENSES, PERMITS, IMPROVEMENTS, AND CER-  
8           TAIN OTHER REAL PROPERTY.—The term ‘Fed-  
9           eral property’ includes, whether or not subject to  
10          taxation by a State or a political subdivision of  
11          a State—

12                 “(i) any non-Federal easement, lease,  
13                 license, permit, or other such interest in  
14                 Federal property as otherwise described in  
15                 this paragraph, but not including any non-  
16                 Federal fee-simple interest;

17                 “(ii) any improvement on Federal  
18                 property as otherwise described in this  
19                 paragraph; and

20                 “(iii) real property that, immediately  
21                 before its sale or transfer to a non-Federal  
22                 party, was owned by the United States and  
23                 otherwise qualified as Federal property de-  
24                 scribed in this paragraph, but only for one

1           *year beyond the end of the fiscal year of*  
2           *such sale or transfer.*

3           “(D) *CERTAIN POSTAL SERVICE PROPERTY*  
4           *AND PIPELINES AND UTILITY LINES.—Notwith-*  
5           *standing any other provision of this paragraph,*  
6           *the term ‘Federal property’ does not include—*

7                   “(i) *any real property under the juris-*  
8                   *isdiction of the United States Postal Service*  
9                   *that is used primarily for the provision of*  
10                  *postal services; or*

11                   “(ii) *pipelines and utility lines.*

12           “(E) *PROPERTY WITH RESPECT TO WHICH*  
13           *STATE OR LOCAL TAX REVENUES MAY NOT BE*  
14           *EXPENDED, ALLOCATED, OR AVAILABLE FOR*  
15           *FREE PUBLIC EDUCATION.—Notwithstanding*  
16           *any other provision of this paragraph, ‘Federal*  
17           *property’ does not include any property on*  
18           *which children reside that is otherwise described*  
19           *in this paragraph if—*

20                   “(i) *no tax revenues of the State or of*  
21                   *any political subdivision of the State may*  
22                   *be expended for the free public education of*  
23                   *children who reside on that Federal prop-*  
24                   *erty; or*

1                   “(ii) no tax revenues of the State are  
2                   allocated or available for the free public  
3                   education of such children.

4                   “(5) *FREE PUBLIC EDUCATION*.—The term ‘free  
5                   public education’ means education that is provided—

6                   “(A) at public expense, under public super-  
7                   vision and direction, and without tuition charge;  
8                   and

9                   “(B) as elementary or secondary education,  
10                  as determined under State law, except that, not-  
11                  withstanding State law, such term—

12                  “(i) includes preschool education; and

13                  “(ii) does not include any education  
14                  provided beyond grade 12.

15                  “(6) *INDIAN LANDS*.—The term ‘Indian lands’  
16                  means any Federal property described in paragraph  
17                  (4)(A)(ii).

18                  “(7) *LOCAL EDUCATIONAL AGENCY*.—

19                  “(A) *IN GENERAL*.—Except as provided in  
20                  subparagraph (B), the term ‘local educational  
21                  agency’—

22                  “(i) means a board of education or  
23                  other legally constituted local school author-  
24                  ity having administrative control and di-  
25                  rection of free public education in a county,

1            *township, independent school district, or*  
2            *other school district; and*

3            *“(ii) includes any State agency that*  
4            *directly operates and maintains facilities*  
5            *for providing free public education.*

6            *“(B) EXCEPTION.—The term ‘local edu-*  
7            *cational agency’ does not include any agency or*  
8            *school authority that the Secretary determines on*  
9            *a case-by-case basis—*

10            *“(i) was constituted or reconstituted*  
11            *primarily for the purpose of receiving as-*  
12            *sistance under this title or the Act of Sep-*  
13            *tember 30, 1950 (Public Law 874, 81st Con-*  
14            *gress) or increasing the amount of such as-*  
15            *sistance; or*

16            *“(ii) is not constituted or reconstituted*  
17            *for legitimate educational purposes.*

18            *“(8) LOW-RENT HOUSING.—The term ‘low-rent*  
19            *housing’ means housing located on property that is—*

20            *“(A) used for low-rent housing that is lo-*  
21            *cated on land described in subclause (I), (II),*  
22            *(III), or (IV) of paragraph 4(A)(ii) or on land*  
23            *that met one of the descriptions in any such*  
24            *subclause immediately before its use for such*  
25            *housing;*

1           “(B) part of a low-rent housing project as-  
2           sisted under the United States Housing Act of  
3           1937;

4           “(C) located in the State of Oklahoma  
5           that—

6                   “(i) is owned by an Indian housing  
7                   authority and used for low-income housing  
8                   (including housing assisted under the mu-  
9                   tual help homeownership opportunity pro-  
10                  gram under section 202 of the United States  
11                  Housing Act of 1937), and

12                  “(ii) at any time prior to the date of  
13                  the enactment of Public Law 103–102—

14                   “(I) was designated by treaty as  
15                   tribal land, or

16                   “(II) satisfied the definition of  
17                   Federal property under section  
18                   403(1)(A) of the Act of September 30,  
19                   1950 (Public Law 874, 81st Congress);  
20                   or

21           “(D) used to provide housing for homeless  
22           children at closed military installations pursu-  
23           ant to section 501 of the Stewart B. McKinney  
24           Homeless Assistance Act (42 U.S.C. 11411).



1           “(9) *SCHOOL FACILITIES.*—The term ‘school fa-  
2           *cilities’* 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 REAL*  
8           *PROPERTY.*—For the purpose of making payments under  
9           *section 8003, there are authorized to be appropriated*  
10           *\$16,750,000 for fiscal year 1995 and such sums as may be*  
11           *necessary for each of the fiscal years 1996, 1997, 1998, and*  
12           *1999.*

13           “(b) *BASIC PAYMENTS.*—For the purpose of making  
14           *payments under section 8004(a), there are authorized to be*  
15           *appropriated \$425,500,000 for fiscal year 1995 and such*  
16           *sums as may be necessary for each of the fiscal years 1996,*  
17           *1997, 1998, and 1999.*

18           “(c) *PAYMENTS FOR CHILDREN WITH DISABIL-*  
19           *ITIES.*—For the purpose of making payments under section  
20           *8004(d), there are authorized to be appropriated*  
21           *\$45,000,000 for fiscal year 1995 and such sums as may be*  
22           *necessary for each of the fiscal years 1996, 1997, 1998, and*  
23           *1999.*

24           “(d) *PAYMENTS FOR HEAVILY IMPACTED LOCAL EDU-*  
25           *CATIONAL AGENCIES.*—For the purpose of making pay-

1 *ments under section 8004(f), there are authorized to be ap-*  
2 *propriated \$42,000,000 for fiscal year 1995 and such sums*  
3 *as may be necessary for each of the fiscal years 1996, 1997,*  
4 *1998, and 1999.*

5       “(e) *PAYMENTS FOR INCREASES IN MILITARY CHIL-*  
6 *DREN.—For the purpose of making payments under section*  
7 *8007, there are authorized to be appropriated \$2,000,000*  
8 *for fiscal year 1995 and such sums as may be necessary*  
9 *for each of the fiscal years 1996, 1997, 1998, and 1999.*

10       “(f) *FACILITIES MAINTENANCE.—For the purpose of*  
11 *making payments under section 8008, there are authorized*  
12 *to be appropriated \$2,000,000 for fiscal year 1995 and such*  
13 *sums as may be necessary for each of the fiscal years 1996,*  
14 *1997, 1998, and 1999.*

15       “**SEC. 8014. TRANSFER OF PAYMENTS.**

16       “(a) *BASIC PAYMENTS UNDER SECTION 8004.—From*  
17 *any amounts available, the Secretary of Defense shall trans-*  
18 *fer to the Secretary of Education the total amount of funds*  
19 *necessary for the Secretary of Education to make all of the*  
20 *payments associated with children connected with defense*  
21 *activities, as defined under section 8004.*

22       “(b) *ADDITIONAL PAYMENTS.—(1) The Secretary of*  
23 *Defense shall transfer to the Secretary of Education in each*  
24 *fiscal year in which funds are obtained under subsection*

1 (a) the full amount of such funds for payments based upon  
2 the amounts computed under section 8004.

3 “(2) Notwithstanding any other provision of law,  
4 funds made available to the Secretary of Education under  
5 paragraph (1) shall be the only funds used by the Secretary  
6 in making payments under section 8004 to local edu-  
7 cational agencies for children connected with defense activi-  
8 ties and the responsibility of the Secretary of Education  
9 to administer the provisions of section 8004 are limited to  
10 the availability of such funds for eligible students covered  
11 under section 8004.

12 “(3)(A) For purposes of expediting the funding provi-  
13 sions of this subsection, the Secretary shall provide in a  
14 timely fashion to the Secretary of Defense, such information  
15 as may be necessary for such Secretary to carry out this  
16 provision.

17 “(B) The Secretary of Education shall also make  
18 available to the Secretary of Defense such reports, evalua-  
19 tions or application information as shall be related to the  
20 federally connected students associated with this Depart-  
21 ment.

1                   **“TITLE IX—GENERAL**  
2                                   **PROVISIONS**

3                                   **“PART A—DEFINITIONS**

4   **“SEC. 9101. DEFINITIONS.**

5           *“Except as otherwise provided, for the purposes of this*  
6 *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 attend-*  
11 *ance of all students during a school year; divided*  
12 *by*

13                           *“(ii) the number of days school is in session*  
14 *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 edu-*  
19 *cational agencies on the basis of average daily mem-*  
20 *bership or such other data.*

21                   *“(C) If the local educational agency in which a*  
22 *child resides makes a tuition or other payment for the*  
23 *free public education of the child in a school located*  
24 *in another school district, the Secretary shall, for pur-*  
25 *poses 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 school  
9           of another local educational agency for a child with  
10          disabilities, as defined in section 602(a)(1) of the In-  
11          dividuals with Disabilities Education Act, the Sec-  
12          retary shall, for the purposes of this Act, consider  
13          such child to be in attendance at a school of the agen-  
14          cy 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 expenditures,  
21                         during the third preceding fiscal year (or, if  
22                         satisfactory data for that year are not  
23                         available, during the most recent preceding  
24                         fiscal year for which satisfactory data are  
25                         available) of all local educational agencies

1           *in the State or, in the case of the United*  
2           *States for all States (which, for the purpose*  
3           *of this paragraph, means the 50 States and*  
4           *the District of Columbia); plus*

5                   “(ii) any direct current expenditures  
6           *by the State for operation of such agencies;*  
7           *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 services  
20                  *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 administra-  
14           tion, instruction, attendance and health services,  
15           pupil transportation services, operation and  
16           maintenance of plant, fixed charges, and net ex-  
17           penditures to cover deficits for food services and  
18           student body activities; but

19                   “(B) not including expenditures for commu-  
20           nity services, capital outlay, and debt service, or  
21           any expenditures made from funds received  
22           under title I and part A of title II of this Act.

23           “(9) The term ‘Department’ means the Depart-  
24           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 provide  
4           services and programs to local educational agencies.

5           “(11) The term ‘elementary school’ means a non-  
6           profit day or residential school that provides elemen-  
7           tary education, as determined under State law.

8           “(12) The term ‘free public education’ means  
9           education that is provided—

10           “(A) at public expense, under public super-  
11           vision and direction, and without tuition charge;  
12           and

13           “(B) as elementary or secondary school edu-  
14           cation as determined under applicable State law,  
15           except that such term does not include any edu-  
16           cation provided beyond grade 12.

17           “(13) The term ‘institution of higher education’  
18           has the meaning given that term in section 1201(a)  
19           of the Higher Education Act of 1965.

20           “(14)(A) The term ‘local educational agency’  
21           means a public board of education or other public au-  
22           thority legally constituted within a State for either  
23           administrative control or direction of, or to perform  
24           a service function for, public elementary or secondary  
25           schools in a city, county, township, school district, or



1     *other political subdivision of a State, or for such com-*  
2     *ination of school districts or counties as are recog-*  
3     *nized in a State as an administrative agency for its*  
4     *public elementary or secondary schools.*

5             *“(B) The term includes any other public institu-*  
6     *tion or agency having administrative control and di-*  
7     *rection of a public elementary or secondary school.*

8             *“(15) The term ‘mentoring’ means a program in*  
9     *which an adult works with a child or youth on a 1-*  
10    *to-1 basis, establishing a supportive relationship, pro-*  
11    *viding academic assistance, and exposing the child or*  
12    *youth to new experiences that enhance the child or*  
13    *youth’s ability to excel in school and become a respon-*  
14    *sible citizen.*

15            *“(16) The term ‘other staff’ means pupil services*  
16    *personnel, librarians, career guidance and counseling*  
17    *personnel, education aides, and other instructional*  
18    *and administrative personnel.*

19            *“(17) The term ‘outlying area’ means the Virgin*  
20    *Islands, Guam, American Samoa, the Commonwealth*  
21    *of the Northern Mariana Islands, and Palau (until*  
22    *the effective date of the Compact of Free Association*  
23    *with the Government of Palau).*

24            *“(18) The term ‘parent’ includes a legal guard-*  
25    *ian or other person standing in loco parentis.*

1           “(19) The terms ‘pupil-services personnel’ and  
2 ‘pupil services’ mean, respectively—

3           “(A) school counselors, school social workers,  
4 school psychologists, and other qualified profes-  
5 sional personnel involved in providing assess-  
6 ment, diagnosis, counseling, educational, thera-  
7 peutic, and other necessary services as part of a  
8 comprehensive program to meet student needs;  
9 and

10           “(B) the services provided by such individ-  
11 uals.

12           “(20) The term ‘secondary school’ means a non-  
13 profit day or residential school that provides second-  
14 ary education, as determined under State law, except  
15 that it does not include any education beyond grade  
16 12.

17           “(21) The term ‘Secretary’ means the Secretary  
18 of Education.

19           “(22) The term ‘State’ means each of the 50  
20 States, the District of Columbia, the Commonwealth  
21 of Puerto Rico, and each of the outlying areas.

22           “(23) The term ‘State educational agency’ means  
23 the agency primarily responsible for the State super-  
24 vision of public elementary and secondary schools.

1 **“SEC. 9102. APPLICABILITY OF THIS TITLE.**

2 *“Parts B through F of this title do not apply to title*  
3 *VIII of this Act.*

4 **“SEC. 9103. REFERENCES IN OTHER ACTS.**

5 *“References to section 1471 of this Act, as it existed*  
6 *prior to the enactment of the Improving America’s Schools*  
7 *Act of 1994, shall be deemed to refer to this section.*

8 **“PART B—FLEXIBILITY IN THE USE OF**  
9 **ADMINISTRATIVE AND OTHER FUNDS**

10 **“SEC. 9201. CONSOLIDATION OF STATE ADMINISTRATIVE**  
11 **FUNDS FOR ELEMENTARY AND SECONDARY**  
12 **EDUCATION PROGRAMS.**

13 *“(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—*  
14 *(1) A State educational agency may consolidate the*  
15 *amounts specifically made available to it for State adminis-*  
16 *tration under one or more of the programs specified under*  
17 *paragraph (2) if such State educational agency can dem-*  
18 *onstrate that the majority of such agency’s resources come*  
19 *from non-Federal sources.*

20 *“(2) This section applies to title I of this Act and the*  
21 *covered programs specified in sections 9101(7)(C) and (D).*

22 *“(b) USE OF FUNDS.—(1) A State educational agency*  
23 *shall use the amount available under this section for the*  
24 *administration of the programs included in the consolida-*  
25 *tion under subsection (a).*

1       “(2) A State educational agency may also use funds  
2 available under this section for administrative activities de-  
3 signed to enhance the effective and coordinated use of funds  
4 under such programs, such as—

5               “(A) the coordination of programs specified in  
6 subsection (a)(2) with other Federal and non-Federal  
7 programs;

8               “(B) the establishment and operation of peer-  
9 review mechanisms under this Act;

10              “(C) the administration of this title;

11              “(D) the dissemination of information regarding  
12 model programs and practices; and

13              “(E) technical assistance under programs speci-  
14 fied in subsection (a)(2).

15       “(c) RECORDS.—A State educational agency that con-  
16 solidates administrative funds under this section shall not  
17 be required to keep separate records, by individual program,  
18 to account for costs relating to the administration of pro-  
19 grams included in the consolidation under subsection (a).

20       “(d) REVIEW.—To determine the effectiveness of State  
21 administration under this section, the Secretary may peri-  
22 odically review the performance of State educational agen-  
23 cies in using consolidated administrative funds under this  
24 section and take such steps as the Secretary finds appro-  
25 priate to ensure the effectiveness of such administration.

1           “(e) *UNUSED ADMINISTRATIVE FUNDS.*—If a State  
2 educational agency does not use all of the funds available  
3 to it under this section for administration, it may use such  
4 funds during the applicable period of availability as funds  
5 available under one or more programs included in the con-  
6 solidation under subsection (a).

7           **“SEC. 9202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

8           “A State educational agency that also serves as a local  
9 educational agency shall, in its applications or State plans  
10 under this Act, describe how it will eliminate duplication  
11 in the conduct of administrative functions.

12           **“SEC. 9203. CONSOLIDATION OF FUNDS FOR LOCAL ADMIN-**  
13                           **ISTRATION.**

14           “(a) *GENERAL AUTHORITY.*—In accordance with regu-  
15 lations of the Secretary, a local educational agency, with  
16 the approval of its State educational agency, may consoli-  
17 date and use for the administration of one or more covered  
18 programs for any fiscal year not more than the percentage,  
19 established in each covered program, of the total amount  
20 available to that local educational agency under those cov-  
21 ered programs.

22           “(b) *STATE PROCEDURES.*—Within one year from the  
23 date of enactment of the Improving America’s Schools Act  
24 of 1994, a State educational agency shall, in collaboration  
25 with local educational agencies in the State, establish proce-

1 *dures for responding to requests from local educational*  
2 *agencies to consolidate administrative funds under sub-*  
3 *section (a) and for establishing limitations on the amount*  
4 *of funds under covered programs that may be used for ad-*  
5 *ministration on a consolidated basis.*

6       “(c) *CONDITIONS.*—A local educational agency that  
7 *consolidates administrative funds under this section for any*  
8 *fiscal year shall not use any other funds under the programs*  
9 *included in the consolidation for administration for that*  
10 *fiscal year.*

11       “(d) *USES OF ADMINISTRATIVE FUNDS.*—A local edu-  
12 *cational agency that consolidates administrative funds*  
13 *under this section may use these consolidated funds for the*  
14 *administration of covered programs and for the purposes*  
15 *described in section 9201(b)(2).*

16       “(e) *RECORDS.*—A local educational agency that con-  
17 *solidates administrative funds under this section shall not*  
18 *be required to keep separate records, by individual covered*  
19 *program, to account for costs relating to the administration*  
20 *of covered programs included in the consolidation.*

21 **“SEC. 9204. ADMINISTRATIVE FUNDS STUDY.**

22       “(a) *STUDY.*—(1) *The Secretary shall conduct a study*  
23 *of the use of funds under this Act for the administration,*  
24 *by State and local educational agencies, of covered pro-*

1 *grams, including the percentage of grant funds used for such*  
2 *purpose in covered programs.*

3       “(2) *Based on the results of such study, the Secretary*  
4 *shall develop a definition of what types of activities con-*  
5 *stitute the administration of programs under this Act by*  
6 *State and local educational agencies.*

7       “(3) *Based on the results of such study, the Secretary*  
8 *may publish regulations or guidelines regarding the use of*  
9 *funds for administration under those programs, including*  
10 *the use of such funds on a consolidated basis and limita-*  
11 *tions on the amount of such funds that may be used for*  
12 *administration where such limitation is not otherwise spec-*  
13 *ified in law.*

14       “(b) *REPORT.—The Secretary shall submit to the*  
15 *President and the appropriate committees of the Congress*  
16 *a report regarding the study conducted under this section*  
17 *within 30 days of its completion.*

18       **“SEC. 9205. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**  
19                               **OF THE INTERIOR FUNDS.**

20       “(a) *GENERAL AUTHORITY.—(1) The Secretary shall*  
21 *transfer to the Department of the Interior, as a consolidated*  
22 *amount for covered programs, the Indian education pro-*  
23 *grams under part A of title VI of this Act, and the edu-*  
24 *cation for homeless children and youth program under sub-*  
25 *title B of title VII of the Stewart B. McKinney Homeless*

1 *Assistance Act, the amounts allotted to the Department of*  
2 *the Interior under those programs.*

3       “(2)(A) *The Secretary and the Secretary of the Interior*  
4 *shall enter into an agreement, consistent with the require-*  
5 *ments of the programs specified in paragraph (1), for the*  
6 *distribution and use of those funds under terms that the*  
7 *Secretary determines best meet the purposes of those*  
8 *programs.*

9       “(B) *The agreement shall—*

10           “(i) *set forth the plans of the Secretary of the In-*  
11 *terior for the use of the amount transferred, the steps*  
12 *to be taken to achieve the National Education Goals,*  
13 *and performance measures to assess program effective-*  
14 *ness, including measurable goals and objectives; and*

15           “(ii) *be developed in consultation with Indian*  
16 *tribes.*

17       “(b) *ADMINISTRATION.—The Department of the Inte-*  
18 *rior may use up to 1.5 percent of the funds consolidated*  
19 *under this section for its costs related to the administration*  
20 *of the funds transferred under this section.*

21 **“SEC. 9206. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.**

22       “(a) *UNNEEDED PROGRAM FUNDS.—With the ap-*  
23 *proval of its State educational agency, a local educational*  
24 *agency that determines for any fiscal year that funds under*  
25 *a covered program other than part A of title I of this Act*



1 *are not needed for the purpose of that covered program may*  
2 *use such funds, not to exceed five percent of the total amount*  
3 *of its funds under that covered program, for the purpose*  
4 *of another covered program.*

5       “(b) *COORDINATION OF SERVICES.*—A local edu-  
6 *cational agency, individual school, or consortium of schools*  
7 *may use a total of up to 5 percent of the funds it receives*  
8 *under this Act for the establishment and implementation*  
9 *of a coordinated services project consistent with the require-*  
10 *ments of Title X of this Act.”.*

11 **“PART C—COORDINATION OF PROGRAMS; CON-**  
12 **SOLIDATED STATE AND LOCAL APPLICA-**  
13 **TIONS**

14 **“SEC. 9301. PURPOSE.**

15       *“It is the purpose of this part to improve teaching and*  
16 *learning by encouraging greater cross-program coordina-*  
17 *tion, planning, and service delivery under this Act and en-*  
18 *hanced integration of programs under this Act with edu-*  
19 *cational activities carried out with State and local funds.*

20 **“SEC. 9302. OPTIONAL CONSOLIDATED STATE APPLICA-**  
21 **TION.**

22       “(a) *GENERAL AUTHORITY.*—(1) *In order to simplify*  
23 *application requirements and reduce burden for State edu-*  
24 *cational agencies under this Act, the Secretary shall, in ac-*  
25 *cordance with subsection (b), establish procedures and cri-*

1 *teria under which a State educational agency may submit*  
2 *a consolidated State application meeting the requirements*  
3 *of this section for each of the covered programs in which*  
4 *the State participates.*

5       “(2) A State educational agency may also include in  
6 *its consolidated application—*

7           “(A) *the Even Start program under part B of*  
8 *title I of this Act;*

9           “(B) *the education of neglected and delinquent*  
10 *youth program under part D of title I of this Act;*

11           “(C) *part A of title II of the Carl D. Perkins*  
12 *Vocational and Applied Technology Education Act;*

13           “(D) *Goals 2000: Educate America Act;*

14           “(E) *School-to-Work Opportunities Act; and*

15           “(F) *such other programs as the Secretary may*  
16 *designate.*

17       “(3) A State educational agency that submits a con-  
18 *solidated State application under this section shall not be*  
19 *required to submit separate State plans or applications*  
20 *under any of the programs to which its consolidated appli-*  
21 *cation under this section applies.*

22       “(b) *COLLABORATION.—(1) In establishing criteria*  
23 *and procedures under this section, the Secretary shall col-*  
24 *laborate with State educational agencies and, as appro-*  
25 *priate, with other State agencies, local educational agencies,*

1 *public and private nonprofit agencies, organizations, and*  
2 *institutions, private schools, and representatives of parents,*  
3 *students, and teachers.*

4       “(2) *Through the collaboration process described in*  
5 *subsection (b), the Secretary shall establish, for each pro-*  
6 *gram under the Act to which this section applies, the de-*  
7 *scriptions, information, assurances, and other material*  
8 *required to be included in a consolidated State application.*

9       “(3) *The Secretary shall require only descriptions, in-*  
10 *formation, assurances, and other materials that are abso-*  
11 *lutely necessary for the consideration of the State applica-*  
12 *tion.*

13 **“SEC. 9303. GENERAL APPLICABILITY OF STATE EDU-**  
14 **CATIONAL AGENCY ASSURANCES.**

15       “(a) *ASSURANCES.—A State educational agency that*  
16 *submits a State plan or application under this Act, whether*  
17 *separately or under section 9302, shall have on file with*  
18 *the Secretary a single set of assurances, applicable to each*  
19 *program for which a plan or application is submitted, that*  
20 *provides that—*

21               “(1) *each such program will be administered in*  
22 *accordance with all applicable statutes, regulations,*  
23 *program plans, and applications;*

24               “(2)(A) *the control of funds provided under each*  
25 *such program and title to property acquired with*

1 *program funds will be in a public agency, in a non-*  
2 *profit private agency, institution, or organization, or*  
3 *in an Indian tribe if the statute authorizing the pro-*  
4 *gram provides for assistance to such entities; 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 methods*  
10 *of administering each such program, including—*

11 *“(A) the enforcement of any obligations im-*  
12 *posed by law on agencies, institutions, organiza-*  
13 *tions and other recipients responsible for carry-*  
14 *ing out each program;*

15 *“(B) the correction of deficiencies in pro-*  
16 *gram operations that are identified through au-*  
17 *ditions, 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 any*  
23 *evaluation of each such program conducted by or for*  
24 *the Secretary or other Federal officials;*

1           “(5) the State will use such fiscal control and  
2 fund accounting procedures as will ensure proper dis-  
3 bursement of, and accounting for, Federal funds paid  
4 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 program;  
9 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 oppor-  
16 tunity for public comment on the application and has  
17 considered such comment.

