

103<sup>D</sup> CONGRESS  
1ST SESSION

# S. 1513

Entitled the ‘‘Improving America’s Schools Act of 1993’’.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 4 (legislative day, SEPTEMBER 27), 1993

Mr. KENNEDY (for himself, Mr. PELL, Mrs. KASSEBAUM, and Mr. JEFFORDS)  
(by request) introduced the following bill; which was read twice and re-  
ferred to the Committee on Labor and Human Resources

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# A BILL

Entitled the ‘‘Improving America’s Schools Act of 1993’’.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the ‘‘Improving America’s  
4       Schools Act of 1993’’.

## 5                               ORGANIZATION OF THE ACT

6               SEC. 2. This Act is organized into the following titles:

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

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION  
PROVISIONS ACT

TITLE III—AMENDMENTS TO OTHER ACTS.

## 1 EFFECTIVE DATES; TRANSITION

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

11 (2) The provisions of title II of this Act shall be effec-  
12 tive upon enactment, except that section 250 of such title  
13 shall be effective—

14 (A) July 1, 1995 for non-competitive programs  
15 in which funds are allocated on the basis of a for-  
16 mula; and

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

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

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

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

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

11 AMENDMENTS TO THE ELEMENTARY AND SECONDARY  
 12 EDUCATION ACT OF 1965

13 SEC. 101. The Elementary and Secondary Education  
 14 Act of 1965 is amended to read as follows:

15 “SHORT TITLE

16 “SECTION 1. This Act may be cited as the ‘Elemen-  
 17 tary and Secondary Education Act of 1965’.

18 “TABLE OF CONTENTS

19 “SEC. 2. The table of contents for this Act is as  
 20 follows:

“TITLE I—HELPING CHILDREN IN NEED MEET HIGH  
 STANDARDS

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

“Sec. 1002. Authorization of appropriations.

“PART A—MAKING HIGH-POVERTY SCHOOLS WORK

“Subpart 1—Basic Program Requirements

“Sec. 1111. State plans.

“Sec. 1112. Local educational agency plans.

“Sec. 1113. Eligible school attendance areas.

- “Sec. 1114. Schoolwide programs.
- “Sec. 1115. Targeted assistance schools.
- “Sec. 1116. Parental involvement.
- “Sec. 1117. Participation of children enrolled in private schools.
- “Sec. 1118. Assessment and school and district improvement.
- “Sec. 1119. Fiscal requirements.

“Subpart 2—Allocations

- “Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.
- “Sec. 1122. Allocations to States.
- “Sec. 1123. Basic grants.
- “Sec. 1124. Concentration grants.
- “Sec. 1125. Special allocation procedures.
- “Sec. 1126. Carryover and waiver.

“PART B—EVEN START FAMILY LITERACY PROGRAMS

- “Sec. 1201. Statement of purpose.
- “Sec. 1202. Program authorized.
- “Sec. 1203. State programs.
- “Sec. 1204. Uses of funds.
- “Sec. 1205. Program elements.
- “Sec. 1206. Eligible participants.
- “Sec. 1207. Applications.
- “Sec. 1208. Award of subgrants.
- “Sec. 1209. Evaluation.

“PART C—EDUCATION OF MIGRATORY CHILDREN

- “Sec. 1301. Program purpose.
- “Sec. 1302. Program authorized.
- “Sec. 1303. State allocations.
- “Sec. 1304. State applications; services.
- “Sec. 1305. Secretarial approval; peer review.
- “Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
- “Sec. 1307. Bypass.
- “Sec. 1308. Coordination of migrant education activities.
- “Sec. 1309. Definitions.

“PART D—EDUCATION OF NEGLECTED AND DELINQUENT YOUTH

- “Sec. 1401. Purpose; program authorized.
- “Sec. 1402. Eligibility.
- “Sec. 1403. Allocation of funds.
- “Sec. 1404. State reallocation of funds.
- “Sec. 1405. State plan and State agency applications.
- “Sec. 1406. Use of funds.
- “Sec. 1407. Institution-wide projects.
- “Sec. 1408. Three-year projects.
- “Sec. 1409. Program evaluations.
- “Sec. 1410. Transition services.
- “Sec. 1411. Definitions.

“PART E—FEDERAL EVALUATIONS AND DEMONSTRATIONS

- “Sec. 1501. Evaluations.
- “Sec. 1502. Demonstrations of innovative practices.

“PART F—GENERAL PROVISIONS

- “Sec. 1601. State administration.

“TITLE II—IMPROVING TEACHING AND LEARNING

“PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

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

“Subpart 1—Federal Activities

- “Sec. 2111. Program authorized.
- “Sec. 2112. Authorized activities.

“Subpart 2—State and Local Activities

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

“Subpart 3—General Provisions

- “Sec. 2131. Reporting and accountability.
- “Sec. 2132. Definitions.

“PART B—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

- “Sec. 2201. Findings.
- “Sec. 2202. Purpose.
- “Sec. 2203. Program authorized.
- “Sec. 2204. Eligible entities.
- “Sec. 2205. Comprehensive regional centers.
- “Sec. 2206. Information collection and evaluation.
- “Sec. 2207. Transition.
- “Sec. 2208. Authorization of appropriations.

“TITLE III—EXPANDING OPPORTUNITIES FOR LEARNING

“PART A—PUTTING TECHNOLOGY TO WORK FOR ALL STUDENTS

“Subpart 1—Research, Development, and Demonstration of Educational Technology

- “Sec. 3111. Findings and purposes.
- “Sec. 3112. Office of Educational Technology.

- “Sec. 3113. National long-range plan.
- “Sec. 3114. Federal leadership.
- “Sec. 3115. Authorization of appropriations.

“Subpart 2—Star Schools Program

- “Sec. 3121. Findings.
- “Sec. 3122. Statement of purpose.
- “Sec. 3123. Program authorized.
- “Sec. 3124. Eligible entities.
- “Sec. 3125. Applications.
- “Sec. 3126. Leadership and evaluation activities.
- “Sec. 3127. Definitions.

“PART B—FUND FOR THE IMPROVEMENT OF EDUCATION

- “Sec. 3201. Fund for the Improvement of Education.

“PART C—JACOB K. JAVITS GIFTED AND TALENTED EDUCATION PROGRAM

- “Sec. 3301. Findings and purpose.
- “Sec. 3302. Authorized programs.
- “Sec. 3303. Program priorities.
- “Sec. 3304. National responsibilities.
- “Sec. 3305. Authorization of appropriations.
- “Sec. 3306. Definitions.

“PART D—CHARTER SCHOOLS

- “Sec. 3401. Findings and purpose.
- “Sec. 3402. Program authorized.
- “Sec. 3403. Applications.
- “Sec. 3404. Selection of grantees; waivers.
- “Sec. 3405. Uses of funds.
- “Sec. 3406. National activities.
- “Sec. 3407. Definitions.
- “Sec. 3408. Authorization of appropriations.

“PART E—ARTS IN EDUCATION

- “Sec. 3501. Support for arts education.

“PART F—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

- “Sec. 3601. Inexpensive book distribution program for reading motivation.

“TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

- “Sec. 4001. Findings.
- “Sec. 4002. Purpose.
- “Sec. 4003. Authorization of appropriations.

“PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION  
PROGRAMS

- “Sec. 4101. Reservations and allotments.
- “Sec. 4102. State Drug and Violence Prevention Coordinating Council.
- “Sec. 4103. State applications.
- “Sec. 4104. Governor’s programs.

- “Sec. 4105. State and local educational agency programs.
- “Sec. 4106. Local applications.
- “Sec. 4107. Local drug and violence prevention programs.
- “Sec. 4108. Evaluation and reporting.

“PART B—POSTSECONDARY DRUG AND VIOLENCE PREVENTION PROGRAMS

- “Sec. 4201. Grants to institutions of higher education.
- “Sec. 4202. National center.

“PART C—NATIONAL PROGRAMS

- “Sec. 4301. Federal activities.

“PART D—GENERAL PROVISIONS

- “Sec. 4401. Definitions.
- “Sec. 4402. Materials.
- “Sec. 4403. Prohibited uses of funds.

“TITLE V—PROMOTING EQUITY

“PART A—MAGNET SCHOOLS ASSISTANCE

- “Sec. 5101. Findings.
- “Sec. 5102. Statement of purpose.
- “Sec. 5103. Program authorized.
- “Sec. 5104. Definition.
- “Sec. 5105. Eligibility.
- “Sec. 5106. Applications and requirements.
- “Sec. 5107. Priority.
- “Sec. 5108. Use of funds.
- “Sec. 5109. Prohibitions.
- “Sec. 5110. Limitation on payments.
- “Sec. 5111. Authorization of appropriations; reservation.

“PART B—EQUALIZATION ASSISTANCE

- “Sec. 5201. Technical and other assistance regarding school finance equity.

“PART C—WOMEN’S EDUCATIONAL EQUITY

- “Sec. 5301. Findings.
- “Sec. 5302. Statement of purposes.
- “Sec. 5303. Program authorized.
- “Sec. 5304. Applications.
- “Sec. 5305. Criteria and priorities.
- “Sec. 5306. Report.
- “Sec. 5307. Evaluation and dissemination.
- “Sec. 5308. Authorization of appropriations.

“TITLE VI—INDIAN EDUCATION

- “Sec. 6001. Findings.
- “Sec. 6002. Purpose.

“PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

- “Sec. 6101. Purpose.

- “Sec. 6102. Grants to local educational agencies.
- “Sec. 6103. Amount of grants.
- “Sec. 6104. Applications.
- “Sec. 6105. Authorized services and activities.
- “Sec. 6106. Student eligibility forms.
- “Sec. 6107. Payments.

“PART B—DISCRETIONARY PROGRAMS TO IMPROVE EDUCATIONAL  
ACHIEVEMENT OF INDIAN CHILDREN

- “Sec. 6201. Grants to Indian-controlled schools.
- “Sec. 6202. Demonstration grants.

“PART C—PROFESSIONAL DEVELOPMENT AND ADULT EDUCATION  
PROGRAMS

- “Sec. 6301. Professional development.
- “Sec. 6302. Adult education.

“PART D—NATIONAL ACTIVITIES AND GRANTS TO STATES

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- “Sec. 6402. Grants to States.

“PART E—FEDERAL ADMINISTRATION

- “Sec. 6501. Office of Indian Education.
- “Sec. 6502. National Advisory Council on Indian Education.
- “Sec. 6503. Peer review.
- “Sec. 6504. Preference for Indian applicants.
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- “Sec. 7002. Policy; authorization of appropriations.
- “Sec. 7003. Definitions.
- “Sec. 7004. Indian children in school.

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- “Sec. 7101. Financial assistance for bilingual education.

“PART B—RESEARCH AND EVALUATION

- “Sec. 7201. Use of funds.
- “Sec. 7202. Research.
- “Sec. 7203. Academic excellence awards.
- “Sec. 7204. State grant program.
- “Sec. 7205. National Clearinghouse for Bilingual Education.
- “Sec. 7206. Evaluations.

“PART C—PROFESSIONAL DEVELOPMENT



- “Sec. 7301. Purpose.
- “Sec. 7302. Professional development grants.
- “Sec. 7303. Fellowships.
- “Sec. 7304. Stipends.

“PART D—EMERGENCY IMMIGRANT EDUCATION PROGRAM

- “Sec. 7401. Purpose.
- “Sec. 7402. Emergency Immigrant Education Grants.

“PART E—ADMINISTRATION

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- “Sec. 7502. Report on bilingual education.
- “Sec. 7503. State educational agency recommendations; peer review.

“PART F—SPECIAL RULE

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“TITLE VIII—IMPACT AID

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- “Sec. 8002. Purpose.
- “Sec. 8003. Payments for eligible children.
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- “Sec. 8005. Applications for payments under section 8003.
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- “Sec. 8009. State consideration of payments in providing State aid.
- “Sec. 8010. Federal administration.
- “Sec. 8011. Administrative hearings and judicial review.
- “Sec. 8012. Definitions.
- “Sec. 8013. Authorization of appropriations.

“TITLE IX—GENERAL PROVISIONS

“PART A—DEFINITIONS

- “Sec. 9101. Definitions.
- “Sec. 9102. Applicability of this title.

“PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

- “Sec. 9201. Consolidation of State administrative funds for elementary and secondary education programs.
- “Sec. 9202. Single local educational agency States.
- “Sec. 9203. Consolidation of funds for local administration.
- “Sec. 9204. Administrative funds study.
- “Sec. 9205. Consolidated set-aside for Department of the Interior funds.
- “Sec. 9206. Schoolwide programs.
- “Sec. 9207. Availability of unneeded program funds.

“PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL APPLICATIONS

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- “Sec. 9302. Optional consolidated State application.
- “Sec. 9303. General applicability of State educational agency assurances.
- “Sec. 9304. Consolidated local applications.
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- “Sec. 9401. Waivers of statutory and regulatory requirements.

“PART E—UNIFORM PROVISIONS

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- “Sec. 9502. Prohibition regarding State aid.
- “Sec. 9503. Participation by private school children and teachers.
- “Sec. 9504. Standards for by-pass.
- “Sec. 9505. Complaint process for participation of private school children.
- “Sec. 9506. By-pass determination process.
- “Sec. 9507. Prohibition against funds for religious worship or instruction.

“PART F—OTHER PROVISIONS

- “Sec. 9601. State recognition of exemplary performance.
- “Sec. 9604. International education activities.

1 “TITLE I—HELPING CHILDREN IN NEED MEET  
2 HIGH STANDARDS

3 “DECLARATION OF POLICY AND STATEMENT OF PURPOSE

4 “SEC. 1001. (a) STATEMENT OF POLICY.—The Con-  
5 gress declares it to be the policy of the United States that  
6 a high-quality education for all citizens and a fair and  
7 equal opportunity to obtain that education—

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

12 “(2) are a private good because individual op-  
13 portunity is greatly enhanced by one’s being well  
14 educated;

1           “(3) are a moral imperative in our society; sim-  
2           ple justice demands that the opportunity to acquire  
3           skills and knowledge deemed necessary for basic citi-  
4           zenship and economic opportunity be equally avail-  
5           able to all; and

6           “(4) improve the life of every citizen, because  
7           the quality of our individual lives ultimately depends  
8           on the quality of the lives of others.

9           “(b) RECOGNITION OF NEED.—The Congress recog-  
10          nizes that—

11           “(1) although the achievement gap between dis-  
12           advantaged children and other children has been re-  
13           duced by half over the past two decades, a sizeable  
14           gap remains, and many segments of our society lack  
15           the opportunity to become well educated;

16           “(2) the most urgent need for educational im-  
17           provement is in schools with high concentrations of  
18           children from low-income families. Achieving the Na-  
19           tional Education Goals will not be possible without  
20           substantial improvement in these schools;

21           “(3) educational needs are particularly great for  
22           low-achieving children in our highest-poverty schools,  
23           children with limited English proficiency, children of  
24           migrant workers, Indian children, children who are  
25           neglected or delinquent, and young children and

1 their parents who are in need of family-literacy serv-  
2 ices; and

3 “(4) while title I and other programs funded  
4 under this Act have contributed to narrowing the  
5 achievement gap between children in high-poverty  
6 and low-poverty schools, they need to become even  
7 more effective in improving high-poverty schools in  
8 order to help enable all children to achieve high  
9 standards.

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

13 “(1) All children can master challenging con-  
14 tent and complex problem-solving skills; research  
15 clearly shows that children, including low-achieving  
16 children, can succeed when expectations are high  
17 and they are given the opportunity to learn challeng-  
18 ing material.

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

22 “(3) Use of low-level tests that are not aligned  
23 with schools’ curricula fails to provide adequate in-  
24 formation about what children know and can do and

1 encourages curricula and instruction that focus on  
2 low-level skills measured by those tests.

3 “(4) Resources are less effective when they  
4 serve children through such practices as pull-out  
5 programs, instead of ensuring that children have full  
6 access to effective regular school programs and re-  
7 ceive supplemental help through extended-time ac-  
8 tivities.

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

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

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

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

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

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

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

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

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

23 “(d) STATEMENT OF PURPOSE.—The purpose of this  
24 title is to enable schools to provide opportunities for chil-  
25 dren served to acquire the knowledge and skills contained

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

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

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

16           “(3) promoting schoolwide reform and ensuring  
17           access of children—from the earliest grades—to ef-  
18           fective instructional strategies and challenging aca-  
19           demic content that includes intensive complex think-  
20           ing and problem-solving experiences;

21           “(4) significantly upgrading the quality of cur-  
22           ricula and instruction by providing staff in partici-  
23           pating schools with substantial opportunities for in-  
24           tensive and sustained professional development;

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

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

8           “(7) distributing resources, in amounts suffi-  
9 cient to make a difference, to areas where needs are  
10 greatest;

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

16           “(9) providing greater decision-making author-  
17 ity and flexibility to schools in exchange for greater  
18 responsibility for student performance.

19           “AUTHORIZATION OF APPROPRIATIONS

20           “SEC. 1002. Appropriations are authorized for the  
21 following programs and activities under this title:

22           “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For  
23 the purpose of carrying out part A of this title, other than  
24 section 1117(e) and sections 1118(b)(1), (b)(2), and (e),  
25 there are authorized to be appropriated \$7,000,000,000



1 for fiscal year 1995 and such sums as may be necessary  
2 for each of the fiscal years 1996 through 2004.

3 “(b) EVEN START.—For the purpose of carrying out  
4 part B of this title, there are authorized to be appro-  
5 priated such sums as may be necessary for each of the  
6 fiscal years 1995 through 2004.

7 “(c) EDUCATION OF MIGRATORY CHILDREN.—For  
8 the purpose of carrying out part C of this title, there are  
9 authorized to be appropriated such sums as may be nec-  
10 essary for each of the fiscal years 1995 through 2004.

11 “(d) EDUCATION FOR NEGLECTED OR DELINQUENT  
12 YOUTH.—For the purpose of carrying out part D of this  
13 title, there are authorized to be appropriated such sums  
14 as may be necessary for each of the fiscal years 1995  
15 through 2004.

16 “(e) CAPITAL EXPENSES.—For the purpose of carry-  
17 ing out section 1117(e) of this title, there are authorized  
18 to be appropriated such sums as may be necessary for  
19 each of the fiscal years 1995 through 2004.

20 “(f) SCHOOL IMPROVEMENT.—For the purpose of  
21 carrying out the activities authorized in sections  
22 1118(b)(1), (b)(2), and (e) of this title, there are author-  
23 ized to be appropriated such sums as may be necessary  
24 for each of the fiscal years 1995 through 2004.

1       “(g) FEDERAL ACTIVITIES.—(1) For the purpose of  
2 carrying out section 1501 of this title, there are authorized  
3 to be appropriated such sums as may be necessary for  
4 each of the fiscal years 1995 through 2004.

5       “(2) For the purpose of carrying out section 1502  
6 of this title, there are authorized to be appropriated such  
7 sums as may be necessary for each of the fiscal years 1995  
8 through 2004.

9       “PART A—MAKING HIGH-POVERTY SCHOOLS WORK

10           “Subpart 1—Basic Program Requirements

11                   “STATE PLANS

12       “SEC. 1111. (a) PLANS REQUIRED.—(1) Any State  
13 desiring to receive a grant under this part shall submit  
14 to the Secretary a plan, developed in consultation with  
15 local educational agencies, teachers, administrators, and  
16 parents, that—

17           “(A) 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 that State plan; or

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

1 integrated with other State plans under this Act and  
2 satisfies the requirements of this section.

3 “(2) A State plan submitted under paragraph (1)(A)  
4 may, if necessary, be submitted as an amendment to the  
5 State’s plan under title III of the Goals 2000: Educate  
6 America Act.

7 “(b) STANDARDS AND ASSESSMENT PROVISIONS.—  
8 (1)(A) Each State plan shall contain a description of the  
9 high-quality standards for all children that will be used  
10 by the State, its local educational agencies, and its schools  
11 to carry out this Act, which shall include—

12 “(i) challenging content standards in the core  
13 academic subjects that—

14 “(I) specify what all children are expected  
15 to know and be able to do; and

16 “(II) contain coherent and rigorous con-  
17 tent; and

18 “(ii) challenging performance standards that—

19 “(I) are aligned with the State’s content  
20 standards;

21 “(II) describe two levels of high perform-  
22 ance—‘proficient’ and ‘advanced’—that deter-  
23 mine how well children are mastering the mate-  
24 rial in the content standards; and

1           “(III) include a third benchmark below  
2           proficient, if necessary, to provide complete in-  
3           formation about the progress of the lower-per-  
4           forming children toward achieving to the high  
5           ‘proficient’ and ‘advanced’ performance stand-  
6           ards.

7           “(B) If a State has not adopted challenging content  
8           and performance standards in all of its core academic sub-  
9           jects, the State plan shall include content and performance  
10          standards for elementary and secondary school children in  
11          those core subjects that it has adopted (which must in-  
12          clude at least mathematics and reading/language arts),  
13          and the State shall add other content and performance  
14          standards as it adopts them under a schedule that it shall  
15          include in the State plan.

16          “(2)(A) Each State plan shall include a description,  
17          based on assessments described under paragraph (3), of  
18          what constitutes adequate yearly progress of—

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

22                 “(ii) any local educational agency that receives  
23                 funds under this part toward enabling all children  
24                 within its jurisdiction to meet the State’s ‘proficient’  
25                 and ‘advanced’ performance standards.

1       “(B) Adequate yearly progress shall be defined in a  
2 manner that results in continuous and substantial yearly  
3 improvement of each school and local educational agency  
4 toward the goal of all children meeting the State’s chal-  
5 lenging ‘advanced’ performance standards.

6       “(3) Each State plan shall include a description of  
7 the set of high-quality, yearly student assessments that  
8 will be used as the primary means of determining the year-  
9 ly performance of each local educational agency and school  
10 served under this part in enabling all children to meet the  
11 State’s performance standards. These assessments shall—

12           “(A) be aligned with the State’s challenging  
13 content and performance standards and provide co-  
14 herent information about student attainment;

15           “(B) be used for purposes for which they are  
16 valid and reliable and be consistent with relevant,  
17 nationally recognized, professional and technical  
18 standards of assessment;

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

21           “(D) include, except under the most extreme  
22 conditions, children with disabilities and limited  
23 English proficient children who, to the extent prac-  
24 ticable, shall be assessed in the language that will

1 afford them the greatest opportunity to demonstrate  
2 their proficiency;

3 “(E) provide individual student scores; and

4 “(F) provide for disaggregated results for edu-  
5 cationally meaningful categories of children, when  
6 results for those categories would be reliable.

7 “(4) If a State has adopted challenging content and  
8 performance standards and an aligned set of assessments  
9 for all students under title III of the Goals 2000: Educate  
10 America Act, the State shall use those standards and as-  
11 sessments, modified, if necessary, to conform with the re-  
12 quirements of paragraphs (1)(A)(ii), (2), and (3).

13 “(5)(A) If a State does not have challenging content  
14 and performance standards that meet the requirements of  
15 paragraph (1) or assessments that meet the requirements  
16 of paragraph (3), the State may propose to use, for an  
17 interim period of up to two years, an alternative statewide  
18 set of yearly assessments that the Secretary finds assesses  
19 the performance of complex skills and challenging subject  
20 matter.

21 “(B)(i) The Secretary, upon the request of a State  
22 and a showing of substantial progress toward meeting the  
23 requirements of paragraphs (1) and (3), may extend for  
24 one year the use of the alternative assessments described  
25 in subparagraph (A).

1       “(ii) A State that is denied the one-year extension  
2 under clause (i) or is granted such an extension but, after  
3 one additional year, does not have challenging content and  
4 performance standards that meet the requirements of  
5 paragraph (1) or assessments that meet the requirements  
6 of paragraph (3) shall adopt a set of standards and  
7 aligned assessments that are satisfactory to the Secretary,  
8 such as those contained in other State plans the Secretary  
9 has approved.

10       “(C) For any year during which a State is using an  
11 interim assessment system, the State shall devise a means  
12 for identifying schools and local educational agencies in  
13 need of improvement under section 1118.

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

16               “(1) the method the State educational agency  
17 will use to implement a system of school support  
18 teams under section 1114(c), including provision of  
19 necessary professional development for those teams;

20               “(2) the means by which the State educational  
21 agency will work with other agencies and institutions  
22 to provide technical assistance to local educational  
23 agencies and schools to carry out their responsibil-  
24 ities under this part;

1           “(3) how the State educational agency will ful-  
2 fill its district and school improvement responsibil-  
3 ities under section 1118, including the corrective ac-  
4 tions it will take under section 1118(d)(6); and

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

9           “(d) PEER REVIEW AND SECRETARIAL APPROVAL.—  
10 The Secretary shall—

11           “(1) establish a peer review process to assist in  
12 the review and revision of State plans;

13           “(2) following an initial peer review, approve a  
14 State plan the Secretary determines meets the re-  
15 quirements of subsections (b) and (c); and

16           “(3)(A) if the Secretary determines that the  
17 State plan does not meet the requirements of sub-  
18 section (b) or (c), immediately notify the State of  
19 that determination and the reasons for it.

20           “(B) The Secretary may withhold funds until  
21 he or she determines that the plan meets the re-  
22 quirements.

23           “(e) DURATION OF THE PLAN.—(1) Each State plan  
24 shall—



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

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

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

11           “LOCAL EDUCATIONAL AGENCY PLANS

12           “SEC. 1112. (a) PLANS REQUIRED.—(1) A local edu-  
13 cational agency may receive a subgrant under this part  
14 for any fiscal year only if it has on file with the State  
15 educational agency a plan, approved by the State edu-  
16 cational agency, that—

17           “(A) is integrated with the local educational  
18 agency’s plan, either approved or being developed,  
19 under title III of the Goals 2000: Educate America  
20 Act, and satisfies the requirements of this section  
21 that are not already addressed by that plan; or

22           “(B) if the local educational agency does not  
23 have an approved plan under title III of the Goals  
24 2000: Educate America Act and is not developing  
25 such a plan, is integrated with its other plans under

1 this Act and satisfies the requirements of this sec-  
2 tion.

3 “(2) A local educational agency plan submitted under  
4 paragraph (1)(A) may, if necessary, be submitted as an  
5 amendment to its plan under title III of the Goals 2000:  
6 Educate America Act.

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

9 “(1) a description of its challenging content and  
10 performance standards, if any, in the core subjects,  
11 in addition to the content and performance stand-  
12 ards adopted by the State under section 1111, that  
13 the local educational agency expects all children to  
14 meet; and

15 “(2) a description of additional high-quality  
16 student assessments, if any, other than those de-  
17 scribed in the State plan under section 1111, that  
18 the local educational agency and schools served  
19 under this part will use to determine—

20 “(A) the success of children in schools  
21 served under this part in meeting the State’s  
22 performance standards; and

23 “(B) what revisions are needed to projects  
24 under this part so that such children will meet  
25 the State’s performance standards.

1       “(c) OTHER PROVISIONS TO SUPPORT TEACHING  
2 AND LEARNING.—(1) To ensure high-quality instruction  
3 to enable participating children to meet the State’s chal-  
4 lenging performance standards expected of all students,  
5 each local educational agency plan shall describe a coher-  
6 ent strategy for intensive and sustained professional devel-  
7 opment for teachers, administrators, and other staff, in-  
8 cluding district-level staff, that—

9               “(A) takes into account the needs and activities  
10 across and within schools; and

11               “(B) draws on resources available under this  
12 part and from other sources.

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

15               “(A) work in consultation with schools as the  
16 schools develop their plans pursuant to section 1114  
17 or 1115 and assist schools as they implement those  
18 plans so that each school can make adequate yearly  
19 progress toward meeting the State’s standards;

20               “(B) support and encourage schoolwide pro-  
21 grams; and

22               “(C) fulfill its school improvement responsibil-  
23 ities under section 1118, including the corrective ac-  
24 tions it will take under section 1118(c)(4).