18           “(b) *GEPA PROVISION.*—Section 440 of the General  
19 Education Provisions Act does not apply to programs under  
20 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 9302*  
4 *may require local educational agencies in the State receiv-*  
5 *ing funds under more than one program included in the*  
6 *consolidated State application to submit consolidated local*  
7 *applications under such programs.*

8       “(c) *COLLABORATION.*—A *State educational agency*  
9 *shall collaborate with local educational agencies in the State*  
10 *in establishing procedures for the submission of the consoli-*  
11 *dated 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 State  
18 *educational agency that submits an application under this*  
19 *Act, whether separately or pursuant to section 9304, shall*  
20 *have on file with the State educational agency a single set*  
21 *of assurances, applicable to each program for which an ap-*  
22 *plication 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 each  
2 such program and title to property acquired with  
3 program funds will be in a public agency or in a  
4 nonprofit private agency, institution, organization, or  
5 Indian tribe, if the statute authorizing the program  
6 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, includ-  
13 ing—

14           “(A) the enforcement of any obligations im-  
15 posed by law on agencies, institutions, organiza-  
16 tions, and other recipients responsible for carry-  
17 ing 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 or  
23 for the State educational agency or the Secretary or  
24 other Federal officials;

1           “(5) the applicant will use such fiscal control  
2           and fund accounting procedures as will ensure proper  
3           disbursement of, and accounting for, Federal funds  
4           paid to such applicant under each such program;

5           “(6) the applicant will—

6                   “(A) make reports to the State educational  
7                   agency and the Secretary as may be necessary to  
8                   enable such agency and the Secretary to perform  
9                   their duties under each such program; and

10                   “(B) maintain such records, provide such  
11                   information, and afford access to the records as  
12                   the State educational agency or the Secretary  
13                   may find necessary to carry out the State edu-  
14                   cational agency’s or the Secretary’s duties; and

15           “(7) before the application was submitted, the  
16           applicant afforded a reasonable opportunity for pub-  
17           lic comment on the application and has considered  
18           such comment.

19           “(b) GEPA PROVISION.—Section 442 of the General  
20           Education Provisions Act does not apply to programs under  
21           this Act.



**“PART D—WAIVERS****“SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY  
REQUIREMENTS.**

“(a) *GENERAL.*—*Except as provided in subsection (c), the Secretary may waive any requirement of this Act or of the General Education Provisions Act, or of the regulations issued under such Acts, for a State educational agency, Indian tribe, or other agency, organization, or institution that receives funds under a program authorized by this Act from the Department and that requests such a waiver if—*

“(1) *the Secretary determines that such requirement impedes the ability of the State educational agency or other recipient to achieve more effectively the purposes of this Act; and*

“(2) *in the case of a waiver proposal submitted by a State educational agency, the State educational agency—*

“(A) *provides all interested local educational agencies in the State with notice and an opportunity to comment on the proposal; and*

“(B) *submits the comments to the Secretary;*  
*and*

“(3) *in the case of a waiver proposal submitted by a local educational agency or other agency, institution, or organization that receives funds under this*

1     *Act from the State educational agency, such request*  
2     *has been reviewed by the State educational agency*  
3     *and is accompanied by the comments, if any, of such*  
4     *agency.*

5     “(b) *WAIVER PERIOD.*—(1) *A waiver under this sec-*  
6     *tion shall be for a period not to exceed three years.*

7     “(2) *The Secretary may extend such period if the Sec-*  
8     *retary determines that—*

9             “(A) *the waiver has been effective in enabling the*  
10     *State or affected recipients to carry out the activities*  
11     *for which it was requested and has contributed to im-*  
12     *proved performance; and*

13             “(B) *such extension is in the public interest.*

14     “(c) *WAIVERS NOT AUTHORIZED.*—*The Secretary may*  
15     *not waive, under this section, any statutory or regulatory*  
16     *requirement relating to—*

17             “(1) *comparability of services;*

18             “(2) *maintenance of effort;*

19             “(3) *the equitable participation of students at-*  
20     *tending private schools;*

21             “(4) *parental participation and involvement;*

22             “(5) *the distribution of funds to States or to*  
23     *local educational agencies or other recipients of funds*  
24     *under this Act;*

25             “(6) *maintenance of records;*

1           “(7) applicable civil rights requirements;

2           “(8) the requirements of sections 444 and 445 of  
3           the General Education Provisions Act; or

4           “(9) the requirements related to the element of a  
5           charter school described in paragraph (1) of section  
6           3407 of this Act.

7           “(d) *TERMINATION OF WAIVERS.*—The Secretary shall  
8           terminate a waiver under this section if the Secretary deter-  
9           mines that the performance of the State or other recipient  
10          affected by the waiver has been inadequate to justify a con-  
11          tinuation of the waiver or if it is no longer necessary to  
12          achieve its original purposes.

13                           **“PART E—UNIFORM PROVISIONS**

14           **“SEC. 9501. MAINTENANCE OF EFFORT.**

15           “(a) *GENERAL.*—A local educational agency may re-  
16          ceive funds under a covered program for any fiscal year  
17          only if the State educational agency finds that either the  
18          combined fiscal effort per student or the aggregate expendi-  
19          tures of that agency and the State with respect to the provi-  
20          sion of free public education by that agency for the preced-  
21          ing fiscal year was not less than 90 percent of such com-  
22          bined fiscal effort or aggregate expenditures for the second  
23          preceding fiscal year.

24           “(b) *REDUCTION IN CASE OF FAILURE TO MEET.*—

25          (1) The State educational agency shall reduce the amount

1 *of the allocation of funds under a covered program in any*  
2 *fiscal year in the exact proportion to which a local edu-*  
3 *cational agency fails to meet the requirement of subsection*  
4 *(a) by falling below 90 percent of both the combined fiscal*  
5 *effort per student and aggregate expenditures (using the*  
6 *measure most favorable to such local agency).*

7       “(2) *No such lesser amount shall be used for computing*  
8 *the effort required under subsection (a) for subsequent years.*

9       “(c) *WAIVER.—The Secretary may waive the require-*  
10 *ments of this section if the Secretary determines that such*  
11 *a waiver would be equitable due to—*

12               “(1) *exceptional or uncontrollable circumstances*  
13 *such as a natural disaster; or*

14               “(2) *a precipitous decline in the financial re-*  
15 *sources of the local educational agency.*

16 **“SEC. 9502. PROHIBITION REGARDING STATE AID.**

17       “*No State may take into consideration payments*  
18 *under this Act (other than under title VIII) in determining*  
19 *the eligibility of any local educational agency in that State*  
20 *for State aid, or the amount of State aid, with respect to*  
21 *free public education of children.*

22 **“SEC. 9503. PARTICIPATION BY PRIVATE SCHOOL CHIL-**  
23 **DREN AND TEACHERS.**

24       “(a) *GENERAL REQUIREMENT.—(1) Except as other-*  
25 *wise provided in this Act, to the extent consistent with the*

1 *number of eligible children in a State educational agency,*  
2 *local educational agency, or intermediate educational agen-*  
3 *cy or consortium receiving financial assistance under a*  
4 *program specified in subsection (b), who are enrolled in pri-*  
5 *vate elementary and secondary schools in such agency or*  
6 *consortium, such agency or consortium shall, after timely*  
7 *and meaningful consultation with appropriate private*  
8 *school officials, provide such children and their teachers or*  
9 *other educational personnel, on an equitable basis, special*  
10 *educational services or other benefits under such program.*

11       “(2) *Educational services or other benefits, including*  
12 *materials and equipment, provided under this section, must*  
13 *be secular, neutral, and nonideological.*

14       “(3) *Educational services and other benefits provided*  
15 *under this section for such private school children, teachers,*  
16 *and other educational personnel shall be equitable in com-*  
17 *parison to services and other benefits for public school chil-*  
18 *dren, teachers, and other educational personnel participat-*  
19 *ing in such program.*

20       “(4) *Expenditures for educational services and other*  
21 *benefits provided under this section to eligible private school*  
22 *children, their teachers, and other educational personnel*  
23 *serving them shall be equal, taking into account the number*  
24 *and educational needs of the children to be served, to the*  
25 *expenditures for participating public school children.*

1       “(5) *Such agency or consortium may provide such*  
2 *services directly or through contracts with public and pri-*  
3 *vate agencies, organizations, and institutions.*

4       “(b) *APPLICABILITY.—(1) This section applies to—*

5           “(A) *each covered program; and*

6           “(B) *programs under title VII of this Act.*

7       “(2) *For the purposes of this section, the term ‘eligible*  
8 *children’ mean children eligible for services under a pro-*  
9 *gram described in paragraph (1).*

10       “(c) *PUBLIC CONTROL OF FUNDS.—(1) The control of*  
11 *funds used to provide services under this section, and title*  
12 *to materials, equipment, and property purchased with these*  
13 *funds, shall be in a public agency for the uses and purposes*  
14 *provided in this Act, and a public agency shall administer*  
15 *such funds and property.*

16       “(2)(A) *The provision of services under this section*  
17 *shall be provided—*

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

19           “(ii) *through contract by such public agency*  
20 *with an individual, association, agency, or organiza-*  
21 *tion.*

22       “(B) *In the provision of such services, such employee,*  
23 *person, association, agency, or organization shall be inde-*  
24 *pendent of such private school and of any religious organi-*

1 zation, and such employment or contract shall be under the  
2 control and supervision of such public agency.

3 “(C) Funds used to provide services under this section  
4 shall not be commingled with non-Federal funds.

5 **“SEC. 9504. STANDARDS FOR BY-PASS.**

6 “If, by reason of any provision of law, a State, local,  
7 or intermediate educational agency or consortium is pro-  
8 hibited from providing for the participation in programs  
9 of children enrolled in, or teachers or other educational per-  
10 sonnel from, private elementary and secondary schools, on  
11 an equitable basis, or if the Secretary determines that such  
12 agency or consortium has substantially failed or is unwill-  
13 ing to provide for such participation, as required by section  
14 9503, the Secretary shall—

15 “(1) waive the requirements of that section for  
16 such agency or consortium; and

17 “(2) arrange for the provision of equitable serv-  
18 ices to such children, teachers, or other educational  
19 personnel through arrangements that shall be subject  
20 to the requirements of this section and of sections  
21 9503, 9505, and 9506.

22 **“SEC. 9505. COMPLAINT PROCESS FOR PARTICIPATION OF**  
23 **PRIVATE SCHOOL CHILDREN.**

24 “(a) PROCEDURES FOR COMPLAINTS.—The Secretary  
25 shall develop and implement written procedures for receiv-

1 *ing, investigating, and resolving complaints from parents,*  
2 *teachers, or other individuals and organizations concerning*  
3 *violations by an agency or consortium of section 9503 of*  
4 *this Act. Such individual or organization shall submit such*  
5 *complaint to the State educational agency for a written res-*  
6 *olution by such agency within a reasonable period of time.*

7       “(b) *APPEALS TO THE SECRETARY.*—Such resolution  
8 *may be appealed by an interested party to the Secretary*  
9 *within 30 days after the State educational agency resolves*  
10 *the complaint or fails to resolve the complaint within a rea-*  
11 *sonable period of time. Such appeal shall be accompanied*  
12 *by a copy of the State educational agency’s resolution, and*  
13 *a complete statement of the reasons supporting the appeal.*  
14 *The Secretary shall investigate and resolve each such appeal*  
15 *within 120 days after receipt of the appeal.*

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 con-*  
19 *sortium affected by such action has had an opportunity,*  
20 *for at least 45 days after receiving written notice thereof,*  
21 *to submit written objections and to appear before the Sec-*  
22 *retary to show cause why that action should not be taken.*

23       “(B) *Pending final resolution of any investigation or*  
24 *complaint that could result in a determination under this*  
25 *section, the Secretary may withhold from the allocation of*



1 *the affected State or local educational agency the amount*  
2 *estimated by the Secretary to be necessary to pay the cost*  
3 *of those services.*

4       “(2)(A) *If such affected agency or consortium is dissat-*  
5 *isfied with the Secretary’s final action after a proceeding*  
6 *under paragraph (1), it may, within 60 days after notice*  
7 *of such action, file with the United States court of appeals*  
8 *for the circuit in which such State is located a petition for*  
9 *review of that action.*

10       “(B) *A copy of the petition shall be forthwith transmit-*  
11 *ted by the clerk of the court to the Secretary.*

12       “(C) *The Secretary thereupon shall file in the court*  
13 *the record of the proceedings on which the Secretary based*  
14 *this action, as provided in section 2112 of title 28, United*  
15 *States Code.*

16       “(3)(A) *The findings of fact by the Secretary, if sup-*  
17 *ported by substantial evidence, shall be conclusive, but the*  
18 *court, for good cause shown, may remand the case to the*  
19 *Secretary to take further evidence and the Secretary may*  
20 *thereupon make new or modified findings of fact and may*  
21 *modify the Secretary’s previous action, and shall file in the*  
22 *court the record of the further proceedings.*

23       “(B) *Such new or modified findings of fact shall like-*  
24 *wise be conclusive if supported by substantial evidence.*

1       “(4)(A) Upon the filing of such petition, the court shall  
2 have jurisdiction to affirm the action of the Secretary or  
3 to set it aside, in whole or in part.

4       “(B) The judgment of the court shall be subject to re-  
5 view by the Supreme Court of the United States upon cer-  
6 tiorari or certification as provided in section 1254 of title  
7 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 that  
13 there will no longer be any failure or inability on the part  
14 of such agency or consortium to meet the applicable require-  
15 ments of section 9503 or any other provision of this Act.

16       “(c) PAYMENT FROM STATE ALLOTMENT.—When the  
17 Secretary arranges for services pursuant to this section, the  
18 Secretary shall, after consultation with the appropriate  
19 public and private school officials, pay the cost of such serv-  
20 ices, including the administrative costs of arranging for  
21 those services, from the appropriate allocation or allocations  
22 under this Act.

23       “(d) PRIOR DETERMINATION.—Any by-pass deter-  
24 mination by the Secretary under this Act as in effect on  
25 the day before enactment of the Improving America’s

1 *Schools Act of 1994 shall remain in effect to the extent the*  
2 *Secretary determines that it is consistent with the purpose*  
3 *of this section.*

4 ***“SEC. 9507. PROHIBITION AGAINST FUNDS FOR RELIGIOUS***  
5 ***WORSHIP OR INSTRUCTION.***

6 *“Nothing contained in this Act shall be construed to*  
7 *authorize the making of any payment under this Act for*  
8 *religious worship or instruction.”*

9 ***“PART F—GUN POSSESSION***

10 ***“SEC. 9601. POLICY FOR GUN POSSESSION.***

11 *“(a) IN GENERAL.—Each local educational agency*  
12 *which receives assistance under this Act shall have a policy*  
13 *that addresses student possession and use of a gun on school*  
14 *property.*

15 *“(b) POLICY CONTENT.—The content of such policy*  
16 *may include—*

17 *“(1) punishment requirements for possession and*  
18 *use of a gun on school property, including expulsion*  
19 *and suspension;*

20 *“(2) alternative placement for an individual who*  
21 *violates the policy;*

22 *“(3) educational services for a student expelled*  
23 *from school for violation of the policy; and*

1           “(4) opportunities for a hearing to address ex-  
2           pulsion or suspension decisions for violation of the  
3           policy.

4           **“TITLE X—COORDINATED**  
5           **SERVICES PROJECTS**

6           **“SEC. 10001. FINDINGS AND PURPOSE.**

7           “(a) *FINDINGS.*—The Congress makes the following  
8           findings:

9           “(1) Growing numbers of children are negatively  
10           affected by influences outside of the classroom which  
11           increase their risk of academic failure.

12           “(2) Factors such as poor nutrition, unsafe liv-  
13           ing conditions, physical and sexual abuse, family and  
14           gang violence, inadequate health care, unemployment,  
15           lack of child care and substance abuse adversely affect  
16           family relationships and the ability of a child to  
17           learn.

18           “(3) Parents and other caregivers in today’s high  
19           pressure society often face demands which place re-  
20           straints on their time and affect their ability to ade-  
21           quately provide for the needs of their families.

22           “(4) Access to health and social service programs  
23           can address the basic physical and emotional needs of  
24           children so that they can fully participate in the  
25           learning experiences offered them in school.

1           “(5) *Services for at-risk students need to be more*  
2           *convenient, less fragmented, regulated and duplicative*  
3           *in order to meet the needs of children and their*  
4           *families.*

5           “(6) *School personnel, parents, and support serv-*  
6           *ice providers often lack knowledge of, and access to,*  
7           *available services for at-risk students and their fami-*  
8           *lies in the community, and have few resources to co-*  
9           *ordinate services and make them accessible.*

10          “(7) *Service providers, such as teachers, social*  
11          *workers, health care and child care providers, juvenile*  
12          *justice workers and others, are often trained in sepa-*  
13          *rate disciplines that provide little support for the co-*  
14          *ordination of services.*

15          “(8) *Coordination of services is more cost effec-*  
16          *tive because it substitutes prevention for expensive*  
17          *crisis intervention.*

18          “(9) *Coordinating health and social services with*  
19          *education can help the Nation meet the National*  
20          *Education Goals by ensuring better outcomes for*  
21          *children.*

22          “(b) *PURPOSE OF COORDINATING SERVICES.—The*  
23          *purpose of this section is to provide elementary and second-*  
24          *ary school students and their families better access to the*  
25          *social, health and education services necessary for students*

1 *to succeed in school and for their families to take an active*  
2 *role in ensuring that children receive the best possible*  
3 *education.*

4 ***“SEC. 10002. DEFINITIONS.***

5 *“(a) The term ‘coordinated services project’ refers to*  
6 *a comprehensive approach to meeting the educational,*  
7 *health, social service, and other needs of children and their*  
8 *families, including foster children and their foster families,*  
9 *through a communitywide partnership that links public*  
10 *and private agencies providing such services or access to*  
11 *such services through a coordination site at or near a 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 per-*  
25 *formed of the economic, social, and health barriers to*

1 *educational achievement experienced by children and*  
2 *families, including foster children and their foster*  
3 *families, in the community, and the local, State, fed-*  
4 *eral, and privately funded services available to meet*  
5 *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 chil-*  
9 *dren 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 implementation*  
16 *or expansion of a coordinated services project. Such plan*  
17 *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 located,*

1       *and the staff that will be used to carry out the pur-*  
2       *poses 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; and*

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    **“SEC. 10004. USES OF FUNDS.**

11       “(a) Funds utilized under the authority of section  
12    9206(b) may be used for activities under this title which  
13    include—

14             “(1) hiring a services coordinator;

15             “(2) making minor renovations to existing build-  
16       *ings;*

17             “(3) purchasing basic operating equipment;

18             “(4) improving communications and informa-  
19       *tion-sharing between members of the coordinated serv-*  
20       *ices project partnership;*

21             “(5) providing training to teachers and appro-  
22       *priate personnel concerning their role in a coordi-*  
23       *nated services project; and*

24             “(6) conducting the needs assessment required in  
25       *section 10003(b)(1).*



1       “(b) *Projects operating under the authority of this title*  
2 *shall comply with the requirements of Sec. 1121(b).*

3       **“SEC. 10005. CONTINUING AUTHORITY.**

4       *“The Secretary shall not approve the plan of any*  
5 *project which fails to demonstrate that it is achieving effec-*  
6 *tive coordination after 2 years of implementation.*

7       **“SEC. 10006. FEDERAL AGENCY COORDINATION.**

8       “(a) *AGENCY COORDINATION.—The Secretaries of*  
9 *Education, Health and Human Services, Labor, Housing*  
10 *and Urban Development, Treasury, and Agriculture, and*  
11 *the Attorney General shall review the programs adminis-*  
12 *tered by their agencies to identify barriers to service coordi-*  
13 *nation.*

14       “(b) *REPORT TO CONGRESS.—Such Secretaries and*  
15 *the Attorney General shall submit jointly a report to the*  
16 *Congress not later than 2 years after the date of the enact-*  
17 *ment of the Improving America’s Schools Act, based on the*  
18 *review required under paragraph (a) recommending legisla-*  
19 *tive and regulatory action to address such barriers, and*  
20 *during this time, shall use waiver authorities authorized*  
21 *under this and other Acts.*

22       **“TITLE XI—SCHOOL FACILITIES**  
23                   **IMPROVEMENT ACT**

24       **“SEC. 11001. FINDINGS.**

25       *“The Congress finds the following:*

1           “(1) According to a 1991 survey conducted by  
2           the American Association of School Administrators,  
3           74 percent of all public school buildings in the United  
4           States need to be replaced.

5           “(2) Almost one-third of such buildings were  
6           built prior to World War II.

7           “(3) It is estimated that 1 of every 4 public  
8           school buildings in the United States is in inadequate  
9           condition, and of such buildings, 61 percent need  
10          maintenance or major repairs, 43 percent are obso-  
11          lete, 42 percent contain environmental hazards, 25  
12          percent are overcrowded, and 13 percent are struc-  
13          turally unsound.

14          “(4) Large numbers of local educational agencies  
15          have difficulties securing financing for school facility  
16          improvement.

17       **“SEC. 11002. PURPOSE.**

18          “The purpose of this Act is the leverage limited Federal  
19          funds to enable local educational agencies to finance the  
20          costs associated with the improvement of school facilities  
21          within their jurisdiction.

22       **“SEC. 11003. FEDERAL ASSISTANCE IN THE FORM OF**  
23                               **LOANS.**

24          “(a) *AUTHORITY AND CONDITIONS FOR LOANS.*—To  
25          assist local educational agencies in the construction, recon-

1 *struction, or renovation of schools, the Secretary may make*  
2 *loans of funds to such agencies for the construction, recon-*  
3 *struction, or renovation of such schools. Such assistance*  
4 *shall only be provided—*

5           “(1) *to local educational agencies eligible for*  
6 *grants under section 1124A of part A of title I,*  
7 *schools located on Indian reservations, or local edu-*  
8 *cational agencies eligible for payments under section*  
9 *8004.*

10           “(2) *if the Secretary finds that such construc-*  
11 *tions will be undertaken in an economical manner,*  
12 *and that any such construction, reconstruction or ren-*  
13 *ovation is not or will not be of elaborate or extrava-*  
14 *gant design or materials.*

15           “(b) *PRIORITIES.—In approving loans under this title,*  
16 *the Secretary shall consider—*

17           “(1) *the difficulty of the applicant in securing*  
18 *affordable financing from other sources;*

19           “(2) *the threat the condition of the physical*  
20 *plant poses to the safety and well-being of students;*

21           “(3) *the demonstrated need for the construction,*  
22 *reconstruction, or renovation as based on the condi-*  
23 *tion of the facility; and*

24           “(4) *the age of the facility to be renovated or*  
25 *replaced.*

1       “(c) *AMOUNT AND CONDITIONS OF LOANS.*—A loan to  
2 a local educational agency—

3           “(1) may be in an amount not exceeding the  
4 total development cost of the facility, as determined  
5 by the Secretary;

6           “(2) shall be secured in such manner and be re-  
7 paid within such period, not exceeding 50 years, as  
8 may be determined by the Secretary; and

9           “(3) shall bear interest at a rate determined by  
10 the Secretary which shall be the rate of interest paid  
11 by the Secretary on funds obtained from the Secretary  
12 of the Treasury minus 1 and one quarter per cent  
13 each year.

14 **“SEC. 11004. GENERAL PROVISIONS.**

15       “(a) *BUDGET AND ACCOUNTING.*—In the performance  
16 of, and with respect to, the functions, powers, and duties  
17 under this part, the Secretary, notwithstanding the provi-  
18 sions of any other law, shall—

19           “(1) prepare annually and submit a budget pro-  
20 gram as provided for wholly owned Government cor-  
21 porations by chapter 91 of title 31, United States  
22 Code; and

23           “(2) maintain a set of accounts which shall be  
24 audited by the Comptroller General in accordance  
25 with the provisions of chapter 35 of title 31, United

1       *States Code, but such financial transactions of the*  
2       *Secretary, as the making of loans and vouchers ap-*  
3       *proved by the Secretary, in connection with such fi-*  
4       *ancial transactions shall be final and conclusive*  
5       *upon all officers of the Government.*

6       “(b) *USE OF FUNDS.*—*Funds made available to the*  
7       *Secretary pursuant to the provisions of this part shall be*  
8       *deposited in a checking account or accounts with the Treas-*  
9       *urer of the United States. Receipts and assets obtained or*  
10       *held by the Secretary in connection with the performance*  
11       *of functions under this part, and all funds available for*  
12       *carrying out the functions of the Secretary under this part*  
13       *(including appropriations therefor, which are hereby au-*  
14       *thorized), shall be available, in such amounts as may from*  
15       *year to year be authorized by the Congress, for the adminis-*  
16       *trative expenses of the Secretary in connection with the per-*  
17       *formance of such functions.*

18       “(c) *LEGAL POWERS.*—*In the performance of, and*  
19       *with respect to, the functions, powers, and duties under this*  
20       *part, the Secretary, notwithstanding the provisions of any*  
21       *other law, may—*

22               “(1) *prescribe such rules and regulations as may*  
23               *be necessary to carry out the purposes of this part;*

24               “(2) *sue and be sued;*

1           “(3) foreclose on any property or commence any  
2           action to protect or enforce any right conferred upon  
3           the Secretary by any law, contract, or other agree-  
4           ment, and bid for and purchase at any foreclosure or  
5           any other sale any property in connection with which  
6           the Secretary has made a loan pursuant to this part;

7           “(4) in the event of any such acquisition, not-  
8           withstanding any other provision of law relating to  
9           the acquisition, handling, or disposal of real property  
10          by the United States, complete, administer, remodel  
11          and convert, dispose of, lease, and otherwise deal  
12          with, such property, but any such acquisition of real  
13          property shall not deprive any State or political sub-  
14          division thereof of its civil or criminal jurisdiction in  
15          and over such property or impair the civil rights  
16          under the State or local laws of the inhabitants on  
17          such property;

18          “(5) sell or exchange at public or private sale, or  
19          lease, real or personal property, and sell or exchange  
20          any securities or obligations, upon such terms as the  
21          Secretary may fix;

22          “(6) obtain insurance against loss in connection  
23          with property and other assets held; and

24          “(7) include in any contract or instrument made  
25          pursuant to this part such other covenants, condi-

1        *tions, or provisions as may be necessary to assure*  
2        *that the purposes of this part will be achieved.*

3        *“(d) CONTRACTS FOR SUPPLIES OR SERVICES.—Sec-*  
4        *tion 3709 of the Revised Statutes shall not apply to any*  
5        *contract for services or supplies on account of any property*  
6        *acquired pursuant to this part if the amount of such con-*  
7        *tract does not exceed \$1,000.*

8        *“(e) APPLICABILITY OF GOVERNMENT CORPORATION*  
9        *CONTROL ACT.—The provisions of section 9107(a) of title*  
10       *31, United States Code, which are applicable to corpora-*  
11       *tions or agencies subject to chapter 91 of such title, shall*  
12       *also be applicable to the activities of the Secretary under*  
13       *this part.*

14       *“(f) WAGE RATES.—The Secretary shall take such ac-*  
15       *tion as may be necessary to ensure that all laborers and*  
16       *mechanics employed by contractors or subcontractors on*  
17       *any project assisted under this part—*

18                *“(1) shall be paid wages at rates not less than*  
19                *those prevailing on the same type of work on similar*  
20                *construction in the immediate locality as determined*  
21                *by the Secretary of Labor in accordance with the Act*  
22                *of March 3, 1931 (Davis-Bacon Act), as amended;*  
23                *and*

24                *“(2) shall be employed not more than 40 hours*  
25                *in any one week unless the employee receives wages*

1       for the employee's employment in excess of the hours  
2       specified above at a rate not less than one and one-  
3       half times the regular rate at which the employee is  
4       employed,

5       but the Secretary may waive the application of this sub-  
6       section in cases or classes of cases where laborers or mechan-  
7       ics, not otherwise employed at any time in the construction  
8       of such project, voluntarily donate their services without full  
9       compensation for the purpose of lowering the costs of con-  
10      struction and the Secretary determines that any amounts  
11      saved thereby are fully credited to the educational institu-  
12      tion undertaking the construction.

13       “(g) *LIMITATIONS.*—(1) No loan shall be made under  
14      this part to any local educational agency until 5 years after  
15      the date on which a previous loan to that agency was made  
16      under this part, unless the loan is intended to be used to  
17      construct or reconstruct a facility damaged as a result of  
18      a national disaster, as declared by the President.

19       “(2) Not more than 12.5 percent of the amount of the  
20      funds provided for in this part in the form of loans annu-  
21      ally shall be made available to educational institutions  
22      within any one State.

23      **“SEC. 11005. DEFINITIONS.**

24       “The term ‘school’ is defined as structures suitable for  
25      use as classrooms, laboratories, libraries, and related facili-



1 *ties, the primary purpose of which is the instruction of ele-*  
2 *mentary and secondary school students.*

3 **“SEC. 11006. AUTHORIZATION.**

4 *“There are authorized to be appropriated to carry out*  
5 *this title, \$200,000,000 for fiscal year 1995 and such sums*  
6 *as may be necessary for each of the 4 succeeding fiscal*  
7 *years.”.*

8 **“TITLE XII—URBAN AND RURAL**  
9 **EDUCATION ASSISTANCE**

10 **“PART A—URBAN EDUCATION DEMONSTRATION**  
11 **GRANTS**

12 **“SEC. 12000. AUTHORIZATION OF APPROPRIATIONS.**

13 *“(a) DEMONSTRATION GRANTS.—(1) There is author-*  
14 *ized to be appropriated \$200,000,000 for fiscal year 1995,*  
15 *and such sums as may be necessary for each of the fiscal*  
16 *years 1996 through 1999 to carry out the provisions of sec-*  
17 *tions 12003 and 12103.*

18 *“(2) 50 percent of the amount appropriated under*  
19 *paragraph (1) shall be reserved and made available only*  
20 *for the purposes of section 12103. If the amount reserved*  
21 *for any fiscal year for section 12103 is less than*  
22 *\$50,000,000, the Secretary shall grant awards on a com-*  
23 *petitive basis to local educational agencies serving rural*  
24 *areas, making such that there is an equitable geographic*  
25 *distribution of such awards. If the amount reserved for any*

1 *fiscal year for section 12103 exceeds \$50,000,000, the Sec-*  
2 *retary shall grant awards in such a manner that a local*  
3 *educational agency serving rural areas in each State re-*  
4 *ceives such an award.*

5       “(3) 50 percent of the amount appropriated under  
6 paragraph (1) shall be reserved and made available only  
7 for the purposes of section 12003.

8       “(b) HIGHER EDUCATION AND RESEARCH GRANTS.—  
9 (1) There are authorized to be appropriated \$50,000,000 for  
10 fiscal year 1995, and such sums as may be necessary for  
11 each of the fiscal years 1996 through 1999 to carry out the  
12 provisions of sections 12004 and 12104.

13       “(2) 50 percent of the amount appropriated under  
14 paragraph (1) shall be reserved and made available only  
15 for the purposes of section 12004.

16       “(3) 50 percent of the amount appropriated under  
17 paragraph (1) shall be reserved and made available only  
18 for the purposes of section 12104.

19       (c) COMMISSIONS.—“There are authorized to be appro-  
20 priated for fiscal years 1995, 1996, and 1997 such sums  
21 as may be necessary to carry out the provisions of sections  
22 12006 and 12105. Amounts appropriated pursuant to this  
23 authority shall remain available until expended.

24       “(d) EVALUATION.—There are authorized to be appro-  
25 priated for each of the fiscal years 1995 through 1999 such

1 *sums as may be necessary to carry out the provisions of*  
2 *section 12005.*

3 ***“SEC. 12001. FINDINGS.***

4 *“The Congress finds that—*

5 *“(1) the ability of the Nation’s major urban*  
6 *school systems to meet the Nation’s educational goals*  
7 *will determine the country’s economic competitiveness*  
8 *and academic standing in the world community;*

9 *“(2) the quality of public education in the Na-*  
10 *tion’s major urban areas has a direct effect on the*  
11 *economic development of the Nation’s inner cities;*

12 *“(3) the success of urban schools in boosting the*  
13 *achievement of its minority youth attending such*  
14 *schools will determine the ability of the Nation to*  
15 *close the gap between the ‘haves and have-nots’ in so-*  
16 *ciety;*

17 *“(4) the cost to America’s businesses to provide*  
18 *remedial education to high school graduates is ap-*  
19 *proximately \$21,000,000,000 per year;*

20 *“(5) approximately 1/3 of the Nation’s work force*  
21 *will be minority by the year 2000;*

22 *“(6) urban schools enroll a disproportionately*  
23 *large share of the Nation’s poor and ‘at-risk’ youth;*

24 *“(7) urban schools enroll approximately 1/3 of*  
25 *Nation’s poor, 40 percent of the Nation’s African*

1     *American children, and 30 percent of the Nation's*  
2     *Hispanic youth;*

3             *“(8) nearly 20 percent of the Nation's limited*  
4     *English proficient children and 15 percent of the Na-*  
5     *tion's disabled youth are enrolled in urban schools;*

6             *“(9) the academic performance of students in the*  
7     *average inner-city public school system is below that*  
8     *of students in most other kinds of school systems;*

9             *“(10) urban schools systems have higher dropout*  
10    *rates, more problems with health care and less paren-*  
11    *tal participation than other kinds of school systems;*

12            *“(11) urban preschoolers have one-half the access*  
13    *to early childhood development programs as do other*  
14    *children;*

15            *“(12) shortages of teachers in urban school sys-*  
16    *tems are 2.5 times greater than such shortages in*  
17    *other kinds of school systems;*

18            *“(13) declining numbers of urban minority high*  
19    *school graduates are pursuing postsecondary edu-*  
20    *cational opportunities;*

21            *“(14) urban schools systems have greater prob-*  
22    *lems with teen pregnancy, discipline, drug abuse and*  
23    *gangs than do other kinds of school systems;*

24            *“(15) 75 percent of urban school buildings are*  
25    *over 25 years old, 33 percent of such buildings are*

1       *over 50 years old, and such buildings are often in se-*  
2       *rious disrepair and create poor and demoralizing*  
3       *working and learning conditions;*

4               *“(16) solving the challenges facing our Nation’s*  
5       *urban schools will require the concerted and collabo-*  
6       *rative efforts of all levels of government and all sectors*  
7       *of the community;*

8               *“(17) State and Federal funding for urban*  
9       *schools has not adequately reflected need; and*

10               *“(18) Federal funding that is well targeted, flexi-*  
11       *ble and accountable would contribute significantly to*  
12       *addressing the comprehensive needs of inner-city*  
13       *schools.*

14       **“SEC. 12002. STATEMENT OF PURPOSE.**

15       *“It is the purpose of this Act to provide financial*  
16       *assistance to—*

17               *“(1) assist urban schools in meeting national*  
18       *education goals;*

19               *“(2) improve the educational and social well*  
20       *being of urban public school children;*

21               *“(3) close the achievement gap between urban*  
22       *and nonurban school children, while improving the*  
23       *achievement level of all children nationally;*

24               *“(4) renovate and repair urban school buildings*  
25       *and facilities;*

1           “(5) conduct coordinated research on urban edu-  
2           cation problems, solutions and promising practices;

3           “(6) improve the Nation’s global economic and  
4           educational competitiveness by improving the coun-  
5           try’s urban schools;

6           “(7) encourage community, parental and busi-  
7           ness collaboration in the improvement of urban  
8           schools; and

9           “(8) review regulations whose simplification  
10          might improve the achievement of urban school chil-  
11          dren.

12       **“SEC. 12003. URBAN EDUCATION DEMONSTRATION GRANTS.**

13          “(a) *AUTHORITY.*—The Secretary is authorized to  
14          make grants to eligible local educational agencies serving  
15          an urban area or State educational agencies in the case  
16          where the State educational agency is the local educational  
17          agency for activities designed to assist in local school im-  
18          provement efforts and school reform, and to assist the  
19          schools of such agencies in meeting the National Education  
20          Goals.

21          “(b) *AUTHORIZED ACTIVITIES.*—Funds under this sec-  
22          tion may be used to—

23               “(1) increase academic achievement of urban  
24               school children;

1           “(2) ensure the readiness of urban children for  
2 school;

3           “(3) increase the graduation rates of urban stu-  
4 dents;

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 in-  
12 crease the professional capacities of the teaching staff  
13 and the skills of teacher aides and paraprofessionals;

14           “(7) decrease the use of drugs and alcohol among  
15 urban students and to ensure the physical and emo-  
16 tional well-being of such students in a bias-free school  
17 environment;

18           “(8) coordinate and collaborate with parents, the  
19 community, the private sector, and with other service  
20 providers and programs;

21           “(9) acquire and improve access to educational  
22 technology; and

23           “(10) assist the schools most in need of services  
24 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, for*  
10       *the purposes of this part—*

11            “(1) *CENTRAL CITY.*—*The term ‘central city’ has*  
12            *the same meaning as that used by the United States*  
13            *Census Bureau.*

14            “(2) *ELIGIBLE LOCAL EDUCATIONAL AGENCY.*—  
15            *The term ‘eligible local educational agency’ means a*  
16            *local educational agency which—*

17                    “(A) *serves the largest central city in a*  
18                    *State;*

19                    “(B) *enrolls more than 30,000 students and*  
20                    *serves a central city with a population of at least*  
21                    *200,000 in a metropolitan statistical area; or*

22                    “(C) *enrolls between 25,000 and 30,000 stu-*  
23                    *dents and serves a central city with a population*  
24                    *of at least 140,000 in a metropolitan statistical*  
25                    *area.*



1           “(3) *METROPOLITAN STATISTICAL AREA.*—The  
2           term ‘metropolitan statistical area’ has the same  
3           meaning as that used by the United States Census  
4           Bureau.

5           **“SEC. 12004. RESEARCH AND EVALUATION GRANTS.**

6           *“The Secretary is authorized to make grants and enter  
7           into contracts with eligible local educational agencies, and  
8           institutions of higher education jointly with eligible local  
9           educational agencies to conduct research and evaluate pro-  
10          grams for improving and reforming the Nation’s urban  
11          schools.*

12          **“SEC. 12005. USE OF FUNDS.**

13          *“Funds allotted to eligible local educational agencies  
14          and institutions of higher education under section 12004  
15          may be used for—*

16                 *“(1) collaborative and coordinated research and  
17                 evaluation of educational techniques or approaches  
18                 used in multiple eligible local educational agencies;*

19                 *“(2) evaluation of projects assisted under title I;*

20                 *“(3) collection and dissemination of information  
21                 on successful projects and approaches assisted under  
22                 title I;*

23                 *“(4) design and implementation of extension  
24                 service programs to allow an eligible local educational  
25                 agency to provide technical assistance to individual*

1 *schools and teachers involved in projects assisted*  
2 *under title I;*

3 *“(5) provision of data and information manage-*  
4 *ment services to individual schools assisted under title*  
5 *I;*

6 *“(6) provision of staff training in schools as-*  
7 *sisted under title I;*

8 *“(7) evaluation of progress made by eligible local*  
9 *educational agencies assisted under this Act in meet-*  
10 *ing national education goals;*

11 *“(8) provision of staff training in test interpre-*  
12 *tation and use for diagnostic purposes;*

13 *“(9) provision of information to parents on test*  
14 *results and test interpretation;*

15 *“(10) provision of technology and training in its*  
16 *research and evaluation uses;*

17 *“(11) development of assessment tools of students*  
18 *in individualized instruction;*

19 *“(12) research on school policies and practices*  
20 *which may be barriers to the success of students in*  
21 *school; and*

22 *“(13) development and testing of new multiple,*  
23 *alternative assessments of student progress toward the*  
24 *national education goals which are race and gender*

1 *bias-free and sensitive to limited-English proficient*  
2 *and disabled students.*

3 **“SEC. 12006. AUGUSTUS F. HAWKINS NATIONAL COMMIS-**  
4 **SION ON URBAN EDUCATION.**

5 *“(a) ESTABLISHMENT.—There is established a Na-*  
6 *tional Commission on Urban Education (in this Act re-*  
7 *ferred to as the ‘Commission’).*

8 *“(b) MEMBERSHIP.—*

9 *“(1) IN GENERAL.—The Commission shall be*  
10 *composed of 12 members as follows:*

11 *“(A) 4 of the Members shall be appointed by*  
12 *the President.*

13 *“(B) 4 of the Members shall be appointed by*  
14 *the Speaker of the House, including 2 Members*  
15 *of the House, of which 1 shall be from each polit-*  
16 *ical party.*

17 *“(C) 4 of the members shall be appointed by*  
18 *the President pro tempore of the Senate, includ-*  
19 *ing 2 Members of the Senate, of which 1 shall be*  
20 *from each political party.*

21 *“(2) CHAIRPERSON.—The Chairperson of the*  
22 *Commission shall be elected by the members of the*  
23 *Commission and shall continue to serve for the dura-*  
24 *tion of the Commission.*

1           “(3) *VACANCIES.*—Any vacancy in the Commis-  
2           sion shall be filled in the same manner as the original  
3           appointment.

4           “(c) *DUTIES.*—The Commission shall study the follow-  
5           ing issues:

6           “(1) *DEMOGRAPHIC CHANGES.*—Demographic  
7           changes in student enrollment and classroom teachers  
8           in the 10-year period prior to the date of enactment  
9           of this Act.

10           “(2) *SPECIAL NEEDS.*—Numbers and types of  
11           special needs of students in urban schools.

12           “(3) *UNSERVED OR UNDERSERVED STUDENTS.*—  
13           Number of unserved or underserved students in urban  
14           schools eligible for assistance under the Head Start  
15           Act, chapter 1 of title 1 of the Elementary and Sec-  
16           ondary Education Act of 1965, School Dropout Dem-  
17           onstration Assistance Act of 1988, Drug Free Schools  
18           and Communities Act of 1986, Carl D. Perkins Voca-  
19           tional and Applied Technology Education Act, Edu-  
20           cation of the Handicapped Act and other Federal pro-  
21           grams.

22           “(4) *STUDENT PERFORMANCE.*—Program and  
23           management efforts in urban schools designed to en-  
24           hance student performance, and reasons for the effec-  
25           tiveness of such efforts.

1           “(5) *FINANCIAL SUPPORT.*—*Financial support*  
2           *and funding needs of urban schools from local, State,*  
3           *and Federal sources.*

4           “(6) *COLLABORATE EFFORTS.*—*Collaborative ef-*  
5           *forts and programs between urban schools, the private*  
6           *sector, and community groups.*

7           “(7) *SUPPLY NEEDS.*—*Supply needs for teachers*  
8           *in urban schools in the 10-year period beginning on*  
9           *the date of enactment of this Act.*

10          “(d) *REPORTS.*—

11           “(1) *IN GENERAL.*—*The Commission shall sub-*  
12           *mit a report that includes recommendations to the*  
13           *President and to the appropriate committees of the*  
14           *Congress on the findings of the study required by this*  
15           *section. The report shall be submitted as soon as prac-*  
16           *ticable.*

17           “(2) *PROPOSAL FOR CHANGES IN FEDERAL LEG-*  
18           *ISLATION.*—*The report submitted under this section*  
19           *shall include proposals for changes in Federal legisla-*  
20           *tion.*

21           “(e) *STAFF.*—*Such personnel as the Commission deems*  
22           *necessary may be appointed by the Commission without re-*  
23           *gard to the provisions of title 5, United States Code, govern-*  
24           *ing appointments in the competitive service, and may be*  
25           *paid without regard to the provisions of chapter 51 and*

1 *subtitle III of chapter 53 of such title relating to classifica-*  
2 *tion and General Schedule pay rates, but no individual so*  
3 *appointed shall be paid in excess of the rate of basic pay*  
4 *for level III of the Executive Schedule.*

5 “(f) *COMPENSATION.*—

6 “(1) *IN GENERAL.*—*Members of the Commission*  
7 *who are officers or full-time employees of the United*  
8 *States shall receive no additional pay, allowances, or*  
9 *benefits by reason of their service on the Commission.*

10 “(2) *TRAVEL EXPENSES.*—*Each member shall re-*  
11 *ceive travel expenses, including per diem in lieu of*  
12 *subsistence, as authorized by section 5702 and 5703*  
13 *of title 5, United States Code.*

14 “(3) *SPECIAL RULE.*—*Members of the Commis-*  
15 *sion who are not officers or full-time employees of the*  
16 *United States may receive a per diem and travel al-*  
17 *lowance as is provided by the United States Code for*  
18 *persons in the Government service employed intermit-*  
19 *tently.*

20 “(g) *ADMINISTRATION.*—

21 “(1) *IN GENERAL.*—*The Commission or, on the*  
22 *authorization of the Commission, any committee*  
23 *thereof, may, for the purpose of carrying out the pro-*  
24 *visions of this section, hold such hearings and site*  
25 *and act at such times and such places within the*

1       *United States as the Commission or such committee*  
2       *considers advisable.*

3               “(2) *CONSULTATION.*—*In carrying out its duties*  
4       *under this section, the Commission shall consult with*  
5       *other Federal agencies, representatives of State and*  
6       *local governments, and private organizations to the*  
7       *extent feasible.*

8               “(3) *INFORMATION.*—*The Commission may se-*  
9       *ecure directly from any department or agency of the*  
10       *United States information necessary to enable it to*  
11       *carry out this section. Upon request of the Chair-*  
12       *person of the Commission, the head of such depart-*  
13       *ment or agency shall furnish that information to the*  
14       *Commission.*

15               “(4) *CONTRACTS.*—*The Commission is author-*  
16       *ized to enter into contracts to secure the necessary*  
17       *data and information to conduct its work and to ob-*  
18       *tain the services of experts and consultants.*

19               “(5) *COOPERATION.*—*The heads of all Federal*  
20       *agencies are, to the extent practicable, directed to co-*  
21       *operate with the Commission in carrying out this*  
22       *section.*

23               “(6) *SPECIAL RULE.*—*The Commission is au-*  
24       *thorized to utilize, with the consent of such agencies,*  
25       *the services, personnel, information, and facilities of*

1        *other Federal, State, local, and private agencies with*  
2        *or without reimbursement.*

3        “(h) *TERMINATION.*—*The Commission shall terminate*  
4        *3 years after the date of its first meeting.*

5        **“SEC. 12007. EVALUATION.**

6        *“The Secretary is authorized directly, or through*  
7        *grants or contracts to evaluate the programs and activities*  
8        *funded under this title, broadly disseminate such informa-*  
9        *tion to other school districts, and to report the results of*  
10       *such evaluation to the Education and Labor Committee of*  
11       *the House of Representatives and the Labor and Human*  
12       *Resources Committee of the Senate.*

13       **“PART B—RURAL EDUCATION DEMONSTRATION**  
14       **GRANTS**

15       **“SEC. 12101. FINDINGS.**

16       *“The Congress finds that—*

17                *“(1) rural schools are essential to national efforts*  
18        *to meet the National Education Goals;*

19                *“(2) approximately 60 percent of the Nation’s*  
20        *public school districts are rural, with populations of*  
21        *less than 2,500;*

22                *“(3) about 1 out of every 4 of America’s rural*  
23        *school children are living below the poverty level;*



1           “(4) the quality of public education in rural  
2 areas has a direct effect on the economic development  
3 of our country’s rural communities;

4           “(5) the academic performance of students in the  
5 average rural school system is below that of students  
6 in most other suburban school systems;

7           “(6) the average age of rural public school build-  
8 ings is more than 45 years old, creating poor and de-  
9 moralizing working and learning conditions;

10           “(7) shortages of teachers for rural school systems  
11 is greater than in other kinds of school systems;

12           “(8) solving the challenges facing the Nation’s  
13 rural schools will require the concerted and collabo-  
14 rative efforts of all levels of government and all sectors  
15 of the education community; and

16           “(9) additional Federal funding would contrib-  
17 ute significantly to addressing the comprehensive  
18 needs of rural schools.

19 **“SEC. 12102. STATEMENT OF PURPOSE.**

20           *“It is the purpose of this part to provide financial as-*  
21 *sistance to rural schools to encourage innovative school re-*  
22 *form programs, the enhanced use of telecommunications*  
23 *technology for learning, and inservice training and teacher*  
24 *recruitment initiatives in cooperation with institutions of*

1 *higher education designed to augment local school improve-*  
2 *ment activities.*

3 **“SEC. 12103. RURAL SCHOOL GRANTS.**

4       “(a) *AUTHORITY.*—*The Secretary is authorized to*  
5 *make grants to local education agencies serving rural areas*  
6 *or State educational agencies in the case where the State*  
7 *educational agency is the local educational agency for ac-*  
8 *tivities designed to assist in local school improvement*  
9 *efforts.*

10       “(b) *AUTHORIZED ACTIVITIES.*—*Funds under this*  
11 *title may be used to—*

12               “(1) *assist rural schools in meeting National*  
13 *Education goals and undertaking local school im-*  
14 *provement initiatives;*

15               “(2) *develop pilot projects that experiment with*  
16 *innovative ways to teach rural public school children*  
17 *more effectively;*

18               “(3) *encourage rural school consortia for the pur-*  
19 *pose of increasing efficiency and course offerings;*

20               “(4) *provide meaningful inservice training op-*  
21 *portunities for rural public school teachers; and*

22               “(5) *assist rural schools in acquiring and im-*  
23 *proving access to educational technology, including*  
24 *distance learning technologies.*

1       “(c) *GENERAL PROVISIONS.*—Each eligible entity de-  
2       siring a grant under this title shall submit an application  
3       to the Secretary at such time, in such manner, and accom-  
4       panied by such information as the Secretary may reason-  
5       ably require. Awards made by the Secretary shall be of suf-  
6       ficient size and scope to achieve significant rural school  
7       improvement.