1       “(3) To address the comprehensive needs of children,  
2 each local educational agency plan shall describe how the  
3 local educational agency will—

4           “(A) coordinate and integrate services provided  
5 under this part with other educational services, in-  
6 cluding—

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

10          “(ii) services for children with limited Eng-  
11 lish proficiency or with disabilities, migratory  
12 children served under part C of this title, ne-  
13 glected or delinquent children served under part  
14 D of this title, homeless children, and immi-  
15 grant children in order to increase program ef-  
16 fectiveness, eliminate duplication, and reduce  
17 fragmentation of the children’s instructional  
18 program;

19          “(B) coordinate and collaborate, to the extent  
20 feasible, with other agencies providing services to  
21 children, youth, and families, including, but not lim-  
22 ited to, health and social services; and

23          “(C) establish a procedure to ensure that all  
24 children in participating elementary schools in which  
25 the percentage of children from low-income families

1 is 50 percent or more receive, at a minimum, two  
2 health screenings during the elementary school years  
3 at appropriate intervals based on reasonable pedi-  
4 atric standards. Funds under this part may be used  
5 to provide such health screenings only if funds from  
6 other public or private sources, including, but not  
7 limited to, Medicaid; Early Periodic Screening, Diag-  
8 nosis, and Treatment (EPSDT); private insurance;  
9 or other community health resources, are not rea-  
10 sonably available to pay for such screening.

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

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

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

18 “(C) a general description of the nature of the  
19 programs to be conducted by its schools under sec-  
20 tions 1114 and 1115 and services outside those  
21 schools for children living in local institutions for ne-  
22 glected or delinquent children and for eligible home-  
23 less children; and

24 “(D) a description of how the local educational  
25 agency will provide services to eligible children at-

1 tending private elementary and secondary schools in  
2 accordance with section 1117, and how timely and  
3 meaningful consultation with private school officials  
4 regarding such services will occur.

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

7 “(1) developed in consultation with teachers  
8 and parents of children in schools served under this  
9 part; and

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

13 “(e) STATE APPROVAL.—The State educational  
14 agency shall approve a local educational agency’s plan only  
15 if the State educational agency determines that the plan  
16 will enable schools served under this part to substantially  
17 help all children served meet the State’s challenging per-  
18 formance standards expected of all children.

19 “(f) PROGRAM RESPONSIBILITY.—The local edu-  
20 cational agency plan shall reflect the shared responsibility  
21 of schools and the local educational agency in making deci-  
22 sions required under sections 1114 and 1115.

23 “ELIGIBLE SCHOOL ATTENDANCE AREAS

24 “SEC. 1113. (a) GENERAL.—(1)(A)(i) A local edu-  
25 cational agency shall use funds received under this part  
26 only in school attendance areas with high concentrations

1 of children from low-income families, hereafter in this sec-  
2 tion referred to as ‘eligible school attendance areas’.

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

4 “(I) ‘school attendance area’ means, in relation  
5 to a particular school, the geographical area in  
6 which the children who are normally served by that  
7 school reside; and

8 “(II) ‘eligible school attendance area’ means a  
9 school attendance area in which the percentage of  
10 children from low-income families is at least as high  
11 as the percentage of children from low-income fami-  
12 lies in the local educational agency as a whole.

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

16 “(i) annually rank, without regard to grade  
17 spans, its eligible school attendance areas in which  
18 the concentration of children from low-income fami-  
19 lies exceeds 75 percent from highest to lowest ac-  
20 cording to the percentage of children from low-in-  
21 come families; and

22 “(ii) serve such eligible school attendance areas  
23 in rank order.

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

4           “(i) annually rank its remaining eligible school  
5 attendance areas from highest to lowest either by  
6 grade span or for the entire local educational agency  
7 according to the percentage of children from low-in-  
8 come families; and

9           “(ii) serve such eligible school attendance areas  
10 in rank order either within each grade-span group-  
11 ing or within the local educational agency as a  
12 whole.

13       “(2) The local educational agency shall use the same  
14 measure of low income, which it shall choose on the basis  
15 of the best available data and which may be a composite  
16 of several indicators, with respect to all school attendance  
17 areas in the local educational agency to—

18           “(A) identify eligible school attendance areas;

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

20           “(C) determine allocations under subsection (c).

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



1       “(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—  
2 Notwithstanding subsection (a)(1), a local educational  
3 agency may—

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

7           “(2) use funds received under this part in a  
8 school that is not in an eligible school attendance  
9 area, if the percentage of children from low-income  
10 families enrolled in the school is equal to or greater  
11 than the percentage of such children in a participat-  
12 ing school attendance area of such agency; and

13           “(3)(A) skip an eligible school attendance area  
14 or eligible school that has a higher percentage of  
15 children from low-income families if—

16           “(i) the school meets the comparability re-  
17 quirements of section 1119(c);

18           “(ii) the school is receiving supplemental  
19 funds from other State or local sources that are  
20 spent according to the requirements of section  
21 1114 or 1115; and

22           “(iii) the funds expended from those other  
23 sources equal or exceed the amount that would  
24 be provided under this part.

1           “(B) Notwithstanding subparagraph (A), the  
2           number of children to receive services attending pri-  
3           vate elementary and secondary schools, and the as-  
4           sistance they receive under this part, shall be deter-  
5           mined without regard to whether the public school  
6           attendance area in which such children reside is  
7           skipped under this paragraph.

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

14          “(2)(A) Except as provided in subparagraph (B), the  
15          per-pupil amount of funds allocated to each school attend-  
16          ance area or school under paragraph (1) shall be at least  
17          80 percent of the per-pupil amount of funds the local edu-  
18          cational agency received for that year under sections 1123  
19          and 1124.

20          “(B) A local educational agency may reduce the  
21          amount of funds allocated under subparagraph (A) for a  
22          school attendance area or school by the amount of any  
23          supplemental State and local funds expended in that  
24          school attendance area or school for programs that meet  
25          the requirements of section 1114 or 1115.

1       “(3) A local educational agency shall reserve such  
2 funds as are necessary under this part to provide services  
3 comparable to those provided to children in schools funded  
4 under this part to serve—

5           “(A) eligible homeless children who do not at-  
6 tend participating schools, including providing edu-  
7 cationally related support services to children in  
8 shelters, where appropriate; and

9           “(B) children living in local institutions for ne-  
10 glected or delinquent children.

11                   “SCHOOLWIDE PROGRAMS

12       “SEC. 1114. (a) USE OF FUNDS FOR SCHOOLWIDE  
13 PROGRAMS.—(1) A local educational agency may use  
14 funds under this part, in combination with other Federal,  
15 State, and local funds, to upgrade the entire educational  
16 program in an eligible school if, for the initial year of the  
17 schoolwide program, the school meets the following cri-  
18 teria:

19           “(A) For school year 1995–96—

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

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

1           “(B) For school year 1996–97 and thereafter,  
2           the percentage requirement in subparagraphs (A) (i)  
3           and (ii) shall be 50 percent.

4           “(2)(A) No schoolwide program school shall be re-  
5           quired to identify particular children as eligible to partici-  
6           pate or to provide supplemental services to them.

7           “(B) A schoolwide program school shall use such  
8           funds only to supplement the amount of funds that would,  
9           in the absence of funds under this part, be made available  
10          from non-Federal sources for the school, including funds  
11          needed to provide services that are required by law for  
12          children with disabilities and children with limited English  
13          proficiency.

14          “(3) A school may use funds received under any non-  
15          competitive, formula-grant program administered by the  
16          Secretary, except such a program under the Individuals  
17          With Disabilities Education Act, and any discretionary  
18          program contained on a list (updated as necessary) issued  
19          by the Secretary to support a schoolwide program, not-  
20          withstanding any provision of the statute or regulations  
21          governing any such program.

22          “(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—  
23          (1) A schoolwide program shall include the following com-  
24          ponents:

1           “(A) A comprehensive needs assessment of the  
2           entire school that is based on information on the  
3           performance of children in relation to the State’s  
4           standards.

5           “(B) Schoolwide reform strategies that—

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

9                   “(ii) are based on research on effective  
10                  means of improving the achievement of chil-  
11                  dren;

12                  “(iii) use effective instructional strategies  
13                  that increase the amount and quality of learn-  
14                  ing time and help provide an enriched and ac-  
15                  celerated curriculum rather than remedial drill  
16                  and practice;

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

1           “(v) are consistent with, and are designed  
2           to implement, the State and local reform plans,  
3           if any, approved under title III of the Goals  
4           2000: Educate America Act.

5           “(C) Instruction by highly qualified professional  
6           staff.

7           “(D) Intensive and sustained professional devel-  
8           opment for teachers, principals, and other staff to  
9           enable all children in the school to meet the State’s  
10          performance standards.

11          “(E) Parental involvement in accordance with  
12          section 1116.

13          “(F) Additionally, in schools serving children  
14          beyond grade six, in coordination with funds avail-  
15          able from other programs and, as appropriate, draw-  
16          ing on private and public organizations—

17                  “(i) counseling and mentoring services;

18                  “(ii) college and career awareness and  
19                  preparation, such as college and career guid-  
20                  ance, enhancement of employability skills, and  
21                  job placement services; and

22                  “(iii) services to prepare students for the  
23                  transition from school to work.

24          “(2)(A) Any eligible school that desires to operate a  
25          schoolwide program shall first develop, in consultation

1 with the local educational agency, a comprehensive plan  
2 for reforming the total instructional program in the school  
3 that—

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

6 “(ii) describes how the school will use resources  
7 under this part and from other sources to implement  
8 those components;

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

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

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

25 “(C) The comprehensive plan shall be—

1 “(i) developed over a one-year period, unless—

2 “(I) the local educational agency, based on  
3 the recommendation of the school support team  
4 under subsection (c), determines that less time  
5 is needed to develop and implement the  
6 schoolwide program; or

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

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

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

20 “(iv) available to the local educational agency,  
21 parents, and the public. The information contained  
22 therein shall be translated, to the extent feasible,  
23 into any language that a significant percentage of  
24 the parents of participating children in the school  
25 speak as their primary language.



1       “(c) SCHOOL SUPPORT TEAMS.—(1) Each State edu-  
2 cational agency shall establish a system of school support  
3 teams to provide information and assistance to each  
4 schoolwide program to ensure that schoolwide programs  
5 provide the opportunity for all children to meet the State’s  
6 challenging performance standards.

7       “(2) Each such team shall be composed of persons,  
8 including teachers, knowledgeable about research and  
9 practice on teaching and learning, particularly about strat-  
10 egies for improving the educational opportunities for low-  
11 achieving children.

12       “(3) A school support team shall work with each  
13 school as it develops its schoolwide program plan, review  
14 the merits of each plan, and make recommendations to  
15 the school and the local educational agency.

16       “(4) During the operation of the schoolwide program,  
17 a school support team shall—

18               “(A) periodically review the progress of the  
19 school in enabling children in the school to meet the  
20 State’s performance standards;

21               “(B) identify problems in the design and oper-  
22 ation of the instructional program; and

23               “(C) make suggestions for improvement to the  
24 school and the local educational agency.

1       “(5) Funds available for State administration and for  
2 local educational agencies under this part may be used to  
3 pay the costs of the school support teams.

4               “TARGETED ASSISTANCE SCHOOLS

5       “SEC. 1115. (a) GENERAL.—In all schools selected  
6 to participate under section 1113 that are ineligible for  
7 a schoolwide program, or that choose not to operate a  
8 schoolwide program, a local educational agency may use  
9 funds received under this part only for programs that pro-  
10 vide services to eligible children identified as having the  
11 greatest need for special assistance.

12       “(b) ELIGIBLE CHILDREN—(1)(A) The eligible popu-  
13 lation for services under this part is—

14               “(i) those children up to age 21 who are enti-  
15 tled to a free public education through grade 12;  
16 and

17               “(ii) those children who are not yet at a grade  
18 level where the local educational agency provides a  
19 free public education, yet are of an age at which  
20 they can benefit from an organized instructional pro-  
21 gram provided in a school or other educational set-  
22 ting.

23       “(B) From the population described in subparagraph  
24 (A), eligible children are children identified by the school  
25 as failing, or most at risk of failing, to meet the State’s  
26 challenging performance standards on the basis of mul-

1 tiple, educationally related, objective criteria established  
2 by the local educational agency and supplemented by the  
3 school, except that children from preschool through grade  
4 two shall be selected solely on the basis of such criteria  
5 as teacher judgment, interviews with parents, and devel-  
6 opmentally appropriate measures.

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

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

14       “(B) A child who, at any time in the previous two  
15 years, received services under the program for neglected  
16 and delinquent children under part D of this title (or its  
17 predecessor authority) is eligible for services under this  
18 part.

19       “(C) A local educational agency shall use funds re-  
20 ceived under this part to serve eligible homeless children  
21 who attend any school in the local educational agency.

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

1 tunity to meet the State’s challenging performance stand-  
2 ards, each targeted assistance program under this section  
3 shall—

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

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

9           “(C) use effective instructional strategies  
10 that—

11                   “(i) give primary consideration to provid-  
12 ing extended learning time;

13                   “(ii) involve an accelerated, high-quality  
14 curriculum, rather than remedial drill and prac-  
15 tice; and

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

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

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

24           “(F) provide opportunities for intensive and  
25 sustained professional development with resources

1 under this part and from other sources for adminis-  
2 trators and for teachers and other school staff who  
3 work with participating children in programs under  
4 this section or in the regular education program;

5 “(G) provide opportunities for parental involve-  
6 ment in accordance with section 1116; and

7 “(H) include, additionally, in schools serving  
8 children beyond grade six, in coordination with  
9 funds available from other programs and, as appro-  
10 priate, drawing on private and public organiza-  
11 tions—

12 “(i) counseling and mentoring;

13 “(ii) college and career awareness and  
14 preparation, such as college and career guid-  
15 ance, enhancement of employability skills, and  
16 job placement services; and

17 “(iii) services to prepare students for the  
18 transition from school to work.

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

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

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

6           “(iii) how the school will review, on an ongoing  
7           basis, the progress of participating children and re-  
8           vise the program, if necessary, to provide additional  
9           assistance to enable such children to meet the  
10          State’s challenging performance standards;

11          “(iv) how the school will provide individual stu-  
12          dent assessment results, including an interpretation  
13          of those results, to the parents of any child who par-  
14          ticipates in the assessment required by section  
15          1111(b)(3); and

16          “(v) if the school is eligible to operate a  
17          schoolwide program under section 1114, why it did  
18          not choose to do so.

19          “(B) Plans developed before a State has adopted  
20          standards and a set of assessments that meet the criteria  
21          of section 1111(b)(1) and (3) shall be based on an analysis  
22          of available data on the achievement of participating chil-  
23          dren and a review of the school’s instructional practices  
24          in the context of available research on effective instruc-  
25          tional practices.

1 “(C) Each plan shall be—

2 “(i) developed with the involvement of the com-  
3 munity to be served and those individuals who will  
4 carry it out, including teachers, administrators,  
5 other staff, parents, and, if the plan relates to a sec-  
6 ondary school, students from the school;

7 “(ii) available to the local educational agency,  
8 parents, and the public, and the information con-  
9 tained therein shall be translated, to the extent fea-  
10 sible, into any language that a significant percentage  
11 of the parents of participating children in the school  
12 speak as their primary language; and

13 “(iii) reviewed and revised, as necessary, by the  
14 school.

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

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

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

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

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

8 “PARENTAL INVOLVEMENT

9 “SEC. 1116. (a) LOCAL EDUCATIONAL AGENCY POL-  
10 ICY.—(1) Each local educational agency that receives  
11 funds under this part shall develop jointly with, and make  
12 available to, parents of participating children a written  
13 parent involvement policy that is incorporated into the  
14 local educational agency’s plan developed under section  
15 1112, establishes the expectations for parent involvement,  
16 and describes how the local educational agency will—

17 “(A) involve parents in the development of the  
18 plan described under section 1112, and the process  
19 of school review and improvement described under  
20 section 1118;

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



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

4           “(D) coordinate and integrate parent involve-  
5 ment strategies in this part with those under other  
6 programs; and

7           “(E) ensure that participating schools review  
8 their parent involvement activities on an ongoing  
9 basis and use the findings of the reviews in design-  
10 ing strategies for school improvement.

11          “(2) If the local educational agency has a district-  
12 level parental involvement policy that applies to all par-  
13 ents, it may amend that policy, if necessary, to meet the  
14 requirements of this subsection.

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

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

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

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

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

18          “(3) provide parents of participating children—

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

21           “(B) school performance profiles required  
22      under section 1118(a)(2);

23           “(C) opportunities for regular meetings to  
24      formulate suggestions, if such parents so desire;  
25      and

1           “(D) timely responses to their rec-  
2           ommendations.

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

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

22           “(2) address the importance of communication  
23          between teachers and parents on an ongoing basis  
24          through at least—

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

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

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

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

14               “(1) provide assistance to participating parents  
15               in such areas as understanding the National Edu-  
16               cation Goals, the State’s content and performance  
17               standards, State and local assessments, the require-  
18               ments of this part, and how to monitor their chil-  
19               dren’s progress and work with educators to improve  
20               the performance of their children;

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

1           “(3) educate teachers, principals and other staff  
2           in the value and utility of contributions of parents,  
3           and in how to reach out to, communicate with, and  
4           work with parents as equal partners, implement and  
5           coordinate parent programs, and build ties between  
6           home and school; and

7           “(4) develop appropriate roles for community-  
8           based organizations and businesses in parent in-  
9           volvement activities, including providing information  
10          about opportunities for them to work with parents  
11          and schools.

12          “(f) ACCESSIBILITY.—In carrying out the parental  
13          involvement requirements of this part, local educational  
14          agencies and schools shall, to the extent practicable, pro-  
15          vide full opportunities for participation to parents with  
16          limited English proficiency or with disabilities, including  
17          providing information in a language and form they under-  
18          stand.

19          “PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE  
20    SCHOOLS

21          “SEC. 1117. (a) GENERAL REQUIREMENT.—(1) To  
22          the extent consistent with the number of eligible children  
23          identified according to section 1115(b) in a local edu-  
24          cational agency who are enrolled in private elementary and  
25          secondary schools, a local educational agency shall, after  
26          timely and meaningful consultation with appropriate pri-

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

4 “(2) The educational services or other benefits, in-  
5 cluding materials and equipment, must be secular, neutral,  
6 and 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 par-  
10 ticipating under this part.

11 “(4) Expenditures for educational services and other  
12 benefits to eligible private school children shall be equal  
13 to the proportion of funds allocated to participating school  
14 attendance areas based on the number of children from  
15 low-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) CONSULTATION.—(1) To ensure timely and  
20 meaningful consultation, a local educational agency shall  
21 consult with appropriate private school officials during the  
22 design and development of the agency’s programs under  
23 this part, on issues such as—

24 “(A) how the children’s needs will be identified;

25 “(B) what services will be offered;

1           “(C) how and where the services will be pro-  
2           vided; and

3           “(D) how the services will be assessed.

4           “(2) Consultation shall occur before the local edu-  
5           cational agency makes any decision that affects the oppor-  
6           tunities of eligible private school children to participate in  
7           programs under this part.

8           “(3) Consultation shall include a discussion of the full  
9           range of service delivery mechanisms a local educational  
10          agency could use to provide equitable services to eligible  
11          private school children including, but not limited to, in-  
12          struction provided at public school sites, at neutral sites,  
13          and in mobile vans, computer-assisted instruction, ex-  
14          tended-day services, home tutoring, and instruction pro-  
15          vided with take-home computers.

16          “(c) PUBLIC CONTROL OF FUNDS.—(1) The control  
17          of funds provided under this part, and title to materials,  
18          equipment, and property purchased with those funds, shall  
19          be in a public agency, and a public agency shall administer  
20          such funds and property.

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

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

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

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

9           “(d) STANDARDS FOR A BYPASS.—If a local edu-  
10          cational agency is prohibited by law from providing for  
11          the participation on an equitable basis of eligible children  
12          enrolled in private elementary and secondary schools or  
13          if the Secretary determines that a local educational agency  
14          has substantially failed or is unwilling to provide for such  
15          participation, as required by this section, the Secretary  
16          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  
20                 such children through arrangements that shall be  
21                 subject to the requirements of this section and sec-  
22                 tions 9505 and 9506 of this Act.

23           “(e) CAPITAL EXPENSES.—(1)(A) From the amount  
24          appropriated for this subsection under section 1002(e) 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  
9 State for the purpose of this subsection to other States  
10 on the basis of their respective needs, as determined by  
11 the Secretary.

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

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

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

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

24 “(A) expenditures for noninstructional goods  
25 and services, such as the purchase, lease, or renova-

1       tion of real and personal property, including, but not  
2       limited to, mobile educational units and leasing of  
3       neutral sites or spaces;

4             “(B) insurance and maintenance costs;

5             “(C) transportation; and

6             “(D) other comparable goods and services.

7       “ASSESSMENT AND SCHOOL AND DISTRICT IMPROVEMENT

8             “SEC. 1118. (a) LOCAL REVIEW.—Each local edu-  
9       cational agency receiving funds under this part shall—

10            “(1) use the State assessments described in the  
11       State plan and any additional measures described in  
12       the local educational agency’s plan to review annu-  
13       ally the progress of each school served under this  
14       part to determine whether the school is meeting, or  
15       making adequate progress as defined in section  
16       1111(b)(2)(A)(i) toward enabling its students to  
17       meet, the State’s performance standards;

18            “(2) publicize and disseminate to teachers, par-  
19       ents, students, and the community the results of the  
20       annual review under paragraph (1) of all schools  
21       served under this part in individual school perform-  
22       ance profiles that include disaggregated results as  
23       required by section 1111(b)(3)(F); and

24            “(3) provide the results of the local annual re-  
25       view to schools so that they can continually refine  
26       the program of instruction to help all children in

1 those schools meet the State's high performance  
2 standards.

3 “(b) DISTINGUISHED SCHOOLS.—(1) Each State  
4 shall designate as a Distinguished School—

5 “(A) any school served under this part that, for  
6 three consecutive years, has exceeded the State's  
7 definition of adequate progress as defined in section  
8 1111(b)(2)(A)(i); and

9 “(B) any school in which virtually all students  
10 have met the State's 'advanced' performance stand-  
11 ards.

12 “(2)(A) A State shall use funds available under sec-  
13 tion 1002(f) to recognize Distinguished Schools, including  
14 making monetary awards.

15 “(B) Funds awarded to a Distinguished School may  
16 be used by the school to further its educational program  
17 under this part, provide additional incentives for continued  
18 success, and reward individuals or groups in the school  
19 for past performance.

20 “(3) A local educational agency may also recognize  
21 the success of a Distinguished School by providing addi-  
22 tional institutional and individual rewards, such as greater  
23 decisionmaking authority at the school building level, in-  
24 creased access to resources or supplemental services such  
25 as summer programs that may be used to sustain or in-

1 crease success, additional professional development oppor-  
2 tunities, opportunities to participate in special projects,  
3 and individual financial bonuses.

4 “(4) Schools designated as Distinguished Schools  
5 under paragraph (1) may serve as models and provide ad-  
6 ditional assistance to other schools served under this part  
7 that are not making adequate progress.

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

11 “(A) has been in program improvement under  
12 section 1020 of chapter 1 of title I of the Elemen-  
13 tary and Secondary Education Act of 1965, as in ef-  
14 fect before the effective date of the Improving Amer-  
15 ica’s Schools Act of 1993, for at least two consecu-  
16 tive school years prior to that date;

17 “(B) has not made adequate progress as de-  
18 fined in the State’s plan under section  
19 1111(b)(2)(A)(i) for two consecutive school years  
20 and if it does not have virtually all students meeting  
21 the State’s ‘advanced’ performance standards; or

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

1       “(2)(A) Each school identified under paragraph (1)  
2 shall—

3               “(i) in consultation with parents, the local edu-  
4 cational agency, and, for schoolwide programs, the  
5 school support team, revise its school plan under  
6 section 1114 or 1115 in ways that have the greatest  
7 likelihood of improving the performance of partici-  
8 pating children in meeting the State’s performance  
9 standards; and

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

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

15       “(3) For each school identified under paragraph (1),  
16 the local educational agency shall provide technical assist-  
17 ance as the school develops and implements its revised  
18 plan.

19       “(4)(A) The local educational agency may take cor-  
20 rective action at any time against a school that has been  
21 identified under paragraph (1), but, during the third year  
22 following identification under paragraph (1), shall take  
23 such action against any school that still fails to make ade-  
24 quate progress.

1       “(B) Corrective actions are those listed in the local  
2 educational agency plan, which may include, but are not  
3 limited to, decreasing decisionmaking authority at the  
4 school level; making alternative governance arrangements  
5 such as the creation of a charter school; reconstituting the  
6 school staff; withholding funds; and authorizing students  
7 to transfer, including paying transportation costs, to other  
8 schools in the local educational agency.

9       “(5) The State educational agency shall—

10           “(A) make assistance from Distinguished Edu-  
11 cators under subsection (e) available to the schools  
12 farthest from meeting the State’s standards, if re-  
13 quested by the school or local educational agency;  
14 and

15           “(B) if it determines that a local educational  
16 agency failed to carry out its responsibility under  
17 paragraphs (3) and (4), take such corrective actions  
18 that it deems appropriate.

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

1       “(d) STATE REVIEW AND LOCAL EDUCATIONAL  
2 AGENCY IMPROVEMENT.—(1) A State educational agency  
3 shall—

4           “(A) annually review the progress of each local  
5 educational agency receiving funds under this part  
6 to determine whether it is making adequate progress  
7 as defined in section 1111(b)(2)(A)(ii) toward meet-  
8 ing the State’s performance standards; and

9           “(B) publicize and disseminate to teachers, par-  
10 ents, students, and the community the results of the  
11 State review, including disaggregated results, as re-  
12 quired by section 1111(b)(3)(F).

13       “(2) In the case of a local educational agency that  
14 for three consecutive years has exceeded the State’s defini-  
15 tion of adequate progress as defined in section  
16 1111(b)(2)(A)(ii), the State may make institutional and  
17 individual rewards of the kinds described for individual  
18 schools in subsection (b)(3).

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

21           “(A) for two consecutive years, is not making  
22 adequate progress as defined in section  
23 1111(b)(2)(A)(ii) toward meeting the State’s per-  
24 formance standards; or

1           “(B) has failed to meet the criteria established  
2           by the State through its interim procedure under  
3           section 1111(b)(5)(C) for two consecutive years.

4           “(4) Each local educational agency identified under  
5           paragraph (3) shall, in consultation with schools, parents,  
6           and educational experts, revise its district-level plan under  
7           section 1112 in ways that have the greatest likelihood of  
8           improving the performance of its schools in meeting the  
9           State’s performance standards.

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

12               “(A) provide technical assistance to better en-  
13               able the local educational agency to develop and im-  
14               plement its revised plan and work with schools need-  
15               ing improvement; and

16               “(B) make available to the districts farthest  
17               from meeting the State’s standards, if requested, as-  
18               sistance from Distinguished Educators under sub-  
19               section (e).

20          “(6)(A) The State educational agency may take cor-  
21          rective action at any time against a local educational agen-  
22          cy that has been identified under paragraph (3), but, dur-  
23          ing the fourth year following identification under para-  
24          graph (3), shall take such action against any local edu-  
25          cational agency that still fails to make adequate progress.



1       “(B) Corrective actions are those listed in the local  
2 educational agency plan, which may include, but are not  
3 limited to, reconstitution of district personnel; appoint-  
4 ment by the State educational agency of a receiver or  
5 trustee to administer the affairs of the local educational  
6 agency in place of the superintendent and school board;  
7 removal of particular schools from the jurisdiction of the  
8 local educational agency and establishment of alternative  
9 arrangements for governing and supervising such schools;  
10 the abolition or restructuring of the local educational  
11 agency; authorizing students to transfer from one local  
12 educational agency to another, including paying the cost  
13 of transportation; and the withholding of funds.

14       “(7) Local educational agencies that for at least two  
15 of the three years following identification under paragraph  
16 (3) make adequate progress toward meeting the State’s  
17 standards no longer need to be identified for district im-  
18 provement.

19       “(e) DISTINGUISHED EDUCATORS.—(1) In order to  
20 provide assistance to schools and local educational agen-  
21 cies identified as needing improvement under subsection  
22 (c) or (d), each State, using funds available under section  
23 1002(f), shall establish a corps of Distinguished Edu-  
24 cators.

1       “(2) When possible, these Distinguished Educators  
2 shall be chosen from schools served under this part that  
3 have been especially successful in enabling children to  
4 meet or make outstanding progress toward meeting the  
5 State’s performance standards, such as those schools de-  
6 scribed in subsection (b).

7       “(3) Distinguished Educators shall provide, upon re-  
8 quest, intensive and sustained assistance to the schools  
9 and districts farthest from meeting the State’s standards  
10 as they revise and implement their plans.

11       “(4) If the State has devised an alternative approach  
12 to providing such intensive and sustained assistance to  
13 schools and districts farthest from meeting the State’s  
14 standards, this approach shall meet the requirements of  
15 this subsection subject to the approval of the Secretary  
16 as part of the State plan.