8       **“SEC. 12104. HIGHER EDUCATION GRANTS.**

9       “(a) *GRANTS.*—The Secretary is authorized to make  
10       grants to institutions of higher education, consortia of such  
11       institutions, or partnerships between institutions of higher  
12       education and local education agencies to assist rural  
13       schools and local education agencies serving rural areas in  
14       undertaking local school improvement activities.

15       “(b) *AUTHORIZED ACTIVITIES.*—Funds under this sec-  
16       tion may be used to—

17               “(1) assist rural schools in meeting National  
18       Education Goals;

19               “(2) assist in the recruitment and training of  
20       teachers in rural schools;

21               “(3) assist rural schools in the development of  
22       appropriate innovative school improvement initia-  
23       tives;

24               “(4) provide inservice training opportunities for  
25       teachers in rural schools; and

1           “(5) provide technical assistance in the use and  
2           installation of innovative telecommunications tech-  
3           nology.

4           “(c) *GENERAL PROVISIONS.*—Each eligible entity de-  
5           siring a grant under this section shall submit an applica-  
6           tion to the Secretary at such time, in such manner, and  
7           accompanied by such information as the Secretary may  
8           reasonably require.

9           “**SEC. 12105. NATIONAL COMMISSION ON RURAL EDU-**  
10   **CATION.**

11           “(a) *ESTABLISHMENT.*—There is established a Na-  
12           tional Commission on Rural Education.

13           “(b) *MEMBERSHIP.*—The Commission shall be com-  
14           posed of 12 members, 4 of whom shall be appointed by the  
15           President of the United States, 4 of whom shall be ap-  
16           pointed by the Speaker of the House upon the recommenda-  
17           tion of the majority leader and the minority leader, and  
18           4 of whom shall be appointed by the President *pro tempore*  
19           of the Senate upon the recommendation of the majority  
20           leader and the minority leader. A majority of the members  
21           of the Commission shall be individuals involved in rural  
22           education, with at least 2 individuals involved in rural  
23           postsecondary education. The Chair of the Commission shall  
24           be elected by the President from among his 4 appointees  
25           and shall continue to serve during the duration of the Com-

1 *mission. Vacancies in the Commission shall be filled in the*  
2 *same manner as the original appointment.*

3       “(c) *STUDIES.*—*The Commission shall conduct a full*  
4 *and complete study on the State of rural education in*  
5 *America. Included in this analysis should be the impact*  
6 *of demographic changes in rural schools, the special needs*  
7 *of these schools, the current and future teacher needs of these*  
8 *schools, the effectiveness of existing Federal education pro-*  
9 *grams in meeting the needs of these schools, the adequacy*  
10 *of financial support for these schools, and any other issues*  
11 *that the Commission deems to be important and essential*  
12 *for a complete and exhaustive examination of the state and*  
13 *condition of rural schools in America.*

14       “(d) *STAFF.*—*The Commission may appoint such staff*  
15 *as may be necessary by the Chair without regard to the*  
16 *provisions of title 5, United States Code, governing ap-*  
17 *pointments in the competitive service, and may pay such*  
18 *staff without regard to the provisions of chapter 51 of sub-*  
19 *chapter III of chapter 53 of such title relating to classifica-*  
20 *tion and General Schedule pay rates, but no individual so*  
21 *appointed shall be paid in excess of the rate authorized for*  
22 *GS-18 of the General Schedule.*

23       “(e) *COMPENSATION AND EXPENSES.*—(1) *Members of*  
24 *the Commission who are officers or full-time employees of*  
25 *the United States shall serve without compensation in addi-*

1 *tion to that received for their services as officers and em-*  
2 *ployees of the United States. Such members may be allowed*  
3 *travel expenses and per diem in lieu of subsistence, as au-*  
4 *thorized by section 5703 of title 5, United States Code.*

5       “(2) *Members of the Commission who are not officers*  
6 *or full-time employees of the United States may each receive*  
7 *per diem and travel allowance as is provided by the United*  
8 *States Code for persons in the Government service employed*  
9 *intermittently.*

10       “(f) *ADMINISTRATION.—(1) The Commission may or-*  
11 *ganize itself in whatever manner is most appropriate for*  
12 *the conduct of its activities. It may hold such hearings and*  
13 *act at such time and such places within the United States*  
14 *as it may consider advisable. In carrying out its duties,*  
15 *the Commission may consult with other Federal agencies,*  
16 *representatives of State and local governments, and private*  
17 *organizations to the extent feasible.*

18       “(2) *The Commission is authorized to secure directly*  
19 *from any executive department, bureau, agency, board,*  
20 *commission, office, independent establishment, or instru-*  
21 *mentality, information, suggestions, estimates, and statis-*  
22 *tics for the purpose of this section, and each such depart-*  
23 *ment, bureau, agency, board, commission, office, independ-*  
24 *ent establishment, or instrumentality is authorized and di-*  
25 *rected, to the extent permitted by law, to furnish such infor-*

1 *mation, suggestions, estimates, and statistics directly to the*  
2 *Commission, upon request by the Chair.*

3       “(3) *The Commission may enter into contracts for the*  
4 *acquisition of information, suggestions, estimates, and sta-*  
5 *tistics for the purpose of this section. The Commission is*  
6 *authorized to obtain the services of experts and consultants*  
7 *without regard to section 3109 of title 5, United States*  
8 *Code, and to set pay in accordance with such section.*

9       “(4) *The head of such Federal agency shall, to the ex-*  
10 *tent not prohibited by law, cooperate with the Commission*  
11 *in carrying out this section. The Commission is authorized*  
12 *to utilize, with their consent, the services, personnel, infor-*  
13 *mation, and facilities of other Federal, State, local, and pri-*  
14 *vate agencies with or without reimbursement.*

15       “(g) *FINAL REPORT.—The Commission shall report to*  
16 *Congress its findings not later than 3 years after the date*  
17 *of enactment of this Act. Such report may include legisla-*  
18 *tive recommendations. The Commission may make what-*  
19 *ever interim reports to Congress that it deems necessary.”.*

1 **TITLE II—AMENDMENTS TO THE**  
2 **GENERAL EDUCATION PROVI-**  
3 **SIONS ACT**

4 **PART A—APPLICABILITY OF THE GENERAL**  
5 **EDUCATION PROVISIONS ACT**

6 **SEC. 211. TITLE; APPLICABILITY; DEFINITIONS.**

7 *Section 400 of the General Education Provisions Act*  
8 *(20 U.S.C. 1221 et seq.; referred to in this title as “the Act”)*  
9 *is amended to read as follows:*

10 *“TITLE; APPLICABILITY; DEFINITIONS*

11 *“SEC. 400. (a) This title may be cited as the ‘General*  
12 *Education Provisions Act’.*

13 *“(b)(1) Except as otherwise provided, this title applies*  
14 *to each applicable program of the Department of Education.*

15 *“(2) Except as otherwise provided, this title does not*  
16 *apply to any contract made by the Department of*  
17 *Education.*

18 *“(c) As used in this title, the following terms have the*  
19 *following meanings:*

20 *“(1) The term ‘applicable program’ means any*  
21 *program for which the Secretary or the Department*  
22 *has administrative responsibility as provided by law*  
23 *or by delegation of authority pursuant to law. The*  
24 *term includes each program for which the Secretary*  
25 *or the Department has administrative responsibility*



1        *under the Department of Education Organization Act*  
2        *or under statutes effective after the effective date of*  
3        *that Act.*

4            “(2) The term ‘applicable statute’ means—

5                    “(A) the Act or the title, part, section, or  
6                    any other subdivision of an Act, as the case may  
7                    be, that authorizes the appropriation for an ap-  
8                    plicable program;

9                    “(B) this title; and

10                    “(C) any other statute that by its terms ex-  
11                    pressly controls the administration of an appli-  
12                    cable program.

13            “(3) The term ‘Department’ means the Depart-  
14        *ment of Education.*

15            “(4) The term ‘Secretary’ means the Secretary of  
16        *Education.*

17            “(d) Nothing in this title shall be construed to affect  
18        *the applicability of title VI of the Civil Rights Act of 1964,*  
19        *title IX of the Education Amendments of 1972, title V of*  
20        *the Rehabilitation Act of 1973, the Age Discrimination Act,*  
21        *or other statutes prohibiting discrimination, to any appli-*  
22        *cable program.”.*

23        **SEC. 212. REPEAL AND REDESIGNATION.**

24            (a) *The following provisions of the Act are repealed:*

1           (1) Sections 400A, 401, 402, 405, 406, 406A,  
2           406B, 406C, 407, 413, 416, 419, 421, 423, 424, 426A,  
3           and 429; and

4           (2) part D.

5           (b) Sections 403, 408, 409, 411, 412, 414, 415, 417,  
6           420, 421A, 422, 425, 426, 427, 428, 430, 431, 432, 433,  
7           434, 435, 436, 437, 438, 439, and 440 are redesignated as  
8           401, 410, 411, 420, 421, 422, 423, 425, 426, 430, 431, 432,  
9           433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444,  
10          445, and 446 respectively.

11          (c) Part E is redesignated as part D.

12                           **PART B—THE DEPARTMENT OF**  
13   **EDUCATION**

14   **SEC. 221. NEW HEADING FOR PART A.**

15          The heading for part A of the Act is amended to read  
16   as follows:

17                   “PART A—FUNCTIONS OF THE DEPARTMENT OF  
18   EDUCATION”.

19   **SEC. 222. OFFICE OF NON-PUBLIC EDUCATION.**

20          Section 401 of the Act (as redesignated) is amended  
21   by—

22                   (1) striking the heading of such section and in-  
23                   serting the following new heading:

24                           “OFFICE OF NON-PUBLIC EDUCATION”.

25                   (2) striking subsections (a), (b), and (c); and

1           (3) striking “(d)(1) There” and inserting “SEC.  
2           401 (1) There”.

3   **SEC. 223. GENERAL AUTHORITY OF THE SECRETARY.**

4           Section 410 of the Act (as redesignated) is amended  
5 to read as follows:

6           “GENERAL AUTHORITY OF THE SECRETARY

7           “SEC. 410. The Secretary, in order to carry out func-  
8 tions otherwise vested by law or by delegation of authority  
9 pursuant to law, and subject to limitations as may be other-  
10 wise imposed by law, is authorized to make, promulgate,  
11 issue, rescind, and amend rules and regulations governing  
12 the manner of operation of, and governing the applicable  
13 programs administered by, the Department.”.

14   **SEC. 224. COORDINATION.**

15           The Act is amended by inserting the following new sec-  
16 tion 412:

17           “COORDINATION

18           “SEC. 412. The Advisory Council on Education Statis-  
19 tics, the National Education Goals Panel, the National  
20 Education Statistics and Improvement Council, and any  
21 other Board established to analyze, address, or approve  
22 standards and assessments shall coordinate and interact  
23 with one another in order to ensure that each entity does  
24 not duplicate activities to assist States in their efforts to  
25 reform their educational systems.”.

1           **PART C—APPROPRIATIONS AND**  
2                                   **EVALUATIONS**

3   **SEC. 230. FORWARD FUNDING.**

4           *Section 420 of the Act (as redesignated) is amended*  
5 *to read as follows:*

6                                   “FORWARD FUNDING

7           “SEC. 420. (a) *To the end of affording the responsible*  
8 *State, local, and Federal officers adequate notice of avail-*  
9 *able Federal financial assistance for carrying out ongoing*  
10 *education activities and projects, appropriations for grants,*  
11 *contracts, or other payments under any applicable program*  
12 *are authorized to be included in the appropriations Act for*  
13 *the fiscal year preceding the fiscal year during which such*  
14 *activities and projects shall be carried out.*

15           “(b) *In order to effect a transition to the timing of*  
16 *appropriation action authorized by subsection (a), the ap-*  
17 *plication of this section may result in the enactment, in*  
18 *a fiscal year, of separate appropriations for an applicable*  
19 *program (whether in the same appropriations Act or other-*  
20 *wise) for 2 consecutive fiscal years.”.*

21   **SEC. 231. AVAILABILITY OF APPROPRIATIONS.**

22           (i) *The heading for section 421 of the Act (as redesign-*  
23 *ated) is amended to read as follows: “AVAILABILITY OF AP-*  
24 *PROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDI-*  
25 *TIONAL PERIOD FOR EXPENDITURE OF FUNDS”.*

1       (b) Section 421 of the Act (as redesignated) is further  
2 amended—

3           (1) in subsection (b) by striking “(b) Notwith-  
4 standing” and inserting “(b)(1) Notwithstanding”;  
5 and

6           (2) in subsection (c) by striking “section  
7 3679(d)(2) of the Revised Statutes” and inserting  
8 “section 1341(a) of title 31 of the United States  
9 Code”.

10 **SEC. 232. CONTINGENT EXTENSION OF PROGRAMS.**

11       Section 422 of the Act (as redesignated) is amended  
12 to read as follows:

13           “CONTINGENT EXTENSION OF PROGRAMS

14       “SEC. 422. (a) The authorization of appropriations  
15 for, or duration of, an applicable program shall be auto-  
16 matically extended for one additional fiscal year unless  
17 Congress, in the regular session that ends prior to the begin-  
18 ning of the terminal fiscal year of such authorization or  
19 duration, has passed legislation that becomes law and ex-  
20 tends or repeals the authorization or duration of such pro-  
21 gram.

22       “(b) The amount authorized to be appropriated for the  
23 period of automatic extension of an applicable program  
24 under subsection (a) shall be the amount that was author-  
25 ized to be appropriated for that program during its termi-  
26 nal fiscal year.

1       “(c) During the period of automatic extension of an  
2 applicable program under subsection (a), the Secretary  
3 shall administer such program, including the performance  
4 of all required acts and determinations, in the same manner  
5 required in the termination fiscal year by the applicable  
6 statute.

7       “(d) This section shall not apply to the authorization  
8 of appropriations for a commission, council or committee  
9 which is required by an applicable statute to terminate on  
10 a date certain.”.

11 **SEC. 233. STATE REPORTS.**

12       Subpart 2 of part B of the Act is amended by inserting  
13 the following new section 424 at the beginning of such sub-  
14 part.

15       “RESPONSIBILITY OF STATES TO FURNISH INFORMATION

16       “SEC. 424. (a) Each State educational agency shall  
17 submit to the Secretary a report on or before March 15 of  
18 every second year. Each such report shall include—

19               “(1) information with respect to the uses of Fed-  
20 eral funds in such State in the 2 preceding fiscal  
21 years under any applicable program under the juris-  
22 diction of the State educational agency; and

23               “(2) information with respect to the uses of Fed-  
24 eral funds in such State in the 2 preceding fiscal  
25 years under any Federal program administered by

1        *the State that provided grants or contracts to a local*  
2        *educational agency in the State.*

3        *“(b) Each report submitted as required by subsection*  
4        *(a) shall—*

5                *“(1) list, with respect to each program for which*  
6                *information is provided, all grants made to and con-*  
7                *tracts entered into with local educational agencies*  
8                *and other public and private agencies and institu-*  
9                *tions within the State during each fiscal year con-*  
10               *cerned;*

11               *“(2) analyze the information included in the re-*  
12               *port by local educational agency and by program;*

13               *“(3) include the total amount of funds available*  
14               *to the State under each such program for each fiscal*  
15               *year concerned; and*

16               *“(4) be made readily available by the State to*  
17               *local educational agencies and institutions within the*  
18               *State and to the public.*

19        *“(c) If the Secretary does not receive a report by the*  
20        *date required under subsection (a), or receives an incom-*  
21        *plete report, the Secretary, not later than 30 days after such*  
22        *report is required to be submitted, shall take all reasonable*  
23        *measures to obtain the delinquent or incomplete informa-*  
24        *tion from the State educational agency.*

1       “(d) When the Secretary receives a report required  
2 under subsection (a), the Secretary shall provide such infor-  
3 mation to the National Center for Education Statistics, and  
4 shall make such information available, at a reasonable cost,  
5 to any individual who requests it.

6       “(e) The Secretary shall consult with the Speaker and  
7 Minority Leader of the House of Representatives and the  
8 Majority and Minority Leaders of the Senate regarding the  
9 costs and feasibility of making the information described  
10 in subsection (a) available as part of a telecommunications  
11 network that is readily accessible to every member of Con-  
12 gress and other interested parties.

13       “(f) On or before August 15th of each year in which  
14 reports are submitted under subsection (a), the Secretary  
15 shall submit a report to the Committee on Education and  
16 Labor of the House of Representatives and the Committee  
17 on Labor and Human Resources of the Senate. Such report  
18 shall include—

19               “(1) an analysis of the content and data quality  
20 of such reports;

21               “(2) a compilation of statistical data derived  
22 from such reports; and

23               “(3) information obtained by the Secretary with  
24 respect to—



1                   “(A) direct grants made to local educational  
2 agencies by the Federal Government; and

3                   “(B) contracts entered into between such  
4 agencies and the Federal Government.”.

5 **SEC. 234. BIENNIAL EVALUATION REPORT.**

6           Section 425 of the Act (as redesignated) is amended  
7 to read as follows:

8                   “BIENNIAL EVALUATION REPORT

9           “SEC. 425. Not later than March 31 of each second  
10 year beginning with 1995, the Secretary shall transmit to  
11 the Committee on Education and Labor of the House of  
12 Representatives and the Committee on Labor and Human  
13 Resources of the Senate an evaluation report on the effec-  
14 tiveness of applicable programs during the two preceding  
15 fiscal years in achieving their legislated purposes. Such re-  
16 port shall—

17                   “(1) contain program profiles that include legis-  
18 lative citations, multi-year funding histories, and leg-  
19 islated purposes;

20                   “(2) contain recent evaluation information on  
21 the progress being made toward the achievement of  
22 program objectives, including listings of program per-  
23 formance indicators, data from performance measure-  
24 ment based on the indicators, evaluation information  
25 on the costs and benefits of the applicable programs  
26 being evaluated.

1           “(3) contain selected significant program activi-  
2           ties, such as initiatives for program improvement,  
3           regulations, and program monitoring and evaluation;

4           “(4) list the principal analyses and studies sup-  
5           porting the major conclusions in such report; and

6           “(5) be prepared in concise summary form with  
7           necessary detailed data and appendices, including  
8           available data to indicate the effectiveness of the pro-  
9           grams and projects by the race, sex, disability and  
10          age of their beneficiaries.”.

11 **SEC. 235. TECHNICAL AMENDMENT.**

12          (a) Section 423 of the Act (as redesignated) is amended  
13 by striking “Commissioner” and inserting “Secretary”.

14          (b) Section 426 of the Act (as redesignated) is amended  
15 by—

16           (1) striking “title I of” and all that follows  
17 through “Congress)” and inserting “title VIII of the  
18 Elementary and Secondary Education Act of 1965”;  
19 and

20           (2) striking “subparagraph (C) of section 3(d)(2)  
21 or section 403(1)(C)” and inserting in lieu thereof  
22 “sections 8003(c) or residing on property described in  
23 section 8012(4)(B)(ii)”.

1 **SEC. 236. COORDINATION.**

2 *The National Assessment Governing Board, the Advi-*  
3 *sory Council on Statistics, the National Education Goals*  
4 *Panel, the National Education Statistics and Improvement*  
5 *Council, and any other Board established to analyze, ad-*  
6 *dress, or approve standards and assessments shall coordi-*  
7 *nate and interact with one another in order to ensure that*  
8 *each entity does not duplicate activities to assist States in*  
9 *their efforts to reform their educational systems.*

10 **PART D—ADMINISTRATION OF**  
11 **EDUCATION PROGRAMS**

12 **SEC. 241. JOINT FUNDING OF PROGRAMS.**

13 *Section 430 of the Act (as redesignated) is amended*  
14 *to read as follows:*

15 *“JOINT FUNDING OF PROGRAMS*

16 *“SEC. 430. (a)(1) The Secretary is authorized to enter*  
17 *into arrangements with other Federal agencies to jointly*  
18 *carry out projects of common interest, to transfer to such*  
19 *agencies funds appropriated under any applicable pro-*  
20 *gram, and to receive and use funds from such agencies, for*  
21 *projects of common interest.*

22 *“(2) Funds so transferred or received shall be used only*  
23 *in accordance with the statutes authorizing the appropria-*  
24 *tion of such funds, and shall be made available by contract*  
25 *or grant only to recipients eligible to receive such funds*  
26 *under such statutes.*

1       “(3) If the Secretary enters into an agreement under  
2 this subsection for the administration of a project, the agen-  
3 cy administering the project shall use its procedures to  
4 award contracts or grants and to administer such awards,  
5 unless the parties to the agreement specify the use of proce-  
6 dures of another agency that is a party to the agreement.

7       “(4) If the Secretary has entered into an agreement  
8 authorized under subsection (a) of this section and the Sec-  
9 retary and the heads of the other agencies participating in  
10 the agreement determine that joint funding is necessary to  
11 address a special need consistent with the purposes and  
12 authorized activities of each program that provides funding,  
13 the Secretary and the heads of the other participating agen-  
14 cies may develop a single set of criteria for jointly funded  
15 projects and require each applicant for those projects to sub-  
16 mit a single application for review by the participating  
17 agencies.

18       “(b) The Secretary may develop the criteria for, and  
19 require the submission of, joint applications under two or  
20 more applicable programs under which awards are made  
21 on a competitive basis, and may jointly review and approve  
22 such applications separately from other applications under  
23 such programs, when the Secretary determines that such  
24 joint awards are necessary to address a special need consist-  
25 ent with the purposes and authorized activities of each such

1 *program. An applicant for such a joint award must meet*  
2 *the eligibility requirements of each such program.*

3 *“(c) The Secretary may not construe the provisions of*  
4 *this section to take precedence over a limitation on joint*  
5 *funding contained in an applicable statute.*

6 *“(d)(1) The Secretary shall provide notice to the Com-*  
7 *mittee on Education and Labor of the House of Representa-*  
8 *tives and to the Committee on Labor and Human Resources*  
9 *of the Senate of each joint funding agreement made with*  
10 *other Federal agencies not later than 60 days following the*  
11 *making of such agreements.*

12 *“(2) Such notice shall include—*

13 *“(A) a description of the purpose and objectives*  
14 *of the joint funding arrangement;*

15 *“(B) the amounts and sources, by program, of*  
16 *the funds dedicated to such arrangement; and*

17 *“(C) the criteria developed to govern the award*  
18 *of contracts and grants.”.*

19 **SEC. 242. COLLECTION AND DISSEMINATION OF INFORMA-**  
20 **TION.**

21 *Section 431 of the Act (as redesignated) is amended*  
22 *by—*

23 *(1) striking “(a) The Commissioner” and insert-*  
24 *ing “The Secretary”;*

25 *(2) inserting “and” at the end of paragraph (2);*

1           (3) striking “; and” at the end of paragraph (3)  
2           and inserting “.”; and  
3           (4) striking paragraph (4) and subsections (b)  
4           and (c).

5   **SEC. 243. REVIEW OF APPLICATIONS.**

6           (a) Section 432 of the Act (as redesignated) is amend-  
7   ed—

8           (1) in subsection (a)—

9                   (A) by striking “Commissioner” and insert-  
10                  ing “Secretary”;

11                   (B) by striking “and in the case of the pro-  
12                  gram provided for in title I of the Elementary  
13                  and Secondary Education Act of 1965,”;

14                   (C) in the third sentence thereof, by insert-  
15                  ing a comma after “the hearing”; and

16                   (D) in the fourth sentence thereof—

17                           (i) by striking the comma after “guide-  
18                          lines”; and

19                           (ii) by inserting a comma after “pro-  
20                          gram”;

21           (2) in subsection (b), by striking “Commis-  
22                  sioner” each place it appears and inserting “Sec-  
23                  retary”; and

24           (3) in subsection (d), by striking “Commis-  
25                  sioner” each time it appears and inserting “Sec-

1       retary” and by inserting before the period “or issue  
2       such other orders as the Secretary may deem appro-  
3       priate to achieve such compliance”.

4       (b) All statistics and other data collection and analysis  
5       reported under this section shall, whenever feasible, be col-  
6       lected cross-tabulated, analyzed, and reported by sex within  
7       race or ethnicity and socioeconomic status. In the event that  
8       the Secretary determines that such statistics or data collec-  
9       tion and analysis reveals no significant differences among  
10      such categories, the Secretary shall include in the relevant  
11      report incorporating such statistics or data an explanation  
12      of such determination.