17       “(f) STATE ALLOCATIONS FOR SCHOOL IMPROVE-  
18 MENT.—From the amount appropriated under section  
19 1002(f) for any fiscal year, each State shall be eligible to  
20 receive an amount that bears the same ratio to the amount  
21 appropriated as the amount allocated to the State under  
22 sections 1123 and 1124 bears to the total amount allo-  
23 cated to all States under those sections, except that each  
24 State shall receive at least \$180,000, or \$30,000 in the  
25 case of Guam, American Samoa, the Virgin Islands, the

1 Northern Marianas, and Palau (until the Compact of Free  
2 Association goes into effect).

3 “FISCAL REQUIREMENTS

4 “SEC. 1119. (a) MAINTENANCE OF EFFORT.—A  
5 local educational agency may receive funds under this part  
6 for any fiscal year only if the State educational agency  
7 finds that the local educational agency has maintained its  
8 fiscal effort in accordance with section 9501 of this Act.

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

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

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

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

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

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

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

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

23               “(ii) instructional salaries per pupil from State  
24 and local funds in each school served under this part  
25 are equal to or greater than the average instruc-

1 tional salaries per pupil in schools not receiving serv-  
2 ices.

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

8 “(3) Each local educational agency shall—

9 “(A) develop procedures for compliance with  
10 this subsection; and

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

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

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

19 “(A) bilingual education for children of limited  
20 English proficiency; and

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

## 1                   “Subpart 2—Allocations

2                   “GRANTS FOR THE OUTLYING AREAS AND THE  
3                   SECRETARY OF THE INTERIOR4                   “SEC. 1121. (a) RESERVATION OF FUNDS.—From  
5 the amount appropriated for payments to States for any  
6 fiscal year under section 1002(a), the Secretary shall re-  
7 serve a total of up to 0.8 percent to provide assistance  
8 to—9                   “(1) the outlying areas on the basis of their re-  
10                  spective need for such assistance according to such  
11                  criteria as the Secretary determines will best carry  
12                  out the purpose of this part; and13                  “(2) the Secretary of the Interior in the amount  
14                  necessary to make payments pursuant to subsection  
15                  (b).16                  “(b) ALLOTMENT TO THE SECRETARY OF THE INTE-  
17                  RIOR.—(1) The amount allotted for payments to the Sec-  
18                  retary of the Interior under subsection (a)(2) for any fiscal  
19                  year shall be, as determined pursuant to criteria estab-  
20                  lished by the Secretary, the amount necessary to meet the  
21                  special educational needs of—22                  “(A) Indian children on reservations served by  
23                  elementary and secondary schools for Indian chil-  
24                  dren operated or supported by the Department of  
25                  the Interior; and

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

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

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

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

18                           “ALLOCATIONS TO STATES

19           “SEC. 1122. (a) GENERAL.—After reserving funds  
20           under section 1121(a), the Secretary shall allocate the re-  
21           maining funds appropriated under section 1002(a) to  
22           States as follows:

23           “(1) 50 percent of such funds shall be allocated  
24           for basic grants in accordance with section 1123.

1           “(2) 50 percent of such funds shall be allocated  
2           for concentration grants in accordance with section  
3           1124.

4           “(b) ADJUSTMENTS WHERE NECESSITATED BY AP-  
5 PROPRIATIONS.—(1) If the sums available under sub-  
6 section (a) for any fiscal year are insufficient to pay the  
7 full amounts that all counties in States are eligible to re-  
8 ceive under sections 1123 and 1124 for such year, the Sec-  
9 retary shall ratably reduce the allocations to such counties,  
10 subject to subsections (c) and (d) of this section.

11          “(2) If additional funds become available for making  
12 payments under sections 1123 and 1124 for such fiscal  
13 year, allocations that were reduced under paragraph (1)  
14 shall be increased on the same basis as they were reduced.

15          “(c) HOLD-HARMLESS AMOUNTS.—Notwithstanding  
16 subsection (b), the total amount made available to each  
17 county under sections 1123 and 1124 for any fiscal year  
18 shall be at least 85 percent of the total amount such coun-  
19 ty was allocated under such sections (or, for fiscal year  
20 1995, their predecessor authorities) for the preceding fis-  
21 cal year.

22          “(d) STATE MINIMUM.—Notwithstanding any other  
23 provision of this part, from the total amount available for  
24 any fiscal year to carry out sections 1123 and 1124, each  
25 State shall be allotted at least the lesser of—



1           “(1) one quarter of one percent of such  
2 amount; or

3           “(2) the amount it was allotted under such sec-  
4 tions (or, for fiscal year 1995, under their prede-  
5 cessor authorities) for the previous year increased or  
6 decreased, as the case may be, by the same percent-  
7 age by which such total amount appropriated for  
8 those sections increased or decreased from the pre-  
9 vious year.

10          “(e) DEFINITION.—For the purpose of this section  
11 and sections 1123 through 1125, the term ‘State’ means  
12 each of the 50 States, the District of Columbia, and the  
13 Commonwealth of Puerto Rico.

14                           “BASIC GRANTS

15          “SEC. 1123. (a) ELIGIBILITY OF COUNTIES.—A  
16 county in a State is eligible for a basic grant under this  
17 section for any fiscal year only if the number of children  
18 in the county counted under subsection (c)(1)(A) is at  
19 least—

20           “(1) 100; or

21           “(2) 18 percent of the total number of children  
22 aged five through 17 in the county.

23          “(b) GRANTS FOR COUNTIES, THE DISTRICT OF CO-  
24 LUMBIA, AND PUERTO RICO.—(1) The amount of the  
25 grant that a county in a State or that the District of Co-

1 lumbia is eligible to receive under this section for any fis-  
2 cal year shall be the product of—

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

5           “(B) 40 percent of the average per-pupil ex-  
6 penditure in the State, except that such percentage  
7 shall not be less than 32 percent nor more than 48  
8 percent of the average per-pupil expenditure in the  
9 United States.

10          “(2) For each fiscal year, the amount of the grant  
11 for which the Commonwealth of Puerto Rico is eligible  
12 under this section shall be equal to—

13           “(A) the number of children counted under sub-  
14 section (c) for Puerto Rico, multiplied by the prod-  
15 uct of—

16           “(B)(i) the percentage that the average per-  
17 pupil expenditure in Puerto Rico is of the lowest av-  
18 erage per-pupil expenditure of any of the 50 States;  
19 and

20           “(ii) 32 percent of the average per-pupil ex-  
21 penditure in the United States.

22          “(c) CHILDREN TO BE COUNTED.—(1) CATEGORIES  
23 OF CHILDREN.—The number of children to be counted for  
24 purposes of this section shall be—

1           “(A) the total number of children aged five  
2 through 17 in a county—

3           “(i) from families below the poverty  
4 level, as determined under paragraph  
5 (2)(A);

6           “(ii) from families above the poverty  
7 level, as determined under paragraph (2)  
8 (B) and (C); and

9           “(iii) living in institutions for ne-  
10 glected or delinquent children (other than  
11 institutions operated by the United States  
12 and those with children counted under part  
13 D of this title) or being supported in foster  
14 homes with public funds, as determined  
15 under paragraph (2)(C); less

16           “(B) two percent of the total number of  
17 children aged five through 17 in the county.

18           “(2) DETERMINATION OF NUMBER OF CHILDREN.—  
19 (A)(i) The Secretary shall determine the number of chil-  
20 dren described in paragraph (1)(A)(i) on the basis of the  
21 most recent satisfactory data available from the Depart-  
22 ment of Commerce for counties, the District of Columbia,  
23 and Puerto Rico.

1       “(ii) In making such determinations, the Secretary  
2 shall use the criteria of poverty used by the Bureau of  
3 the Census in compiling the most recent decennial census.

4       “(B)(i) The Secretary shall determine the number of  
5 children described in paragraph (1)(A)(ii) on the basis of  
6 the number of such children from families receiving an an-  
7 nual income, in excess of the current criteria of poverty,  
8 from payments under the program of aid to families with  
9 dependent children under a State plan approved under  
10 title IV of the Social Security Act.

11       “(ii) In making such determinations, the Secretary  
12 shall use the criteria of poverty used by the Bureau of  
13 the Census in compiling the most recent decennial census,  
14 for a family of four, in such form as those criteria have  
15 been updated to reflect increases in the Consumer Price  
16 Index.

17       “(C) The Secretary shall determine the number of  
18 children described in paragraph (1)(A) (ii) and (iii) on the  
19 basis of—

20               “(i) caseload data for the month of October of  
21 the preceding fiscal year, using, in the case of chil-  
22 dren described in paragraph (1)(A)(ii), the criteria  
23 of poverty and the form of such criteria that were  
24 determined for the calendar year preceding such  
25 month of October; or

1           “(ii) to the extent that such data are not avail-  
2           able to the Secretary by January 1 of the calendar  
3           year in which the Secretary’s determination is made,  
4           on the basis of the most recent reliable data avail-  
5           able to the Secretary at the time of such determina-  
6           tion.

7           “(D) For purposes of this subsection, the Secretary  
8           shall consider all children who are in correctional institu-  
9           tions to be living in institutions for delinquent children.

10          “(E) The Secretary of Health and Human Services  
11          shall collect and transmit information on the number of  
12          children described in paragraph (1)(A)(ii) and the number  
13          of foster children described in paragraph (1)(A)(iii) to the  
14          Secretary by January 1 of each year.

15          “(d) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—

16          (1) From funds remaining after the State educational  
17          agency reserves any funds under section 1601(c), and ex-  
18          cept as provided in section 1125(d), a State educational  
19          agency shall allocate each county amount determined  
20          under subsection (b) among all local educational agencies  
21          in the county or counties in which the agencies are located  
22          on the basis of—

23                  “(A) the total number of children aged five  
24                  through 17 in the local educational agency—

1           “(i) in local institutions for neglected or  
2 delinquent children; and

3           “(ii) from low-income families, as deter-  
4 mined under paragraph (2); less

5           “(B) two percent of the total number of chil-  
6 dren aged five through 17 in the local educational  
7 agency.

8           “(2) The State educational agency shall determine  
9 the number of children from low-income families in local  
10 educational agencies—

11           “(A) based on the best data available on a  
12 Statewide basis; and

13           “(B) using the same measure of low income  
14 throughout the State.

15           “(3) The State educational agency shall distribute  
16 funds under this section to each local educational agency  
17 in proportion to the number of children counted under  
18 paragraph (1) in the local educational agency compared  
19 to the number of such children in all local educational  
20 agencies in the county.

21           “CONCENTRATION GRANTS

22           “SEC. 1124. (a) ELIGIBILITY OF COUNTIES.—Except  
23 as otherwise provided in this section, a county in a State  
24 is eligible for a grant under this section if—

1           “(1) the number of children counted under sec-  
2           tion 1123(c)(1)(A) in the county is more than 6,500;  
3           or

4           “(2) the percentage of children counted under  
5           such section is greater than 18 percent of the total  
6           number of children aged five through 17 in the  
7           county.

8           “(b) GRANTS FOR COUNTIES, THE DISTRICT OF CO-  
9           LUMBIA, AND PUERTO RICO.—(1) The amount of the  
10          grant that a county in a State or that the District of Co-  
11          lumbia or Puerto Rico is eligible to receive under this sec-  
12          tion for any fiscal year is the product of—

13           “(A) the number of children counted under sec-  
14           tion 1123(c)(1)(A), minus two percent of the total  
15           number of children aged five through 17 in the  
16           county; and

17           “(B) the per-pupil amount determined under  
18           section 1123(b) for the fiscal year for which the de-  
19           termination is being made for that county.

20          “(c) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—  
21          (1)(A) From funds remaining after the State educational  
22          agency reserves any funds under section 1601(c), and ex-  
23          cept as otherwise provided in this subsection and in sec-  
24          tion 1125(d), funds allocated to counties under this sec-  
25          tion shall be allocated by the State educational agency only

1 to those local educational agencies whose school districts  
2 lie, in whole or in part, within the county and that are  
3 determined by the State educational agency to meet either  
4 of the eligibility criteria in subsection (a).

5       “(B) Such determinations shall be made on the basis  
6 of the same poverty data used by the State educational  
7 agency under section 1123(d). If the State educational  
8 agency does not use census poverty data to determine eli-  
9 gibility, it must equate the poverty measure it uses to the  
10 latest available census data in order that eligibility is not  
11 affected by differences in sources of poverty data.

12       “(C) The State educational agency shall distribute  
13 funds under this section to each local educational agency  
14 that is eligible to receive those funds in proportion to the  
15 number of children counted under section 1123(d) in each  
16 local educational agency compared to the number of such  
17 children in all local educational agencies that are eligible  
18 for concentration grants in the county.

19       “(2)(A) In counties where no local educational agency  
20 meets either of the criteria in subsection (a), the State  
21 educational agency shall allocate such funds among the  
22 local educational agencies within such counties, in whole  
23 or in part, based on their respective concentrations and  
24 numbers of children counted under section 1123(d).



1       “(B) Only local educational agencies with concentra-  
2 tions of poverty that exceed the countywide average per-  
3 centage of children counted under section 1123(d) or the  
4 countywide average number of such children may receive  
5 any funds on the basis of this paragraph.

6       “(3) In States that receive the minimum grant under  
7 section 1122(d), the State educational agency shall allo-  
8 cate such funds among the local educational agencies in  
9 such State either—

10           “(A) in accordance with paragraphs (1) and (2)  
11 of this subsection and section 1125(d); or

12           “(B) without regard to the counties in which  
13 such local educational agencies are located, based on  
14 their respective concentrations and numbers of chil-  
15 dren counted under section 1123(d), except that  
16 only those local educational agencies with concentra-  
17 tions of children counted under section 1123(d) that  
18 exceed the Statewide average percentage of such  
19 children or the Statewide average number of such  
20 children shall receive any funds on the basis of this  
21 subparagraph.

22       “(4) A State educational agency may reserve not  
23 more than ten percent of its allocation under this section  
24 to make direct payments to local educational agencies that

1 meet either of the criteria in subsection (a), but are in  
2 ineligible counties.

3 “SPECIAL ALLOCATION PROCEDURES

4 “SEC. 1125. (a) HOLD-HARMLESS AMOUNTS.—The  
5 total amount made available to each local educational  
6 agency under sections 1123 and 1124 for any fiscal year  
7 shall be at least 85 percent of the total amount such agen-  
8 cy received under such sections (or, for fiscal year 1995,  
9 under their predecessor authorities) for the preceding fis-  
10 cal year.

11 “(b) ALLOCATIONS FOR NEGLECTED OR DELIN-  
12 QUENT CHILDREN.—(1) If a State educational agency de-  
13 termines that a local educational agency in the State is  
14 unable or unwilling to provide for the special educational  
15 needs of children who are living in institutions for ne-  
16 glected or delinquent children as described in section  
17 1123(c)(1)(A)(ii), the State educational agency shall, if it  
18 assumes responsibility for the special educational needs of  
19 such children, receive the portion of such local educational  
20 agency’s allocation under sections 1123 and 1124 that is  
21 attributable to such children.

22 “(2) If the State educational agency does not assume  
23 such responsibility, any other State or local public agency  
24 that does assume such responsibility shall receive that por-  
25 tion of the local educational agency’s allocation.

1       “(c) ALLOCATIONS AMONG LOCAL EDUCATIONAL  
2 AGENCIES.—The State educational agency may allocate  
3 the amounts of grants under sections 1123 and 1124 be-  
4 tween and among the affected local educational agencies  
5 when—

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

9           “(2) a local educational agency provides free  
10 public education for children who reside in the  
11 school district of another local educational agency.

12       “(d) ALLOCATIONS WITHOUT REGARD TO COUN-  
13 TIES.—A State educational agency may allocate funds  
14 under sections 1123 and 1124 directly to eligible local  
15 educational agencies without regard to counties if the  
16 State educational agency can demonstrate to the Sec-  
17 retary’s satisfaction that doing so will result in a reason-  
18 able allocation of those funds.

19       “(e) REALLOCATION.—If a State educational agency  
20 determines that the amount of a grant a local educational  
21 agency would receive under sections 1123 and 1124 is  
22 more than such local agency will use, the State educational  
23 agency shall make the excess amount available to other  
24 local educational agencies in the State that need additional

1 funds in accordance with criteria established by the State  
2 educational agency.

3 “CARRYOVER AND WAIVER

4 “SEC. 1126. (a) LIMITATION ON CARRYOVER.—Not-  
5 withstanding section 412 of the General Education Provi-  
6 sions Act or any other provision of law, not more than  
7 15 percent of the funds allocated to a local educational  
8 agency for any fiscal year under this subpart (but not in-  
9 cluding funds received through any reallocation under this  
10 subpart) may remain available for obligation by such agen-  
11 cy for one additional fiscal year.

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

15 “(1) the agency determines that the request of  
16 a local educational agency is reasonable and nec-  
17 essary; or

18 “(2) supplemental appropriations for this sub-  
19 part become available.

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

1 “PART B—EVEN START FAMILY LITERACY PROGRAMS

2 “STATEMENT OF PURPOSE

3 “SEC. 1201. It is the purpose of this part to help  
4 break the cycle of poverty and illiteracy by improving the  
5 educational opportunities of the Nation’s low-income fami-  
6 lies by integrating early childhood education, adult literacy  
7 or adult basic education, and parenting education into a  
8 unified family literacy program, to be referred to as ‘Even  
9 Start’, that is implemented through cooperative projects  
10 that build on existing community resources to create a new  
11 range of services, that promotes achievement of the Na-  
12 tional Education Goals, and that assists children and  
13 adults from low-income families to achieve to challenging  
14 State standards.

15 “PROGRAM AUTHORIZED

16 “SEC. 1202. (a) RESERVATION FOR MIGRANT PRO-  
17 GRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—In each  
18 fiscal year, the Secretary shall reserve not more than 5  
19 percent of the amount appropriated under section 1002(b)  
20 of this title for programs, under such terms and conditions  
21 as the Secretary shall establish, that are consistent with  
22 the purpose of this part, and according to their relative  
23 needs, for—

24 “(1) children of migratory workers;

25 “(2) the outlying areas; and

26 “(3) Indian tribes and tribal organizations.

1       “(b) RESERVATION FOR FEDERAL ACTIVITIES.—  
2 From amounts appropriated under section 1002(b), the  
3 Secretary may reserve not more than 3 percent of such  
4 amounts or the amount reserved for such purposes in the  
5 fiscal year 1994, whichever is greater, for purposes of—

6               “(1) carrying out the evaluation required by  
7 section 1209; and

8               “(2) providing, through grants or contracts,  
9 technical assistance, program improvement, and rep-  
10 lication activities.

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

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

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

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

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

3                   “(A) a local educational agency; and

4                   “(B) a nonprofit community-based organi-  
5           zation, public agency, institution of higher edu-  
6           cation, or other public or private nonprofit or-  
7           ganization of demonstrated quality;

8           “(2) the terms ‘Indian tribe’ and ‘tribal organi-  
9           zation’ have the meanings given such terms in sec-  
10          tion 4 of the Indian Self-Determination and Edu-  
11          cation Assistance Act; and

12           “(3) the term ‘State’ includes each of the 50  
13          States, the District of Columbia, and the Common-  
14          wealth of Puerto Rico.

15                   “STATE PROGRAMS

16          “SEC. 1203. (a) STATE-LEVEL ACTIVITIES.—Each  
17          State that receives a grant under section 1202(c)(1) may  
18          use not more than 5 percent of assistance provided under  
19          the grant for the costs of—

20                   “(1) administration; and

21                   “(2) providing, through one or more subgrants  
22          or contracts, technical assistance for program im-  
23          provement and replication to eligible entities that re-  
24          ceive subgrants under subsection (b).

25          “(b) SUBGRANTS FOR LOCAL PROGRAMS.—(1) Each  
26          State shall use the remainder of its grant to make

1 subgrants to eligible entities to carry out Even Start pro-  
2 grams.

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

5 “USES OF FUNDS

6 “SEC. 1204. (a) IN GENERAL.—In carrying out an  
7 Even Start program under this part, a recipient of funds  
8 under this part shall use such funds to pay the Federal  
9 share of the cost of providing family-centered education  
10 programs that involve parents and children in a coopera-  
11 tive effort to help parents become full partners in the edu-  
12 cation of their children and to assist children in reaching  
13 their full potential as learners.

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

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

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

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

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

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

24 “(B) The remaining cost of a program under this  
25 part may be provided in cash or in kind, fairly evaluated,



1 and may be obtained from any source other than funds  
2 received under this title.

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

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

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

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

19 “PROGRAM ELEMENTS

20 “SEC. 1205. Each Even Start program assisted  
21 under this part shall—

22 “(1) include the identification and recruitment  
23 of those families most in need of services provided  
24 under this part, as indicated by a low level of in-  
25 come, a low level of adult literacy or English lan-

1 guage proficiency of the eligible parent or parents,  
2 and other need-related indicators;

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

9 “(3) be designed to accommodate the partici-  
10 pants’ work and other responsibilities, including the  
11 provision of support services, when unavailable from  
12 other sources, necessary for their participation, such  
13 as—

14 “(A) scheduling and location of services to  
15 allow joint participation by parents and chil-  
16 dren;

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

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

23 “(4) include high-quality instructional programs  
24 that promote adult literacy, training of parents to  
25 support the educational growth of their children, de-

1 velopmentally appropriate early childhood edu-  
2 cational services, and preparation of children for  
3 success in regular school programs;

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

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

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

16 “(8) be coordinated with—

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

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

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

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

3                           “ELIGIBLE PARTICIPANTS

4           “SEC. 1206. (a) IN GENERAL.—Except as provided  
5           in subsection (b), eligible participants in an Even Start  
6           program are—

7                   “(1) a parent or parents—

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

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

16                   “(2) the child or children, from birth through  
17           age seven, of any individual described in paragraph  
18           (1).

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

24           “(2) Any family participating in a program under  
25           this part that becomes ineligible for such participation as  
26           a result of one or more members of the family becoming

1 ineligible for such participation may continue to partici-  
2 pate in the program until all members of the family be-  
3 come ineligible for participation, which—

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

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

13                           “APPLICATIONS

14           “SEC. 1207. (a) SUBMISSION.—To be eligible to re-  
15 ceive a subgrant under this part, an eligible entity shall  
16 submit an application to the State educational agency in  
17 such form and containing or accompanied by such infor-  
18 mation as the State educational agency shall require.

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

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

25                   “(2) to provide the special training necessary to  
26 prepare staff for the program.

1       “(c) PLAN.—Such application shall also include a  
2 plan of operation for the program that is consistent with,  
3 and promotes the goals of, the State and local plans, either  
4 approved or being developed, under title III of the Goals  
5 2000: Educate America Act or, if those plans are not ap-  
6 proved or being developed, with the State and local plans  
7 under sections 1111 and 1112 of this Act; and includes—

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

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

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

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

22              “(5) a statement of the methods that will be  
23 used—

1           “(A) to ensure that the programs will serve  
2 those families most in need of the activities and  
3 services provided by this part;

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

8           “(C) to encourage participants to remain  
9 in the program for a time sufficient to meet the  
10 program’s purpose.

11                   “AWARD OF SUBGRANTS

12       “SEC. 1208. (a) SELECTION PROCESS.—(1) The  
13 State educational agency shall establish a review panel  
14 that will approve applications that—

15           “(A) are most likely to be successful in meeting  
16 the purpose of this part, and in effectively imple-  
17 menting the program elements required under sec-  
18 tion 1205;

19           “(B) demonstrate that the area to be served by  
20 such program has a high percentage or a large num-  
21 ber of children and families who are in need of such  
22 services as indicated by high levels of poverty, illit-  
23 eracy, unemployment, limited English proficiency, or  
24 other need-related indicators, including a high per-  
25 centage of children to be served by the program who

1       reside in a school attendance area designated for  
2       participation in programs under part A of this title;

3           “(C) provide services for at least a three-year  
4       age range;

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

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

10          “(F) demonstrate the applicant’s ability to pro-  
11       vide the additional funding required by section  
12       1204(b);

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

15          “(H) show the greatest promise for providing  
16       models that may be adopted by other local edu-  
17       cational agencies.

18       “(2) The State educational agency shall give priority  
19       for subgrants under this subsection to proposals that ei-  
20       ther—

21           “(A) target services primarily to families whose  
22       children reside in attendance areas of schools eligible  
23       for schoolwide programs under part A of this title;  
24       or



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

3           “(b) REVIEW PANEL.—A review panel shall consist  
4 of at least three members, including one early childhood  
5 professional, one adult education professional, and one of  
6 the following individuals:

7           “(1) A representative of a parent-child edu-  
8 cation organization.

9           “(2) A representative of a community-based lit-  
10 eracy organization.

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

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

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

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

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

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

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

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

14 “(B) During the second project period, the Federal  
15 share of the subgrant shall not exceed 50 percent in any  
16 year.

17 “EVALUATION

18 “SEC. 1209. From funds reserved under section  
19 1202(b)(1), the Secretary shall provide for an independent  
20 evaluation of programs under this part—

21 “(1) to determine the performance and effec-  
22 tiveness of programs; and

23 “(2) to identify effective Even Start projects  
24 that can be replicated and used in providing tech-  
25 nical assistance to national, State, and local pro-  
26 grams.

1       “PART C—EDUCATION OF MIGRATORY CHILDREN

2                               “PROGRAM PURPOSE

3       “SEC. 1301. It is the purpose of this part to assist  
4 States to—

5               “(1) support high-quality and comprehensive  
6 educational programs for migratory children to help  
7 reduce the educational disruptions and other prob-  
8 lems that result from repeated moves;

9               “(2) ensure that migratory children are pro-  
10 vided with appropriate educational services (includ-  
11 ing supportive services) that address their special  
12 needs in a coordinated and efficient manner;

13               “(3) ensure that migratory children have the  
14 opportunity to achieve to meet the same challenging  
15 State performance standards that all children are  
16 expected to meet;

17               “(4) design programs to help migratory chil-  
18 dren overcome educational disruption, cultural and  
19 language barriers, social isolation, various health-  
20 related problems, and other factors that inhibit their  
21 ability to do well in school, and to prepare these chil-  
22 dren to make a successful transition to postsecond-  
23 ary education or employment; and

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

1                   “PROGRAM AUTHORIZED

2           “SEC. 1302. In order to carry out the purpose of this  
3 part, the Secretary shall make grants to State educational  
4 agencies, or combinations of such agencies, to establish or  
5 improve, directly or through local operating agencies, pro-  
6 grams of education for migratory children in accordance  
7 with this part.

8                   “STATE ALLOCATIONS

9           “SEC. 1303. (a) STATE ALLOCATIONS.—Each State  
10 (other than the Commonwealth of Puerto Rico) is eligible  
11 to receive under this part, for each fiscal year, an amount  
12 equal to—

13                   “(1) the sum of the estimated number of migra-  
14 tory children aged three through 21 who reside in  
15 the State full time and the full-time equivalent of  
16 the estimated number of migratory children aged  
17 three through 21 who reside in the State part time,  
18 as determined in accordance with subsection (e);  
19 multiplied by

20                   “(2) 40 percent of the average per-pupil ex-  
21 penditure in the State, except that the amount de-  
22 termined under this paragraph shall not be less than  
23 32 percent, or more than 48 percent, of the average  
24 per-pupil expenditure in the United States.

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

4           “(1) the number of migratory children in Puer-  
5 to Rico, determined under subsection (a)(1); multi-  
6 plied by

7           “(2) the product of—

8               “(A) the percentage that the average per-  
9 pupil expenditure in Puerto Rico is of the low-  
10 est average per-pupil expenditure of any of the  
11 50 States; and

12               “(B) 32 percent of the average per-pupil  
13 expenditure in the United States.

14       “(c) RATABLE REDUCTIONS; REALLOCATIONS.—

15 (1)(A) If, after the Secretary reserves funds under section  
16 1308(c), the amount appropriated to carry out this part  
17 for any fiscal year is insufficient to pay in full the amounts  
18 for which all States are eligible, the Secretary shall ratably  
19 reduce each such amount.

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

24       “(2)(A) The Secretary shall further reduce the  
25 amount of any grant to a State under this part for any

1 fiscal year if the Secretary determines, based on available  
2 information on the numbers and needs of migratory chil-  
3 dren in the State and the program proposed by the State  
4 to address those needs, that such amount is not needed  
5 by the State.

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

11 “(d) CONSORTIUM ARRANGEMENTS.—(1) In the case  
12 of any State that receives a grant of \$500,000 or less  
13 under this section, the Secretary shall consult with the  
14 State educational agency to determine whether consortium  
15 arrangements with another State or other appropriate en-  
16 tity would result in delivery of services in a more effective  
17 and efficient manner.

18 “(2) Any State, irrespective of the amount of its allo-  
19 cation, may propose a consortium arrangement.

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

23 “(A) reduce administrative costs or program  
24 function costs for State programs; and

1           “(B) make more funds available for direct serv-  
2           ices to add substantially to the welfare or edu-  
3           cational attainment of children to be served under  
4           this part.

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

9           “(1) use such information as the Secretary  
10          finds most accurately reflects the actual number of  
11          migratory children; and

12          “(2) adjust the full-time equivalent number of  
13          migratory children who reside in each State to take  
14          account of—

15                 “(A) the special needs of those children  
16                 participating in special programs provided  
17                 under this part that operate during the summer  
18                 or other intersession periods; and

19                 “(B) the additional costs of operating such  
20                 programs.

21                 “STATE APPLICATIONS; SERVICES

22                 “SEC. 1304. (a) APPLICATION REQUIRED.—Any  
23                 State wishing to receive a grant under this part for any  
24                 fiscal year shall submit an application to the Secretary at  
25                 such time and in such manner as the Secretary may re-  
26                 quire.

1       “(b) PROGRAM INFORMATION.—Each such applica-  
2 tion shall include—

3           “(1) a description of how, in planning, imple-  
4 menting, and evaluating programs and projects  
5 under this part, the State and its operating agencies  
6 will ensure that the special educational needs of mi-  
7 gratory children are identified and addressed  
8 through a comprehensive plan for needs assessment  
9 and service delivery that meets the requirements of  
10 section 1306;

11           “(2) a description of the steps the State is tak-  
12 ing to provide all migratory students with the oppor-  
13 tunity to meet the same challenging State perform-  
14 ance standards that all children are expected to  
15 meet;

16           “(3) a description of how the State will use its  
17 funds to promote interstate and intrastate coordina-  
18 tion of services for migratory children, including  
19 how, consistent with procedures the Secretary may  
20 require, it will provide for educational continuity  
21 through the timely transfer of pertinent school  
22 records, including information on health, when chil-  
23 dren move from one school to another, whether or  
24 not during the regular school year;



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

5           “(5) a description of how the State will deter-  
6 mine the amount of any subgrants it will award to  
7 local operating agencies and the amount of funds  
8 that these agencies will provide to individual schools,  
9 taking into account the requirements of paragraph  
10 (1); and

11           “(6) such budgetary and other information as  
12 the Secretary may require.

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

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

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

20           “(B) to coordinate such programs and  
21 projects with similar programs and projects  
22 within the State and in other States, as well as  
23 with other Federal programs that can benefit  
24 migratory children and their families;

1           “(2) such programs and projects will be carried  
2 out in a manner consistent with the objectives of  
3 sections 1114, 1115(b) and (d), 1117, and 1119(b)  
4 and (c), and part F of this title;

5           “(3) in the planning and operation of programs  
6 and projects at both the State and local operating  
7 agency level, there is appropriate consultation with  
8 parent advisory councils for programs lasting a  
9 school year, and that all such programs and projects  
10 are carried out, to the extent feasible, in a manner  
11 consistent with section 1116 of this title;

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

16           “(5) the effectiveness of such programs and  
17 projects will be determined, where feasible, using the  
18 same approaches and standards that will be used to  
19 assess the performance of students, schools, and  
20 local educational agencies under part A of this title;  
21 and

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

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

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

9               “(1) a child who ceases to be a migratory child  
10 during a school term shall be eligible for services  
11 until the end of such term; and

12               “(2) a child who is no longer a migratory child  
13 may continue to receive services for one additional  
14 school year, but only if comparable services are not  
15 available through other programs.

16               “SECRETARIAL APPROVAL; PEER REVIEW

17       “SEC. 1305. (a) SECRETARIAL APPROVAL.—The Sec-  
18 retary shall approve each State application that meets the  
19 requirements of this part.

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

23       “COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-  
24 DELIVERY PLAN; AUTHORIZED ACTIVITIES

25       “SEC. 1306. (a) COMPREHENSIVE PLAN.—Each  
26 State that receives a grant under this part shall ensure

1 that the State and its local operating agencies identify and  
2 address the special educational needs of migratory chil-  
3 dren in accordance with a comprehensive State plan  
4 that—

5 “(1)(A) is integrated with the State’s plan, ei-  
6 ther approved or being developed, under title III of  
7 the Goals 2000: Educate America Act, and satisfies  
8 the requirements of this subsection that are not al-  
9 ready addressed by that State plan; or

10 “(B) if the State does not have an approved  
11 plan under title III of the Goals 2000: Educate  
12 America Act and is not developing such a plan, is  
13 integrated with other State plans under this Act and  
14 satisfies the requirements of this subsection;

15 “(2) provides that migratory children will have  
16 an opportunity to meet the same challenging State  
17 performance standards, set out in those plans, that  
18 all children are expected to meet;

19 “(3) specifies measurable program goals and  
20 outcomes;

21 “(4) encompasses the full range of services that  
22 are available for migratory children from appropriate  
23 local, State and Federal educational programs;

24 “(5) is the product of joint planning among  
25 such local, State, and Federal programs, including

1 those under part A of this title, early childhood pro-  
2 grams, and bilingual education programs under title  
3 VII of this Act;

4 “(6) provides for the integration of services  
5 available under this part with services provided by  
6 such other programs; and

7 “(7) to the extent feasible, provides for—

8 “(A) advocacy and outreach activities for  
9 migratory children and their families, including  
10 informing them of, or helping them gain access  
11 to, other education, health, nutrition, and social  
12 services;

13 “(B) professional development programs,  
14 including mentoring, for teachers and other  
15 program personnel;

16 “(C) family literacy programs, including  
17 those that use models developed under the Even  
18 Start program;

19 “(D) the integration of information tech-  
20 nology into educational and related programs;  
21 and

22 “(E) programs to facilitate the transition  
23 of high school students to postsecondary edu-  
24 cation or employment.

1       “(b) AUTHORIZED ACTIVITIES.—(1) In implementing  
2 the comprehensive plan described in subsection (a), each  
3 local operating agency shall have the flexibility to deter-  
4 mine the activities to be provided with funds made avail-  
5 able under this part, provided that—

6           “(A) before funds provided under this part are  
7 used to provide services described in subparagraph  
8 (B), those funds shall be used to meet the identified  
9 needs of migratory children that—

10           “(i) result from the effects of their migra-  
11 tory lifestyle, or are needed to permit migratory  
12 children to participate effectively in school;

13           “(ii) are not addressed by services provided  
14 under other programs, including part A of this  
15 title; and

16           “(B) all migratory children who are eligible to  
17 receive services under part A of this title shall re-  
18 ceive such services with funds provided under this  
19 part or under part A of this title.

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

23   “BYPASS

24       “SEC. 1307. The Secretary may use all or part of  
25 any State’s allocation under this part to make arrange-  
26 ments with any public or nonprofit agency to carry out

1 the purpose of this part in such State if the Secretary  
2 determines that—

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

5 “(2) such arrangements would result in more  
6 efficient and economic administration of such pro-  
7 grams; or

8 “(3) such arrangements would add substantially  
9 to the welfare or educational attainment of such  
10 children.

11 “COORDINATION OF MIGRANT EDUCATION ACTIVITIES

12 “SEC. 1308. (a) IMPROVEMENT OF COORDINA-  
13 TION.—The Secretary, in consultation with the States,  
14 may make grants to, or enter into contracts with, State  
15 educational agencies, local educational agencies, institu-  
16 tions of higher education, and other public and private en-  
17 tities to improve the interstate and intrastate coordination  
18 among State and local educational agencies of their edu-  
19 cational programs, including the establishment or im-  
20 provement of programs for credit accrual and exchange,  
21 available to migratory students.

22 “(b) REPORT.—Not later than October 1, 1995, the  
23 Secretary shall submit a report to the Congress regarding  
24 the effectiveness of methods used by States to transfer mi-  
25 gratory students’ educational and health records.

1       “(c) AVAILABILITY OF FUNDS.—For the purpose of  
2 carrying out this section, the Secretary shall reserve up  
3 to 5 percent of the amount appropriated for each fiscal  
4 year to carry out this part.

5                               “DEFINITIONS

6       “SEC. 1309. As used in this part, the following terms  
7 have the following meanings:

8               “(1) The term ‘local operating agency’ means—

9                       “(A) a local educational agency to which a  
10 State educational agency makes a subgrant  
11 under this part;

12                      “(B) a public or nonprofit private agency  
13 with which a State educational agency or the  
14 Secretary makes an arrangement to carry out a  
15 project under this part; or

16                      “(C) a State educational agency, if the  
17 State educational agency operates the State’s  
18 migrant education program or projects directly.

19               “(2) The term ‘migratory child’ means a child  
20 who is, or whose parent or spouse is, a migratory  
21 agricultural worker (including a migratory dairy  
22 worker) or a migratory fisher, and who, in the pre-  
23 ceding 24 months, in order to obtain, or accompany  
24 such parent or spouse in order to obtain, temporary  
25 or seasonal employment in agricultural or fishing  
26 work—



1           “(A) has moved from one school district to  
2           another; or

3           “(B) in a State that is comprised of a sin-  
4           gle school district, has moved from one adminis-  
5           trative area to another within such district.

6           “PART D—EDUCATION FOR NEGLECTED AND  
7                           DELINQUENT YOUTH

8           “PURPOSE; PROGRAM AUTHORIZED

9           “SEC. 1401. (a) PURPOSE.—It is the purpose of this  
10       part to—

11           “(1) improve educational services to children in  
12       institutions for neglected or delinquent children so  
13       that they have the opportunity to meet the same  
14       challenging State performance standards that all  
15       children in the State will be expected to meet; and

16           “(2) provide those children the services they  
17       need to make a successful transition from institu-  
18       tionalization to further schooling or employment.

19           “(b) PROGRAM AUTHORIZED.—In order to carry out  
20       the purpose of this part, the Secretary shall make grants  
21       to State educational agencies, which shall make subgrants  
22       to State agencies to establish or improve programs of edu-  
23       cation for neglected or delinquent children, in accordance  
24       with this part.

1 “ELIGIBILITY

2 “SEC. 1402. A State agency is eligible for assistance  
3 under this part if it is responsible for providing free public  
4 education for children—

5 “(1) in institutions for neglected or delinquent  
6 children;

7 “(2) attending community-day programs for ne-  
8 glected or delinquent children; or

9 “(3) in adult correctional institutions.

10 “ALLOCATION OF FUNDS

11 “SEC. 1403. (a) SUBGRANTS TO STATE AGENCIES.—  
12 Each State agency described in section 1402 (other than  
13 an agency in the Commonwealth of Puerto Rico) is eligible  
14 to receive under this part, for each fiscal year, an amount  
15 equal to the product of—

16 “(1) the number of neglected or delinquent chil-  
17 dren in institutions or attending programs described  
18 in section 1402, who are enrolled for at least 20  
19 hours per week in education programs operated or  
20 supported by such agency, which shall—

21 “(A) be determined by such agency as of  
22 a date or dates set by the Secretary; and

23 “(B) be adjusted, as the Secretary deter-  
24 mines is appropriate, to reflect the relative  
25 length of such agency’s annual programs; and

1           “(2) 40 percent of the average per-pupil ex-  
2           penditure in the State, except that the amount de-  
3           termined under this paragraph shall not be less than  
4           32 percent, or more than 48 percent, of the average  
5           per-pupil expenditure in the United States.

6           “(b) SUBGRANTS TO STATE AGENCIES IN PUERTO  
7 RICO.—For each fiscal year, the amount of the grant for  
8 which a State agency in the Commonwealth of Puerto Rico  
9 is eligible under this part shall be equal to—

10           “(1) the number of children counted under sub-  
11           section (a)(1) for Puerto Rico; multiplied by the  
12           product of—

13           “(2)(A) the percentage that the average per-  
14           pupil expenditure in Puerto Rico is of the lowest av-  
15           erage per-pupil expenditure of any of the 50 States;  
16           and

17           “(B) 32 percent of the average per-pupil ex-  
18           penditure in the United States.

19           “(c) RATABLE REDUCTIONS IN CASE OF INSUFFI-  
20           CIENT APPROPRIATIONS.—If the amount appropriated for  
21 any fiscal year for subgrants under subsections (a) and  
22 (b) is insufficient to pay the full amount for which all  
23 agencies are eligible under such subsections, the Secretary  
24 shall ratably reduce each such amount.

1       “(d) PAYMENTS TO STATE EDUCATIONAL AGEN-  
2 CIES.—(1) The Secretary shall pay to each State edu-  
3 cational agency the total amount needed to make  
4 subgrants to State agencies in that State, as determined  
5 under this section.

6       “(2) Each State educational agency may retain a por-  
7 tion of such total amount for State administration of, in  
8 accordance with section 1601(c) of this title.

9               “STATE REALLOCATION OF FUNDS

10       “SEC. 1404. If a State educational agency determines  
11 that a State agency does not need the full amount of the  
12 subgrant for which it is eligible under this part for any  
13 fiscal year, the State educational agency may reallocate  
14 the amount that will not be needed to other State agencies  
15 that need additional funds to carry out the purpose of this  
16 part, in such amounts as the State educational agency  
17 shall determine.

18               “STATE PLAN AND STATE AGENCY APPLICATIONS

19       “SEC. 1405. (a) STATE PLAN.—(1)(A) Each State  
20 educational agency that desires to receive payments under  
21 this part shall submit, for approval by the Secretary, a  
22 plan for meeting the needs of neglected and delinquent  
23 children, which shall be revised and updated as needed,  
24 that—

25               “(i) is integrated with the State’s plan, either  
26 approved or being developed, under title III of the

1 Goals 2000: Educate America Act, and satisfies the  
2 requirements of this section that are not already ad-  
3 dressed by that State plan; or

4 “(ii) if the State does not have an approved  
5 plan under title III of the Goals 2000: Educate  
6 America Act and is not developing such a plan, is  
7 integrated with other State plans under this Act and  
8 satisfies the requirements of this section.

9 “(B) A State plan submitted under paragraph  
10 (1)(A)(i) may, if necessary, be submitted as an amend-  
11 ment to the State’s plan under title III of the Goals 2000:  
12 Educate America Act.

13 “(2) Each such plan shall also—

14 “(A) describe the State-established program  
15 goals, objectives, and performance measures that will  
16 be used to assess the effectiveness of the program in  
17 improving academic and vocational skills of children  
18 in the program;

19 “(B) provide that, to the extent feasible, such  
20 children will have the same opportunities to learn as  
21 they would have if they were in the schools of local  
22 educational agencies in the State; and

23 “(C) contain assurances that the State edu-  
24 cational agency will—

1           “(i) ensure that programs assisted under  
2           this part will be carried out in accordance with  
3           the State plan described in this subsection;

4           “(ii) carry out the evaluation requirements  
5           of section 1409 of this part;

6           “(iii) ensure that its State agencies comply  
7           with all applicable statutory and regulatory re-  
8           quirements; and

9           “(iv) provide such other information as the  
10          Secretary may reasonably require.

11          “(b) SECRETARIAL APPROVAL; PEER REVIEW.—(1)  
12          The Secretary shall approve each State plan that meets  
13          the requirements of this part.

14          “(2) The Secretary may review any such plan with  
15          the assistance and advice of individuals with relevant ex-  
16          pertise.

17          “(c) STATE AGENCY APPLICATIONS.—Any State  
18          agency that desires to receive funds to carry out a pro-  
19          gram under this part shall submit an application to the  
20          State educational agency that—

21                 “(1) describes the procedures to be used, con-  
22                 sistent with the State plan under part A of this title,  
23                 to assess the educational needs of the children to be  
24                 served;

1           “(2) describes the program, including a budget  
2 for the first year of the program, with annual up-  
3 dates to be provided;

4           “(3) describes how the program will meet the  
5 goals and objectives of the State plan under this  
6 part;

7           “(4) describes how the State agency will consult  
8 with experts and provide the necessary training for  
9 appropriate staff, to ensure that the planning and  
10 operation of institution-wide projects under section  
11 1407 are of high quality;

12           “(5) describes how the agency will carry out the  
13 evaluation requirements of section 1409 and how the  
14 results of the most recent evaluation were used to  
15 plan and improve the program;

16           “(6) includes data showing that the agency has  
17 maintained fiscal effort as if it were a local edu-  
18 cational agency, in accordance with section 9501 of  
19 this title;

20           “(7) describes how the programs will be coordi-  
21 nated with other State and Federal programs ad-  
22 ministered by the State agency;

23           “(8) describes how appropriate professional de-  
24 velopment will be provided to teachers and other in-  
25 structional and administrative personnel; and

1           “(9) designates an individual in each affected  
2 institution to be responsible for issues relating to the  
3 transition of children from the institution to locally  
4 operated programs.

5                           “USE OF FUNDS

6           “SEC. 1406. (a) GENERAL.—(1) A State agency shall  
7 use funds received under this part only for programs and  
8 projects that—

9                   “(A) are consistent with the State plan referred  
10 to in section 1405(a); and

11                   “(B) concentrate on providing participants with  
12 the knowledge and skills needed to make a success-  
13 ful transition to further education or employment.

14           “(2) Such programs and projects—

15                   “(A) may include the acquisition of equipment;

16                   “(B) shall be designed to support educational  
17 services that—

18                           “(i) except for institution-wide projects  
19 under section 1407, are provided to children  
20 identified by the State agency as failing, or  
21 most at risk of failing, to meet the State’s chal-  
22 lenging performance standards;

23                           “(ii) supplement and improve the quality  
24 of the educational services provided to such  
25 children by the State agency; and



1           “(iii) afford those children an opportunity  
2           to learn to those challenging State standards;

3           “(C) shall be carried out in a manner consistent  
4           with section 1119(b) and part F of this title; and

5           “(D) may include the costs of meeting the eval-  
6           uation requirements of section 1409.

7           “(b) SUPPLEMENT, NOT SUPPLANT.—A program  
8           under this part that supplements the number of hours of  
9           instruction students receive from State and local sources  
10          shall be considered to comply with the ‘supplement, not  
11          supplant’ requirement of section 1119(b) of this title with-  
12          out regard to the subject areas in which instruction is  
13          given during those hours.

14                   “INSTITUTION-WIDE PROJECTS

15          “SEC. 1407. (a) PROJECTS AUTHORIZED.—A State  
16          agency that provides free public education for children in  
17          an institution for neglected or delinquent children (other  
18          than an adult correctional institution) or attending a com-  
19          munity-day program for such children may use funds re-  
20          ceived under this part to serve all children in, and upgrade  
21          the entire educational effort of, that institution or pro-  
22          gram if the State agency has developed, and the State edu-  
23          cational agency has approved, a comprehensive plan for  
24          that institution or program that—

1           “(1) provides for a comprehensive assessment  
2 of the educational needs of all individuals under the  
3 age of 21 in the institution or program;

4           “(2) describes the steps the State agency has  
5 taken, or will take, to provide all children under 21  
6 with the opportunity to meet challenging academic  
7 and vocational standards in order to improve the  
8 likelihood that they will complete high school and  
9 find employment after leaving the institution;

10           “(3) describes the instructional program, pupil  
11 services, and procedures that will be used to meet  
12 the needs described in paragraph (1), including, to  
13 the extent feasible, the provision of mentors for sec-  
14 ondary school students;

15           “(4) specifically describes how such funds will  
16 be used;

17           “(5) describes the measures and procedures  
18 that will be used to assess student progress;

19           “(6) describes how the agency has planned, and  
20 will implement and evaluate, the institution-wide or  
21 program-wide project in consultation with personnel  
22 providing direct instructional services and support  
23 services in institutions or community-day programs  
24 for neglected or delinquent children and personnel  
25 from the State educational agency; and

1           “(7) includes an assurance that the State agen-  
2           cy has provided for appropriate training to teachers  
3           and other instructional and administrative personnel  
4           to enable them to carry out the project effectively.

5           “(b) PROJECTS REQUIRED.—Beginning with school  
6           year 1996–1997, a State agency described in subsection  
7           (a) shall use funds received under this part only for insti-  
8           tution-wide projects described in that subsection, except  
9           as described in section 1410.

10                           “THREE-YEAR PROJECTS

11           “SEC. 1408. If a State agency operates a program  
12           under this part in which individual children are likely to  
13           participate for more than one year, the State educational  
14           agency may approve the State agency’s application for a  
15           subgrant under this part for a period of up to three years.

16                           “PROGRAM EVALUATIONS

17           “SEC. 1409. (a) SCOPE OF EVALUATION.—Each  
18           State agency that conducts a program under this part  
19           shall evaluate the program at least once every three years  
20           to determine its impact on the ability of participants to—

21                           “(1) maintain and improve educational achieve-  
22           ment;

23                           “(2) accrue school credits that meet State re-  
24           quirements for grade promotion and high school  
25           graduation;

1           “(3) make the transition to a regular program  
2           or other education program operated by a local edu-  
3           cational agency; and

4           “(4) complete high school and obtain employ-  
5           ment after they leave the institution.

6           “(b) EVALUATION MEASURES.—In conducting each  
7           such evaluation with respect to subsection (a)(1), a State  
8           agency shall use multiple and appropriate measures of stu-  
9           dent progress.

10          “(c) EVALUATION RESULTS.—Each State agency  
11          shall—

12                 “(1) submit those results to the State edu-  
13                 cational agency; and

14                 “(2) use the results of evaluations under this  
15                 section to plan and improve subsequent programs  
16                 for participating children.

17                         “TRANSITION SERVICES

18          “SEC. 1410. (a) TRANSITION SERVICES.—Each  
19          State agency may reserve up to 10 percent of the amount  
20          it receives under this part for any fiscal year to support  
21          projects that facilitate the transition of children from  
22          State-operated institutions for neglected and delinquent  
23          children into locally operated programs.

24                 “(b) CONDUCT OF PROJECTS.—A project supported  
25                 under this section may be conducted directly by the State  
26                 agency, or through a contract or other arrangement with

1 one or more local educational agencies, other public agen-  
2 cies, or private nonprofit organizations.

3 “(c) LIMITATION.—Any funds reserved under sub-  
4 section (a) shall be used only to provide special educational  
5 services, which may include counseling and mentoring, to  
6 neglected and delinquent children in schools other than  
7 State-operated institutions.

8 “DEFINITIONS

9 “SEC. 1411. For the purpose of this part, the follow-  
10 ing terms have 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, includ-  
14 ing persons under 21 years of age.

15 “(2) The term ‘community-day program’ means  
16 a regular program of instruction provided by a State  
17 agency at a community-day school operated specifi-  
18 cally for neglected or delinquent children.

19 “(3) The term ‘institution for delinquent chil-  
20 dren’ means a public or private residential facility  
21 for the care of children who have been adjudicated  
22 to be delinquent or in need of supervision.

23 “(4) The term ‘institution for neglected chil-  
24 dren’ means a public or private residential facility,  
25 other than a foster home, that is operated for the  
26 care of children who have been committed to the in-

1       stitution or voluntarily placed in the institution  
2       under applicable State law, due to abandonment, ne-  
3       glect, or death of their parents or guardians.

4               “PART E—FEDERAL EVALUATIONS AND  
5                               DEMONSTRATIONS

6                               “EVALUATIONS

7       “SEC. 1501. (a) NATIONAL ASSESSMENT.—(1) The  
8       Secretary shall conduct a national assessment of programs  
9       under this title, in coordination with the ongoing Chapter  
10      1 Longitudinal Study under subsection (c) of this section,  
11      that shall be planned, reviewed, and conducted in con-  
12      sultation with an independent panel of researchers, State  
13      practitioners, local practitioners, and other appropriate in-  
14      dividuals.

15       “(2) The assessment shall examine how well schools,  
16      local educational agencies, and States—

17               “(A) are progressing toward the goal of all chil-  
18               dren served under this title reaching the State’s con-  
19               tent and performance standards; and

20               “(B) accomplishing the specific purposes set  
21               out in section 1001(d) of this title to achieve this  
22               goal, including—

23                       “(i) ensuring high standards for all chil-  
24                       dren and aligning the efforts of States, local

1 educational agencies, and schools to help chil-  
2 dren reach them;

3 “(ii) providing children an enriched and  
4 accelerated educational program through  
5 schoolwide programs or through additional serv-  
6 ices that increase the amount and quality of in-  
7 structional time that children receive;

8 “(iii) promoting schoolwide reform and ac-  
9 cess of all children to effective instructional  
10 strategies and challenging academic content;

11 “(iv) significantly upgrading the quality of  
12 the curriculum and instruction by providing  
13 staff in participating schools with substantial  
14 opportunities for professional development;

15 “(v) coordinating services under all parts  
16 of this title with each other, with other edu-  
17 cational services, including preschool services,  
18 and, to the extent feasible, with health and so-  
19 cial service programs funded from other  
20 sources;

21 “(vi) affording parents meaningful oppor-  
22 tunities to participate in the education of their  
23 children at home and at school;

24 “(vii) distributing resources to areas where  
25 needs are greatest;

1           “(viii) improving accountability, as well as  
2           teaching and learning, by making assessments  
3           under this title congruent with State assess-  
4           ment systems; and

5           “(ix) providing greater decisionmaking au-  
6           thority and flexibility to schools in exchange for  
7           greater responsibility for student performance.

8           “(3) Where feasible, the Secretary shall use informa-  
9           tion gathered by the National Assessment of Educational  
10          Progress in carrying out this subsection.

11          “(4) The Secretary shall submit an interim report  
12          summarizing the preliminary findings of the assessment  
13          to the President and the appropriate committees of the  
14          Congress by December 31, 1997 and a final report by De-  
15          cember 31, 2002.

16          “(b) STUDIES AND DATA COLLECTION.—(1) The  
17          Secretary may collect such data, as necessary, at the  
18          State, local, and school levels and conduct studies and  
19          evaluations, including national studies and evaluations, to  
20          assess on an ongoing basis the effectiveness of programs  
21          under this title and to report on such effectiveness on a  
22          periodic basis.

23          “(2) At a minimum, the Secretary shall collect trend  
24          information on the effect of programs under this title.



1 These data shall complement the data collected and re-  
2 ported under subsections (a) and (c).

3 “(c) NATIONAL LONGITUDINAL STUDY.—The Sec-  
4 retary shall continue to conduct the longitudinal study of  
5 the educational achievement and progress of children  
6 served under this title, as authorized under section 1462  
7 of this Act as in effect prior to its amendment by the Im-  
8 proving America’s Schools Act of 1993. The Secretary  
9 shall report, not later than January 1, 1997, the findings  
10 of the study and recommendations for future data collec-  
11 tions and reports to the President and the appropriate  
12 committees of the Congress.

13 “(d) DESIGN STUDY ON ESTIMATING STATE CHILD  
14 POVERTY COUNTS.—The Secretary shall conduct a study  
15 to determine whether a feasible method exists for produc-  
16 ing reliable estimates, between decennial census counts, of  
17 the number of school-aged children living in poverty by  
18 State in each of the 50 States, the District of Columbia,  
19 and Puerto Rico, and use such a method, if one exists,  
20 to provide Congress with such estimates.

21 “DEMONSTRATIONS OF INNOVATIVE PRACTICES

22 “SEC. 1502. (a) DEMONSTRATION PROGRAMS TO  
23 IMPROVE ACHIEVEMENT.—(1) From the funds appro-  
24 priated for any fiscal year under section 1002(g)(2), the  
25 Secretary may make grants to State educational agencies,  
26 local educational agencies, other public agencies, non-prof-

1 it organizations, and consortia of those bodies to carry out  
2 demonstration projects that show the most promise of ena-  
3 bling children served under this title to meet challenging  
4 State standards. Such projects shall include promising  
5 strategies such as—

6           “(A) accelerated curricula, the application of  
7 new technologies to improve teaching and learning,  
8 extended learning time, and a safe and enriched full-  
9 day environment for children to provide them the op-  
10 portunity to reach high standards;

11           “(B) integration of education services with each  
12 other and with health, family, and other social serv-  
13 ices, particularly in empowerment zones and enter-  
14 prise communities;

15           “(C) effective approaches to whole school re-  
16 form; and

17           “(D) programs that have been especially effec-  
18 tive with limited English proficient children, migra-  
19 tory children and other highly mobile students, chil-  
20 dren leaving institutions for neglected or delinquent  
21 children and returning to school, and homeless chil-  
22 dren and youth.