13      **SEC. 244. TECHNICAL AMENDMENT.**

14      Section 434 of the Act (as redesignated) is amended  
15      in the first sentence by striking “the Commissioner” and  
16      “he” and inserting “the Secretary” in lieu of each.

17      **SEC. 245. USE OF FUNDS WITHHELD.**

18      Section 435 of the Act (as redesignated) is amended  
19      to read as follows:

20                                      “USE OF FUNDS WITHHELD

21              “SEC. 435. (a) At any time that the Secretary makes  
22      an allotment or reallocation to any State under any appli-  
23      cable program, the Secretary shall reduce such allotment or  
24      reallocation by such amount as the Secretary determines  
25      such allotment or reallocation would have been reduced, had  
26      the data on which the allotment or reallocation is based ex-

1 *cluded all data relating to local educational agencies of the*  
2 *State that, on the date of the Secretary's action, are ineli-*  
3 *gible to receive the Federal financial assistance involved be-*  
4 *cause of failure to comply with title VI of the Civil Rights*  
5 *Act of 1964, title IX of the Education Amendments of 1972,*  
6 *section 504 of the Rehabilitation Act of 1973, or the Age*  
7 *Discrimination Act of 1975.*

8       “(b) The Secretary may use any funds withheld under  
9 subsection (a)—

10               “(1) to increase the allotments of other local edu-  
11               cational agencies within the State, or the allotments  
12               of all States, in accordance with the statutes govern-  
13               ing the program; or

14               “(2) for grants to local educational agencies of  
15               that State in accordance with section 405 of the Civil  
16               Rights Act of 1964, or for any other program admin-  
17               istered by the Department that is designed to enhance  
18               equity in education or redress discrimination on the  
19               basis of race, color, national origin, sex, age, or  
20               disability.”.

21 **SEC. 246. APPLICATIONS.**

22       Section 436 of the Act (as redesignated) is amended  
23 by striking “for three fiscal years” and inserting “for more  
24 than one fiscal year”.



1 **SEC. 247. REGULATIONS.**

2 *Section 437 of the Act (as redesignated) is amended—*

3 *(1) in the heading by striking “: REQUIREMENTS*  
4 *AND ENFORCEMENT”;*

5 *(2) in subsection (a) by—*

6 *(A) striking, in paragraph (1), “Commis-*  
7 *sioner” and inserting “Secretary”; and*

8 *(B) striking, in paragraph (2), “Depart-*  
9 *ment of Health, Education, and Welfare or the*  
10 *Office of Education, or by an official of such*  
11 *agencies” and inserting “Secretary”;*

12 *(3) in subsection (b) by—*

13 *(A) striking “Commissioner” each place it*  
14 *appears and inserting “Secretary”; and*

15 *(B) striking the last sentence of paragraph*  
16 *(2)(B);*

17 *(4) in subsection (d) by—*

18 *(A) striking, in paragraph (1)—*

19 *(i) in the second sentence, “trans-*  
20 *mission unless the Congress shall, by con-*  
21 *current resolution, find that the final regu-*  
22 *lation is inconsistent with the Act from*  
23 *which it derives its authority, and dis-*  
24 *approve such final regulation, in whole or*  
25 *in part” and insert “transmission”;*

26 *(ii) the last sentence; and*

1 (iii) “(1)”;

2 (B) striking paragraph (2);

3 (5) by striking subsections (e) and (f); and

4 (6) in subsection (g), by striking “Commis-  
5 sioner” each place it appears and inserting “Sec-  
6 retary”.

7 **SEC. 248. RECORDS; REDUCTION IN RETENTION REQUIRE-**  
8 **MENTS.**

9 Section 443 of the Act (as redesignated) is amended—

10 (1) in subsection (a)—

11 (A) by striking out “grant, subgrant, con-  
12 tract, subcontract, loan, or other arrangement  
13 (other than procurement contracts awarded by  
14 an administrative head of an educational agen-  
15 cy)” and inserting in lieu thereof “grant,  
16 subgrant, cooperative agreement, loan or other  
17 agreement”;

18 (B) by inserting “financial or pro-  
19 grammatic” immediately before “audit.”; and

20 (C) by striking “five” in the last sentence  
21 and inserting “three”; and

22 (2) in subsection (b), by striking out “to any  
23 records of a recipient which may be related, or perti-  
24 nent to, the grants, subgrants, contracts, subcontracts,  
25 loans, or other arrangements” and inserting in lieu

1       *thereof “to any records currently maintained by a re-*  
2       *recipient that may be related, or pertinent to, grants,*  
3       *subgrants, cooperative agreements, loans, or other ar-*  
4       *rangements”.*

5       **SEC. 249. RELEASE OF RECORDS.**

6       *Section 444(b)(1)(E) of the Act (as redesignated) is*  
7       *amended to read as follows:*

8               *“(E) State and local officials or authorities to*  
9               *whom such information is specifically allowed to be*  
10              *reported or disclosed pursuant to State statute adopt-*  
11              *ed—*

12                       *“(i) before November 19, 1974, if the al-*  
13                      *lowed reporting or disclosure concerns the juve-*  
14                      *nile justice system and its ability to effectively*  
15                      *serve the student whose records are released, or*

16                      *“(ii) after November 19, 1974, if—*

17                               *“(I) the allowed reporting or disclosure*  
18                              *concerns the juvenile justice system and its*  
19                              *ability to effectively serve the student whose*  
20                              *records are released, and*

21                                       *“(II) the officials and authorities to*  
22                                      *whom such information is disclosed certify*  
23                                      *in writing to the educational agency or in-*  
24                                      *stitution that the information will not be*  
25                                      *disclosed to any other party except as pro-*

1                    *vided under State law without the prior*  
2                    *written consent of the parent.”.*

3    **SEC. 250. PROTECTION OF PUPIL RIGHTS.**

4                    *Section 445 of the Act (as redesignated) is amended*  
5                    *to read as follows:*

6                    *“PROTECTION OF PUPIL RIGHTS*

7                    *“SEC. 445. (a) All instructional materials, including*  
8                    *teacher’s manuals, films, tapes, or other supplementary ma-*  
9                    *terial which will be used in connection with any survey,*  
10                   *analysis, or evaluation as part of any applicable program*  
11                   *shall be available for inspection by the parents or guardians*  
12                   *of the children.*

13                   *“(b) No student shall be required, as part of any appli-*  
14                   *cable program, to submit to a survey, analysis, or evalua-*  
15                   *tion that reveals information concerning—*

16                   *“(1) political affiliations;*

17                   *“(2) mental and psychological problems poten-*  
18                   *tially embarrassing to the student or his family;*

19                   *“(3) sex behavior and attitudes;*

20                   *“(4) illegal, antisocial, self-incriminating, and*  
21                   *demeaning behavior;*

22                   *“(5) critical appraisals of other individuals with*  
23                   *whom respondents have close family relationships;*

24                   *“(6) legally recognized privileged or analogous*  
25                   *relationships, such as those of lawyers, physicians,*  
26                   *and ministers; or*

1           “(7) income (other than that required by law to  
2           determine eligibility for participation in a program  
3           or for receiving financial assistance under such pro-  
4           gram),  
5           without the prior consent of the student (if the student is  
6           an adult or emancipated minor), or in the case of an  
7           unemancipated minor, without the prior written consent of  
8           the parent.

9           “(c) Educational agencies and institutions shall give  
10          parents and students effective notice of their rights under  
11          this section.

12          “(d) The Secretary shall take such action as the Sec-  
13          retary determines appropriate to enforce this section, except  
14          that action to terminate assistance provided under an ap-  
15          plicable program shall be taken only if the Secretary deter-  
16          mines that—

17                 “(1) there has been a failure to comply with such  
18                 section; and

19                 “(2) compliance with such section cannot be se-  
20                 cured by voluntary means.

21          “(e) The Secretary shall establish or designate an office  
22          and review board within the Department of Education to  
23          investigate, process, review, and adjudicate violations of the  
24          rights established under this section.”.

1 **SEC. 251. ENFORCEMENT.**

2 (a) Section 452 of the Act is amended—

3 (1) in the first sentence of paragraph (2) of sub-  
4 section (a), by striking “stating” and all that follows  
5 through the end of such sentence and inserting “estab-  
6 lishing a prima facia case for the recovery of funds,  
7 including an analysis reflecting the value of the pro-  
8 gram services actually obtained in a determination of  
9 harm to the federal interest.”;

10 (2) in the first sentence of paragraph (1) of sub-  
11 section (b), by striking “30” and inserting “60”; and

12 (3) in subsection (d) by—

13 (A) striking “(d) Upon” and inserting  
14 “(d)(1) Upon”;

15 (B) adding a new paragraph (2) as follows:

16 “(2) During the conduct of such review, there shall not  
17 be any ex parte contact between the Secretary and individ-  
18 uals representing the Department or the recipient.”.

19 (b) Section 459 of the Act is amended—

20 (1) in paragraph (1) of subsection (a) by strik-  
21 ing “, and that the recipient is in all other respects  
22 in compliance with the requirements of that pro-  
23 gram”; and

24 (2) subsection (c) is amended to read as follows:

25 “(c) Notwithstanding any other provisions of law, the  
26 funds made available under this section shall remain avail-

1 *able for expenditure for a period of time deemed reasonable*  
2 *by the Secretary, but in no case to exceed more than 3 fiscal*  
3 *years following the later of—*

4 *“(1) the fiscal year in which final agency action*  
5 *under section 452(e) is taken; or*

6 *“(2) if such recipient files a petition for judicial*  
7 *review, the fiscal year in which final judicial action*  
8 *under section 458 is taken.”.*

9 **SEC. 252. TECHNICAL AMENDMENTS.**

10 *(a) The heading for Part C of the Act is amended by*  
11 *striking “COMMISSIONER OF EDUCATION” and inserting*  
12 *“SECRETARY”.*

13 *(b) Section 434 of the Act (as redesignated) is amended*  
14 *in the second sentence thereof, by inserting “is made” after*  
15 *“such determination”.*

16 *(c) Section 436 of the Act (as redesignated) is amended*  
17 *by striking “Commissioner” each place it appears and in-*  
18 *serting “Secretary”.*

19 *(d)(1) The heading of section 440 of the Act (as redesign-*  
20 *ated) is amended by striking “EDUCATIONAL”.*

21 *(2) Section 440 of the Act (as redesignated) is amend-*  
22 *ed—*

23 *(A) by striking “Commissioner” each place it*  
24 *appears and inserting “Secretary”; and*

1           (B) by inserting “(c)” before the last sentence  
2           and by deleting “paragraph (3)” in such sentence and  
3           inserting “subsection (b)(3)”.

4           (e) Section 441 of the Act (as redesignated) is amend-  
5 ed—

6           (1) by striking “Commissioner” each place it ap-  
7           pears and inserting “Secretary”; and

8           (2) in subsection (a)—

9           (A) by striking the comma after “submits a  
10          plan”; and

11          (B) by striking “(subject, in the case of pro-  
12          grams under chapter 1 and chapter 2 of title I  
13          of the Elementary and Secondary Education Act  
14          of 1965, to the provisions of title V of such Act)”.

15          (f) Section 442 of the Act (as redesignated) is amend-  
16 ed—

17          (1) in subsection (a), by striking “that local edu-  
18          cation agency” and inserting “that local educational  
19          agency”; and

20          (2) in subsection (b)—

21          (A) in paragraph (2), by inserting a  
22          comma after “program”;

23          (B) in paragraph (4), by striking “Commis-  
24          sioner” each place it appears and inserting  
25          “Secretary”; and



1           (C) in paragraph (7), by striking “handi-  
2           capped individuals” and inserting “individuals  
3           with disabilities”.

4           (g) Section 444 of the Act (as redesignated) is amend-  
5 ed—

6           (1) in subsection (a)(4)(B)(ii), by striking the  
7           period at the end thereof and inserting a semicolon;

8           (2) in subsection (b)—

9           (A) in paragraph (1)(C), by striking “(iii)  
10           an administrative head of an education agency  
11           (as defined in section 408(c)), or (iv)” and in-  
12           serting “or (iii)”;

13           (B) in paragraph (1)(H), by striking  
14           “1954” and inserting “1986”; and

15           (C) in paragraph (3)—

16           (i) by striking “(C) an administrative  
17           head of an education agency or (D)” and  
18           inserting “or (C)”;

19           (ii) by striking “education program”  
20           and inserting “education programs”;

21           (3) in subsection (d), by inserting a comma after  
22           “education”;

23           (4) in subsection (f)—

1 (A) by striking “The Secretary, or an ad-  
2 ministrative head of an education agency,” and  
3 inserting “The Secretary”;

4 (B) by striking “provisions of” after “en-  
5 force”;

6 (C) by striking “according to the provisions  
7 of” and inserting “in accordance with”; and

8 (D) by striking “the provisions of” after  
9 “with”; and

10 (5) in subsection (g)—

11 (A) by striking “Health, Education, and  
12 Welfare” and inserting “Education”; and

13 (B) by striking “the provisions of”.

14 **SEC. 253. EQUITY FOR STUDENTS, TEACHERS, AND OTHER**  
15 **PROGRAM BENEFICIARIES.**

16 *The Act is further amended by inserting after section*  
17 *426 (as redesignated) a new section 427 to read as follows:*

18 *“EQUITY FOR STUDENTS, TEACHERS, AND OTHER*

19 *PROGRAM BENEFICIARIES*

20 *“SEC. 427. (a) The purpose of this section is to assist*  
21 *the Department in implementing its mission to ensure*  
22 *equal access to education and to promote educational excel-*  
23 *lence throughout the Nation, by ensuring equal opportuni-*  
24 *ties to participate for all eligible students, teachers, and*  
25 *other program beneficiaries in any project or activity car-*

1 ried out under an applicable program and promoting their  
2 ability to meet high standards.

3       “(b) The Secretary shall require each applicant for as-  
4 sistance under an applicable program (other than an indi-  
5 vidual) to develop and describe in its application the steps  
6 it proposes to take to ensure equitable access to, and equi-  
7 table participation in, the project or activity to be con-  
8 ducted with such assistance, by addressing the special needs  
9 of students, teachers, and other program beneficiaries in  
10 order to overcome barriers to equitable participation, in-  
11 cluding barriers based on gender, race, color, national ori-  
12 gin, disability, and age.

13       “(c) The Secretary may establish criteria and provide  
14 technical assistance for meeting the requirements of this  
15 section.

16       “(d) Nothing in this section is intended to alter in any  
17 way the rights or responsibilities established under the stat-  
18 utes cited in section 400(d) of this Act.”.

19       **PART E—RELATED AMENDMENTS TO**  
20                                   **OTHER ACTS**

21       **SEC. 261. DEPARTMENT OF EDUCATION ORGANIZATION ACT**

22       *The Department of Education Organization Act is*  
23 *amended—*

24                   (1) by repealing sections 414 and 427;

1           (2) by redesignating sections 209, 210, 211, 212,  
 2           214, 215, 303, 304, 305, 306, 307, 415, 416, 417, 418,  
 3           419, 420, 421, 422, 423, 424, 425, 426, and 428 as  
 4           sections 208, 209, 210, 211, 212, 213, 302, 303, 304,  
 5           305, 306, 414, 415, 416, 417, 418, 419, 420, 421, 422,  
 6           423, 424, 425, and 426;

7           (3) the table of contents is amended to read as  
 8           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. Resignation.*
- "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           (4) in section 202(b), by inserting after para-  
2           graph (2) the following:

3           “(3) There shall be in the Department, a Special As-  
4           sistant for Gender Equity who shall be appointed by the  
5           Secretary. The Special Assistant shall promote, coordinate,

1 *and evaluate gender equity programs, including the dis-*  
2 *semination of information, technical assistance, coordina-*  
3 *tion of research activities, and the administration of grant*  
4 *programs. The Special Assistant shall report directly to the*  
5 *Secretary, and shall perform such additional functions as*  
6 *the Secretary shall prescribe.”.*

7       **TITLE III—AMENDMENTS TO**  
8                               **OTHER ACTS**

9       **PART A—AMENDMENTS TO THE INDIVID-**  
10                           **UALS WITH DISABILITIES EDUCATION**  
11                           **ACT**

12       **SEC. 311. ALLOCATIONS UNDER SECTION 611 OF THE IDEA.**

13       (a) *GRANT AMOUNTS.*—Section 611(a) of the *Individ-*  
14 *uals with Disabilities Education Act* (referred to in this  
15 *title as the “IDEA”*) is amended—

16               (1) *by amending paragraph (1) to read as*  
17 *follows:*

18               “(1) *Except as provided in paragraph (5), the maxi-*  
19 *imum amount of the grant for which a State is eligible*  
20 *under this section for any fiscal year is—*

21                       “(A) *the sum of—*

22                               “(i) *the number of children with disabilities*  
23 *in the State, aged six through 21, who are receiv-*  
24 *ing special education and related services, as de-*  
25 *termined under paragraph (3); and*

1           “(ii) the number of such children in the  
2           State, aged three through five, if the State is eli-  
3           gible for a grant under section 619; multiplied  
4           by

5           “(B) 40 percent of the average per-pupil expend-  
6           iture in public elementary and secondary schools in  
7           the United States.”;

8           (2) by amending paragraph (2) to read as  
9           follows:

10          “(2) For the purpose of this section, the term ‘State’  
11          means each of the 50 States, the District of Columbia, and  
12          the Commonwealth of Puerto Rico.”; and

13          (3) in paragraph (5)(A)—

14                 (A) in clause (i)—

15                         (i) by striking “and the State” and in-  
16                         serting “or the combined percentage of such  
17                         children counted by the Secretary for the  
18                         purpose of making fiscal year 199— alloca-  
19                         tions under this section and under subpart  
20                         2 of part D of chapter 1 of title I of the Ele-  
21                         mentary and Secondary Education Act of  
22                         1965, as in effect the day before the date of  
23                         the enactment of the Improving America’s  
24                         Schools Act of 1994, whichever is greater, if  
25                         the State”; and

1                   (ii) by inserting “and” at the end  
2 thereof;

3                   (B) in clause (ii)—

4                   (i) by striking “and the State” and in-  
5 scribing “or the combined percentage of such  
6 children counted by the Secretary for the  
7 purpose of making fiscal year 1994 alloca-  
8 tions under this section and under subpart  
9 2 of part D of chapter 1 of title I of the Ele-  
10 mentary and Secondary Education Act of  
11 1965, as in effect the day before the date of  
12 the enactment of the Improving America’s  
13 Schools Act of 1994, whichever is greater, if  
14 the State”; and

15                   (ii) by striking out the semicolon and  
16 “and” at the end thereof and inserting in  
17 lieu thereof a period; and

18                   (C) by striking out clause (iii).

19                   (b) AMOUNT RECEIVED.—Section 611(b) of the IDEA  
20 is amended to read as follows:

21                   “(b)(1) Notwithstanding subsections (a) and (g) of this  
22 section, no State shall receive an amount under this section  
23 for any of the fiscal years 1995 through 1999 that is less  
24 than the combined amount it received for fiscal year 1994  
25 under—



1           “(A) *this section; and*

2           “(B) *subpart 2 of part D of chapter 1 of title I*  
3           *of the Elementary and Secondary Education Act of*  
4           *1965 as in effect the day before the date of the enact-*  
5           *ment of the Improving America’s Schools Act of 1994,*  
6           *for children with disabilities aged three through 21.*

7           “(2) *If, for fiscal year 1998 or 1999, the number of*  
8           *children determined under subsection (a)(3) for any State*  
9           *is less than the total number of children with disabilities,*  
10          *aged three through 21, counted for such State’s fiscal year*  
11          *1994 grants under this section and under subpart 2 of part*  
12          *D of chapter 1 of title I of the Elementary and Secondary*  
13          *Education Act of 1965, as in effect the day before the date*  
14          *of the enactment of the Improving America’s Schools Act*  
15          *of 1994, the amount determined under paragraph (1) for*  
16          *such State shall be reduced by the same percentage by which*  
17          *the number of such children so declined.*

18          “(3) *In any fiscal year in which the amount appro-*  
19          *priated for grants under this section is less, in real dollar*  
20          *terms, than the amount appropriated in the immediate pre-*  
21          *ceding fiscal year, the amount for each State under this*  
22          *subsection will be reduced proportionately.”.*

23          (c) *USES OF FUNDS.—Section 611(c) of the IDEA is*  
24          *amended—*

1           (1) by amending paragraph (1) to read as fol-  
2           lows:

3           “(1) Of the funds received under subsection (a) by any  
4           State for any fiscal year—

5           “(A) the State may use up to 25 percent in ac-  
6           cordance with paragraph (2); and

7           “(B) except as provided in paragraph (4), the  
8           State shall distribute at least 75 percent to local edu-  
9           cational agencies and intermediate educational units,  
10          in accordance with subsection (d), for use in accord-  
11          ance with priorities established under section  
12          612(3).”;

13          (2) in paragraph (2), by amending subpara-  
14          graph (A) to read as follows:

15          “(A) From the funds that any State may use under  
16          paragraph (1)(A) for any fiscal year, the State—

17          “(i) may use 5 percent of the funds received  
18          under this section or \$450,000, whichever is greater,  
19          for administrative costs related to carrying out sec-  
20          tions 612 and 613; and

21          “(ii) shall use the remainder—

22                  “(I) to provide support services and direct  
23                  services, subject to subparagraph (B), in accord-  
24                  ance with priorities established under section  
25                  612(3); and

1           “(II) for the administrative costs of mon-  
2           itoring and complaint investigation, but only to  
3           the extent that such costs exceed the costs of ad-  
4           ministration incurred during fiscal year 1985.”.

5           (d) STATE FUNDS.—Section 611(d) of the IDEA is  
6           amended to read as follows:

7           “(d)(1) From the total amount of funds available for  
8           any fiscal year under subsection (c)(1)(B), the State shall  
9           provide to each local educational agency or intermediate  
10          educational unit an amount that bears the same ratio to  
11          such total amount as the number of children, aged 3 through  
12          21, determined under subsection (a)(3) for such agency or  
13          unit bears to the total number of such children determined  
14          for all such agencies and units that apply for such funds.

15          “(2)(A) To the extent necessary, the State—

16                 “(i) shall use funds available under subsection  
17                 (c)(2)(A)(ii) to ensure that each State-owned or State-  
18                 operated school or program or State-supported school  
19                 or program that received fiscal year 1994 funds under  
20                 subpart 2 of part D of chapter 1 of title I of the Ele-  
21                 mentary and Secondary Education Act of 1965 re-  
22                 ceives, from the combination of such funds and funds  
23                 provided under paragraph (1), an amount equal to—

1           “(I) the number of children, aged 6 through  
2           21, determined under subsection (a)(3) for such  
3           agency; multiplied by

4           “(II) the per-child amount provided under  
5           such subpart for fiscal year 1994; and

6           “(ii) may use such funds to ensure that each  
7           local educational agency that received fiscal year  
8           1994 funds under such subpart for children who had  
9           transferred from a State-owned, State-operated, or  
10          State-supported school or program assisted under  
11          such subpart receives, from the combination of such  
12          funds and funds provided under paragraph (1), an  
13          amount for each such child, aged 3 through 21, deter-  
14          mined under subsection (a)(3) for such agency, equal  
15          to the per-child amount the agency received under  
16          such subpart for fiscal year 1994.

17          “(B) For the purpose of subparagraph (A), the number  
18          of children determined under subsection (a)(3) for any  
19          State agency or local educational agency shall not exceed  
20          the number of children aged 3 through 21 for whom such  
21          agency received funds under such subpart for such fiscal  
22          year.

23          “(3) In any fiscal year in which the amount appro-  
24          priated for grants under this section is less, in real dollar  
25          terms, than the amount appropriated in the preceding fiscal

1 year, the amount for each State under this subsection will  
2 be reduced proportionately.”

3 (e) JURISDICTION.—Section 611(e)(1) of the IDEA is  
4 amended to read as follows:

5 “(1) The jurisdictions to which this subsection applies  
6 are Guam, American Samoa, the Virgin Islands, the Com-  
7 monwealth of the Northern Mariana Islands, and Palau  
8 (until the effective date of the Compact of Free Association  
9 with the Government of Palau).”

10 (f) POSSIBLE RATABLE REDUCTION.—Section 611(g)  
11 of the IDEA is amended to read as follows:

12 “(g)(1)(A) If the sums appropriated under subsection  
13 (h) for any fiscal year are not sufficient to pay in full the  
14 total of the amounts that all States are eligible to receive  
15 under subsection (a), each such amount shall be ratably  
16 reduced.

17 “(B) If additional funds become available for making  
18 such payments for any fiscal year, such reduced amounts  
19 shall be increased on the same basis as they were reduced.

20 “(C) Any State that receives any such additional funds  
21 shall distribute them in accordance with this section, except  
22 that any State that has used funds available under sub-  
23 section (c)(2)(A)(ii) for the purposes described in subsection  
24 (d)(2) may—

1           “(i) deduct, from the amount that it would oth-  
2           erwise be required to make available to local edu-  
3           cational agencies and intermediate educational units,  
4           the same amount of such additional funds as it so  
5           used; and

6           “(ii) use such funds in accordance with sub-  
7           section (c)(2)(A)(ii).