23           “(2) The Secretary shall evaluate the demonstration  
24 projects supported under this title, using rigorous meth-  
25 odological designs and techniques, including control

1 groups and random assignment, to the extent feasible, to  
2 produce reliable evidence of effectiveness.

3 “(b) PARTNERSHIPS.—From funds appropriated  
4 under section 1002(g)(2) for any fiscal year, the Secretary  
5 may, directly or through grants or contracts, work in part-  
6 nership with State educational agencies, local educational  
7 agencies, other public agencies, and nonprofit organiza-  
8 tions to disseminate and use the highest quality research  
9 and knowledge about effective practices to improve the  
10 quality of teaching and learning in schools supported  
11 under this title.

12 “PART F—GENERAL PROVISIONS

13 “STATE ADMINISTRATION

14 “SEC. 1601. (a) RULEMAKING.—(1) Each State that  
15 receives funds under this title shall—

16 “(A) ensure that any State rules, regulations,  
17 and policies relating to this title conform to the pur-  
18 poses of this title;

19 “(B) minimize such rules, regulations, and poli-  
20 cies to which their local educational agencies and  
21 schools are subject; and

22 “(C) identify any such rule, regulation, or poli-  
23 cy as a State-imposed requirement.

24 “(2) State rules, regulations, and policies under this  
25 title shall support and facilitate local educational agency

1 and school-level systemic reform designed to enable all  
2 children to meet the State's standards.

3       “(b) COMMITTEE OF PRACTITIONERS.—(1) Each  
4 State educational agency shall create a State committee  
5 of practitioners to advise the State in carrying out its re-  
6 sponsibilities under this title.

7       “(2) Each such committee shall include—

8           “(A) as a majority of its members, representa-  
9 tives from local educational agencies;

10          “(B) administrators;

11          “(C) teachers;

12          “(D) parents;

13          “(E) members of local boards of education; and

14          “(F) representatives of private school children.

15       “(c) PAYMENT FOR STATE ADMINISTRATION.—Each  
16 State may reserve for the proper and efficient performance  
17 of its duties under this title the greater of—

18           “(1) 1 percent of the funds received under sec-  
19 tion 1002(a) and (c) through (f); or

20           “(2) \$325,000, or \$50,000 in the case of  
21 Guam, American Samoa, the Virgin Islands, the  
22 Northern Mariana Islands, and Palau (until the  
23 Compact of Free Association takes effect).



1           “(A) professional development must be fo-  
2           cused on teaching and learning in order to  
3           change the opportunities of all students to  
4           achieve higher standards;

5           “(B) effective professional development fo-  
6           cuses on discipline-based knowledge and effec-  
7           tive subject-specific pedagogical skills, involves  
8           teams of teachers and administrators in a  
9           school and, through professional networks of  
10          teachers and administrators, is interactive and  
11          collaborative, motivates by its intrinsic content  
12          and relationship to practice, builds on experi-  
13          ence and learning-by-doing, and becomes incor-  
14          porated into the everyday life of the school; and

15          “(C) professional development can dra-  
16          matically improve classroom instruction and  
17          learning when teachers and administrators are  
18          partners in its development and implementa-  
19          tion;

20          “(4) special attention must be given in profes-  
21          sional development activities to ensure that edu-  
22          cation professionals are knowledgeable of, and make  
23          use of, strategies for serving populations that his-  
24          torically have lacked access to equal opportunities  
25          for advanced learning and career advancement;

1           “(5) professional development is often a victim  
2 of budget reductions in fiscally difficult times;

3           “(6) there are few incentives or sanctions oper-  
4 ating to encourage teachers and administrators to  
5 work to prepare themselves to be more effective or  
6 to participate in challenging and effective profes-  
7 sional development activities; and

8           “(7) the Federal Government has a vital role in  
9 helping to make sustained and intensive high-quality  
10 professional development in the core academic sub-  
11 jects become an integral part of the elementary and  
12 secondary education system.

13                           “PURPOSES

14           “SEC. 2102. The purposes of this part are to help  
15 ensure that teachers, other staff, and administrators have  
16 access to high-quality professional development that is  
17 aligned to challenging State content and performance  
18 standards and to support the development and implemen-  
19 tation of sustained and intensive high-quality professional  
20 development activities in the core academic subjects. This  
21 program is designed to help ensure that teachers have ac-  
22 cess to professional development that—

23           “(1) is tied to challenging State student content  
24 and performance standards;

25           “(2) reflects recent research on teaching and  
26 learning;





1 of higher education, and other public and private agencies,  
2 organizations, and institutions to—

3 “(1) support activities of national significance  
4 that will contribute to the development and imple-  
5 mentation of high-quality professional development  
6 activities in the core academic subject areas; and

7 “(2) evaluate activities carried out under this  
8 subpart and under subpart 2.

9 “(b) In carrying out this program, the Secretary shall  
10 consult and coordinate with the National Science Founda-  
11 tion, the National Endowment for the Humanities, the  
12 National Endowment for the Arts, and other appropriate  
13 Federal agencies and entities.

14 “AUTHORIZED ACTIVITIES

15 “SEC. 2112. The Secretary shall use funds available  
16 to carry out this subpart for activities that help meet the  
17 purposes of this part, such as—

18 “(1) providing seed money to eligible entities to  
19 develop their capacity to offer sustained and inten-  
20 sive high-quality professional development;

21 “(2) professional development institutes that  
22 provide teams of teachers, or teachers and adminis-  
23 trators, from individual schools, with professional  
24 development that contains strong and integrated dis-  
25 ciplinary and pedagogical components;

1           “(3) encouraging the development of local and  
2 national professional networks that provide a forum  
3 for interaction among teachers of the core academic  
4 subjects and that allow the exchange of information  
5 on advances in content and pedagogy;

6           “(4) supporting the National Board for Profes-  
7 sional Teaching Standards;

8           “(5) the development and dissemination of  
9 teaching standards in the core academic subjects;

10          “(6) the development of exemplary methods of  
11 assessing teachers, other staff, and administrators  
12 for licensure and certification;

13          “(7) activities that promote the transferability  
14 of licensure and certification of teachers and admin-  
15 istrators among State and local jurisdictions;

16          “(8) the development and testing of incentive  
17 strategies for motivating teachers and administra-  
18 tors to help increase their effectiveness through pro-  
19 fessional development focused on teaching and learn-  
20 ing and giving all students the opportunity to learn  
21 to challenging State standards;

22          “(9) the dissemination of information about vol-  
23 untary national content and performance standards  
24 and related models of high-quality professional de-  
25 velopment;

1           “(10) the development and maintenance of a  
2           national clearinghouse for science, mathematics, and  
3           technology education materials and of such other  
4           clearinghouses for core academic subjects as the Sec-  
5           retary determines are needed;

6           “(11) joint activities with other Federal agen-  
7           cies and entities engaged in or supporting similar  
8           professional development efforts;

9           “(12) support for consortia of education agen-  
10          cies and organizations to disseminate information  
11          and provide assistance regarding teaching methods  
12          and assessment tools that support national or State  
13          content standards in mathematics and science; and

14          “(13) the evaluation of programs under this  
15          subpart and under subpart 2.

16          “Subpart 2—State and Local Activities

17                               “PROGRAM AUTHORIZED

18          “SEC. 2121. The Secretary is authorized to make  
19          grants to State educational agencies for the support of  
20          sustained and intensive high-quality professional develop-  
21          ment activities in the core academic subjects at the State  
22          and local levels.

23                               “ALLOCATION OF FUNDS

24          “SEC. 2122. (a) RESERVATION OF FUNDS.—From  
25          the amount made available to carry out this subpart for  
26          any fiscal year, the Secretary shall—

1           “(1) reserve one half of 1 percent for the outly-  
2           ing areas, to be distributed among them on the basis  
3           of their relative need, as determined by the Sec-  
4           retary in light of the purposes of this part; and

5           “(2) reserve one quarter of 1 percent for the  
6           Secretary of the Interior for programs under this  
7           subpart for professional development activities for  
8           teachers, other staff, and administrators in schools  
9           operated or funded by the Bureau of Indian Affairs.

10          “(b) STATE ALLOTMENTS.—The Secretary shall allo-  
11         cate the remaining amount to each of the 50 States, the  
12         District of Columbia, and the Commonwealth of Puerto  
13         Rico as follows, except that no State shall receive less than  
14         one-half of 1 percent of such remaining amount:

15                 “(1) 50 percent shall be allocated among such  
16         jurisdictions on the basis of their relative popu-  
17         lations of individuals aged 5 through 17, as deter-  
18         mined by the Secretary on the basis of the most re-  
19         cent satisfactory data.

20                 “(2) 50 percent shall be allocated among such  
21         jurisdictions in accordance with the relative amounts  
22         such jurisdictions received under part A of title I of  
23         this Act for the preceding fiscal year.

24          “(c) REALLOCATION.—If any jurisdiction does not  
25         apply for its allotment under subsection (b) for any fiscal

1 year, the Secretary shall reallocate such amount to the re-  
2 maining jurisdictions in accordance with that subsection.

3 “WITHIN-STATE ALLOCATIONS

4 “SEC. 2123. Of the amounts received by any State  
5 under this subpart for any fiscal year—

6 “(1) not more than 6 percent shall be used for  
7 the administrative costs of programs carried out by  
8 the State educational agency and the State agency  
9 for higher education;

10 “(2) not more than 7.5 percent may be used for  
11 State-level activities, as described in section 2126;  
12 and

13 “(3) of the remaining amount—

14 “(A) 85 percent shall be distributed to  
15 local educational agencies, to be used in accord-  
16 ance with section 2129, as follows:

17 “(i) 50 percent of such amount shall  
18 be distributed in accordance with the rel-  
19 ative population of individuals aged 5–17  
20 in each such agency.

21 “(ii) 50 percent of such amount shall  
22 be distributed in accordance with the rel-  
23 ative amount such agencies received under  
24 part A of title I of this Act for the preced-  
25 ing fiscal year; and

1           “(B) 15 percent shall be used for competi-  
2           tive grants to institutions of higher education  
3           as described in section 2130.

4           “PRIORITY FOR PROFESSIONAL DEVELOPMENT IN  
5           MATHEMATICS AND SCIENCE

6           “SEC. 2124. (a) APPROPRIATION OF LESS THAN  
7 \$250 MILLION.—In any fiscal year for which the amount  
8 appropriated for this part is \$250,000,000 or less, each  
9 State shall ensure that all funds distributed in accordance  
10 with section 2123(3) are used for professional develop-  
11 ment in mathematics and science.

12          “(b) APPROPRIATION BETWEEN \$250 MILLION AND  
13 \$500 MILLION.—In any fiscal year for which the amount  
14 appropriated for this part is at least \$250,000,000, but  
15 not more than \$500,000,000, each State shall ensure that  
16 the amount of funds distributed in accordance with section  
17 2123(3) that is used for professional development in  
18 mathematics and science is not less than the amount that  
19 bears the same ratio to the total amount of funds so dis-  
20 tributed as the sum of \$250,000,000 plus 25 percent of  
21 the amount of the total appropriation for this part in ex-  
22 cess of \$250,000,000 bears to the total amount appro-  
23 priated for this part.

24           “STATE APPLICATIONS

25          “SEC. 2125. (a) APPLICATIONS REQUIRED.—Each  
26 State educational agency that wishes to receive its allot-

1 ment under this subpart for any fiscal year shall submit  
2 an application to the Secretary at such time and in such  
3 form as the Secretary may require.

4 “(b) PROFESSIONAL DEVELOPMENT PLAN.—(1)  
5 Each application under this section shall include a State  
6 plan for professional development that—

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

12 “(B) if the State does not have an approved  
13 plan under title III of the Goals 2000: Educate  
14 America Act and is not developing such a plan, is  
15 integrated with other State plans under this Act and  
16 satisfies the requirements of this section.

17 “(2) A State plan submitted under paragraph (1)(A)  
18 may, if necessary, be submitted as an amendment to the  
19 State’s plan under title III of the Goals 2000: Educate  
20 America Act.

21 “(3) Each such plan shall also—

22 “(A) be developed in conjunction with the State  
23 agency for higher education, institutions of higher  
24 education, schools of education, and with the exten-

1 sive participation of local teachers and administra-  
2 tors and show the role of each in implementation;

3 “(B) be designed to give teachers and adminis-  
4 trators in the State the knowledge and skills to pro-  
5 vide all students the opportunity to meet challenging  
6 State performance standards;

7 “(C) include an assessment of State and local  
8 needs for professional development specifically  
9 related to subparagraph (B);

10 “(D) describe a strategy for addressing the  
11 need for teacher development beginning with recruit-  
12 ment, pre-service, and induction, and continuing  
13 throughout the professional teaching career;

14 “(E) describe specific steps for the reform of  
15 State requirements for licensure of teachers and ad-  
16 ministrators, including certification and  
17 recertification, to align them with challenging State  
18 content and performance standards;

19 “(F) describe how the State will work with  
20 teachers, administrators, local educational agencies,  
21 schools, and institutions of higher education to en-  
22 sure that they develop the capacity to support sus-  
23 tained and intensive, high-quality professional devel-  
24 opment programs in the core academic subject areas;



1           “(G) describe how the State will use technology,  
2 including the emerging national information infra-  
3 structure, to enhance the professional development  
4 of teachers and administrators;

5           “(H) describe how the State will ensure a  
6 strong focus on professional development in mathe-  
7 matics and science;

8           “(I) describe how the State will provide incen-  
9 tives to teachers and administrators to focus their  
10 professional development on preparing themselves to  
11 provide instruction consistent with challenging State  
12 content and performance standards; and

13           “(J) set specific outcome performance indica-  
14 tors for professional development.

15           “(c) ADDITIONAL MATERIAL.—Each State applica-  
16 tion shall also include—

17           “(1) a description of how the activities funded  
18 under this subpart will be coordinated, as appro-  
19 priate, with—

20           “(A) other activities conducted with Fed-  
21 eral funds, especially those supported under  
22 part A of title I of this Act;

23           “(B) State and local funds;

24           “(C) resources from business and industry;

25           and

1           “(D) funds from other Federal agencies,  
2           such as the National Science Foundation, the  
3           Departments of Commerce, Energy, and Health  
4           and Human Services, the National Endowment  
5           for the Arts, and the National Endowment for  
6           the Humanities; and

7           “(2) a description of the activities to be spon-  
8           sored under the State-level activities and the higher  
9           education components of its program under this sub-  
10          part.

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

12         (1) The Secretary shall approve the application of a State  
13         educational agency if it meets the requirements of this sec-  
14         tion and holds reasonable promise of achieving the pur-  
15         poses of this part.

16         “(2) In reviewing applications, the Secretary shall ob-  
17         tain the advice of non-Federal experts on education in the  
18         core academic subjects and on teacher education, includ-  
19         ing teachers and administrators.

20                                 “STATE-LEVEL ACTIVITIES

21         “SEC. 2126. Each State may use funds reserved  
22         under section 2123(2) to carry out activities referred to  
23         in section 2125(b), such as—

24                 “(1) reviewing and reforming State require-  
25                 ments for teacher and administrator licensure, in-  
26                 cluding certification and recertification, to align

1 these requirements with the State’s content stand-  
2 ards and ensure that teachers and administrators  
3 have the knowledge and skills to help students meet  
4 challenging 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 to help them provide  
10 effective professional development in the core aca-  
11 demic subjects;

12 “(4) developing or supporting professional de-  
13 velopment networks, either within a State or in a re-  
14 gional consortium of States, that provide a forum  
15 for interaction among teachers and that allow ex-  
16 change of information on advances in content and  
17 pedagogy;

18 “(5) professional development in the effective  
19 use of educational technology as an instructional tool  
20 for increasing student understanding of the core  
21 academic subject areas;

22 “(6) providing financial or other incentives for  
23 teachers to become certified by the National Board  
24 for Professional Teaching Standards;

1           “(7) designing systems that enable teachers to  
2 meet pay ladder professional development require-  
3 ments by demonstrating content knowledge and ped-  
4 agogical competence tied to challenging State con-  
5 tent and performance standards, rather than by  
6 merely completing course credits;

7           “(8) providing incentives for teachers to be in-  
8 volved in assessment, curriculum development, and  
9 technical assistance processes for teachers and stu-  
10 dents;

11           “(9) professional development to enable teach-  
12 ers and other school staff to ensure that girls and  
13 young women, minorities, limited English proficient  
14 students, individuals with disabilities, and the eco-  
15 nomically disadvantaged have full opportunity to  
16 achieve to challenging State performance standards  
17 in the core academic subjects by, for example, en-  
18 couraging girls and young women and minorities to  
19 pursue advanced courses in mathematics and  
20 science; and

21           “(10) professional development activities de-  
22 signed to increase the numbers of members of mi-  
23 nority and other underrepresented groups in the  
24 teaching force in the core subjects.

1           “LOCAL EDUCATIONAL AGENCY APPLICATIONS

2           “SEC. 2127. (a) APPLICATIONS REQUIRED.—(1)

3 Each local educational agency that wishes to receive a  
4 subgrant under this subpart shall submit an application  
5 to the State educational agency at such time as the State  
6 educational agency may require, but not less frequently  
7 than every third year.

8           “(2) If the local educational agency has an applica-  
9 tion approved by the State under title III of the Goals  
10 2000: Educate America Act, the application required by  
11 this section shall be a component of (or, if necessary, an  
12 addendum to) its Goals 2000 application.

13           “(b) APPLICATION CONTENTS.—Each application  
14 under this section shall include—

15                   “(1) the local educational agency’s plan for pro-  
16 fessional development that has been developed with  
17 the extensive participation of teachers and adminis-  
18 trators and that—

19                           “(A) is aligned with the State’s content  
20 and performance standards;

21                           “(B) includes an assessment of local needs  
22 for professional development as identified by  
23 the local educational agency and school staff;

1           “(C) describes a strategy, tied to State  
2 content and performance standards, for ad-  
3 dressing those needs;

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) sets specific outcome performance in-  
10 dicators;

11          “(2) an assurance that the activities conducted  
12 with such agency’s funds received under this pro-  
13 gram will be assessed at least every three years  
14 using the outcome performance indicators to deter-  
15 mine the effectiveness of those activities;

16          “(3) a description of how the programs funded  
17 under this subpart will be coordinated, as appro-  
18 priate, with—

19               “(A) services of institutions of higher edu-  
20 cation;

21               “(B) State and local funds;

22               “(C) resources provided under part A of  
23 title I and other parts of this Act;

24               “(D) resources from business and industry;  
25 and

1           “(E) funds from other Federal agencies,  
2           such as the National Science Foundation, the  
3           Department of Energy, the Department of  
4           Health and Human Services, the National En-  
5           dowment for the Arts, and the National Endow-  
6           ment for the Humanities; and

7           “(4) an identification of the sources of funding  
8           that will provide the local educational agency’s con-  
9           tribution under section 2128.

10                           “LOCAL COST-SHARING

11           “SEC. 2128. (a) GENERAL.—Each local educational  
12           agency shall bear at least 33 percent of the cost of any  
13           program carried out under this subpart, but not including  
14           the cost of services provided to private school teachers.

15           “(b) AVAILABLE RESOURCES FOR COST-SHARING.—  
16           A local educational agency may meet the requirement of  
17           subsection (a) through one or more of the following:

18                   “(1) Cash expenditures from non-Federal  
19                   sources directed toward professional development ac-  
20                   tivities.

21                   “(2) Released time for teachers participating in  
22                   professional development funded under this subpart.

23                   “(3) Funds received under one or more of the  
24                   following programs, so long as they are used for pro-  
25                   fessional development activities consistent with this  
26                   subpart and the statutes under which those funds

1 were received, and are used to benefit students and  
2 teachers in schools that would otherwise have been  
3 served with those funds:

4 “(A) Part A of title I of this Act.

5 “(B) The Safe and Drug-Free Schools pro-  
6 gram under title IV of this Act.

7 “(C) The bilingual education program  
8 under title VII of this Act.

9 “(D) Title III of the Goals 2000: Educate  
10 America Act.

11 “(E) Programs that are related to the pur-  
12 poses of this Act that are administered by other  
13 agencies, including, but not limited to, the Na-  
14 tional Science Foundation, the National Endow-  
15 ment for the Humanities, the National Endow-  
16 ment for the Arts, and the Department of En-  
17 ergy.

18 “LOCAL ALLOCATION OF FUNDS AND ALLOWABLE  
19 ACTIVITIES

20 “SEC. 2129. (a) LOCAL ALLOCATION OF FUNDS.—  
21 Each local educational agency that receives funds under  
22 this subpart for any fiscal year—

23 “(1) shall use at least 80 percent of such funds  
24 for professional development of teachers and other  
25 staff of individual schools in a manner that is deter-  
26 mined by such teachers and staff and is consistent



1 with the local educational agency’s application under  
2 section 2127, any school plan under part A of title  
3 I of this Act, and any other plan for professional de-  
4 velopment carried out with Federal, State, or local  
5 funds; and

6 “(2) may use not more than 20 percent of such  
7 funds for district-level professional development ac-  
8 tivities, which may include the participation of ad-  
9 ministrators and policy-makers.

10 “(b) AUTHORIZED ACTIVITIES.—Each local edu-  
11 cational agency and school that receives funds under this  
12 subpart shall use those funds for activities that contribute  
13 to the implementation of the local educational agency’s  
14 professional development plan described in section  
15 2127(b)(1), such as—

16 “(1) professional development for teams of  
17 teachers, administrators, or other staff from individ-  
18 ual schools, to support teaching consistent with  
19 State or voluntary national content standards and to  
20 create a school environment conducive to high  
21 achievement in the core subjects;

22 “(2) support and time for teachers and other  
23 school staff to participate in professional develop-  
24 ment in the core subjects offered through profes-  
25 sional associations, universities, and other providers;

1           “(3) support and time for teachers and other  
2 school staff to participate in professional develop-  
3 ment that goes beyond training and encourages a  
4 variety of forms of learning that are related to an  
5 educator’s regular work, such as group study and  
6 consultation with peers and supervisors;

7           “(4) peer training and mentoring programs, in-  
8 cluding cross-generational mentoring, in the core  
9 academic subjects;

10           “(5) establishment and maintenance of local  
11 professional networks that provide a forum for inter-  
12 action among teachers and that allow exchange of  
13 information on advances in content and pedagogy;

14           “(6) activities that provide follow-up for teach-  
15 ers who have participated in professional develop-  
16 ment activities that are designed to ensure that the  
17 knowledge and skills learned by the teacher are im-  
18 plemented in the classroom;

19           “(7) preparing teachers to work with parents  
20 and families on fostering student achievement in the  
21 core academic subjects;

22           “(8) preparing teachers in the effective use of  
23 educational technology as an instructional tool for  
24 increasing student understanding of the core aca-  
25 demic subject areas;

1           “(9) establishing policies to permit teachers to  
2 meet pay ladder requirements by demonstrating con-  
3 tent and pedagogical competence rather than by only  
4 meeting course requirements;

5           “(10) professional development to enable teach-  
6 ers and other school staff to ensure that girls and  
7 young women, minorities, limited English proficient  
8 students, individuals with disabilities, and the eco-  
9 nomically disadvantaged have full opportunity to  
10 achieve to challenging State performance standards  
11 in the core academic subjects;

12           “(11) professional development activities de-  
13 signed to increase the numbers of minorities, indi-  
14 viduals with disabilities, and other underrepresented  
15 groups in the teaching force and to increase the  
16 numbers of women and members of other  
17 underrepresented groups who are science and mathe-  
18 matics teachers, for example, through career ladder  
19 programs that assist educational paraprofessionals  
20 to obtain teaching credentials;

21           “(12) developing incentive strategies for re-  
22 warding teachers and administrators collectively in  
23 schools that sustain high performance or consistent  
24 growth in the number of their students who meet  
25 the challenging State performance standards; and

1           “(13) developing incentive strategies for re-  
2           warding schools where a substantial portion of the  
3           teachers achieve certification by the National Board  
4           for Professional Teaching Standards.

5           “HIGHER EDUCATION ACTIVITIES

6           “SEC. 2130. (a) GENERAL.—(1) The State agency  
7           for higher education, working in conjunction with the  
8           State educational agency (if it is a separate agency), shall  
9           make grants to, or enter into contracts or cooperative  
10          agreements with, institutions of higher education working  
11          in conjunction with local educational agencies, for profes-  
12          sional development activities in the core academic subject  
13          areas that contribute to the State plan for professional  
14          development.

15          “(2) All such awards shall be made on a competitive  
16          basis.

17          “(3) Each project funded under this section shall in-  
18          volve a joint effort of the recipient’s school or department  
19          of education and the schools or departments in the specific  
20          disciplines in which such professional development will be  
21          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 pro-  
25                  fessional development for teams of teachers, or

1 teachers and administrators from individual schools  
2 or districts; and

3 “(2) other sustained and intensive professional  
4 development activities related to achievement of the  
5 State plan for professional development.

6 “Subpart 3—General Provisions

7 “REPORTING AND ACCOUNTABILITY

8 “SEC. 2131. (a) STATES.—Each State that receives  
9 funds under this part shall submit a report to the Sec-  
10 retary every three years on the State’s progress toward  
11 the outcome performance indicators identified in its State  
12 plan, as well as on the effectiveness of State and local ac-  
13 tivities under this part.

14 “(b) LOCAL EDUCATIONAL AGENCIES.—Each local  
15 educational agency that receives funds under this part  
16 shall submit a report to the State every three years on  
17 its progress toward outcome performance indicators iden-  
18 tified in its local plan, as well as on the effectiveness of  
19 its activities under this part.

20 “(c) FEDERAL EVALUATION.—The Secretary shall  
21 report to the President and Congress on the effectiveness  
22 of programs and activities funded under this part.

23 “DEFINITIONS

24 “SEC. 2132. As used in this part, the following terms  
25 have the following meanings:

1           “(1) The term ‘core academic subjects’ means  
2 those subjects listed in the State plan under title III  
3 of the Goals 2000: Educate America Act or under  
4 National Education Goal Three as set out in section  
5 102(3) of such Act.

6           “(2) The term ‘sustained and intensive high-  
7 quality professional development’ means professional  
8 development activities that—

9                   “(A) are tied to challenging State or vol-  
10 untary national content and performance stand-  
11 ards;

12                   “(B) reflect up-to-date research in teach-  
13 ing and learning and include integrated content  
14 and pedagogical components;

15                   “(C) are of sufficient intensity and dura-  
16 tion to have a positive and lasting impact on  
17 the teacher’s performance in the classroom or  
18 the administrator’s performance on the job; and

19                   “(D) recognize teachers as an important  
20 source of knowledge that should inform and  
21 help shape professional development.

22           “(3) The term ‘outcome performance indicators’  
23 means measures of specific outcomes that the State  
24 or local educational agency identifies as assessing  
25 progress toward the goal of ensuring that all teach-



1 1994 reauthorization of this Act to improve pro-  
2 grams and to provide all children opportunities to  
3 meet challenging State performance standards;

4 “(3) States, local educational agencies, and  
5 schools serving students with special needs, such as  
6 students with limited English proficiency, have great  
7 need for comprehensive technical assistance in order  
8 to use funds under this Act to provide such students  
9 with opportunities to learn to challenging State  
10 standards;

11 “(4) current technical assistance efforts are  
12 fragmented and categorical in nature, and thus fail  
13 to address adequately the needs of States and local  
14 educational agencies for help in integrating into a  
15 coherent strategy for improving teaching and learn-  
16 ing the various programs under this Act with State  
17 and local programs and other education reform ef-  
18 forts;

19 “(5) too little creative use is made of technology  
20 as a means of providing information and assistance  
21 in a cost-effective way;

22 “(6) comprehensive technical assistance can  
23 help schools and school systems focus on improving  
24 opportunities for all children to reach challenging



1 State performance standards, as they implement  
2 programs under this Act;

3 “(7) comprehensive technical assistance would  
4 provide ‘one-stop shopping’ to help States, local edu-  
5 cational agencies, participating colleges and univer-  
6 sities, and schools integrate Federal, State, and local  
7 education programs in ways that contribute to im-  
8 proving schools and entire school systems; and

9 “(8) technical assistance in support of pro-  
10 grams under this Act should be coordinated with the  
11 Department’s regional offices, the regional edu-  
12 cational laboratories, and other technical assistance  
13 efforts supported by the Department.

14 “PURPOSE

15 “SEC. 2202. The purpose of this part is to make  
16 available to States, local educational agencies, schools, and  
17 other recipients of funds under this Act technical assist-  
18 ance in—

19 “(1) administering and implementing programs  
20 authorized by this Act in a manner that is consistent  
21 with State and local plans under the Goals 2000:  
22 Educate America Act; and

23 “(2) coordinating those programs with other  
24 Federal, State, and local education activities, so that  
25 all students are provided opportunities to meet chal-  
26 lenging State performance standards.

1 “PROGRAM AUTHORIZED

2 “SEC. 2203. (a) COMPREHENSIVE REGIONAL CEN-  
3 TERS.—The Secretary is authorized to establish one cen-  
4 ter in each of the Department’s ten regions to provide  
5 comprehensive technical assistance to States, local edu-  
6 cational agencies, schools, and other recipients of funds  
7 under this Act in their administration and implementation  
8 of programs authorized by this Act. In allocating resources  
9 among the centers, the Secretary shall consider the geo-  
10 graphic distribution of students with special needs.

11 “(b) TECHNOLOGY-BASED TECHNICAL ASSIST-  
12 ANCE.—The Secretary is also authorized to provide a tech-  
13 nology-based technical assistance service that will—

14 “(1) support the administration and implemen-  
15 tation of programs authorized by this Act by provid-  
16 ing information, including legal and regulatory infor-  
17 mation, and technical guidance and information  
18 about best practices; and

19 “(2) be accessible to all States, local edu-  
20 cational agencies, schools, and others who are recipi-  
21 ents of funds under this Act.

22 “ELIGIBLE ENTITIES

23 “SEC. 2204. The Secretary may carry out this part  
24 directly or through grants to, or contracts or cooperative  
25 agreements with, public or private agencies or organiza-  
26 tions or consortia of those agencies and organizations.

1           “COMPREHENSIVE REGIONAL CENTERS

2           “SEC. 2205. Each comprehensive regional center es-  
3   tablished under section 2203(a) shall—

4           “(1) maintain staff expertise in at least all of  
5   the following areas:

6           “(A) instruction, curriculum improvement,  
7   school reform, and other aspects of title I of  
8   this Act;

9           “(B) meeting the needs of children served  
10   under this Act, including children in high-pov-  
11   erty areas, migratory children, children with  
12   limited English proficiency, neglected or delin-  
13   quent children, homeless children and youth,  
14   Indian children, and children with disabilities;

15          “(C) professional development for teachers,  
16   other school staff, and administrators to help  
17   students meet challenging State performance  
18   standards;

19          “(D) bilingual education, including pro-  
20   grams that emphasize English and native lan-  
21   guage proficiency, and promote multicultural  
22   understanding;

23          “(E) safe and drug-free schools;

24          “(F) educational applications of tech-  
25   nology;

1           “(G) parent involvement and participation;

2           “(H) the reform of schools and school sys-  
3           tems; and

4           “(I) program evaluation;

5           “(2) ensure that technical assistance staff have  
6           sufficient training, knowledge, and expertise in how  
7           to integrate and coordinate programs under this Act  
8           with each other, as well as with other Federal, State,  
9           and local programs and reforms;

10          “(3) work collaboratively with the Department’s  
11          regional offices;

12          “(4) provide technical assistance using the  
13          highest quality and most cost-effective strategies  
14          possible;

15          “(5) provide information and assistance regard-  
16          ing exemplary and promising practices;

17          “(6) work collaboratively, and coordinate the  
18          services it provides, with the general reform assist-  
19          ance provided by the regional educational labora-  
20          tories supported by the Office of Educational Re-  
21          search and Improvement; and

22          “(7) consult with representatives of State edu-  
23          cational agencies, local educational agencies, and  
24          populations served under this Act.

1           “INFORMATION COLLECTION AND EVALUATION

2           “SEC. 2206. The Secretary shall evaluate activities  
3 under this part to determine their effectiveness in advanc-  
4 ing the purposes of this part, and report to the President  
5 and Congress on the effectiveness of such activities.

6   “TRANSITION

7           “SEC. 2207. (a) GENERAL.—The Secretary may use  
8 funds appropriated for this part for fiscal year 1995 in  
9 such manner as the Secretary finds necessary in order to  
10 ensure a smooth implementation of this part.

11          “(b) EXTENSION OF PREVIOUS CENTERS.—In ac-  
12 cordance with subsection (a), and notwithstanding any  
13 other provisions of law, the Secretary may use such funds  
14 for existing contracts and to extend the award of any cat-  
15 egorical technical assistance center under this Act that  
16 was in operation on the day before enactment of the Im-  
17 proving America’s Schools Act of 1993.

18   “AUTHORIZATION OF APPROPRIATIONS

19          “SEC. 2208. For the purpose of carrying out this  
20 part, there are authorized to be appropriated such sums  
21 as may be necessary for each of the fiscal years 1995  
22 through 1999.

1 “TITLE III—EXPANDING OPPORTUNITIES FOR  
2 LEARNING

3 “PART A—PUTTING TECHNOLOGY TO WORK FOR ALL  
4 STUDENTS

5 “Subpart 1—Research, Development, and Demonstration  
6 of Educational Technology

7 “FINDINGS AND PURPOSES

8 “SEC. 3111. (a) FINDINGS.—The Congress finds  
9 that—

10 “(1) technology has the potential to assist and  
11 support the improvement of teaching and learning in  
12 schools and other settings;

13 “(2) technology can provide students, parents,  
14 teachers, and other education professionals with in-  
15 creased access to information, instruction, and edu-  
16 cational services in schools and other settings, in-  
17 cluding homes, libraries, preschool and child-care fa-  
18 cilities, and postsecondary institutions;

19 “(3) technology can produce far greater oppor-  
20 tunities for all students to learn to high standards  
21 and to promote efficiency and effectiveness in edu-  
22 cation; and

23 “(4) the rapidly changing nature of technology  
24 requires coordination and flexibility in Federal lead-  
25 ership.

1       “(b) PURPOSES.—The purposes of this subpart are  
2 to promote achievement of the National Education Goals  
3 and to increase the opportunity for all students to achieve  
4 to challenging State standards by—

5           “(1) promoting awareness of the potential of  
6 technology for improving teaching and learning;

7           “(2) supporting State and local efforts to in-  
8 crease the effective use of technology for education;

9           “(3) demonstrating ways in which technology  
10 can be used to improve teaching and learning, and  
11 to help ensure that all students have an equal oppor-  
12 tunity to meet challenging State education stand-  
13 ards;

14           “(4) ensuring the availability of knowledge  
15 drawn from research and experience that can form  
16 the basis for sound State and local decisions about  
17 investment in, and effective uses of, educational  
18 technology;

19           “(5) promoting high-quality professional devel-  
20 opment opportunities for teachers and administra-  
21 tors on the integration of technology into instruction  
22 and administration;

23           “(6) ensuring that Federal technology-related  
24 policies and programs facilitate the use of technology  
25 in education; and

1           “(7) ensuring that, as technological advances  
2           are made, the educational uses of these advances are  
3           considered and their applications are developed.

4           “OFFICE OF EDUCATIONAL TECHNOLOGY

5           “SEC. 3112. There is established in the Department  
6           an Office of Educational Technology, which shall be ad-  
7           ministered by a Director of Educational Technology ap-  
8           pointed by the Secretary. The Office of Educational Tech-  
9           nology, in consultation with other appropriate agencies,  
10          shall provide leadership to the Nation in the use of tech-  
11          nology to promote achievement of the National Education  
12          Goals and to increase opportunities for all students to  
13          achieve to challenging State standards, and shall perform  
14          such additional functions as the Secretary may require.

15          “NATIONAL LONG-RANGE PLAN

16          “SEC. 3113. (a) IN GENERAL.—(1) The Secretary  
17          shall develop and publish by September 30, 1995, and up-  
18          date when appropriate, a national long-range plan to carry  
19          out the purposes of this subpart.

20          “(2) The Secretary shall—

21                 “(A) develop the plan in consultation with other  
22                 Federal agencies, State and local education practi-  
23                 tioners and policy-makers, experts in technology and  
24                 the educational applications of technology, and pro-  
25                 viders of technology services and products;



1           “(B) transmit the plan to the President and to  
2           the appropriate committees of the Congress; and

3           “(C) publish the plan in a form that is readily  
4           accessible to the public.

5           “(b) CONTENTS OF THE PLAN.—The national long-  
6           range plan shall describe the Secretary’s activities to pro-  
7           mote the purposes of this subpart, including—

8           “(1) how the Secretary will encourage the effec-  
9           tive use of technology to provide all students the op-  
10          portunity to achieve to challenging State standards,  
11          especially through programs administered by the De-  
12          partment;

13          “(2) joint activities with other Federal agencies,  
14          such as the National Endowment for the Human-  
15          ities, the National Endowment for the Arts, the Na-  
16          tional Aeronautics and Space Administration, the  
17          National Science Foundation, and the Departments  
18          of Commerce, Energy, Health and Human Services,  
19          and Labor, to promote the use of technology in edu-  
20          cation, and training and lifelong learning, including  
21          plans for the educational uses of a national informa-  
22          tion infrastructure, and to ensure that the policies  
23          and programs of such agencies facilitate the use of  
24          technology for educational purposes to the extent  
25          feasible;

1           “(3) how the Secretary will work with edu-  
2           cators, State and local educational agencies, and ap-  
3           propriate representatives of the private sector to fa-  
4           cilitate the effective use of technology in education;

5           “(4) how the Secretary will promote—

6           “(A) increased access to the benefits of  
7           technology for teaching and learning for schools  
8           with high concentrations of children from low-  
9           income families;

10           “(B) the use of technology to assist in the  
11           implementation of State systemic reform strate-  
12           gies;

13           “(C) the application of technological ad-  
14           vances to use in education; and

15           “(D) increased opportunities for the pro-  
16           fessional development of teachers in the use of  
17           new technologies;

18           “(5) how the Secretary will determine, in con-  
19           sultation with appropriate individuals, organizations,  
20           and agencies, the feasibility and desirability of estab-  
21           lishing guidelines and protocols to facilitate effective  
22           use of technology in education; and

23           “(6) the Secretary’s long-range measurable  
24           goals and objectives relating to the purposes of this  
25           subpart.

1                                   “FEDERAL LEADERSHIP

2           “SEC. 3114. (a) PROGRAM AUTHORIZED.—(1) In  
3 order to provide Federal leadership in promoting the use  
4 of technology in education, the Secretary, in consultation  
5 with the National Science Foundation, the Department of  
6 Commerce, and other appropriate Federal agencies, may  
7 carry out activities designed to achieve the purposes of this  
8 subpart directly or by awarding grants (pursuant to a peer  
9 review process) to, or entering into contracts with, State  
10 educational agencies, local educational agencies, institu-  
11 tions of higher education, or other public and private non-  
12 profit or for-profit agencies and organizations.

13           “(2) For the purpose of carrying out coordinated or  
14 joint activities consistent with the purposes of this sub-  
15 part, the Secretary may accept funds from, and transfer  
16 funds to, other Federal agencies.

17           “(b) USES OF FUNDS.—The Secretary may use funds  
18 appropriated under this subpart for activities designed to  
19 carry out the purpose of this subpart, and to meet the  
20 goals and objectives of the national long-range plan under  
21 section 3113, including—

22                           “(1) planning grants to States and local edu-  
23 cation agencies, to enable such entities to examine  
24 and develop strategies for the effective use of tech-  
25 nology to help achieve the objectives of the Goals

1 2000: Educate America Act and the School-to-Work  
2 Opportunities Act of 1993;

3 “(2) development grants to technical assistance  
4 providers, to enable them to improve substantially  
5 the services they offer to educators on the edu-  
6 cational uses of technology, including professional  
7 development;

8 “(3) consulting with representatives of industry,  
9 elementary and secondary education, higher edu-  
10 cation, and appropriate experts in technology and its  
11 educational applications in carrying out activities  
12 under this subpart;

13 “(4) research on, and the development of,  
14 guidelines and protocols to facilitate efficient and ef-  
15 fective use of technology in education;

16 “(5) research on, and the development of, edu-  
17 cational applications of the most advanced and newly  
18 emerging technologies;

19 “(6) the development, demonstration, and eval-  
20 uation of applications of existing technology in pre-  
21 school education, elementary and secondary edu-  
22 cation, training and lifelong learning, and profes-  
23 sional development of educational personnel;

24 “(7) the development and evaluation of software  
25 and other products, including television program-

1        ming, that incorporate advances in technology and  
2        help achieve the National Education Goals and chal-  
3        lenging State standards;

4            “(8) the development, demonstration, and eval-  
5        uation of model strategies for preparing teachers  
6        and other personnel to use technology effectively to  
7        improve teaching and learning;

8            “(9) the development of model programs to  
9        demonstrate the educational effectiveness of tech-  
10       nology in urban and rural areas and economically-  
11       distressed communities;

12           “(10) research on, and the evaluation of, the ef-  
13       fectiveness and benefits of technology in education;

14           “(11) conferences on, and dissemination of in-  
15       formation about, the uses of technology in education;

16           “(12) the development of model strategies to  
17       promote gender equity concerning access to, and the  
18       use of, technology in the classroom; and

19           “(13) such other activities as the Secretary de-  
20       termines would meet the purposes of this subpart.

21        “(c) NON-FEDERAL SHARE.—(1) Subject to para-  
22       graph (2), the Secretary is authorized to require any recip-  
23       ient of a grant or contract under this subpart to share  
24       in the cost of its project, which share shall be announced

1 through a notice in the Federal Register and may be in  
2 the form of cash or in-kind contributions, fairly valued.

3 “(2) The Secretary may increase the non-Federal  
4 share required of such recipient after the first year of the  
5 recipient’s project, except that such share may not exceed  
6 50 percent at any time during the recipient’s project.

7 “AUTHORIZATION OF APPROPRIATIONS

8 “SEC. 3115. For the purpose of carrying out this sub-  
9 part, there are authorized to be appropriated such sums  
10 as may be necessary for each of the fiscal years 1995  
11 through 1999.

12 “Subpart 2—Star Schools Program

13 “FINDINGS

14 “SEC. 3121. The Congress finds that—

15 “(1) the Star Schools program has helped to  
16 encourage the use of distance learning strategies to  
17 serve multi-State regions primarily by means of sat-  
18 ellite and broadcast television;

19 “(2) in general, distance learning programs  
20 have been used effectively to provide students in  
21 small, rural, and isolated schools with courses and  
22 instruction, such as science and foreign language in-  
23 struction, that the local educational agency would  
24 not otherwise have been able to provide; and

25 “(3) distance learning programs could also be  
26 used to—

1           “(A) provide students in all types of  
2 schools and local educational agencies with  
3 greater access to high-quality instruction in the  
4 full range of core academic subjects that would  
5 enable them to meet challenging, internationally  
6 competitive, educational standards;

7           “(B) expand professional development op-  
8 portunities for teachers;

9           “(C) contribute to achievement of the Na-  
10 tional Education Goals; and

11           “(D) expand learning opportunities for ev-  
12 eryone.

13                   “STATEMENT OF PURPOSE

14           “SEC. 3122. The purpose of this subpart is to encour-  
15 age the expansion and use of distance learning programs  
16 and technologies to help—

17           “(1) improve teaching and learning;

18           “(2) achieve the National Education Goals;

19           “(3) all students learn to challenging State con-  
20 tent standards; and

21           “(4) increase participation in State and local  
22 educational reform.

23                   “PROGRAM AUTHORIZED

24           “SEC. 3123. (a) STAR SCHOOL AWARDS.—The Sec-  
25 retary is authorized, in accordance with this subpart, to  
26 make grants to eligible entities for the Federal share of

1 the cost of providing distance learning programs, includ-  
2 ing—

3 “(1) developing, constructing, and acquiring  
4 telecommunications facilities and equipment;

5 “(2) developing and acquiring instructional pro-  
6 gramming; and

7 “(3) providing technical assistance regarding  
8 the use of such facilities and instructional program-  
9 ming.

10 “(b) AUTHORIZATION OF APPROPRIATIONS.—For the  
11 purpose of carrying out this subpart, there are authorized  
12 to be appropriated such sums as may be necessary for  
13 each of the fiscal years 1995 through 1999.

14 “(c) LIMITATIONS.—(1) A grant under this section  
15 shall not exceed—

16 “(A) five years in duration; and

17 “(B) \$10,000,000 in any one fiscal year.

18 “(2) Not less than 25 percent of the funds available  
19 to the Secretary for any fiscal year under this subpart  
20 shall be used for the cost of instructional programming.

21 “(3) Not less than 50 percent of the funds available  
22 to the Secretary for any fiscal year under this subpart  
23 shall be used for the cost of facilities, equipment, teacher  
24 training or retraining, technical assistance, or program-



1 ming, for local educational agencies that are eligible to re-  
2 ceive assistance under part A of title I of this Act.

3 “(d) FEDERAL SHARE.—(1) The Federal share of  
4 the cost of projects funded under this section shall not  
5 exceed 75 percent for the first and second years of the  
6 award, 60 percent for the third and fourth years, and 50  
7 percent for the fifth year.

8 “(2) The Secretary may reduce or waive the require-  
9 ment of the non-Federal share under paragraph (1) upon  
10 a showing of financial hardship.

11 “(e) AUTHORITY TO ACCEPT FUNDS FROM OTHER  
12 AGENCIES.—The Secretary is authorized to accept funds  
13 from other agencies to carry out the purposes of this sec-  
14 tion, including funds for the purchase of equipment.

15 “ELIGIBLE ENTITIES

16 “SEC. 3124. (a) ELIGIBLE ENTITIES.—(1) The Sec-  
17 retary may make a grant under section 3123 to any eligi-  
18 ble entity, provided that at least one local educational  
19 agency is participating in the proposed project.

20 “(2) An eligible entity may include—

21 “(A) a public agency or corporation established  
22 for the purpose of developing and operating tele-  
23 communications networks to enhance educational op-  
24 portunities provided by educational institutions,  
25 teacher training centers, and other entities, except  
26 that any such agency or corporation shall represent

1 the interests of elementary and secondary schools  
2 that are eligible to participate in the program under  
3 part A of title I of this Act; or

4 “(B) any two or more of the following, which  
5 will provide a telecommunications network:

6 “(i) A local educational agency that has a  
7 significant number of elementary and secondary  
8 schools that are eligible for assistance under  
9 part A of title I of this Act, or elementary and  
10 secondary schools operated or funded for Indian  
11 children by the Department of the Interior eli-  
12 gible under section 1121(b)(1) of this Act.

13 “(ii) A State educational agency.

14 “(iii) An institution of higher education or  
15 a State higher education agency.

16 “(iv) A teacher training center or academy  
17 that—

18 “(I) provides teacher pre-service and  
19 in-service training; and

20 “(II) receives Federal financial assist-  
21 ance or has been approved by a State  
22 agency.

23 “(v)(I) a public or private entity with expe-  
24 rience and expertise in the planning and oper-  
25 ation of a telecommunications network, includ-

1           ing entities involved in telecommunications  
2           through satellite, cable, telephone, or computer;  
3           or

4           “(II) a public broadcasting entity with  
5           such experience.

6           “(vi) A public or private elementary or sec-  
7           ondary school.

8                           “APPLICATIONS

9           “SEC. 3125. (a) GENERAL REQUIREMENT.—Each el-  
10          igible entity that desires to receive a grant under this sub-  
11          part shall submit an application to the Secretary in such  
12          form, at such time, and containing such information and  
13          assurances as the Secretary may require.

14          “(b) STAR SCHOOL AWARD APPLICATIONS.—Each  
15          application for a grant authorized under section 3123  
16          shall—

17                   “(1) describe—

18                           “(A) how the proposed project will assist  
19                           in achieving the National Education Goals set  
20                           out in title I of the Goals 2000: Educate Amer-  
21                           ica Act, how it will assist all students to have  
22                           an opportunity to learn to challenging State  
23                           standards, and how it will assist State and local  
24                           educational reform efforts;

1           “(B) the telecommunications facilities and  
2 equipment and technical assistance for which  
3 assistance is sought, which may include—

4           “(i) the design, development, con-  
5 struction, and acquisition of district,  
6 multidistrict, State, or multistate edu-  
7 cational telecommunications networks and  
8 technology resource centers;

9           “(ii) microwave, fiber optics, cable,  
10 and satellite transmission equipment, or  
11 any combination thereof;

12           “(iii) reception facilities, satellite time,  
13 production facilities, and other tele-  
14 communications equipment capable of serv-  
15 ing the intended geographic area;

16           “(iv) the provision of training services  
17 to instructors who will be using the facili-  
18 ties and equipment for which assistance is  
19 sought in using such facilities and equip-  
20 ment, and in integrating programs into the  
21 class curriculum; and

22           “(v) the development of educational  
23 and related programming for use on a tele-  
24 communications network;

1           “(C) the types of programming that will be  
2 developed to enhance instruction and training,  
3 including an assurance that such programming  
4 will be designed in consultation with profes-  
5 sionals who are experts in the applicable subject  
6 matter and grade level;

7           “(D) how the eligible entity has engaged in  
8 sufficient survey and analysis of the area to be  
9 served to ensure that the services offered by the  
10 eligible entity will increase the availability of  
11 courses of instruction in English, mathematics,  
12 science, foreign languages, arts, history, geog-  
13 raphy, or other disciplines;

14           “(E) the professional development policies  
15 for teachers and other school personnel to be  
16 implemented to ensure the effective use of the  
17 telecommunications facilities and equipment for  
18 which assistance is sought;

19           “(F) the manner in which historically un-  
20 derserved students (such as students from low-  
21 income families, limited English proficient stu-  
22 dents, disabled students, or students who have  
23 low literacy skills) and their families will par-  
24 ticipate in the benefits of the telecommuni-  
25 cations facilities, equipment, technical assist-

1           ance, and programming assisted under this sub-  
2           part;

3           “(G) how existing telecommunications  
4           equipment, facilities, and services, where avail-  
5           able, will be used;

6           “(H) the activities or services for which as-  
7           sistance is sought, such as—

8           “(i) providing facilities, equipment,  
9           training services, and technical assistance;

10          “(ii) making programs accessible to  
11          individuals with disabilities through mecha-  
12          nisms such as closed captioning and de-  
13          scriptive video services;

14          “(iii) linking networks around issues  
15          of national importance (such as elections)  
16          or to provide information about employ-  
17          ment opportunities, job training, or stu-  
18          dent and other social service programs;

19          “(iv) sharing curriculum materials be-  
20          tween networks;

21          “(v) providing teacher and student  
22          support services;

23          “(vi) incorporating community re-  
24          sources such as libraries and museums into  
25          instructional programs;

1           “(vii) providing professional develop-  
2           ment for teachers, including, as appro-  
3           priate, training to early childhood develop-  
4           ment and Head Start teachers and staff  
5           and vocational education teachers and  
6           staff; and

7           “(viii) providing programs for adults  
8           at times other than the regular school day  
9           in order to maximize the use of tele-  
10          communications facilities and equipment;  
11          and

12           “(I) how the proposed project as  
13          a whole will be financed and how ar-  
14          rangements for future financing will  
15          be developed before the project ex-  
16          pires;

17          “(2) provide an assurance that a significant  
18          portion of any facilities, equipment, technical assist-  
19          ance, and programming for which assistance is  
20          sought for elementary and secondary schools will be  
21          made available to schools in local educational agen-  
22          cies that have a high percentage of children counted  
23          for the purpose of part A of title I of this Act; and

24          “(3) provide an assurance that the applicant  
25          will provide such information and cooperate in any

1 evaluation that the Secretary may conduct under  
2 this subpart.

3 “(c) PRIORITIES.—The Secretary shall, in approving  
4 applications for grants authorized under section 3123,  
5 give priority to applications that—

6 “(1) propose high-quality plans to assist in  
7 achieving one or more of the National Education  
8 Goals as set out in title I of the Goals 2000: Edu-  
9 cate America Act, would provide instruction consist-  
10 ent with State content standards, or would otherwise  
11 provide significant and specific assistance to States  
12 and local educational agencies undertaking systemic  
13 education reform under title III of the Goals 2000:  
14 Educate America Act; and

15 “(2) would serve schools with significant num-  
16 bers of children counted for the purposes of part A  
17 of title I of this Act.

18 “(d) GEOGRAPHIC DISTRIBUTION.—In approving ap-  
19 plications for grants authorized under section 3123, the  
20 Secretary shall, to the extent feasible, ensure an equitable  
21 geographic distribution of services.

22 “LEADERSHIP AND EVALUATION ACTIVITIES

23 “SEC. 3126. (a) SET-ASIDE.—From amounts appro-  
24 priated under section 3123(b), the Secretary may reserve  
25 up to 10 percent for national leadership, evaluation, and  
26 peer review activities.







1 education, and other public and private agencies, organi-  
2 zations, and institutions.

3 “(b) USES OF FUNDS.—(1) Funds under this section  
4 may be used for—

5 “(A) activities that will promote systemic edu-  
6 cation reform at the State and local levels, such as—

7 “(i) research and development related to  
8 content and performance standards for student  
9 learning; and

10 “(ii) the development and evaluation of  
11 model strategies for assessment of student  
12 learning, professional development for teachers  
13 and administrators, parent and community in-  
14 volvement, and other aspects of systemic re-  
15 form;

16 “(B) demonstrations at the State and local lev-  
17 els that are designed to yield nationally significant  
18 results, including approaches to public school choice  
19 and school based decision-making;

20 “(C) joint activities with other agencies to as-  
21 sist the effort to achieve the National Education  
22 Goals, including activities related to improving the  
23 transition from preschool to school and from school  
24 to work, as well as activities related to the integra-  
25 tion of education and health and social services;

1           “(D) activities to promote and evaluate counsel-  
2           ing and mentoring for students, including  
3           intergenerational mentoring;

4           “(E) activities to promote comprehensive health  
5           education;

6           “(F) activities to promote environmental edu-  
7           cation;

8           “(G) activities to assist students to demonstrate  
9           competence in foreign languages;

10          “(H) studies and evaluation of various edu-  
11          cation reform strategies and innovations being pur-  
12          sued by the Federal Government, States, and local  
13          educational agencies;

14          “(I) the identification and recognition of exem-  
15          plary schools and programs, such as Blue Ribbon  
16          Schools; and

17          “(J) other programs and projects that meet the  
18          purposes of this section.

19          “(2) The Secretary may also use funds under this  
20          section to complete the project periods for direct grants  
21          or contracts awarded under the provisions of the Elemen-  
22          tary and Secondary Education Act of 1965, part B of title  
23          III of the Augustus F. Hawkins-Robert T. Stafford Ele-  
24          mentary and Secondary School Improvement Amendments  
25          of 1988, or title III of the Education for Economic Secu-

1 rity Act, as these Acts were in effect on the day before  
2 enactment of the Improving America's Schools Act of  
3 1993.

4 “(c) AWARDS.—(1) The Secretary may make awards  
5 under this section on the basis of competitions announced  
6 by the Secretary and may also support meritorious unso-  
7 licited proposals.

8 “(2) The Secretary shall ensure that projects and ac-  
9 tivities supported under this section are designed so that  
10 their effectiveness is readily ascertainable.

11 “(3) The Secretary shall use a peer review process  
12 in reviewing applications for grants under this section and  
13 may use funds appropriated under subsection (d) for this  
14 purpose.

15 “(d) AUTHORIZATION.—For the purpose of carrying  
16 out this section, there are authorized to be appropriated  
17 such sums as may be necessary for each of the fiscal years  
18 1995 through 1999.

19 “PART C—JACOB K. JAVITS GIFTED AND TALENTED  
20 EDUCATION PROGRAM

21 “FINDINGS AND PURPOSE

22 “SEC. 3301. (a) FINDINGS.—The Congress finds  
23 that—

24 “(1) all students can learn to high standards;

1           “(2) all students must develop their talents, re-  
2           alize their potential, and learn to high standards if  
3           the United States is to prosper;

4           “(3) too often, schools fail to challenge students  
5           to do their best work, and students who are not  
6           challenged will not fully develop their talents, realize  
7           their potential, and learn to high standards;

8           “(4) schools must provide all students with im-  
9           portant and challenging subject matter to study and  
10          encourage the habits of hard work;

11          “(5) during the past 20 years, programs for  
12          gifted and talented students have served as labora-  
13          tories for innovative and experimental approaches to  
14          teaching and learning;

15          “(6) many programs developed for gifted and  
16          talented students, when used with disadvantaged  
17          students, have shown promise in achieving better re-  
18          sults than remedial programs;

19          “(7) the experience and knowledge gained in  
20          developing and implementing programs for gifted  
21          and talented students can and should be used to de-  
22          velop a rich and challenging curriculum for all  
23          students;

24          “(8) the Federal Government should encourage  
25          the adaptation of strategies used in programs for

1 gifted and talented students to help all students de-  
2 velop their talents, realize their potential, and learn  
3 to high standards, while also continuing to challenge  
4 gifted and talented students; and

5 “(9) examples of programs and strategies in  
6 which students can and have learned to the highest  
7 standards will help to demonstrate how all students  
8 can learn to high standards.