8           “(2)(A) In any fiscal year for which payments have  
9           been reduced and additional funds have not been made  
10          available under paragraph (1) to pay in full the amounts  
11          for which all States are eligible under this section, each  
12          State educational agency shall fix dates by which each local  
13          educational agency or intermediate educational unit shall  
14          report to the State agency the amount of funds available  
15          to it under this section that it estimates it will expend.

16          “(B) The State educational agency shall, in accordance  
17          with this section, reallocate any funds that it determines  
18          will not be used during the period of availability by such  
19          local educational agencies and intermediate educational  
20          units, and by any such agency or unit to which such funds  
21          would be available if it applied for them under this part,  
22          to such local educational agencies and intermediate edu-  
23          cational units that the State educational agency determines  
24          will need, and be able to use, additional funds to carry out  
25          approved programs.”.

1 **SEC. 312. TREATMENT OF CHAPTER 1 STATE AGENCIES.**

2 *Part B of the IDEA is further amended by inserting*  
3 *after section 614 the following new section:*

4 *“TREATMENT OF CHAPTER 1 STATE AGENCIES*

5 *“SEC. 614A. (a) For the purpose of making payments*  
6 *under sections 611 and 619 of this Act, any State agency*  
7 *that received funds for fiscal year 1994 under subpart 2*  
8 *of part D of chapter 1 of title I of the Elementary and*  
9 *Secondary Education Act of 1965 shall be treated as if it*  
10 *were a local educational agency.*

11 *“(b) The State educational agency shall ensure that*  
12 *each State agency that owns or operates or supports a pro-*  
13 *gram or school for children with disabilities with funds*  
14 *under this part—*

15 *“(1) provides each child with a disability in*  
16 *such school or program a free appropriate public edu-*  
17 *cation in accordance with this part, including the due*  
18 *process protections of section 615, as if it were a local*  
19 *educational agency; and*

20 *“(2) has on file with the State educational agen-*  
21 *cy an application that meets the requirements of sec-*  
22 *tion 614 that the Secretary finds appropriate.*

23 *“(c) Section 611(c)(4) shall not apply with respect to*  
24 *a State agency that is eligible for a payment under this*  
25 *part by virtue of this section.”.*

1 **SEC. 313. INFANTS AND TODDLERS WITH DISABILITIES.**

2 (a) ALLOTMENTS.—Section 684(c) of the IDEA is  
3 amended—

4 (1) by redesignating paragraph (2) as para-  
5 graph (5); and

6 (2) by striking paragraph (1) and inserting  
7 paragraphs (1) through (4) to read as follows:

8 “(1) Except as provided in paragraphs (3) and (4),  
9 from the funds remaining for each fiscal year after the res-  
10 ervation and payments under subsections (a) and (b), the  
11 Secretary shall first allot to each State an amount that  
12 bears the same ratio to the amount of such remainder as  
13 the number of infants and toddlers in the State bears to  
14 the number of infants and toddlers in all States.

15 “(2) For fiscal year 1995 only, the Secretary shall allot  
16 \$34,000,000 of the remaining funds described in paragraph  
17 (1) among the States in proportion to the relative numbers  
18 of infants and toddlers who—

19 “(A) are counted on December 1, 1994; and

20 “(B) would have been eligible to be counted  
21 under section 1221(c)(1) of the Elementary and Sec-  
22 ondary Education Act of 1965 as in effect before the  
23 enactment of the Improving America’s Schools Act of  
24 1994.



1       “(3) Except as provided in paragraph (4), no State  
2 shall receive an amount under this section for any fiscal  
3 year that is less than the greater of—

4               “(A) one-half of one percent of the remaining  
5 amount described in paragraph (1), not including  
6 any amounts allotted under paragraph (2); or

7               “(B) \$500,000.

8       “(4)(A) No State shall receive an amount under this  
9 section for any of the fiscal years 1995 through 1999 that  
10 is less than the combined amount it received for fiscal year  
11 1994 under—

12               “(i) this part; and

13               “(ii) subpart 2 of part D of chapter 1 of title I  
14 of the Elementary and Secondary Education Act of  
15 1965 for children with disabilities from birth through  
16 age two.

17       “(B) If, for fiscal year 1998 or 1999, the number of  
18 infants and toddlers in any State, as determined under  
19 paragraph (1), is less than the number of infants and tod-  
20 dlers so determined for fiscal year 1994, the amount deter-  
21 mined under subparagraph (A) for that State shall be re-  
22 duced by the same percentage by which the number of those  
23 infants and toddlers so declined.”.

24       (b) EFFECTIVE DATE.—The amendments made by sub-  
25 section (a) shall take effect beginning in fiscal year 1995.

1       **PART B—EDUCATION FOR HOMELESS**  
 2                   **CHILDREN AND YOUTH**

3       **SEC. 320. AMENDMENTS TO TABLE OF CONTENTS.**

4           *Section 101 of the Stewart B. McKinney Homeless As-*  
 5 *stance Act is amended by striking subtitles A and B of*  
 6 *title VII and inserting the following:*

*“Subtitle A—Adult Education for the Homeless*

*“Sec. 701. State literacy initiatives*

*“Subtitle B—Education for Homeless Children and Youth*

*“Sec. 721. Statement of policy.*

*“Sec. 722. Grants for state and local activities for the education of homeless chil-*  
*dren and youth.*

*“Sec. 723. Local educational agency grants for the education of homeless children*  
*and youth.*

*“Sec. 724. Secretarial responsibilities.*

*“Sec. 725. Definitions.*

*“Sec. 726. Authorization of appropriations.”.*

7       **SEC. 321. STATEMENT OF POLICY.**

8           *Subtitle A of title VII of the Stewart B. McKinney*  
 9 *Homeless Assistance Act is amended to read as follows:*

10       **“Subtitle A—Adult Education for**  
 11                   **the Homeless**

12       **“SEC. 701. STATE LITERACY INITIATIVES.**

13           *“(a) GENERAL AUTHORITY.—(1) The Secretary of*  
 14 *Education is authorized to make grants to State edu-*  
 15 *cational agencies to enable each such agency to implement,*  
 16 *either directly or through contracts and grants, a program*  
 17 *of literacy training and academic remediation for adult*  
 18 *homeless individuals within the State, which program*  
 19 *shall—*

1           “(A) include outreach activities; and

2           “(B) be coordinated with other agencies or orga-  
3           nizations, such as community-based organizations,  
4           nonprofit literacy-action organizations, and funding  
5           recipients under the Adult Education Act, title II of  
6           the Job Training Partnership Act, the Youth Fair  
7           Chance program under title IV of the Job Training  
8           Partnership Act, the Volunteers in Service to America  
9           program under the Domestic Volunteers Service Act,  
10          part C of this title, or the Job Opportunity and Basic  
11          Skills program under the Social Security Act.

12          “(2) The Secretary of Education shall, in awarding  
13          grants under this section, give special consideration to the  
14          estimates submitted in the application submitted under sub-  
15          section (b) and make such awards in whatever amounts he  
16          or she determines would best serve the purposes of this  
17          section.

18          “(b) APPLICATION.—Each State educational agency  
19          desiring to receive a grant under this section shall submit  
20          to the Secretary of Education an application at such time,  
21          in such manner, and containing such information as the  
22          Secretary may reasonably require. Each such application  
23          shall include an estimate of the number of homeless individ-  
24          uals in the State and the number of such individuals  
25          expected to be served.

1       “(c) *AUTHORIZATION OF APPROPRIATIONS.*—For the  
2 *purpose of carrying out the adult literacy and academic*  
3 *remediation programs authorized by this section, there are*  
4 *authorized to be appropriated such sums as may be nec-*  
5 *essary for each of the fiscal years 1995 through 1999.*

6       “(d) *DEFINITION.*—As used in this section, the term  
7 *‘State’ means each of the 50 States, the District of Colum-*  
8 *bia, the Commonwealth of Puerto Rico, the Virgin Islands,*  
9 *Guam, American Samoa, the Commonwealth of the North-*  
10 *ern Mariana Islands, and Palau (until the effective date*  
11 *of the Compact of Free Association with the Government*  
12 *of Palau).’”.*

13 ***SEC. 322. EDUCATION FOR HOMELESS CHILDREN AND***  
14 ***YOUTH.***

15       *Subtitle B of title VII of the Stewart B. McKinney*  
16 *Homeless Assistance Act is amended to read as follows:*

17               ***“Subtitle B—Education for***  
18               ***Homeless Children and Youth***

19 ***“SEC. 721. STATEMENT OF POLICY.***

20       *“It is the policy of the Congress that—*

21               *“(1) each State educational agency shall ensure*  
22 *that each child of a homeless individual and each*  
23 *homeless youth has equal access to the same free, ap-*  
24 *propriate public education, including a public pre-*

1 *school education, as provided to other children and*  
2 *youth;*

3 *“(2) in any State that has a compulsory resi-*  
4 *dency requirement as a component of its compulsory*  
5 *school attendance laws or other laws, regulations,*  
6 *practices, or policies that may act as a barrier to the*  
7 *enrollment, attendance, or success in school of home-*  
8 *less children and youth, the State will review and un-*  
9 *dertake steps to revise such laws, regulations, prac-*  
10 *tices, or policies to ensure that homeless children and*  
11 *youth are afforded the same free, appropriate public*  
12 *education as provided to other children and youth;*

13 *“(3) homelessness alone should not be sufficient*  
14 *reason to separate students from the mainstream*  
15 *school environment; and*

16 *“(4) homeless children and youth should have ac-*  
17 *cess to the education and other services that they need*  
18 *to ensure that they have an opportunity to meet the*  
19 *same challenging State performance standards to*  
20 *which all students are held.*

21 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**  
22 **THE EDUCATION OF HOMELESS CHILDREN**  
23 **AND YOUTH.**

24 *“(a) GENERAL AUTHORITY.—The Secretary is, in ac-*  
25 *cordance with the provisions of this section, authorized to*

1 *make grants to States to carry out the activities described*  
2 *in subsections (d), (e), (f), and (g).*

3       “(b) *APPLICATION.—No State may receive a grant*  
4 *under this section unless the State educational agency sub-*  
5 *mits an application to the Secretary at such time, in such*  
6 *manner, and containing or accompanied by such informa-*  
7 *tion as the Secretary may reasonably require.*

8       “(c) *ALLOCATION AND RESERVATIONS.—(1) Subject to*  
9 *paragraph (2) and section 724(c), from the amounts appro-*  
10 *priated for each fiscal year pursuant to section 726, the*  
11 *Secretary is authorized to allot to each State an amount*  
12 *that bears the same ratio to the amount appropriated in*  
13 *each such year as the amount allocated under section 1122*  
14 *of the Elementary and Secondary Education Act of 1965*  
15 *to the State in that year bears to the total amount allocated*  
16 *to all States, except that no State shall receive less than*  
17 *\$100,000.*

18       “(2)(A) *The Secretary is authorized to reserve 0.1 per-*  
19 *cent of the amount appropriated for each fiscal year pursu-*  
20 *ant to section 726 to be allocated by the Secretary among*  
21 *the Virgin Islands, Guam, American Samoa, the Common-*  
22 *wealth of the Northern Mariana Islands, and Palau (until*  
23 *the effective date of the Compact of Free Association with*  
24 *the Government of Palau), according to their respective*  
25 *need, as determined by the Secretary.*

1       “(B)(i) *The Secretary is authorized to transfer one*  
2 *percent of the amount appropriated for each fiscal year*  
3 *under section 726 to the Department of the Interior for pro-*  
4 *grams for Indian students served by schools funded by the*  
5 *Secretary of the Interior, as determined under the Indian*  
6 *Self-Determination and Education Assistance Act, that are*  
7 *consistent with the purposes of this Act.*

8       “(ii) *The Secretary and the Secretary of the Interior*  
9 *shall enter into an agreement, consistent with the require-*  
10 *ments of this part, for the distribution and use of these*  
11 *funds under terms that the Secretary determines best meet*  
12 *the purposes of the covered programs. Such agreement shall*  
13 *set forth the plans of the Secretary of the Interior for the*  
14 *use of the amounts transferred, including appropriate goals,*  
15 *objectives, and milestones.*

16       “(3) *As used in this subsection, the term ‘State’ shall*  
17 *not include the Virgin Islands, Guam, American Samoa,*  
18 *the Commonwealth of the Northern Mariana Islands, or*  
19 *Palau.*

20       “(d) *ACTIVITIES.—Grants under this section shall be*  
21 *used—*

22               “(1) *to carry out the policies set forth in section*  
23 *721 in the State;*

24               “(2) *to provide activities for, and services to,*  
25 *homeless children, including preschool-aged children,*

1       *and homeless youth that enable such children and*  
2       *youth to enroll in, attend, and succeed in school, or,*  
3       *if appropriate, in preschool programs;*

4             “(3) to establish or designate an Office of Coordi-  
5       *nator of Education of Homeless Children and Youth*  
6       *in the State educational agency in accordance with*  
7       *subsection (f);*

8             “(4) to prepare and carry out the State plan de-  
9       *scribed in subsection (g); and*

10            “(5) to develop and implement professional de-  
11       *velopment programs for school personnel to heighten*  
12       *their awareness of, and capacity to respond to, spe-*  
13       *cific problems in the education of homeless children*  
14       *and youth.*

15            “(e) STATE AND LOCAL GRANTS.—(1)(A) Subject to  
16       *subparagraph (B), if the amount allotted to the State edu-*  
17       *cational agency for any fiscal year under this subtitle ex-*  
18       *ceeds the amount such agency received for fiscal year 1990*  
19       *under this subtitle, such agency shall provide grants to local*  
20       *educational agencies for purposes of section 723.*

21            “(B) The State educational agency may reserve not  
22       *more than the greater of five percent of the amount it re-*  
23       *ceives under this subtitle for any fiscal year, or the amount*  
24       *such agency received under this subtitle for fiscal year 1990,*



1 *to conduct activities under subsection (f) directly or through*  
2 *grants or contracts.*

3       “(2) *If the amount allotted to a State educational*  
4 *agency for any fiscal year under this subtitle is less than*  
5 *the amount such agency received for fiscal year 1990 under*  
6 *this subtitle, such agency, at its discretion, may provide*  
7 *such grants or may conduct activities under subsection (f)*  
8 *directly or through grants or contracts.*

9       “(f) *FUNCTIONS OF THE OFFICE OF COORDINATOR.—*  
10 *The Coordinator of Education of Homeless Children and*  
11 *Youth established in each State shall—*

12               “(1) *estimate the number of homeless children*  
13 *and youth in the State and the number of such chil-*  
14 *dren and youth served with assistance provided under*  
15 *the grants under this subtitle;*

16               “(2) *gather, to the extent possible, reliable, valid,*  
17 *and comprehensive information on the nature and ex-*  
18 *tent of the problems homeless children and youth have*  
19 *in gaining access to public preschool programs and to*  
20 *public elementary and secondary schools, the difficul-*  
21 *ties in identifying the special needs of such children*  
22 *and youth, any progress made by the State edu-*  
23 *cational agency and local educational agencies in the*  
24 *State in addressing such problems and difficulties,*  
25 *and the success of the program under this subtitle in*

1     *allowing homeless children and youth to enroll in, at-*  
2     *tend, and succeed in school;*

3             *“(3) develop and carry out the State plan de-*  
4     *scribed in subsection (g);*

5             *“(4) prepare and submit to the Secretary not*  
6     *later than October 1, 1997, and on October 1 of every*  
7     *third year thereafter, a report on the information*  
8     *gathered pursuant to paragraphs (1) and (2) and*  
9     *such additional information as the Secretary may re-*  
10    *quire to carry out responsibilities under this subtitle;*

11            *“(5) facilitate coordination between the State*  
12    *educational agency, the State social services agency,*  
13    *and other agencies providing services to homeless chil-*  
14    *dren and youth and their families, including children*  
15    *who are preschool age; and*

16            *“(6) develop relationships and coordinate with*  
17    *other relevant education, child development, or pre-*  
18    *school programs and providers of services to homeless*  
19    *children, homeless families, and runaway and home-*  
20    *less youth (including domestic violence agencies, shel-*  
21    *ter operators, transitional housing facilities, runaway*  
22    *and homeless youth centers, and transitional living*  
23    *programs for homeless youth), to improve the provi-*  
24    *sion of comprehensive services to homeless children*  
25    *and youth and their families.*

1           “(g) *STATE PLAN.*—(1) *Each State shall submit to the*  
2 *Secretary a plan to provide for the education of homeless*  
3 *children and youth within the State, which plan shall de-*  
4 *scribe how such children and youth are or will be given*  
5 *the opportunity to meet the same challenging State perform-*  
6 *ance standards all students are expected to meet, shall de-*  
7 *scribe the procedures the State educational agency will use*  
8 *to identify such children and youth in the State and to*  
9 *assess their special needs, and shall—*

10                   “(A) *describe procedures for the prompt resolu-*  
11 *tion of disputes regarding the educational placement*  
12 *of homeless children and youth;*

13                   “(B) *describe programs for school personnel (in-*  
14 *cluding principals, attendance officers, teachers and*  
15 *enrollment personnel), to heighten the awareness of*  
16 *such personnel of the specific needs of runaway and*  
17 *homeless youth;*

18                   “(C) *describe procedures that ensure that home-*  
19 *less children and youth who meet the relevant eligi-*  
20 *bility criteria are able to participate in Federal,*  
21 *State, or local food programs;*

22                   “(D) *describe procedures that ensure that—*

23                           “(i) *homeless children have equal access to*  
24 *the same public preschool programs, adminis-*

1            *tered by the State agency, as provided to other*  
2            *children; and*

3            *“(ii) homeless children and youth who meet*  
4            *the relevant eligibility criteria are able to par-*  
5            *ticipate in Federal, State, or local before- and*  
6            *after-school care programs;*

7            *“(E) address problems set forth in the report*  
8            *provided to the Secretary under subsection (f)(4);*

9            *“(F) address other problems with respect to the*  
10           *education of homeless children and youth, including*  
11           *problems caused by—*

12           *“(i) transportation issues; and*

13           *“(ii) enrollment delays that are caused by—*

14           *“(I) immunization requirements;*

15           *“(II) residency requirements;*

16           *“(III) lack of birth certificates, school*  
17           *records, or other documentation; or*

18           *“(IV) guardianship issues;*

19           *“(G) demonstrate that the State and local edu-*  
20           *cational agencies in the State have developed, and*  
21           *will review and revise, policies to remove barriers to*  
22           *the enrollment and retention of homeless children and*  
23           *youth in schools in the State; and*

24           *“(H) contain an assurance that the State edu-*  
25           *cational agency and local educational agencies in the*

1       *State will adopt policies and practices to ensure that*  
2       *homeless children and youth are not isolated or stig-*  
3       *matized.*

4       “(2) *Each plan adopted under this subsection shall*  
5       *also show how the State will ensure that local educational*  
6       *agencies in the State will comply with the requirements of*  
7       *paragraphs (3) through (9).*

8       “(3)(A) *The local educational agency that serves each*  
9       *homeless child and youth shall, according to the child’s or*  
10      *youth’s best interest, either—*

11           “(i) *continue the child’s or youth’s education in*  
12          *the school of origin—*

13                   “(I) *for the remainder of the academic year;*  
14          *or*

15                   “(II) *in any case in which a family be-*  
16          *comes homeless between academic years, for the*  
17          *following academic year; or*

18           “(ii) *enroll the child or youth in any public*  
19          *school that nonhomeless students who live in the at-*  
20          *tendance area in which the child or youth is actually*  
21          *living are eligible to attend.*

22       “(B) *In determining the best interests of the child or*  
23      *youth under subparagraph (A), the local educational agency*  
24      *shall comply, to the extent possible, with the request made*  
25      *by a parent or guardian regarding school selection.*

1       “(C) For purposes of this paragraph, the term ‘school  
2 of origin’ means the school that the child or youth attended  
3 when permanently housed, or the school in which the child  
4 or youth was last enrolled.

5       “(D) The choice regarding placement shall be made re-  
6 gardless of whether the child or youth lives with the homeless  
7 parents or has been temporarily placed elsewhere by the  
8 parents.

9       “(4) Each homeless child or youth shall be provided  
10 services comparable to services offered to other students in  
11 the school selected according to the provisions of paragraph  
12 (3), including—

13           “(A) transportation services;

14           “(B) educational services for which the child or  
15 youth meets the eligibility criteria, such as services  
16 provided under title I of the Elementary and Second-  
17 ary Education Act of 1965 or similar State or local  
18 programs, educational programs for children with  
19 disabilities, and educational programs for students  
20 with limited-English proficiency;

21           “(C) programs in vocational education;

22           “(D) programs for gifted and talented students;

23       and

24           “(E) school meals programs.

1       “(5) Any record ordinarily kept by the school, includ-  
2       ing immunization records, academic records, birth certifi-  
3       cates, guardianship records, and evaluations for special  
4       services or programs, of each homeless child or youth shall  
5       be maintained—

6               “(A) so that the records are available, in a time-  
7       ly fashion, when a child or youth enters a new school  
8       district; and

9               “(B) in a manner consistent with section 438 of  
10       the General Education Provisions Act.

11       “(6) Each local educational agency serving homeless  
12       children and youth that receives assistance under this sub-  
13       title shall coordinate with local social services agencies and  
14       other agencies or programs providing services to such chil-  
15       dren or youth and their families, including services and  
16       programs funded under the Runaway and Homeless Youth  
17       Act.

18       “(7)(A) Each local educational agency in a State that  
19       receives a grant under this subtitle shall designate a home-  
20       lessness liaison to ensure that—

21               “(i) homeless children and youth enroll and suc-  
22       ceed in the schools of such agency; and

23               “(ii) homeless families, children, and youth re-  
24       ceive educational services for which they are eligible,  
25       including preschool programs administered by the

1        *local educational agency, and referrals to health care*  
2        *services, dental services, mental health services, and*  
3        *other appropriate services.*

4        *“(B) State coordinators and local educational agencies*  
5        *shall inform school personnel, service providers, and advo-*  
6        *cates working with homeless families of the duties of the*  
7        *liaisons.*

8        *“(8) Each State and local educational agency shall re-*  
9        *view and revise any policies that may act as barriers to*  
10       *the enrollment of homeless children and youth in schools*  
11       *selected in accordance with paragraph (3). In reviewing*  
12       *and revising such policies, consideration shall be given to*  
13       *issues concerning transportation, immunization, residency,*  
14       *birth certificates, school records, and other documentation,*  
15       *and guardianship. Special attention shall be given to ensur-*  
16       *ing the enrollment and attendance of homeless children and*  
17       *youth who are not currently attending school.*

18       **“SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE**  
19                                **EDUCATION OF HOMELESS CHILDREN AND**  
20                                **YOUTH.**

21        *“(a) GENERAL AUTHORITY.—(1) The State edu-*  
22        *cational agency shall, in accordance with section 722(e)*  
23        *and with amounts made available to such agency under sec-*  
24        *tion 726, make grants to local educational agencies for the*



1 *purpose of facilitating the enrollment, attendance, and suc-*  
2 *cess in school of homeless children and youth.*

3       “(2) *Unless otherwise specified, services under para-*  
4 *graph (1) may be provided through programs on school*  
5 *grounds or at other facilities. Where services are provided*  
6 *through programs to homeless students on school grounds,*  
7 *schools may provide services to other children and youth*  
8 *who are determined by the local educational agency to be*  
9 *at risk of failing in, or dropping out of, schools, on an inci-*  
10 *dental basis. To the maximum extent practicable, services*  
11 *shall be provided through existing programs and mecha-*  
12 *nisms that integrate homeless individuals with nonhomeless*  
13 *individuals.*

14       “(3) *Services provided under this section are not in-*  
15 *tended to replace the regular academic program and shall*  
16 *be designed to expand upon or improve services provided*  
17 *as part of the school’s regular academic program.*

18       “(b) *APPLICATION.—A local educational agency that*  
19 *desires to receive a grant under this section shall submit*  
20 *an application to the State educational agency at such*  
21 *time, in such manner, and containing or accompanied by*  
22 *such information as the State educational agency may rea-*  
23 *sonably require according to guidelines issued by the Sec-*  
24 *retary. Each such application shall include—*

1           “(1) a description of the services and programs  
2           for which assistance is sought and the problems to be  
3           addressed through the provision of such services and  
4           programs;

5           “(2) an assurance that the local educational  
6           agency’s combined fiscal effort per student or the ag-  
7           gregate expenditures of that agency and the State  
8           with respect to the provision of free public education  
9           by such agency for the preceding fiscal year was not  
10          less than 90 percent of such combined fiscal effort or  
11          aggregate expenditures for the second preceding fiscal  
12          year;

13          “(3) an assurance that the applicant complies  
14          with, or will use requested funds to come into compli-  
15          ance with, paragraphs (3) through (9) of section  
16          722(g); and

17          “(4) a description of policies and procedures that  
18          the agency will implement to ensure that activities  
19          carried out by the agency will not isolate or stig-  
20          matize homeless children and youth.