9 “(b) PURPOSE.—The purpose of this part is to dem-  
10 onstrate how strategies and programs designed for the  
11 education of gifted and talented students can be adapted  
12 and used to improve teaching and learning for all students  
13 in a school and to help all students in a school develop  
14 their talents, realize their potential, and meet challenging  
15 performance standards, while not diminishing the curricu-  
16 lum and instruction for students traditionally identified as  
17 gifted and talented. Such strategies and programs shall,  
18 at a minimum—

19 “(1) contain important and challenging aca-  
20 demic content;

21 “(2) elicit complex thinking and understanding  
22 in students;

23 “(3) engage students in learning and allow  
24 them to progress at their own pace; and

1           “(4) use performance measures that assess  
2           whether students have developed a thorough under-  
3           standing of the important and challenging subject  
4           matter contained in the school curriculum.

5                           “AUTHORIZED PROGRAMS

6           “SEC. 3302. (a) ESTABLISHMENT OF PROGRAM.—  
7 From the sums appropriated under section 3305(a) for  
8 any fiscal year that are remaining after the reservation  
9 of funds pursuant to section 3305(b), the Secretary shall  
10 make grants to, or enter into contracts with, State edu-  
11 cational agencies, local educational agencies, institutions  
12 of higher education, or other public agencies or private  
13 agencies and organizations (including Indian tribes and  
14 organizations, as defined by the Indian Self-Determination  
15 and Education Assistance Act, and Native Hawaiian orga-  
16 nizations) to assist such agencies, schools, institutions,  
17 and organizations to carry out the purpose of this part.

18           “(b) APPLICATION.—Any eligible applicant that  
19 wishes to receive funds under this part shall submit an  
20 application to the Secretary at such time, in such manner,  
21 and containing such information as the Secretary may re-  
22 quire.

23           “(c) USES OF FUNDS.—(1) A recipient of funds  
24 under this part shall use those funds for activities that  
25 are designed to meet the purpose of this part. Such activi-  
26 ties may include—



1           “(A) developing, implementing, and expanding  
2           new programs that adapt strategies or programs de-  
3           signed for gifted and talented students to serve all  
4           students (including gifted and talented students) in  
5           a school or in several schools;

6           “(B) adapting and expanding existing programs  
7           for gifted and talented students to serve all students  
8           (including gifted and talented students) in a school  
9           or in several schools;

10          “(C) implementing innovative strategies, such  
11          as cooperative learning and peer tutoring, for ex-  
12          panding programs that serve gifted and talented stu-  
13          dents into programs that serve all the students (in-  
14          cluding gifted and talented students) in a school;

15          “(D) establishing and operating cooperative  
16          programs involving business, industry, and edu-  
17          cation;

18          “(E) establishing and operating summer pro-  
19          grams; and

20          “(F) strengthening the capability of State edu-  
21          cational agencies and institutions of higher edu-  
22          cation to provide leadership and assistance to local  
23          educational agencies and nonprofit private schools in  
24          adapting strategies and programs for educating gift-

1 ed and talented students to improve education for all  
2 students (including gifted and talented students).

3 “(2) Each project assisted under this part that pro-  
4 vides services to students shall, by the end of the period  
5 for which assistance is sought (but in no case later than  
6 the end of the third year of assistance under this part)  
7 serve all the students (including gifted and talented stu-  
8 dents) in a school.

9 “(d) NON-FEDERAL SHARE.—(1) Subject to para-  
10 graph (2), the Secretary is authorized to require any recip-  
11 ient of a grant or contract under this part to share in  
12 the cost of its project, which share shall be announced  
13 through a notice in the Federal Register and may be in  
14 the form of cash or in-kind contributions, fairly valued.

15 “(2) The Secretary may increase the non-Federal  
16 share required of such recipient after the first year of the  
17 recipient’s project, except that such share may not exceed  
18 50 percent at any time during the recipient’s project.

19 “PROGRAM PRIORITIES

20 “SEC. 3303. In making awards under this part, the  
21 Secretary shall ensure that for each fiscal year at least  
22 one-half of the awards made contain a component de-  
23 signed to serve schools in which at least 50 percent of the  
24 students in the school are children counted under section  
25 1123(c)(1)(A) (children from low-income families).

1                   “NATIONAL RESPONSIBILITIES

2           “SEC. 3304. (a) PROGRAM OPERATIONS.—The Sec-  
3 retary shall ensure that the programs under this part are  
4 administered within the Department of Education by a  
5 person who has recognized professional qualifications and  
6 experience in the field of the education of gifted and tal-  
7 ented students and who shall serve as a focal point of na-  
8 tional leadership and information on mechanisms to carry  
9 out the purpose of this part.

10          “(b) REVIEW, DISSEMINATION, AND EVALUATION.—  
11 The Secretary shall—

12                   “(1) use a peer review process in reviewing ap-  
13 plications under this part;

14                   “(2) ensure that information on the activities  
15 and results of projects funded under this part is dis-  
16 seminated to appropriate State and local agencies  
17 and other appropriate organizations, including non-  
18 profit private organizations; and

19                   “(3) evaluate the effectiveness of programs  
20 under this part, both in terms of the impact on stu-  
21 dents traditionally served in separate gifted and tal-  
22 ented programs and on other students, and submit  
23 the results of such evaluation to Congress by Janu-  
24 ary 1, 1999.

1       “(c) APPLIED RESEARCH AND DEVELOPMENT.—The  
2 Secretary may conduct, in coordination with other appro-  
3 priate offices of the Department, applied research and de-  
4 velopment of theories, strategies, and models that further  
5 the purpose of this part.

6       “(d) GRANT AND CONTRACT AUTHORITY.—The Sec-  
7 retary may carry out the activities under subsections (a),  
8 (b), and (c) directly or through grants or contracts.

9               “AUTHORIZATION OF APPROPRIATIONS

10       “SEC. 3305. (a) IN GENERAL.—For the purpose of  
11 carrying out this part, there are authorized to be appro-  
12 priated such sums as may be necessary for each of the  
13 fiscal years 1995 through 1999.

14       “(b) RESERVATION.—In order to carry out the pur-  
15 pose of this part, the Secretary may reserve not more than  
16 15 percent of the sum appropriated under subsection (a)  
17 for any fiscal year for activities under section 3304(b).

18               “DEFINITIONS

19       “SEC. 3306. For the purpose of this part, the follow-  
20 ing terms have the following meanings:

21               “(1) The term ‘Native Hawaiian’ means any in-  
22 dividual any of whose ancestors were natives prior to  
23 1778 of the area that now comprises the State of  
24 Hawaii.

25               “(2) The term ‘Native Hawaiian organization’  
26 means any organization recognized by the Governor

1 of the State of Hawaii and primarily serving and  
2 representing Native Hawaiians.

3 “PART D—CHARTER SCHOOLS

4 “FINDINGS AND PURPOSE

5 “SEC. 3401. (a) FINDINGS.—The Congress finds  
6 that—

7 “(1) enhancement of parent and student choices  
8 among public schools can assist in promoting com-  
9 prehensive educational reform and give more stu-  
10 dents the opportunity to learn to challenging State  
11 academic standards, if sufficiently diverse and high-  
12 quality choices, and genuine opportunities to take  
13 advantage of them, are available to all students;

14 “(2) useful examples of such choices can come  
15 from States and communities that experiment with  
16 methods of offering teachers and other educators,  
17 parents, and other members of the public the oppor-  
18 tunity to design and implement new public schools;

19 “(3) the new schools developed through this  
20 process should be free to test a variety of edu-  
21 cational approaches and should, therefore, be ex-  
22 empted from restrictive rules and regulations if their  
23 leadership commits to attaining specific and ambi-  
24 tious educational results for students consistent with

1 challenging State content and performance stand-  
2 ards for all students;

3 “(4) charter schools, as they have been imple-  
4 mented in a few States, can embody the necessary  
5 mixture of enhanced choice, exemption from restric-  
6 tive regulations, and a focus on learning gains; and

7 “(5) the Federal Government should test, evalu-  
8 ate, and disseminate information on a variety of  
9 charter school models in order to help demonstrate  
10 the benefits of this promising educational reform.

11 “(b) PURPOSE.—It is the purpose of this part to in-  
12 crease national understanding of the charter schools model  
13 by—

14 “(1) providing financial assistance for the de-  
15 sign and initial implementation of charter schools;  
16 and

17 “(2) evaluating the effects of those schools, in-  
18 cluding their effects on students, staff, and parents.

19 “PROGRAM AUTHORIZED

20 “SEC. 3402. (a) GENERAL.—The Secretary may  
21 make grants to eligible applicants for the design and ini-  
22 tial operation of charter schools.

23 “(b) PROJECT PERIODS.—Each such grant shall be  
24 for a period of not more than three years, of which the  
25 grantee 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  
6           more than one grant to support a particular charter  
7           school.

8   “APPLICATIONS

9           “SEC. 3403. (a) APPLICATIONS REQUIRED.—Any eli-  
10          gible applicant that desires to receive a grant under this  
11          part shall submit an application to the Secretary at such  
12          time and in such manner as the Secretary may require.

13          “(b) SCOPE OF APPLICATION.—Each such applica-  
14          tion may request assistance for a single charter school or  
15          for a cluster of schools, which may include a high school  
16          and its feeder elementary and middle schools, within a  
17          community.

18          “(c) APPLICATION CONTENTS.—Each such applica-  
19          tion shall include, for each charter school for which assist-  
20          ance is sought—

21                  “(1) a description of the educational program  
22                  to be implemented by the proposed charter school,  
23                  including—

24                                  “(A) how the program will enable all stu-  
25                                  dents to meet challenging State performance  
26                                  standards;

1           “(B) the grade levels or ages of children to  
2           be served; and

3           “(C) the curriculum and instructional  
4           practices to be used;

5           “(2) a description of how the school will be  
6           managed;

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  
11          objectives;

12          “(4) a description of the administrative rela-  
13          tionship between the charter school and the local  
14          educational agency or State educational agency that  
15          will authorize or approve the school’s charter and  
16          act as the grantee under this part;

17          “(5) a description of how parents and other  
18          members of the community will be involved in the  
19          design and implementation of the charter school;

20          “(6) a description of how the State or local edu-  
21          cational agency, as the case may be, will provide for  
22          continued operation of the school once the Federal  
23          grant has expired, if such agency determines that  
24          the school is successful;



1           “(7) a request and justification for waivers of  
2 any Federal statutory or regulatory provisions that  
3 the applicant believes are necessary for the success-  
4 ful operation of the charter school, and a description  
5 of any State or local rules, generally applicable to  
6 public schools, that will be waived for, or otherwise  
7 not apply to, the school;

8           “(8) a description of how the grant funds would  
9 be used;

10           “(9) a description of how grant funds would be  
11 used in conjunction with other Federal programs ad-  
12 ministered by the Secretary;

13           “(10) a description of how students in the com-  
14 munity will be—

15                 “(A) informed about the school; and

16                 “(B) given an equal opportunity to attend  
17 the school;

18           “(11) an assurance that the applicant will an-  
19 nually provide the Secretary such information as the  
20 Secretary may require to determine if the charter  
21 school is making satisfactory progress toward achiev-  
22 ing the objectives described under paragraph (3);

23           “(12) an assurance that the applicant will co-  
24 operate with the Secretary in evaluating the pro-  
25 gram authorized by this part; and

1           “(13) such other information and assurances as  
2           the Secretary may require.

3           “(d) STATE EDUCATIONAL AGENCY APPROVAL RE-  
4           QUIRED.—(1) A local educational agency that desires to  
5           receive a grant under this part shall obtain the State edu-  
6           cational agency’s approval of its application before submit-  
7           ting it to the Secretary.

8           “(2) A State educational agency that approves an ap-  
9           plication of a local educational agency shall provide the  
10          local educational agency, and such local agency shall in-  
11          clude in its application to the Secretary, a statement that  
12          the State has granted, or will grant, the waivers and ex-  
13          emptions from State requirements described in such local  
14          agency’s application.

15                   “SELECTION OF GRANTEES; WAIVERS

16          “SEC. 3404. (a) CRITERIA.—The Secretary shall se-  
17          lect projects to be funded on the basis of the quality of  
18          the applications, taking into consideration such factors  
19          as—

20                   “(1) the quality of the proposed curriculum and  
21                   instructional practices;

22                   “(2) the degree of flexibility afforded by the  
23                   State and, if applicable, the local educational agency  
24                   to the school;

25                   “(3) the extent of community support for the  
26                   application;

1           “(4) the ambitiousness of the objectives for the  
2 school;

3           “(5) the quality of the plan for assessing  
4 achievement of those objectives; and

5           “(6) the likelihood that the school will meet  
6 those objectives and improve educational results for  
7 students.

8           “(b) PEER REVIEW.—The Secretary shall use a peer  
9 review process to review applications for grants under this  
10 section.

11          “(c) DIVERSITY OF PROJECTS.—The Secretary may  
12 approve projects in a manner that ensures, to the extent  
13 possible, that they—

14           “(1) are distributed throughout different areas  
15 of the Nation, including in urban and rural areas;  
16 and

17           “(2) represent a variety of educational ap-  
18 proaches.

19          “(d) WAIVERS.—The Secretary may waive any statu-  
20 tory or regulatory requirement that the Secretary is re-  
21 sponsible for enforcing, except for any such requirement  
22 relating to the elements of a charter school described in  
23 section 3407(1), if—

24           “(1) the waiver is requested in an approved ap-  
25 plication or by a grantee under this part; and

1           “(2) the Secretary determines that granting  
2           such a waiver would promote the purpose of this  
3           part.

4                               “USES OF FUNDS

5           “SEC. 3405. A recipient of a grant under this part  
6           may use the grant funds only for—

7                       “(1) post-award planning and design of the  
8           educational program, which may include—

9                               “(A) refinement of the desired educational  
10           results and of the methods for measuring  
11           progress toward achieving those results; and

12                              “(B) professional development of teachers  
13           and other staff who will work in the charter  
14           school; and

15                       “(2) initial implementation of the charter  
16           school, which may include—

17                              “(A) informing the community about the  
18           school;

19                              “(B) acquiring necessary equipment;

20                              “(C) acquiring or developing curriculum  
21           materials; and

22                              “(D) other operational costs that cannot  
23           be met from State or local sources.

## 1 "NATIONAL ACTIVITIES

2 "SEC. 3406. The Secretary may reserve up to 10 per-  
3 cent of the funds appropriated for this part for any fiscal  
4 year for—

5 "(1) peer review of applications under section  
6 3404(b);

7 "(2) an evaluation of charter schools, including  
8 those assisted under this part; and

9 "(3) other activities designed to enhance the  
10 success of the program authorized by this part, such  
11 as bringing grantees together to share ideas and in-  
12 formation.

## 13 "DEFINITIONS

14 "SEC. 3407. As used in this part, the following terms  
15 have the following meanings:

16 "(1) The term 'charter school' means a school  
17 that—

18 "(A) in accordance with an enabling State  
19 statute, is exempted from significant State or  
20 local rules that inhibit the flexible operation  
21 and management of public schools, but not  
22 from any rules relating to the other require-  
23 ments of this paragraph;

24 "(B) is created by a developer as a public  
25 school, or is adapted by a developer from an ex-  
26 isting public school;

1           “(C) operates in pursuit of a specific set of  
2 educational objectives determined by the  
3 school’s developer and agreed to by the State or  
4 local educational agency applying for a grant on  
5 behalf of the school;

6           “(D) provides a program of elementary or  
7 secondary education, or both;

8           “(E) is nonsectarian in its programs, ad-  
9 missions policies, employment practices, and all  
10 other operations, and is not affiliated with a  
11 sectarian school or religious institution;

12           “(F) does not charge tuition;

13           “(G) complies with the Age Discrimination  
14 Act, title VI of the Civil Rights Act of 1964,  
15 title IX of the Education Amendments of 1972,  
16 section 504 of the Rehabilitation Act of 1973,  
17 and part B of the Individuals with Disabilities  
18 Education Act;

19           “(H) admits students on the basis of a lot-  
20 tery, if more students apply for admission than  
21 can be accommodated;

22           “(I) agrees to comply with the same Fed-  
23 eral and State audit requirements as do other  
24 schools in the State, unless such requirements

1 are specifically waived for the purpose of this  
2 program; and

3 “(J) meets all applicable Federal, State,  
4 and local health and safety requirements.

5 “(2) The term ‘developer’ means an individual  
6 or group of individuals (including a public or private  
7 nonprofit organization), which may include teachers,  
8 administrators and other school staff, parents, or  
9 other members of the local community in which a  
10 charter school project will be carried out.

11 “(3) The term ‘eligible applicant’ means a State  
12 educational agency or local educational agency, in  
13 partnership with a developer.

14 “AUTHORIZATION OF APPROPRIATIONS

15 “SEC. 3408. For the purpose of carrying out this  
16 part, there are authorized to be appropriated such sums  
17 as may be necessary for each of the fiscal years 1995  
18 through 1999.

19 “PART E—ARTS IN EDUCATION

20 “SUPPORT FOR ARTS EDUCATION

21 “SEC. 3501. (a) FINDINGS.—The Congress finds  
22 that—

23 “(1) the arts are forms of understanding and  
24 ways of knowing that are fundamentally important  
25 to education;

1           “(2) the arts are important to excellent edu-  
2 cation and to effective school reform;

3           “(3) the most significant contribution of the  
4 arts to education reform is the transformation of  
5 teaching and learning;

6           “(4) this transformation is best realized in the  
7 context of comprehensive, systemic education reform;

8           “(5) demonstrated competency in the arts for  
9 American students is among the National Education  
10 Goals; and

11           “(6) arts education should be an integral part  
12 of the elementary and secondary school curriculum.

13           “(b) PURPOSE.—The purposes of this part are to—

14           “(1) support systemic education reform by  
15 strengthening arts education as an integral part of  
16 the elementary and secondary school curriculum;

17           “(2) help ensure that all students have the op-  
18 portunity to learn to challenging standards in the  
19 arts; and

20           “(3) support the national effort to enable all  
21 students to demonstrate competence in the arts in  
22 accordance with the National Education Goals.

23           “(c) ELIGIBLE RECIPIENTS.—In order to carry out  
24 the purposes of this part, the Secretary is authorized to



1 make grants to, or enter into contracts or cooperative  
2 agreements with—

3 “(1) State educational agencies;

4 “(2) local educational agencies;

5 “(3) institutions of higher education; and

6 “(4) other public and private agencies, institu-  
7 tions, and organizations.

8 “(d) AUTHORIZED ACTIVITIES.—Funds under this  
9 part may be used for—

10 “(1) research on arts education;

11 “(2) the development of, and dissemination of  
12 information about, model arts education programs;

13 “(3) the development of model arts education  
14 assessments based on high standards;

15 “(4) the development and implementation of  
16 curriculum frameworks for arts education;

17 “(5) the development of model preservice and  
18 inservice professional development programs for arts  
19 educators and other instructional staff;

20 “(6) supporting collaborative activities with  
21 other Federal agencies or institutions involved in  
22 arts education, such as the National Endowment for  
23 the Arts, the Institute of Museum Services, the John  
24 F. Kennedy Center for the Performing Arts, and the  
25 National Gallery of Art;

1           “(7) supporting model projects and programs in  
2           the performing arts for children and youth through  
3           arrangements made with the John F. Kennedy Cen-  
4           ter for the Performing Arts;

5           “(8) supporting model projects and programs in  
6           the arts for individuals with disabilities through ar-  
7           rangements with the organization, Very Special  
8           Arts;

9           “(9) supporting model projects and programs to  
10          integrate arts education into the regular elementary  
11          and secondary school curriculum; and

12          “(10) other activities that further the purposes  
13          of this part.

14          “(e) COORDINATION.—(1) A recipient of funds under  
15          this part shall, to the extent possible, coordinate its project  
16          with appropriate activities of public and private cultural  
17          agencies, institutions, and organizations, including muse-  
18          ums, arts education associations, libraries, and theaters.

19          “(2) In carrying out this part, the Secretary shall co-  
20          ordinate with the National Endowment for the Arts, the  
21          Institute of Museum Services, the John F. Kennedy Cen-  
22          ter for the Performing Arts, and the National Gallery of  
23          Art.

24          “(f) AUTHORIZATION.—For the purpose of carrying  
25          out this part, there are authorized to be appropriated such

1 sums as may be necessary for each of the fiscal years 1995  
2 through 1999.

3 “PART F—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

4 “INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR

5 READING MOTIVATION

6 “SEC. 3601. (a) AUTHORIZATION.—The Secretary is  
7 authorized to enter into a contract with Reading is Fun-  
8 damental (RIF) (hereinafter in this section referred to as  
9 ‘the contractor’) to support and promote programs, which  
10 include the distribution of inexpensive books to students,  
11 that motivate children to read.

12 “(b) REQUIREMENTS OF CONTRACT.—Any contract  
13 entered into under subsection (a) shall—

14 “(1) provide that the contractor will enter into  
15 subcontracts with local private nonprofit groups or  
16 organizations or with public agencies under which  
17 each subcontractor will agree to establish, operate,  
18 and provide the non-Federal share of the cost of  
19 reading motivation programs that include the dis-  
20 tribution of books, by gift or loan, to preschool, ele-  
21 mentary, and secondary school children;

22 “(2) provide that funds made available by the  
23 Secretary will be used by the contractor only to pay  
24 the Federal share of the cost of such programs;

1           “(3) provide that in selecting subcontractors for  
2 initial funding, the contractor will give priority to  
3 programs that will serve a substantial number or  
4 percentage of children with special needs, such as—

5                   “(A) low-income children, particularly in  
6 high-poverty areas;

7                   “(B) children at risk of school failure;

8                   “(C) children with disabilities, including  
9 children with serious emotional disturbance;

10                  “(D) foster children;

11                  “(E) homeless children;

12                  “(F) migrant children;

13                  “(G) children without access to libraries;

14                  “(H) institutionalized or incarcerated chil-  
15 dren; and

16                  “(I) children whose parents are institu-  
17 tionalized or incarcerated;

18           “(4) provide that the contractor will not provide  
19 Federal assistance under this section to any sub-  
20 contractor for more than five years after the date of  
21 enactment of the Improving America’s Schools Act  
22 of 1993 or the beginning of the subcontractor’s pro-  
23 gram under this section (or its predecessor author-  
24 ity), whichever comes later, except that the contrac-

1       tor may continue to provide such assistance beyond  
2       such date if—

3               “(A) the program qualifies for priority  
4               treatment under paragraph (3); and

5               “(B) the contractor determines that, be-  
6               cause of severe economic hardship facing the  
7               subcontractor and the local area it serves, the  
8               local program will be unable to continue with-  
9               out additional assistance under this section;

10              “(5) provide that, not later than three years  
11              from the date of enactment of the Improving Ameri-  
12              ca’s Schools Act of 1993, the contractor will cease  
13              providing Federal assistance under this section to  
14              any subcontractor whose program—

15               “(A) received such assistance under section  
16               1563 of this Act, as in effect before the date of  
17               enactment of the Improving America’s Schools  
18               Act of 1993; and

19               “(B) does not qualify for priority treat-  
20               ment under paragraph (3);

21              “(6) provide that the contractor will provide  
22              such technical assistance to subcontractors as may  
23              be necessary to carry out the purpose of this section;

1           “(7) provide that the contractor will annually  
2           report to the Secretary the number of, and describe,  
3           programs funded under paragraph (3); and

4           “(8) include such other terms and conditions as  
5           the Secretary determines to be appropriate to ensure  
6           the effectiveness of such programs.

7           “(c) RESTRICTION ON PAYMENTS.—The Secretary  
8           shall make no payment of the Federal share of the cost  
9           of acquiring and distributing books under any contract  
10          under this section unless the Secretary determines that  
11          the contractor or subcontractor, as the case may be, has  
12          made arrangements with book publishers or distributors  
13          to obtain books at discounts at least as favorable as dis-  
14          counts that are customarily given by such publisher or dis-  
15          tributor for book purchases made under similar cir-  
16          cumstances in the absence of Federal assistance.

17          “(d) DEFINITION OF ‘FEDERAL SHARE’.—For the  
18          purpose of this section, the term ‘Federal share’ means  
19          the portion of the cost to a subcontractor of purchasing  
20          books to be paid with funds made available under this sec-  
21          tion. The Federal share shall be established by the Sec-  
22          retary, and shall not exceed 75 percent, except for books  
23          to be distributed to children of migrant or seasonal farm-  
24          workers.



1 equivalent of more than 16,000 incidents per school  
2 day. Approximately one of every five high school stu-  
3 dents now carries a firearm, knife, or club on a reg-  
4 ular basis.

5 “(4) The tragic consequences of violence and  
6 the illegal use of alcohol and other drugs by students  
7 are felt not only by students and their families, but  
8 by their communities and the Nation, which can ill  
9 afford to lose their skills, talents, and vitality.

10 “(5) Alcohol and tobacco (nicotine) are the  
11 most widely used drugs among young people today.  
12 Both of these drugs can, and do, have adverse con-  
13 sequences for users, their families, communities,  
14 schools, and colleges. Drug prevention programs for  
15 youth that address only controlled drugs send an er-  
16 roneous message that alcohol and tobacco do not  
17 present significant problems, or that society is will-  
18 ing to overlook their use. To be credible, messages  
19 opposing illegal drug use by youth should address all  
20 drugs.

21 “(6) Drug and violence prevention programs  
22 are essential components of a comprehensive strat-  
23 egy to promote school safety and to reduce the de-  
24 mand for and use of drugs throughout the Nation.  
25 Schools and local organizations in communities



1 throughout the Nation have a special responsibility  
2 to work together to combat the growing epidemic of  
3 violence and illegal drug use and should measure the  
4 success of their programs against clearly defined  
5 goals and objectives.

6 “(7) Students must take greater responsibility  
7 for their own well-being, health, and safety if schools  
8 and communities are to achieve their goals of provid-  
9 ing a safe, disciplined, and drug-free learning envi-  
10 ronment.

11 “PURPOSE

12 “SEC. 4002. The purpose of this title is to support  
13 programs to meet Goal Six of the National Educational  
14 Goals by preventing violence in and around schools and  
15 by strengthening programs that prevent the illegal use of  
16 alcohol and other drugs, involve parents, and are coordi-  
17 nated with related Federal, State, and community efforts  
18 and resources, through the provision of Federal assistance  
19 to—

20 “(1) States for grants to local and intermediate  
21 educational agencies and consortia to establish, oper-  
22 ate, and improve local programs of school drug and  
23 violence prevention, early intervention, rehabilitation  
24 referral, and education in elementary and secondary  
25 schools (including intermediate and junior high  
26 schools);

1           “(2) States for grants to, and contracts with,  
2           community-based organizations and other public and  
3           private nonprofit agencies and organizations for pro-  
4           grams of drug and violence prevention, early inter-  
5           vention, rehabilitation referral, and education;

6           “(3) States for development, training, technical  
7           assistance, and coordination activities;

8           “(4) institutions of higher education to estab-  
9           lish, operate, expand, and improve programs of  
10          school drug and violence prevention, education, and  
11          rehabilitation referral for students enrolled in col-  
12          leges and universities;

13          “(5) a national center to provide training and  
14          technical assistance to institutions providing post-  
15          secondary education in developing and implementing  
16          model programs and strategies to prevent violence  
17          and illegal drug use by students at such institutions;  
18          and

19          “(6) public and private nonprofit organizations  
20          to conduct training, demonstrations, research, and  
21          evaluation, and to provide supplementary services  
22          for the prevention of drug use and violence among  
23          students and youth.

24                 “AUTHORIZATION OF APPROPRIATIONS

25                 “SEC. 4003. There are authorized to be appro-  
26          priated—

1           “(1) for State grants under part A, such sums  
2 as may be necessary for each of fiscal years 1995  
3 through 1999;

4           “(2) for postsecondary programs under part B,  
5 such sums as may be necessary for each of fiscal  
6 years 1995 through 1999; and

7           “(3) for national programs under part C, such  
8 sums as may be necessary for each of fiscal years  
9 1995 through 1999.