21          “(c) AWARDS.—(1) The State educational agency  
22          shall, in accordance with section 722(g) and with amounts  
23          made available to such agency under section 726, award  
24          grants under this section to local educational agencies sub-

1 *mitting an application under subsection (b) on the basis*  
2 *of the need of such agencies.*

3       “(2) *In determining need under paragraph (1), the*  
4 *State educational agency may consider the number of home-*  
5 *less children and youth enrolled in preschool, elementary,*  
6 *and secondary schools within the area served by the agency,*  
7 *and shall consider the needs of such children and youth and*  
8 *the ability of the agency to meet such needs. Such agency*  
9 *may also consider—*

10           “(A) *the extent to which the proposed use of*  
11 *funds would facilitate the enrollment, retention, and*  
12 *educational success of homeless children and youth;*

13           “(B) *the extent to which the application reflects*  
14 *coordination with other local and State agencies that*  
15 *serve homeless children and youth, as well as the*  
16 *State plan required by section 722(g);*

17           “(C) *the extent to which the applicant exhibits in*  
18 *the application and in current practice a commit-*  
19 *ment to education for all homeless children and*  
20 *youth; and*

21           “(D) *such other criteria as the agency determines*  
22 *appropriate.*

23       “(3) *Grants awarded under this section shall be for*  
24 *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 are*  
7 *linked to the achievement of the same challenging*  
8 *standards the State establishes for other children or*  
9 *youth;*

10              “(B) *the provision of expedited evaluations of the*  
11 *strengths and needs of homeless children and youth,*  
12 *including needs and eligibility for programs and serv-*  
13 *ices (such as educational programs for gifted and tal-*  
14 *ented students, children with disabilities, and stu-*  
15 *dents with limited-English proficiency, services pro-*  
16 *vided under title I of the Elementary and Secondary*  
17 *Education Act of 1965 or similar State or local pro-*  
18 *grams, programs in vocational education, and school*  
19 *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 children*  
24 *and youth, the rights of such children and youth*

1        *under this Act, and the specific educational needs of*  
2        *runaway and homeless youth;*

3                *“(D) the provision of referral services to homeless*  
4        *children and youth for medical, dental, mental, and*  
5        *other health services;*

6                *“(E) the provision of assistance to defray the ex-*  
7        *cess cost of transportation for students pursuant to*  
8        *sections 722(g)(4) or 722(g)(9), not otherwise pro-*  
9        *vided through Federal, State, or local funding, where*  
10        *necessary to enable students to attend the school se-*  
11        *lected under section 722(g)(3);*

12                *“(F) the provision of developmentally appro-*  
13        *priate early childhood education programs, not other-*  
14        *wise provided through Federal, State, or local fund-*  
15        *ing, 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 chil-*  
24        *dren and youth in school, including birth certificates,*  
25        *immunization records, academic records, guardian-*

1       *ship records, and evaluations for special programs or*  
2       *services;*

3             “(I) *the provision of education and training to*  
4       *the parents of homeless children and youth about the*  
5       *rights of, and resources available to, such children*  
6       *and youth;*

7             “(J) *the development of coordination between*  
8       *schools and agencies providing services to homeless*  
9       *children and youth, including programs funded under*  
10       *the Runaway and Homeless Youth Act;*

11            “(K) *the provision of counseling (including vio-*  
12       *lence prevention counseling), social work, and psycho-*  
13       *logical services, and referrals for such services;*

14            “(L) *activities to address the particular needs of*  
15       *homeless children and youth that may arise from do-*  
16       *mestic 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 plans  
3 submitted by the State educational agencies under section  
4 722(g), the Secretary shall use a peer review process and  
5 shall evaluate whether State laws, policies, and practices  
6 described in such plans adequately address the problems of  
7 homeless children and youth relating to access to education  
8 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 of  
16 homeless elementary and secondary school students, and  
17 may use funds appropriated under section 726 to conduct  
18 such activities.

19       “(d) *SUBMISSION AND DISTRIBUTION.*—The Secretary  
20 shall require applications for grants under this subtitle to  
21 be submitted to the Secretary not later than the expiration  
22 of the 60-day period beginning on the date that funds are  
23 available for purposes of making such grants and shall  
24 make such grants not later than the expiration of the 120-  
25 day period beginning on such date.

1       “(e) *DETERMINATION BY SECRETARY.*—*The Secretary,*  
2 *based on the information received from the States and infor-*  
3 *mation gathered by the Secretary under subsection (d), shall*  
4 *determine the extent to which State educational agencies are*  
5 *ensuring that each homeless child and homeless youth has*  
6 *access to a free appropriate public education as described*  
7 *in section 721(1).*

8       “(f) *REPORTS.*—*The Secretary shall prepare and sub-*  
9 *mit 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 programs*  
12 *and activities authorized by this subtitle by December 31,*  
13 *1997, and every third year thereafter.*

14       **“SEC. 725. DEFINITIONS.**

15       *“For the purpose of this subtitle, unless otherwise stat-*  
16 *ed—*

17               “(1) *the term ‘Secretary’ means the Secretary of*  
18 *Education; and*

19               “(2) *the term ‘State’ means each of the 50 States,*  
20 *the District of Columbia, and the Commonwealth of*  
21 *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 year*



1 1995 and such sums as may be necessary for each of the  
2 fiscal years 1996, 1997, 1998, and 1999.”.

3 **PART C—IMPACT AID STATUTES**

4 **SEC. 331. AMENDMENTS TO PUBLIC LAW 815.**

5 (a) SECTION 2.—Section 2 of the Act of September 23,  
6 1950 (Public Law 815, 81st Congress; 20 U.S.C. 632) is  
7 amended to read as follows:

8 **“SEC. 2. PORTION OF APPROPRIATIONS AVAILABLE FOR**  
9 **PAYMENTS.**

10 “For each fiscal year the Secretary shall distribute the  
11 funds appropriated in accordance with section 1 which  
12 shall be available for carrying out the provisions of sections  
13 5, 9, 10, and 14. The funds provided under section 1 for  
14 the schools serving military dependents and Indian lands  
15 shall be divided equally between section 5 and section 14  
16 of this Act. Funds provided under section 5 of this Act shall  
17 be divided equally between the priority categories of section  
18 1(a)(1) and 1(a)(2) of this Act.”.

19 (b) SECTION 3.—Section 3 of such Act (20 U.S.C. 633)  
20 is amended to read as follows:

21 **“SEC. 3. ESTABLISHMENT OF PRIORITIES.**

22 “Applications for construction or modification projects  
23 provided for under this Act must be filed by June 30 of  
24 the fiscal year prior to the year in which funds are first  
25 requested. The Secretary shall use the following order of pri-

1 ority in approving applications under section 5 and funded  
2 in accordance with section 1(a)(1) and section 1(a)(2) of  
3 this Act. The priority of payment of application under sec-  
4 tion 1(a)(1) shall be based on the highest percentage of num-  
5 ber of children in need of minimum school facilities. The  
6 priority of payment of applications under section 1(a)(2)  
7 shall be based on the highest percentage of federally con-  
8 nected students eligible for payment. The Secretary shall use  
9 the priorities stated in this section in approving applica-  
10 tions in the event the funds appropriated under section 1  
11 of this title and remaining available on any such date for  
12 payment to local educational agencies are less than the Fed-  
13 eral share of the cost of the projects with respect to which  
14 applications have been filed prior to such date (and for  
15 which funds under section 1 have not already been obli-  
16 gated). Only applications meeting the conditions for ap-  
17 proval under this Act (other than section 6(b)(2)(C)) shall  
18 be considered applications for purposes of the preceding sen-  
19 tence. Such order of priority shall provide that applications  
20 payments based upon increases in the number of children  
21 residing on, or residing with a parent employed on prop-  
22 erty which is party of a low-rent housing project assisted  
23 under the United States Housing Act of 1937 shall not be  
24 approved for any fiscal year until all other applications

1 *under paragraph (2) of subsection (a) of section 5 have been*  
2 *approved for the fiscal year.”.*

3 *(c) SECTION 5.—Section 5 of such Act (20 U.S.C. 635)*  
4 *is amended to read as follows:*

5 **“SEC. 5. LIMITATION ON TOTAL PAYMENTS TO ANY LOCAL**  
6 **EDUCATIONAL AGENCY.**

7 *“(a) Subject to the limitations in subsection (c) the*  
8 *total of the payments to a local educational agency under*  
9 *this Act may not exceed the sum of—*

10 *“(1) the estimated increase, since the base year,*  
11 *in the number of children determined with respect to*  
12 *such agency who live on Federal property and have*  
13 *a parent who works on Federal property multiplied*  
14 *by 100 percent of the average per pupil cost of con-*  
15 *structing minimum school facilities in the State in*  
16 *which the school district of such agency is situated;*  
17 *and*

18 *“(2) the estimated increase, since the base year,*  
19 *in the number of children determined with respect to*  
20 *such agency who have a parent who lives on or works*  
21 *on Federal property multiplied by 50 percent of such*  
22 *cost;*

23 *“(3) In computing for any local educational*  
24 *agency the number of children in an increase under*  
25 *paragraph (1) or (2), the estimated number of chil-*

1        *dren described in such paragraph who will be in the*  
2        *membership of the schools of such agency at the close*  
3        *of the increase period shall be compared with the esti-*  
4        *mated number of such children in average daily mem-*  
5        *bership of the schools of such agency during the base*  
6        *year. However, the base year average daily member-*  
7        *ship shall be adjusted to exclude the number of chil-*  
8        *dren that formed the basis for previous payments on*  
9        *applications approved 30 or more years prior to the*  
10       *close of the increased period for the current applica-*  
11       *tion.*

12       *“(b) If two of the paragraphs of subsection (a) apply*  
13       *to a child, the local educational agency shall elect which*  
14       *of such paragraphs shall apply to such child, except that,*  
15       *notwithstanding the election of a local educational agency*  
16       *to have paragraph (2) apply to a child instead of para-*  
17       *graph (1), the determination of the maximum amount for*  
18       *such agency under subsection (a) shall be made without re-*  
19       *gard to such election.*

20       *“(c) A local educational agency shall not be eligible*  
21       *to have any amount included in its maximum by reason*  
22       *of paragraphs (1), (2), and (3) of subsection (a) unless the*  
23       *increase in children referred to in such paragraph is at*  
24       *least 20, and in the case of paragraphs (1), (2), and (3)*  
25       *of subsection (a), is—*

1           “(1) equal to at least 6 percent of the number of  
2           federally connected children who were in the average  
3           daily membership of the schools of such agency during  
4           the base year, or

5           “(2) at least 750,  
6           whichever is the lesser.

7           “(d) Notwithstanding the provisions of subsection (c)  
8           of this section, whenever and to the extent that, in his judg-  
9           ment, exceptional circumstances exist which make such ac-  
10          tion necessary to avoid inequity and avoid defeating the  
11          purposes of the Act, the Secretary may waive or reduce the  
12          minimum number requirement or any percentage require-  
13          ment or requirements in subsection (c).

14          “(e) In determining under this section the total of the  
15          payments which may be made to a local educational agency  
16          on the basis of any application, the total number of children  
17          counted for purposes of paragraph (1) or (2), as the case  
18          may be, of subsection (a) may not exceed—

19                 “(1) the number of children whose membership  
20                 at the close of the increase period for the application  
21                 is compared with average daily membership in the  
22                 base period for purposes of that paragraph, provided  
23                 that the base year average daily membership does not  
24                 include any children which formed the basis of pay-

1        *ment in the applications approved 30 or more years*  
2        *ago, minus*

3            *“(2) the number of such children whose member-*  
4        *ship at the close of the increase period was compared*  
5        *with membership in the base year for purposes of such*  
6        *paragraph under the last previous application, pro-*  
7        *vided the application was funded within the last 4*  
8        *years, if any, of the agency on the basis of which any*  
9        *payments have been or may be made to that agency.”.*

10        *(d) SECTION 6.—Section 6 of such Act (20 U.S.C. 636)*  
11        *is amended by adding at the end the following new sub-*  
12        *section:*

13            *“(d) If the application has not been funded within the*  
14        *3-year period, the local educational agency must recertify*  
15        *their need to have the application remain active.”.*

16        **SEC. 332. REPEAL OF PUBLIC LAW 874.**

17            *The Act of September 30, 1950 (Public Law 874, 81st*  
18        *Congress; 20 U.S.C. 236 et seq.) is hereby repealed.*

19            **PART D—AMENDMENTS TO ADULT**  
20            **EDUCATION ACT**

21        **SEC. 335. AMENDMENTS TO ADULT EDUCATION ACT.**

22            *(a) Section 342(c)(11) of the Adult Education Act is*  
23        *amended by inserting “Even Start,” after “1963,”.*

24            *(b) Section 384(n) is amended by striking “and 1995”*  
25        *and inserting “1995, and 1996”.*

1     **PART E—AMENDMENTS TO EDUCATION**  
2                     **COUNCIL ACT OF 1991**

3     **SEC. 341. FINDINGS.**

4             *Section 201 of the Education Council Act of 1991*  
5 *(hereafter in this Act referred to as the “Act”) is amended—*

6                     (1) *by amending paragraph (2) to read as fol-*  
7 *lows:*

8                             “(2) *the writing problem has been magnified by*  
9 *the rapidly changing student populations in the Na-*  
10 *tion’s schools and the growing number of students*  
11 *who are at risk because of limited-English pro-*  
12 *ficiency;”;*

13                     (2) *in paragraph (6)—*

14                             (A) *by inserting “writing and reading are*  
15 *both fundamental to learning, yet writing has*  
16 *been historically neglected in the schools and col-*  
17 *leges, and” before “most”; and*

18                             (B) *by striking the comma before “have”;*

19                     (3) *by amending paragraph (10) to read as fol-*  
20 *lows:*

21                             “(10) *the National Writing Project has become a*  
22 *model for programs to improve teaching in such other*  
23 *fields as mathematics, science, history, literature, per-*  
24 *forming arts, and foreign languages;”;*

1           (4) by amending paragraph (15) to read as fol-  
2           lows:

3           “(15) each year over 100,000 teachers volun-  
4           tarily seek training in National Writing Project in-  
5           tensive summer institutes and workshops and school-  
6           year in-service programs through one of the 154 re-  
7           gional sites located in 45 States, the Commonwealth  
8           of Puerto Rico, and in 4 sites that serve United  
9           States teachers teaching in United States dependent  
10          and independent schools;”;

11          (5) by striking paragraph (17);

12          (6) by redesignating paragraph (18) as para-  
13          graph (17);

14          (7) in paragraph (17) (as redesignated in para-  
15          graph (6)), by striking the period at the end thereof  
16          and inserting a semicolon; and

17          (8) by adding at the end the following new para-  
18          graphs:

19                 “(18) independent evaluation studies have found  
20                 the National Writing Project to be highly cost effective  
21                 compared to other professional development programs  
22                 for teachers; and

23                 “(19) during 1991, the first year of Federal sup-  
24                 port for the National Writing Project, the National  
25                 Writing Project matched the \$1,951,975 in Federal



1       *support with \$9,485,504 in matching funds from*  
2       *State, local, and other sources.”.*

3       **SEC. 342. NATIONAL WRITING PROJECT.**

4       *Section 202 of the Act is amended—*

5             (1) *in subsection (d)—*

6                 (A) *in paragraph (3)—*

7                     (i) *by striking the subparagraph des-*  
8                     *ignation “(A)”;* and

9                     (ii) *by striking subparagraph (B); and*  
10                    (B) *by striking paragraph (4);*

11            (2) *in subsection (e)—*

12                 (A) *in the matter preceding subparagraph*  
13                 (A) *of paragraph (1), by striking “to enable”*  
14                 *and inserting “to pay the Federal share of the*  
15                 *cost of enabling”;* and

16                 (B) *by adding at the end the following new*  
17                 *paragraph:*

18                     “(4) *FEDERAL SHARE.—For the purpose of this*  
19                     *subsection the term ‘Federal share’ means, with re-*  
20                     *spect to the costs of activities assisted under this sub-*  
21                     *section, 50 percent of such costs to the elementary or*  
22                     *secondary school teacher.”;*

23            (3) *by amending subsection (g) to read as fol-*  
24            *lows:*

25                     “(g) *EVALUATION.—*

1           “(1) *IN GENERAL.*—*The Secretary shall conduct*  
2           *an independent evaluation of the teacher training*  
3           *programs assisted under this section. Such evaluation*  
4           *shall specify the amount of funds expended by the Na-*  
5           *tional Writing Project and each contractor receiving*  
6           *assistance under this section. The results of such eval-*  
7           *uation shall be made available to the appropriate*  
8           *committees of the Congress.*

9           “(2) *FUNDING LIMITATION.*—*The Secretary shall*  
10          *reserve not more than \$150,000 from the total amount*  
11          *appropriated pursuant to the authority of subsection*  
12          *(i) for fiscal year 1994 and the 4 succeeding fiscal*  
13          *years to conduct the evaluation described in para-*  
14          *graph (1).”;*

15          (4) *by amending subsection (h) to read as fol-*  
16          *lows:*

17          “(h) *RESEARCH AND DEVELOPMENT ACTIVITIES.*—

18                 “(1) *GRANTS AUTHORIZED.*—*From amounts ap-*  
19                 *propriated pursuant to the authority of subsection*  
20                 *(i)(2), the National Writing Project shall make grants*  
21                 *to individuals and institutions of higher education*  
22                 *that either have participated in a National Writing*  
23                 *Project institute or are institutions designated as Na-*  
24                 *tional Writing Project sites, to enable such individ-*

1 *uals and institutions to conduct research activities in-*  
2 *volving the teaching of writing.*

3 *“(2) APPLICATION REVIEW.—The National Writ-*  
4 *ing Project shall establish and operate a National Re-*  
5 *view Board that shall consist of—*

6 *“(A) leaders in the field of research in writ-*  
7 *ing; and*

8 *“(B) such other individuals as the National*  
9 *Writing Project deems necessary.*

10 *“(3) DUTIES.—The National Review Board*  
11 *shall—*

12 *“(A) review all applications for assistance*  
13 *under this subsection; and*

14 *“(B) recommended applications for assist-*  
15 *ance under this subsection for funding by the*  
16 *National Writing Project.*

17 *“(4) JUNIOR RESEARCHER PRIORITY AND FUND-*  
18 *ING RULE.—(A) In awarding grants pursuant to*  
19 *paragraph (1), the National Writing Project shall*  
20 *give priority to awarding such grants to junior re-*  
21 *searchers.*

22 *“(B) The National Writing Project shall award*  
23 *not less than 25 percent of the funds received pursu-*  
24 *ant to subsection (i)(2) to junior researchers.*

1           “(5) *AVAILABILITY OF FINDINGS.*—*The National*  
2           *Writing Project shall make available to the Secretary*  
3           *and to the network of National Writing Project sites*  
4           *the findings of the research conducted pursuant to the*  
5           *authority of paragraph (1).”*; and

6           (5) in subsection (i)—

7           (A) in paragraph (1)—

8           (i) by striking “1991” and inserting  
9           “1994”; and

10           (ii) by striking “fiscal years 1992 and  
11           1993” and inserting “each of the 4 succeed-  
12           ing fiscal years”; and

13           (B) by amending paragraph (2) to read as  
14           follows:

15           “(2) *RESEARCH AND DEVELOPMENT.*—*In each*  
16           *fiscal year in which the amount appropriated pursu-*  
17           *ant to the authority of paragraph (1) equals or ex-*  
18           *ceeds \$10,000,000, there are authorized to be appro-*  
19           *priated \$500,000 to carry out the provisions of sub-*  
20           *section (h).”*.

21                           **TITLE IV—NATIONAL**  
22                           **EDUCATION STATISTICS**

23           **SEC. 401. SHORT TITLE.**

24           This title may be cited as the “National Education  
25           Statistics Act of 1994”.

1 **SEC. 402. FINDINGS; PURPOSE; DEFINITIONS.**

2 (a) *FINDINGS.*—*The Congress finds that—*

3 (1) *a Department of Education was established*  
4 *in 1867 “for the purpose of collecting such statistics*  
5 *and facts as shall show the condition and progress of*  
6 *education in the several States and territories, and of*  
7 *diffusing such information respecting the organiza-*  
8 *tion and management of schools and school systems*  
9 *and methods of teaching as shall aid the people of the*  
10 *United States in the establishment and maintenance*  
11 *of efficient school systems, and otherwise promote the*  
12 *cause of education throughout the country”;*

13 (2) *today, while the role of the current Depart-*  
14 *ment of Education is much broader, the National*  
15 *Center for Education Statistics within the Depart-*  
16 *ment’s Office of Educational Research and Improve-*  
17 *ment continues to perform those crucial original pur-*  
18 *poses; and*

19 (3) *looking to the 21st century, the National*  
20 *Center for Education Statistics must be able to design*  
21 *and undertake, effectively and efficiently, statistical*  
22 *activities that will aid in reform of the Nation’s edu-*  
23 *cational systems.*

24 (b) *PURPOSE.*—*It is the purpose of this title to ensure*  
25 *the continuation of an effective mechanism for collecting*  
26 *and reporting statistics and information showing the condi-*

1 *tion and progress of education in the United States and*  
2 *other nations in order to promote and accelerate the im-*  
3 *provement of American education.*

4 (c) *DEFINITIONS.—For the purpose of this title, the*  
5 *term—*

6 (1) *“Assistant Secretary” means the Assistant*  
7 *Secretary for Educational Research and Improve-*  
8 *ment, provided for under section 202(b)(1)(E) of the*  
9 *Department of Education Organization Act;*

10 (2) *“Department” means the Department of*  
11 *Education;*

12 (3) *“institution of higher education” has the*  
13 *same meaning given such term in section 1201 of the*  
14 *Higher Education Act of 1965;*

15 (4) *“local educational agency” has the same*  
16 *meaning given such term in section 9101(13) of the*  
17 *Elementary and Secondary Education Act of 1965;*

18 (5) *“Secretary” means the Secretary of Edu-*  
19 *cation;*

20 (6) *“State educational agency” has the same*  
21 *meaning given such term in section 9101(20) of the*  
22 *Elementary and Secondary Education Act of 1965;*  
23 *and*

24 (7) *“United States” and “State” mean—*

1           (A) other than for the purpose of section  
2           411, each of the 50 States, the District of Colum-  
3           bia, and the Commonwealth of Puerto Rico; and

4           (B) for the purpose of section 411, mean the  
5           same as in subparagraph (A) and include  
6           Guam, American Samoa, the Virgin Islands, the  
7           Commonwealth of the Northern Mariana Islands,  
8           and the Republic of Palau (until the effective  
9           date of the Compact of Free Association with the  
10          Government of Palau).

11 **SEC. 403. NATIONAL CENTER FOR EDUCATION STATISTICS.**

12          (a) *ESTABLISHMENT.*—There is established, within the  
13          Office of Educational Research and Improvement estab-  
14          lished under section 209 of the Department of Education  
15          Organization Act, a National Center for Education Statis-  
16          tics (the “Center”).

17          (b) *COMMISSIONER AND ASSOCIATE COMMIS-*  
18          *SIONERS.*—(1) The Center shall be headed by a Commis-  
19          sioner of Education Statistics (the “Commissioner”) who  
20          shall be appointed by the President, by and with the advice  
21          and consent of the Senate, and who shall—

22                (A) have substantial knowledge of programs en-  
23                compassed by the Center;

24                (B) be paid in accordance with section 5315 of  
25                title 5, United States Code; and

1           (C) serve for a term of 4 years, with the terms  
2           to expire every fourth June 21, beginning in 1995.

3           (2) The Commissioner may appoint such Associate  
4           Commissioners as the Commissioner determines are nec-  
5           essary and appropriate.

6   **SEC. 404. DUTIES OF THE CENTER.**

7           (a) *DUTIES.*—The duties of the Center are to collect,  
8           analyze, and disseminate statistics and other information  
9           related to education in the United States and in other na-  
10          tions, including—

11           (1) collecting, acquiring, compiling (where ap-  
12           propriate, on a State by State basis), and disseminat-  
13           ing full and complete statistics on the condition and  
14           progress of education, at the preschool, elementary,  
15           secondary, and postsecondary levels in the United  
16           States, including data on—

17                   (A) State and local school reform activities;

18                   (B) student achievement and other edu-  
19                   cational outcomes at all levels of education;

20                   (C) out of school youth and adults;

21                   (D) teachers, administrators, counselors,  
22                   and other educational personnel at all levels of  
23                   education;

24                   (E) the learning and teaching environment;



1           (F) *financing and management of edu-*  
2           *cation; and*

3           (G) *the socioeconomic status of children;*

4           (2) *conducting and publishing reports and anal-*  
5           *yses of the meaning and significance of such statis-*  
6           *tics;*

7           (3) *conducting longitudinal studies, as well as*  
8           *regular and special surveys and data collections, nec-*  
9           *essary to report on the condition and progress of edu-*  
10          *cation;*

11          (4) *collecting, analyzing, cross-tabulating, and*  
12          *reporting, to the extent feasible, so as to provide infor-*  
13          *mation by gender, race, socioeconomic status, limited-*  
14          *English proficiency, and other population characteris-*  
15          *tics when such disaggregated information would fa-*  
16          *cilitate educational and policy decisionmaking;*

17          (5) *assisting public and private educational*  
18          *agencies, organizations, and institutions in improv-*  
19          *ing and automating statistical and data collection ac-*  
20          *tivities; and*

21          (6) *acquiring and disseminating data on edu-*  
22          *cational activities and student achievement in the*  
23          *United States compared with foreign nations.*

24          (b) *TRAINING PROGRAM.*—*The Commissioner may es-*  
25          *tablish a program to train employees of public and private*

1 *educational agencies, organizations, and institutions in the*  
2 *use of the Center's standard statistical procedures and con-*  
3 *cepts and may establish a fellows program to appoint such*  
4 *employees as temporary fellows at the Center in order to*  
5 *assist the Center in carrying out its duties.*

6 **SEC. 405. PERFORMANCE OF DUTIES.**

7 (a) *IN GENERAL.*—*In carrying out the duties under*  
8 *this title, the Commissioner may enter into grants, con-*  
9 *tracts, and cooperative agreements.*

10 (b) *GATHERING INFORMATION.*—(1) *The Commis-*  
11 *sioner may use the statistical method known as sampling*  
12 *to carry out the purpose of this title.*

13 (2) *The Commissioner may, as the Commissioner con-*  
14 *siders appropriate, use information collected—*

15 (A) *from States, local educational agencies, pub-*  
16 *lic and private schools, preschools, institutions of*  
17 *higher education, libraries, administrators, teachers,*  
18 *students, the general public, and such other individ-*  
19 *uals, organizations, agencies, and institutions as the*  
20 *Commissioner may consider appropriate; and*

21 (B) *by other offices within the Department and*  
22 *by other Federal departments, agencies, and instru-*  
23 *mentalities.*

24 (3) *The Commissioner may—*

1           (A) enter into interagency agreements for the col-  
2           lection of statistics;

3           (B) arrange with an agency, organization, or in-  
4           stitution for the collection of statistics; and

5           (C) assign employees of the Center to any such  
6           agency, organization, or institution to assist in such  
7           collection.

8           (4) In order to maximize the effectiveness of Federal  
9           efforts to serve the educational needs of children and youth,  
10          the Commissioner shall—

11           (A) provide technical assistance to Department  
12           offices that gather data for statistical purposes; and

13           (B) coordinate closely with other Department of-  
14           fices in the collection of data.

15          **SEC. 406. REPORTS.**

16           (a) *REPORT ON THE CONDITION AND PROGRESS OF*  
17           *EDUCATION.*—The Commissioner shall, no later than June  
18           1 of each year, submit to the President and the Congress  
19           a statistical report regarding the condition and progress of  
20           education in the United States.

21           (b) *STATISTICAL REPORTS.*—The Commissioner shall  
22           issue regular statistical reports to the President and Con-  
23           gress on such education topics as the Commissioner deter-  
24           mines to be appropriate.

1       (c) *SPECIAL REPORTS.*—The Commissioner may,  
2 whenever the Commissioner considers it appropriate, issue  
3 special reports on particular education topics.

4 **SEC. 407. ADVISORY COUNCIL ON EDUCATION STATISTICS.**

5       (a) *ESTABLISHMENT.*—There is established, within the  
6 Center, the Advisory Council on Education Statistics (re-  
7 ferred to in this title as the “Council”).

8       (b) *MEMBERSHIP.*—(1) The Council shall be composed  
9 of—

10           (A) 18 voting members who are users of edu-  
11 cation data and who are appointed by the Secretary  
12 on the basis of their experience and eminence within  
13 the field, of whom at least—

14                   (i) 3 shall be practicing educators at the  
15 preschool, elementary, or secondary level;

16                   (ii) 3 shall be education policymakers;

17                   (iii) 3 shall be professional statisticians;

18                   (iv) 3 shall be education researchers; and

19                   (v) 3 shall be experts in educational meas-  
20 urement;

21           (B) 3 individuals representing the general pub-  
22 lic, appointed by the Secretary;

23           (C) the Director of the Census and the Commis-  
24 sioner of Labor Statistics, as voting, *ex officio* mem-  
25 bers; and

1           (D) the Assistant Secretary and the Commis-  
2           sioner, as nonvoting, ex officio members.

3           (2) The Commissioner shall appoint the presiding offi-  
4           cer of the Council from among the voting members.

5           (3) Members of the Council appointed under para-  
6           graph (1)(A) shall be appointed for 3-year terms except  
7           that, in the case of initial appointments, the Secretary shall  
8           make appointments for shorter terms to the extent necessary  
9           to avoid the expiration of the terms of more than 6 members  
10          in the same calendar year.

11          (4)(A) The Council shall meet in public session at the  
12          call of the presiding officer, except that it shall meet—

13                 (i) at least 2 times during each calendar year;  
14                 and

15                 (ii) in addition, whenever 10 voting members re-  
16                 quest in writing that the presiding officer call a meet-  
17                 ing.

18          (B) 11 voting members of the Council shall constitute  
19          a quorum.

20          (5) The Council shall—

21                 (A) review general policies for the operation of  
22                 the Center and shall advise the Commissioner on  
23                 standards to ensure that statistics and other informa-  
24                 tion disseminated by the Center are of high quality  
25                 and are not subject to partisan political influence;

1           (B) advise the Commissioner on matters related  
2 to the National Assessment of Education Progress, in-  
3 cluding—

4           (i) the development of student performance  
5 goals;

6           (ii) assessment design and development;

7           (iii) analysis, reporting, and dissemination  
8 of data;

9           (iv) interstate, regional, and national com-  
10 parisons of data; and

11           (v) recommendations for the improvement of  
12 such Assessment.

13       (6) The Council shall appoint a staff to enable the  
14 Council to carry out its duties.

15 **SEC. 408. CONFIDENTIALITY.**

16       (a) GENERAL.—(1)(A) The Center shall develop and  
17 enforce standards designed to protect the confidentiality of  
18 persons in the collection, reporting, and publication of data  
19 under this section.

20       (B) This section shall not be construed to protect the  
21 confidentiality of information about institutions, organiza-  
22 tions, and agencies that receive grants from, or have con-  
23 tracts or cooperative agreements with, the Federal Govern-  
24 ment.

25       (2) No person may—

1           (A) use any individually identifiable informa-  
2           tion furnished under this title for any purpose other  
3           than a statistical purpose;

4           (B) make any publication whereby the data fur-  
5           nished by any particular person under this title can  
6           be identified; or

7           (C) permit anyone other than the individuals  
8           authorized by the Commissioner to examine the indi-  
9           vidual reports.

10          (b) ADMINISTRATION.—(1)(A) No department, bureau,  
11          agency, officer, or employee of the Government, except the  
12          Commissioner in carrying out the purposes of this title,  
13          shall require, for any reason, copies of reports that have  
14          been filed under this title with the Center or retained by  
15          any individual respondent.

16          (B) Copies of such reports that have been so filed or  
17          retained with the Center or any of its employees, contrac-  
18          tors, or agents shall be immune from legal process, and shall  
19          not, without the consent of the individual concerned, be ad-  
20          mitted as evidence or used for any purpose in any action,  
21          suit, or other judicial or administrative proceeding.

22          (C) This paragraph shall apply only to individually  
23          identifiable information (as defined in paragraph (5)(A)).

24          (2) Whoever, being or having been an employee or staff  
25          member of the Department, having taken or subscribed the

1 *oath of office, or having sworn to observe the limitations*  
2 *imposed by subsection (a)(2), knowingly publishes or com-*  
3 *municates any individually identifiable information (as de-*  
4 *fin ed in paragraph (5)(A)), the disclosure of which is pro-*  
5 *hibited by subsection (a)(2), and that comes into such indi-*  
6 *vidual's possession by reason of employment (or otherwise*  
7 *providing services) under this title, shall be found guilty*  
8 *of a class E felony and imprisoned for not more than 5*  
9 *years, or fined as specified in 18 U.S.C. 3571, or both.*

10       (3) *The Commissioner may utilize temporary staff, in-*  
11 *cluding employees of Federal, State, or local agencies or in-*  
12 *strumentalities including local educational agencies, and*  
13 *employees of private organizations to assist the Center in*  
14 *performing its responsibilities, but only if such temporary*  
15 *staff are sworn to observe the limitations imposed by this*  
16 *section.*

17       (4) *No collection of information or data acquisition*  
18 *activity undertaken by the Center shall be subject to any*  
19 *review, coordination, or approval procedure except as re-*  
20 *quired by the Director of the Office of Management and*  
21 *Budget under the rules and regulations established pursu-*  
22 *ant to chapter 35 of title 44, United States Code, except*  
23 *such collection of information or data acquisition activity*  
24 *may be subject to review or coordination if the Commis-*



1 *sioner determines that such review or coordination would*  
2 *be beneficial.*

3 (5) *For the purposes of this section—*

4 (A) *the term “individually identifiable informa-*  
5 *tion” means any record, response form, completed*  
6 *survey, or aggregation thereof from which information*  
7 *about individuals may be revealed; and*

8 (B) *the term “report” means a response provided*  
9 *by or about an individual to an inquiry from the*  
10 *Center and does not include a statistical aggregation*  
11 *from which individually identifiable information can-*  
12 *not be revealed.*

13 (6) *This paragraph shall not apply to—*

14 (A) *the survey required by section 1303(c) of the*  
15 *Higher Education Amendments of 1986; or*

16 (B) *to any longitudinal study concerning access,*  
17 *choice, persistence progress, or attainment in post-*  
18 *secondary education.*

19 (7) *Any person who uses any data provided by the*  
20 *Center, in conjunction with any other information or tech-*  
21 *nique, to identify any individual student, teacher, adminis-*  
22 *trator, or other individual and who knowingly discloses,*  
23 *publishes, or uses for a purpose other than a statistical pur-*  
24 *pose, or who otherwise violates subsection (a)(2)(A) or (B),*  
25 *shall be found guilty of a class E felony and imprisoned*

1 *for not more than 5 years, or fined as specified in section*  
2 *3571 of title 18 of the United States Code, or both.*

3 *(8) Nothing in this section shall restrict the right of*  
4 *the Secretary, the Comptroller General of the United States,*  
5 *the Director of the Congressional Budget Office, and the Li-*  
6 *brarian of Congress to gain access to any reports or other*  
7 *records, including information identifying individuals, in*  
8 *the Center's possession, except that the same restrictions on*  
9 *disclosure that apply to the Center under subsection (b)(1)*  
10 *and (7) shall apply.*

11 **SEC. 409. DISSEMINATION.**

12 *(a) GENERAL REQUESTS.—(1) The Center may fur-*  
13 *nish transcripts or copies of tables and other statistical*  
14 *records and make special statistical compilations and sur-*  
15 *veys for State and local officials, public and private organi-*  
16 *zations, and individuals.*

17 *(2) The Center shall provide State and local edu-*  
18 *cational agencies opportunities to suggest the development*  
19 *of particular compilations of statistics, surveys, and analy-*  
20 *ses that would assist such educational agencies.*

21 *(b) CONGRESSIONAL REQUESTS.—The Center shall*  
22 *furnish such special statistical compilations and surveys as*  
23 *the Congress may request.*

24 *(c) JOINT STATISTICAL PROJECTS.—The Secretary*  
25 *may engage in joint statistical projects related to the pur-*

1 *poses of this Act or other statistical purposes authorized by*  
2 *law with nonprofit organizations or agencies, and the cost*  
3 *of such projects shall be shared equitably as determined by*  
4 *the Secretary.*

5 *(d) FEES.—(1) Statistical compilations and surveys*  
6 *under this section, other than those carried out pursuant*  
7 *to subsections (b) and (c), may be made subject to the pay-*  
8 *ment of the actual or estimated cost of such work.*

9 *(2) All funds received in payment for work or services*  
10 *described in this paragraph shall be deposited in a separate*  
11 *account that may be used to pay directly the costs of such*  
12 *work or services, to repay appropriations that initially bore*  
13 *all or part of such costs, or to refund excess sums when*  
14 *necessary.*

15 *(e) ACCESS.—(1) The Center shall cooperate with other*  
16 *Federal agencies having a need for educational data in pro-*  
17 *viding access to educational data received by the Center.*

18 *(2) The Center shall, in accordance with such terms*  
19 *and conditions as the Secretary may prescribe, provide all*  
20 *interested parties, including public and private agencies*  
21 *and individuals, direct access to data collected by the Center*  
22 *for the purposes of research and acquiring statistical infor-*  
23 *mation.*

1 **SEC. 410. COOPERATIVE EDUCATION STATISTICS SYSTEMS.**

2       *The Commissioner shall establish 1 or more national*  
3 *cooperative education statistics systems for the purpose of*  
4 *producing and maintaining, with the cooperation of the*  
5 *States, comparable and uniform information and data on*  
6 *elementary and secondary education, postsecondary edu-*  
7 *cation, and libraries that are useful for policymaking at*  
8 *the Federal, State, and local levels. In carrying out this*  
9 *section, the Commissioner may provide technical assistance*  
10 *and make grants and enter into contracts and cooperative*  
11 *agreements.*

12 **SEC. 411. NATIONAL ASSESSMENT OF EDUCATIONAL**  
13 **PROGRESS.**

14       *(a) ESTABLISHMENT.—The Commissioner shall, with*  
15 *the advice of the Council established by section 407, carry*  
16 *out, through grants, contracts, or cooperative agreements*  
17 *with 1 or more qualified organizations, or consortia thereof,*  
18 *a National Assessment of Educational Progress (the “Na-*  
19 *tional Assessment”).*

20       *(b) PURPOSE; CONTENTS.—(1) The purpose of the Na-*  
21 *tional Assessment is to provide a fair and accurate presen-*  
22 *tation of educational achievement in reading, writing, and*  
23 *other subjects that are included in National Education Goal*  
24 *Three.*

25       *(2) The Commissioner, in carrying out the National*  
26 *Assessment, shall use sampling techniques that produce*

1 *data that are representative on a national and regional*  
2 *basis and on a State basis pursuant to paragraph (3). In*  
3 *addition, the Commissioner shall—*

4 *(A) collect and report data on a periodic basis,*  
5 *but at least once every 2 years, on students at ages*  
6 *9, 13, and 17 and in grades 4, 8, and 12 in public*  
7 *and private schools;*

8 *(B) report achievement data on a basis that en-*  
9 *sures valid and reliable trend reporting;*

10 *(C) include information on special groups; and*

11 *(D) ensure that achievement data are made*  
12 *available on a timely basis following official report-*  
13 *ing, in a manner that facilitates further analysis.*

14 *(3)(A)(i) The Commissioner, in carrying out the Na-*  
15 *tional Assessment, may conduct State assessments of stu-*  
16 *dent achievement in grades 4, 8, and 12.*

17 *(ii) Each such State assessment, in each subject area*  
18 *and at each grade level shall be conducted on a trial basis.*

19 *(B)(i) States wishing to participate in State assess-*  
20 *ments shall enter into an agreement with the Secretary pur-*  
21 *suant to subsection (d)(2).*

22 *(ii) Such agreement shall contain information suffi-*  
23 *cient to give States full information about the process for*  
24 *consensus decisionmaking on objectives to be tested, and of*

1 *the standards for sampling, test administration, test secu-*  
2 *rity, data collection, validation, and reporting.*

3 *(C) A participating State shall review and give per-*  
4 *mission for the release of results from any test of its students*  
5 *administered as a part of a State assessment prior to the*  
6 *release of such data. Refusal by a State to release its data*  
7 *shall not restrict the release of data from other States that*  
8 *have approved the release of such data.*

9 *(4) In carrying out the National Assessment, the Com-*  
10 *missioner shall not collect any data that are not directly*  
11 *related to the appraisal of educational performance,*  
12 *achievement, and traditional demographic reporting vari-*  
13 *ables, or to the fair and accurate presentation of such infor-*  
14 *mation.*

15 *(5) In carrying out the National Assessment, the Com-*  
16 *missioner may provide technical assistance to States, local-*  
17 *ities, and other parties.*

18 *(c) ACCESS.—(1) Except as provided in paragraph*  
19 *(2), the public shall have access to all data, questions, and*  
20 *test instruments of the National Assessment.*

21 *(2)(A) The Commissioner shall ensure that all person-*  
22 *ally identifiable information about students, their edu-*  
23 *cational performance, and their families, and that informa-*  
24 *tion with respect to individual schools, remains confiden-*

1 *tial, in accordance with section 552a of title 5, United*  
2 *States Code.*

3 *(B) Notwithstanding any other provision of law, the*  
4 *Commissioner may decline to make available to the public*  
5 *for a period, not to exceed 10 years after initial use, cog-*  
6 *nitive questions that the Commissioner intends to reuse in*  
7 *the future.*

8 *(C)(i) The Commissioner may, upon the request of a*  
9 *State educational agency or a local educational agency, in*  
10 *a limited number of cases and on a trial basis, make Na-*  
11 *tional Assessment test instruments available for assessing*  
12 *aggregate student achievement at the local educational*  
13 *agency level.*

14 *(ii)(I) Participation by a local educational agency*  
15 *shall be voluntary.*

16 *(II) A State requesting the participation of a local*  
17 *educational agency must accompany this request with a*  
18 *statement of full written concurrence by such agency and*  
19 *that such agency is requesting to participate in the local*  
20 *assessment.*

21 *(iii) Before receiving such instruments, an agency*  
22 *shall provide the Commissioner with assurances that con-*  
23 *fidentiality and security requirements and testing protocols,*  
24 *prescribed by the Commissioner, will be complied with in*  
25 *the use of such instruments.*

1       (d) *PARTICIPATION.*—(1) *Participation in the na-*  
2 *tional and regional assessments by State and local edu-*  
3 *cational agencies shall be voluntary.*

4       (2) *Participation in assessments made on a State basis*  
5 *shall be voluntary. The Commissioner shall enter into an*  
6 *agreement with any State that desires to carry out an as-*  
7 *essment for the State under this subsection. Each such*  
8 *agreement shall contain provisions designed to ensure that*  
9 *the State will—*

10           (A) *participate in the assessment; and*

11           (B) *pay from non-Federal sources the non-Fed-*  
12 *eral share of participation.*

13       (3)(A) *For each fiscal year, the non-Federal share for*  
14 *the purpose of paragraph (2)(B) shall be—*

15           (i) *the cost of conducting the assessment at the*  
16 *school level for all public schools in the State sample,*  
17 *including the analysis and reporting of the data;*

18           (ii) *the cost of coordination within the State;*  
19 *and*

20           (iii) *other reasonable costs specified by the Sec-*  
21 *retary in the agreement described in paragraph (2).*

22       (B) *The non-Federal share of payments under this*  
23 *paragraph may be in cash or in kind, fairly valued.*

24       (C) *The agreement described in paragraph (2) shall*  
25 *describe the manner in which, the costs of administering*



1 *the assessment to private nonprofit schools included in the*  
2 *State sample may be met.*

3       (4) *The implementation of subparagraph (C) of para-*  
4 *graph (2) of subsection (d) shall involve no cost to the Fed-*  
5 *eral Government.*

6       (e) *STUDENT PERFORMANCE GOALS.—(1) The Com-*  
7 *missioner shall establish appropriate student performance*  
8 *goals for each age and grade in each subject area to be tested*  
9 *under the National Assessment.*

10       (2) *The Commissioner, with the advice of the Council,*  
11 *shall establish rigorous standards for the evaluation of such*  
12 *goals.*

13       (3) *Such goals shall be—*

14           (A) *devised through a national consensus ap-*  
15 *proach, providing for active participation of teachers,*  
16 *curriculum specialists, local school administrators,*  
17 *parents, and concerned members of the general public;*

18           (B) *used on a trial basis until the Commissioner*  
19 *determines, through an evaluation under subsection*  
20 *(f), that such goals meet the standards under para-*  
21 *graph (2) and are reasonable, valid, and informative*  
22 *to the public; and*

23           (C) *updated as appropriate.*

24       (f) *REVIEW OF NATIONAL AND STATE ASSESS-*  
25 *MENTS.—(1) The Commissioner shall provide for continu-*

1 *ing reviews by the National Academy of Education or the*  
2 *National Academy of Sciences of the National Assessment,*  
3 *State assessments, local educational agency assessments,*  
4 *and student performance goals. Such reviews shall address*  
5 *whether each trial state assessment is properly adminis-*  
6 *tered, produces high quality data that is valid and reliable,*  
7 *produces data on student achievement that is not otherwise*  
8 *available to the State exclusive of data comparing partici-*  
9 *pating States to each other and the Nation, and is a cost-*  
10 *effective method of producing the data. The Commissioner*  
11 *shall also carry out evaluation studies by the Center and*  
12 *solicitation of public comment on the conduct and useful-*  
13 *ness of the National Assessment. The Commissioner shall*  
14 *report to the Congress, the President, and the Nation on*  
15 *the findings and recommendations of such reviews.*

16       (2) *The Commissioner shall consider the findings and*  
17 *recommendations in designing the competition to select the*  
18 *organization, or organizations, through which the Office*  
19 *carries out the National Assessment.*

20       (g) *COVERAGE AGREEMENTS.—(1) The Secretary and*  
21 *the Secretary of Defense may enter into an agreement, in-*  
22 *cluding such terms as are mutually satisfactory, to include*  
23 *in the National Assessment the defense dependents edu-*  
24 *cation system established under the Defense Dependents’*  
25 *Education Act of 1978.*

1       (2) *The Secretary and the Secretary of the Interior*  
2 *may enter into an agreement, including such terms as are*  
3 *mutually satisfactory, to include in the National Assess-*  
4 *ment schools for Indian children operated or supported by*  
5 *the Bureau of Indian Affairs.*

6 **SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

7       *There are authorized to be appropriated to carry out*  
8 *this title, \$103,200,000 for fiscal year 1995 and such sums*  
9 *as may be necessary for each of the fiscal years 1996, 1997,*  
10 *1998, and 1999.*

11       **TITLE V—MISCELLANEOUS**

12 **SEC. 501. STUDY OF FEDERAL EFFORTS TO ASSIST IN**  
13 **SCHOOL REFORM.**

14       (a)(1) *In addition to the national assessment con-*  
15 *ducted pursuant to title I of the Elementary and Secondary*  
16 *Education Act as amended by this Act, the Secretary of*  
17 *Education shall conduct a comprehensive study of how the*  
18 *Federal Government has assisted the States to reform their*  
19 *educational systems through the various education laws en-*  
20 *acted during the 103d Congress.*

21       (2) *Such study shall encompass the changes made in*  
22 *Federal programs pursuant to this Act as well as in any*  
23 *other law enacted during this Congress amending a Federal*  
24 *program assisting pre-elementary, elementary, or secondary*  
25 *education. In addition, such study shall encompass new ini-*

1 *tiatives enacted into law, such as the Goals 2000: Educate*  
2 *America Act, and the School-to-Work Opportunities Act.*

3 *(b)(1) This study shall include a comprehensive review*  
4 *of these laws and programs to determine their overall effect*  
5 *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 students*  
11 *to obtain employment upon completion of high school*  
12 *or further education.*

13 *(2) This study shall also include a comprehensive re-*  
14 *view of these programs to determine their overall effect—*

15 *(A) on school reform efforts undertaken by*  
16 *States,*

17 *(B) on efforts by States to adopt educational*  
18 *standards to improve schooling for all children, to*  
19 *align their curricula, teacher training, and assess-*  
20 *ments to such standards, and to bring flexibility to*  
21 *the rules governing how education is to be provided,*  
22 *and*

23 *(C) on student populations who have been the*  
24 *traditional beneficiaries of Federal assistance to de-*

1        *termine whether their educational attainment has*  
2        *been improved through these changes.*

3        *(3) This study shall also evaluate how the National*  
4        *Assessment Governing Board, the Advisory Council on Edu-*  
5        *cation Statistics, the National Education Goals Panel, the*  
6        *National Education Statistics and Improvement Council*  
7        *and any other Board established to analyze, address, or ap-*  
8        *prove standards and assessments coordinates, interacts,*  
9        *and/or duplicates efforts to assist the States to reform their*  
10       *educational systems.*

11       *(4) This study shall also include a review of these laws*  
12       *and programs in such detail as the Secretary deems appro-*  
13       *priate and may involve cooperation with other Federal de-*  
14       *partments and agencies in order to incorporate their eval-*  
15       *uations and recommendations.*

16       *(c)(1) The Secretary shall appoint an independent*  
17       *panel to review the plan for this study, to advise on its*  
18       *progress, and to comment, if it so wishes, on the final re-*  
19       *port.*

20       *(2) The Secretary shall submit this report by January*  
21       *1, 1998, to the Committee on Education and Labor of the*  
22       *United States House of Representatives and to the Commit-*  
23       *tee on Labor and Human Resources.*

1 **SEC. 502. BUDGET COMPLIANCE.**

2       *Any authority to make payments pursuant to the*  
 3 *amendments made by this Act shall be effective only to the*  
 4 *extent provided in appropriation Acts.*

Amend the title so as to read: “A bill 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.”.

HR 6 RH—2

HR 6 RH—3

HR 6 RH—4

HR 6 RH—5

HR 6 RH—6

HR 6 RH—7

HR 6 RH—8

HR 6 RH—9

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