10   “PART A—STATE GRANTS FOR DRUG AND VIOLENCE  
11                                   PREVENTION PROGRAMS

12                           “RESERVATIONS AND ALLOTMENTS

13       “SEC. 4101. (a) RESERVATIONS.—From the amount  
14 appropriated for each fiscal year under section 4003(1),  
15 the Secretary—

16           “(1) shall reserve no more than one-half of 1  
17 percent of such amount for grants under this part  
18 to Guam, American Samoa, the Virgin Islands, the  
19 Commonwealth of the Northern Mariana Islands,  
20 and Palau (until the effective date of the Compact  
21 of Free Association with the Government of Palau),  
22 to be allotted in accordance with the Secretary’s de-  
23 termination of their respective needs;

24           “(2) shall reserve no more than 1 percent of  
25 such amount for the Secretary of the Interior to

1 carry out programs under this part for Indian youth;  
2 and

3 “(3) may reserve no more than \$1,000,000 for  
4 the national impact evaluation required by section  
5 4108(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  
14 the ratio between the amount each State received  
15 under section 1122 of this Act for the preceding  
16 year (or, for fiscal year 1995 only, sections 1005  
17 and 1006 of this Act as in effect on the day before  
18 enactment of the Improving America’s Schools Act  
19 of 1993) and the sum of such amounts received by  
20 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-  
23 half of 1 percent of the total amount allotted to all the  
24 States 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 may be made on  
5 whatever basis the Secretary determines would best serve  
6 the purposes of this title.

7       “(4) For the purpose of this subsection, the term  
8 ‘State’ means each of the 50 States, the District of Colum-  
9 bia, and the Commonwealth of Puerto Rico.

10           “STATE DRUG AND VIOLENCE PREVENTION

11                           COORDINATING COUNCIL

12       “SEC. 4102. (a) ESTABLISHMENT OF COUNCIL.—No  
13 State may receive its allotment under section 4101 unless  
14 its chief executive officer establishes a State Drug and Vi-  
15 olence Prevention Coordinating Council (or designates an  
16 existing body to perform the functions of such a Council)  
17 to advise him or her and the chief State school officer on  
18 the development and implementation of the State’s appli-  
19 cation under section 4103.

20       “(b) MEMBERSHIP.—(1) The chief executive officer,  
21 the chief State school officer, the head of the State alcohol  
22 and drug abuse agency, the heads of the State health and  
23 mental health agencies, and the head of the State criminal  
24 justice planning agency, or their designees, shall be mem-  
25 bers of the Council.

1       “(2) The chief executive officer shall also appoint rep-  
2   resentatives of other appropriate State agencies or offices  
3   as members of the Council.

4       “(c) FUNCTIONS OF COUNCIL.—The Council estab-  
5   lished or designated under this section shall—

6           “(1) review and comment on the development of  
7   the State’s application under section 4103, including  
8   the chief executive officer’s and State education  
9   agency’s comprehensive plans under sections 4103  
10   (b) and (c);

11          “(2) disseminate information about drug and  
12   violence prevention initiatives within the State, in-  
13   cluding programs funded under sections 4104 and  
14   4105;

15          “(3) advise the chief executive officer and the  
16   State educational agency on how to coordinate the  
17   State’s activities under this part with other available  
18   resources; and

19          “(4) advise the chief executive officer and the  
20   State educational agency on the planning and imple-  
21   mentation of program evaluation activities and make  
22   recommendations on how to improve the State’s pro-  
23   gram, including the formulation of measurable goals.

24                           “STATE APPLICATIONS

25          “SEC. 4103. (a) IN GENERAL.—In order to receive  
26   its allotment under section 4101 for any fiscal year, a

1 State shall submit to the Secretary, at such time as the  
2 Secretary may require, an application that—

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

8 “(ii) is submitted, if necessary, as an amend-  
9 ment to the State’s plan under title III of the Goals  
10 2000: Educate America Act; or

11 “(B) if the State does not have an approved  
12 plan under title III of the Goals 2000: Educate  
13 America Act and is not developing such a plan, is  
14 integrated with other State plans under this Act and  
15 satisfies the requirements of this section;

16 “(2) contains the results of the State’s needs  
17 assessment for drug and violence prevention pro-  
18 grams, which shall be based on the results of on-  
19 going State evaluation activities, including data on  
20 the prevalence of drug use and violence by youth in  
21 schools and communities;

22 “(3) contains a list of the members, and the in-  
23 terests or organizations they represent, of the State  
24 Drug and Violence Prevention Coordinating Council;

1           “(4) contains a description of the procedures  
2           the State educational agency will use to review appli-  
3           cations from local educational agencies under section  
4           4106;

5           “(5) contains an assurance that the State will  
6           cooperate with, and assist, the Secretary in conduct-  
7           ing a national impact evaluation of programs re-  
8           quired by section 4108(a); and

9           “(6) includes any other information the Sec-  
10          retary may require.

11          “(b) GOVERNOR’S FUNDS.—A State’s application  
12          under this section shall also contain a comprehensive plan  
13          for the use of funds under section 4104(a) by the chief  
14          executive officer that includes—

15               “(1) a statement of the chief executive officer’s  
16               measurable goals and objectives for drug and vio-  
17               lence prevention and a description of the procedures  
18               to be used for assessing and publicly reporting  
19               progress toward meeting those goals and objectives;

20               “(2) a description of how the chief executive of-  
21               ficer will coordinate his or her activities under this  
22               part with the State educational agency and other  
23               State agencies and organizations involved with drug  
24               and violence prevention efforts;



1           “(3) a description of how funds reserved under  
2           section 4104(a) will be used so as not to duplicate  
3           the efforts of the State educational agency and local  
4           educational agencies with regard to the provision of  
5           school-based prevention efforts and services and how  
6           those funds will be used to serve populations not  
7           normally served by the State educational agency,  
8           such as school dropouts and youth in detention cen-  
9           ters;

10           “(4) a description of how the chief executive of-  
11           ficer will award funds under section 4104(a) and a  
12           plan for monitoring the performance of, and provid-  
13           ing technical assistance to, recipients of such funds;  
14           and

15           “(5) a description of how funds will be used to  
16           support community-wide comprehensive drug and  
17           violence prevention planning.

18           “(c) STATE EDUCATIONAL AGENCY FUNDS.—A  
19           State’s application under this section shall also contain a  
20           comprehensive plan for the use of funds under section  
21           4105(a) by the State educational agency that includes—

22           “(1) a statement of the State educational agen-  
23           cy’s measurable goals and objectives for drug and  
24           violence prevention and a description of the proce-

1       dures it will use for assessing and publicly reporting  
2       progress toward meeting those goals and objectives;

3           “(2) a plan for monitoring the implementation  
4       of, and providing technical assistance regarding, the  
5       drug and violence prevention programs conducted by  
6       local educational agencies in accordance with section  
7       4107;

8           “(3) a description of how the State educational  
9       agency will use funds it reserves under section  
10      4105(b);

11          “(4) a description of how the State educational  
12      agency will coordinate its activities under this part  
13      with the chief executive officer’s drug and violence  
14      prevention programs under this part and with the  
15      prevention efforts of other State agencies; and

16          “(5) an explanation of the criteria the State  
17      educational agency will use to identify which local  
18      educational agencies receive supplemental funds  
19      under section 4105(d)(2)(A)(ii) and how the supple-  
20      mental funds will be allocated among those local  
21      educational agencies.

22          “(d) PEER REVIEW.—The Secretary shall use a peer  
23      review process in reviewing State applications under this  
24      section.

1       “(e) INTERIM APPLICATION.—Notwithstanding any  
2 other provisions of this section, a State may submit for  
3 fiscal year 1995 a one-year interim application and plan  
4 for the use of funds under this part that are consistent  
5 with the requirements of this section and contain such in-  
6 formation as the Secretary may specify in regulations. The  
7 purpose of such interim application and plan shall be to  
8 afford the State the opportunity to fully develop and re-  
9 view its application and comprehensive plan otherwise re-  
10 quired by this section. A State may not receive a grant  
11 under this part for a fiscal year subsequent to fiscal year  
12 1995 unless the Secretary has approved its application  
13 and comprehensive plan.

14                               “GOVERNOR’S PROGRAMS

15       “SEC. 4104. (a) USE OF FUNDS.—(1) An amount  
16 equal to 20 percent of the total amount allocated to a  
17 State under section 4101 for each fiscal year shall be used  
18 by the chief executive officer of such State for drug and  
19 violence prevention programs and activities in accordance  
20 with this section.

21       “(2) A chief executive officer may use no more than  
22 5 percent of the amount reserved under subsection (a)(1)  
23 for the administrative costs incurred in carrying out the  
24 duties of such officer under this section, including the cost  
25 of the State Drug and Violence Prevention Coordinating  
26 Council under section 4102(a).

1       “(b) PROGRAMS AUTHORIZED.—(1) A chief executive  
2 officer shall use funds reserved under subsection (a)(1) for  
3 grants to or contracts with parent groups, community  
4 action and job training agencies, community-based organi-  
5 zations, and other public entities and private nonprofit or-  
6 ganizations. Such grants or contracts shall support pro-  
7 grams and activities described in subsection (c) for chil-  
8 dren and youth who are not normally served by State or  
9 local educational agencies, for populations that need spe-  
10 cial services or additional resources (such as preschoolers,  
11 youth in juvenile detention facilities, runaway or homeless  
12 children and youth, and dropouts), or both.

13       “(2) Grants or contracts awarded under this sub-  
14 section shall be subject to a peer review process.

15       “(c) AUTHORIZED ACTIVITIES.—Grants and con-  
16 tracts under subsection (b) shall be used for programs and  
17 activities such as—

18               “(1) disseminating information about drug and  
19 violence prevention;

20               “(2) training parents, law enforcement officials,  
21 judicial officials, social service providers, health serv-  
22 ice providers and community leaders about drug and  
23 violence prevention, education, early intervention,  
24 counseling, or rehabilitation referral;

1           “(3) developing and implementing comprehen-  
2           sive, community-based drug and violence prevention  
3           programs that link community resources with  
4           schools and integrate services involving education,  
5           vocational and job skills training, law enforcement,  
6           health, mental health, and other appropriate serv-  
7           ices;

8           “(4) planning and implementing drug and vio-  
9           lence prevention activities that coordinate the efforts  
10          of State agencies with those of the State educational  
11          agency and its local educational agencies;

12          “(5) activities to protect students traveling to  
13          and from school;

14          “(6) developing and implementing strategies to  
15          prevent illegal gang activity;

16          “(7) coordinating and conducting community-  
17          wide violence and safety assessments and surveys;  
18          and

19          “(8) evaluating programs and activities under  
20          this section.

21          “STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS

22          “SEC. 4105. (a) USE OF FUNDS.—An amount equal  
23          to 80 percent of the total amount allocated to a State  
24          under section 4101 for each fiscal year shall be used by  
25          the State educational agency and its local educational

1 agencies for drug and violence prevention activities in ac-  
2 cordance with this section.

3 “(b) STATE LEVEL PROGRAMS.—(1) A State edu-  
4 cational agency shall use no more than 5 percent of the  
5 amount reserved under subsection (a) for activities such  
6 as—

7 “(A) training and technical assistance concern-  
8 ing drug and violence prevention for local and inter-  
9 mediate educational agencies, including teachers, ad-  
10 ministrators, coaches and athletic directors, other  
11 educational personnel, parents, students, community  
12 leaders, health service providers, local law enforce-  
13 ment officials, and judicial officials;

14 “(B) the development, identification, dissemina-  
15 tion and evaluation of the most readily available, ac-  
16 curate, and up-to-date curriculum materials, for con-  
17 sideration by local educational agencies;

18 “(C) demonstration projects in drug and vio-  
19 lence prevention;

20 “(D) financial assistance to enhance resources  
21 available for drug and violence prevention in areas  
22 serving large numbers of economically disadvantaged  
23 children or sparsely populated areas, or to meet  
24 other special needs consistent with the purposes of  
25 this part; and

1           “(E) evaluation activities required by this sub-  
2       part.

3           “(2) A State educational agency may carry out activi-  
4       ties under this subsection directly, or through grants or  
5       contracts.

6           “(c) STATE ADMINISTRATION.—A State educational  
7       agency may use no more than 5 percent of the amount  
8       reserved under subsection (a) for the administrative costs  
9       of carrying out its responsibilities under this part.

10          “(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—(1)  
11       A State educational agency shall distribute not less than  
12       90 percent of the amount reserved under subsection (a)  
13       for each fiscal year to local educational agencies in accord-  
14       ance with this subsection.

15          “(2)(A) Of the amount distributed under subsection  
16       (d)(1), a State educational agency shall distribute—

17               “(i) 70 percent of such amount to local edu-  
18               cational agencies, based on the relative enrollments  
19               in public and private nonprofit schools within their  
20               boundaries; and

21               “(ii) 30 percent of such amount to local edu-  
22               cational agencies that the State educational agency  
23               determines have the greatest need for additional  
24               funds to carry out drug and violence prevention pro-  
25               grams authorized by this part.

1       “(B)(i) A State educational agency shall distribute  
2 funds under subparagraph (A)(ii) to no more than 10 per-  
3 cent of its local educational agencies, or five such agencies,  
4 whichever is greater.

5       “(ii) In determining which local educational agencies  
6 have the greatest need for additional funds, the State edu-  
7 cational agency shall consider factors such as—

8           “(I) high rates of alcohol or other drug use  
9 among youth;

10          “(II) high rates of victimization of youth by vio-  
11 lence and crime;

12          “(III) high rates of arrests and convictions of  
13 youth for violent or drug- or alcohol-related crime;

14          “(IV) the extent of illegal gang activity;

15          “(V) high rates of referrals of youths to drug  
16 and alcohol abuse treatment and rehabilitation pro-  
17 grams;

18          “(VI) high rates of referrals of youths to juve-  
19 nile court; and

20          “(VII) high rates of expulsions and suspensions  
21 of students from schools.

22       “(e) REALLOCATION OF FUNDS.—If a local edu-  
23 cational agency chooses not to apply to receive the amount  
24 allocated to it under subsection (d), or if its application  
25 under section 4106 is disapproved by the State edu-



1 cational agency, the State educational agency shall reallo-  
2 cate such amount to one or more of the local education  
3 agencies determined by the State educational agency  
4 under subsection (d)(2)(B) to have the greatest need for  
5 additional funds.

6 “LOCAL APPLICATIONS

7 “SEC. 4106. (a) IN GENERAL.—(1) In order to be  
8 eligible to receive an allocation under section 4105(d) for  
9 any fiscal year, a local educational agency shall submit,  
10 at such time as the State educational agency requires, an  
11 application to the State educational agency for approval.  
12 Such an application shall be amended, as necessary, to re-  
13 flect changes in the local educational agency’s program.

14 “(2)(A) A local educational agency shall develop its  
15 application under subsection (a)(1) in consultation with  
16 a local or substate regional advisory council that includes,  
17 to the extent possible, representatives of local government,  
18 business, parents, students, teachers, appropriate State  
19 agencies, private schools, the medical profession, law en-  
20 forcement, community-based organizations, and other  
21 groups with interest and expertise in drug and violence  
22 prevention.

23 “(B) In addition to assisting the local educational  
24 agency to develop its application under this section, the  
25 advisory council established or designated under para-  
26 graph (2)(A) shall, on an on-going basis—

1           “(i) disseminate information about drug and vi-  
2           olence prevention programs, projects, and activities  
3           conducted within the boundaries of the local edu-  
4           cational agency;

5           “(ii) advise the local educational agency on how  
6           best to coordinate its activities under this part with  
7           other related programs, projects, and activities and  
8           the agencies that administer them; and

9           “(iii) review program evaluations and other rel-  
10          evant material and make recommendations to the  
11          local educational agency on how to improve its drug  
12          and violence prevention programs.

13          “(b) CONTENTS OF APPLICATIONS.—An application  
14          under this section shall contain—

15               “(1) a needs assessment of the current alcohol,  
16               tobacco, and other drug problems as well as the vio-  
17               lence, safety, and discipline problems among stu-  
18               dents who attend the schools of the applicant (in-  
19               cluding private school students who participate in  
20               the applicant’s drug and violence prevention pro-  
21               gram) that is based on on-going local assessment or  
22               evaluation activities;

23               “(2) a detailed explanation of the local edu-  
24               cational agency’s comprehensive plan for drug and

1 violence prevention, which shall include a description  
2 of—

3 “(A) how that plan is consistent with, and  
4 promotes the goals in, the State’s application  
5 under section 4103 and the local educational  
6 agency’s plan, either approved or being devel-  
7 oped, under title III of the Goals 2000: Educate  
8 America Act, or, if the local educational agency  
9 does not have such an approved plan and is not  
10 developing one, its plan under section 1112 of  
11 this Act;

12 “(B) the local educational agency’s meas-  
13 urable goals for drug and violence prevention,  
14 and a description of how it will assess and pub-  
15 licly report progress toward attaining these  
16 goals;

17 “(C) if the local educational agency intends  
18 to use funds under this part to implement an  
19 expanded drug and violence prevention program  
20 under section 4107(c), an explanation of how  
21 the local educational agency is already meeting  
22 the requirements of a basic drug and violence  
23 prevention program under section 4107(b), re-  
24 gardless of the source of funds used;

1           “(D) how the local educational agency will  
2           use its regular allocation under section  
3           4105(d)(2)(A)(i) and its supplemental alloca-  
4           tion, if any, under section 4105(d)(2)(A)(ii);

5           “(E) how the local educational agency will  
6           coordinate its programs and projects with com-  
7           munity-wide efforts to achieve its goals for drug  
8           and violence prevention; and

9           “(F) how the local education agency will  
10          coordinate its programs and projects with other  
11          Federal, State, and local programs for drug-  
12          abuse prevention, including health programs;  
13          and

14          “(3) such other information and assurances as  
15          the State educational agency may reasonably re-  
16          quire.

17          “(c) REVIEW OF APPLICATION.—(1) A State edu-  
18          cational agency shall use a peer review process in review-  
19          ing local applications under this section.

20          “(2)(A) In determining whether to approve the appli-  
21          cation of a local educational agency under this section, a  
22          State educational agency shall consider the quality of the  
23          local educational agency’s comprehensive plan under sub-  
24          section (b)(2) and the extent to which it is consistent with,  
25          and supports, the State’s application under section 4103

1 and the State's plan under the Goals 2000: Educate  
2 America Act, and, if the State does not have such a plan,  
3 its plan under section 1111 of this Act.

4       “(B) A State educational agency shall not permit a  
5 local educational agency to use funds under this part to  
6 implement an expanded drug and violence prevention pro-  
7 gram under section 4107(c) unless it determines that the  
8 local educational agency is already meeting (regardless of  
9 the source of funds) the requirements of a basic drug and  
10 violence prevention program under section 4107(b).

11       “(C) A State educational agency may disapprove a  
12 local educational agency application under this section in  
13 whole or in part and may withhold, limit, or place restric-  
14 tions on the use of funds allotted to such a local edu-  
15 cational agency in a manner the State educational agency  
16 determines will best promote the purposes of this part or  
17 the State's plan under the Goals 2000: Educate America  
18 Act, and if the State does not have such a plan, its plan  
19 under section 1111 of this Act.

20       “LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS

21       “SEC. 4107. (a) USE OF FUNDS.—Except as per-  
22 mitted under subsection (c), a local educational agency  
23 shall use funds received under this part to adopt and im-  
24 plement a basic drug and violence prevention program de-  
25 scribed under subsection (b).

1       “(b) BASIC PROGRAM.—(1) A basic drug and violence  
2 prevention program under this part shall—

3           “(A) be designed, for all students and employ-  
4 ees, to—

5               “(i) prevent the illegal use, possession, and  
6 distribution of alcohol, tobacco, and other  
7 drugs;

8               “(ii) prevent violence and promote school  
9 safety; and

10              “(iii) create a disciplined environment con-  
11 ducive to learning;

12           “(B) include mandatory standards of conduct  
13 for students and employees, which clearly describe  
14 the sanctions that will be imposed for violations of  
15 the standards and which are distributed to all stu-  
16 dents, parents, and employees;

17           “(C) include, with respect to drug prevention—

18               “(i) age-appropriate, developmentally based  
19 education and prevention programs for all stu-  
20 dents, from the early childhood level through  
21 grade 12, that address the legal, social and  
22 health consequences of the use of illegal drugs,  
23 promote a sense of individual responsibility, and  
24 provide information about effective techniques  
25 for resisting peer pressure to use illegal drugs;

1           “(ii) professional development programs  
2 for school personnel who provide the education  
3 and prevention programs required by subsection  
4 (b)(1)(C)(i);

5           “(iii) activities to promote the involvement  
6 of parents and coordination with community  
7 groups and agencies, including the distribution  
8 of information about the local educational agen-  
9 cy’s needs assessments, goals, and programs  
10 under subsection (b)(1)(C)(i); and

11           “(iv) the distribution of information to all  
12 students and employees about resources for  
13 drug and alcohol counseling, rehabilitation, and  
14 re-entry programs that are available in the com-  
15 munity; and

16           “(D) include, with respect to violence preven-  
17 tion—

18           “(i) age-appropriate, developmentally based  
19 education and prevention programs for all stu-  
20 dents, from the early childhood level through  
21 grade 12, that address the legal, personal, and  
22 social consequences of violent and disruptive be-  
23 havior, including sexual harassment, and that  
24 include activities designed to help students de-  
25 velop a sense of individual responsibility and re-

1 spect for the rights of others, and to resolve  
2 conflicts without violence;

3 “(ii) professional development programs  
4 for school personnel who provide the education  
5 and prevention programs required by subsection  
6 (b)(1)(D)(i);

7 “(iii) activities to promote the involvement  
8 of parents and coordination with community  
9 groups and agencies, including the distribution  
10 of information about the local educational agen-  
11 cy’s needs assessment, goals and programs  
12 under subsection (b)(1)(D)(i); and

13 “(iv) the distribution of information to all  
14 students and employees about resources for  
15 counseling, re-entry, and conflict resolution that  
16 are available in the community.

17 “(2) In implementing its basic drug and violence pre-  
18 vention program under subsection (b) or its expanded pro-  
19 gram under subsection (c), a local educational agency may  
20 use no more than 33 percent of the funds it receives under  
21 this part for any fiscal year for—

22 “(A) minor remodeling to promote security and  
23 reduce the risk of violence, such as removing lockers,  
24 installing better lights, and upgrading locks; and



1           “(B) acquiring and installing metal detectors  
2           and hiring security personnel.

3           “(c) EXPANDED PROGRAM.—(1) A local educational  
4 agency that demonstrates to the satisfaction of the State  
5 educational agency that it has adopted and implemented  
6 a basic drug and violence prevention program described  
7 under subsection (b) may use funds received under this  
8 subpart to supplement its basic program, to carry out one  
9 or more of the activities described in paragraph (2), or  
10 both.

11          “(2) A local educational agency described in para-  
12 graph (1) may use funds received under this subpart for—

13           “(A) programs of drug prevention, health edu-  
14 cation, early intervention, counseling, mentoring, or  
15 rehabilitation referral, which emphasize students’  
16 sense of individual responsibility and may include—

17                   “(i) the dissemination of information about  
18 drug prevention;

19                   “(ii) the training of school personnel, par-  
20 ents, students, law enforcement officials, judi-  
21 cial officials, health service providers, and com-  
22 munity leaders in prevention, education, early  
23 intervention, counseling, or rehabilitation refer-  
24 ral; and

1           “(iii) the implementation of strategies, in-  
2           cluding strategies to integrate the delivery of  
3           services from a variety of providers, to combat  
4           illegal alcohol and other drug use, such as—

5                   “(I) family counseling;

6                   “(II) early intervention activities that  
7                   prevent family dysfunction, enhance school  
8                   performance, and boost attachment to  
9                   school and family; and

10                  “(III) activities, such as community  
11                  service projects, that are designed to in-  
12                  crease students’ sense of community;

13           “(B) violence prevention programs for school-  
14           aged youth, which emphasize students’ sense of indi-  
15           vidual responsibility and may include—

16                   “(i) the dissemination of information about  
17                   school safety and discipline;

18                   “(ii) the training of school personnel, par-  
19                   ents, law enforcement officials, judicial officials,  
20                   and community leaders in designing and imple-  
21                   menting strategies to prevent school violence;

22                   “(iii) the implementation of strategies,  
23                   such as conflict resolution and peer mediation  
24                   and the use of mentoring programs, to combat

1 school violence and other forms of disruptive  
2 behavior, such as sexual harassment; and

3 “(iv) comprehensive, community-wide  
4 strategies to prevent or reduce illegal gang  
5 activity;

6 “(C) the promotion of before- and after-school  
7 recreational, instructional, cultural, and artistic pro-  
8 grams in supervised community settings; and

9 “(D) the evaluation of any of the activities au-  
10 thorized by subsection (c).

11 “EVALUATION AND REPORTING

12 “SEC. 4108. (a) NATIONAL IMPACT EVALUATION.—

13 The Secretary, in consultation with the Secretary of  
14 Health and Human Services, the Director of the Office  
15 of National Drug Control Policy, and the Attorney Gen-  
16 eral, shall conduct an independent biennial evaluation of  
17 the national impact of programs under this part and sub-  
18 mit a report of the findings of such evaluation to the  
19 President and the Congress.

20 “(b) STATE REPORT.—(1) By October 1, 1997, and  
21 every third year thereafter, the chief executive officer of  
22 the State, in cooperation with the State educational  
23 agency, shall submit to the Secretary a report—

24 “(A) on the implementation and outcomes of  
25 State programs under section 4104 and section

1 4105(b) and local programs under section 4105(d),  
 2 as well as an assessment of their effectiveness; and

3 “(B) on the State’s progress toward attaining  
 4 its goals for drug and violence prevention under sec-  
 5 tions 4103 (b)(1) and (c)(1).

6 “(2) The report required by this subsection shall be—

7 “(A) in the form specified by the Secretary;

8 “(B) based on the State’s on-going evaluation  
 9 activities, and shall include data on the prevalence of  
 10 drug use and violence by youth in schools and com-  
 11 munities; and

12 “(C) made readily available to the public.

13 “(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each  
 14 local educational agency receiving funds under this sub-  
 15 part shall submit to the State educational agency whatever  
 16 information, and at whatever intervals, the State requires  
 17 to complete the State report required by subsection (b),  
 18 including information on the prevalence of drug use and  
 19 violence by youth in the schools and the community. Such  
 20 information shall be made readily available to the public.

21 “PART B—POSTSECONDARY DRUG AND VIOLENCE

22 PREVENTION PROGRAMS

23 “GRANTS TO INSTITUTIONS OF HIGHER EDUCATION

24 “SEC. 4201. (a) IN GENERAL.—From funds appro-  
 25 priated under section 4003(2), the Secretary is authorized

1 to make grants to, or enter into contracts with, institu-  
2 tions of higher education, or consortia of such institutions,  
3 for drug and violence prevention programs under this sec-  
4 tion. Awards under this section shall support the develop-  
5 ment, implementation, validation, and dissemination of  
6 model programs and strategies to promote the safety of  
7 students attending institutions of higher education by pre-  
8 venting violent behavior and the illegal use of alcohol and  
9 other drugs by such students.

10 “(b) APPLICATIONS.—An institution of higher edu-  
11 cation, or consortium of such institutions, that desires to  
12 receive an award under this section shall submit an appli-  
13 cation to the Secretary at such time, in such manner, and  
14 containing such information as the Secretary may reason-  
15 ably require. The Secretary shall use a peer review process  
16 for reviewing applications for funds under this section.

17 “(c) EQUITABLE PARTICIPATION.—The Secretary  
18 shall make every reasonable effort to ensure the equitable  
19 participation of private and public institutions of higher  
20 education (including community and junior colleges), insti-  
21 tutions of limited enrollment, and institutions in different  
22 geographic regions.

23 “NATIONAL CENTER

24 “SEC. 4202. From funds appropriated under section  
25 4003(2), the Secretary is authorized to support, through  
26 a grant to, or a contract with, an institution of higher

1 education, a public or private nonprofit organization, or  
2 a for-profit organization, a national center to provide  
3 training and technical assistance to institutions providing  
4 postsecondary education, including for-profit institutions,  
5 in developing, implementing, evaluating, validating, rep-  
6 licating, and disseminating model programs and strategies  
7 to prevent violence and the use of illegal drugs by students  
8 at such institutions.

9                   “PART C—NATIONAL PROGRAMS

10                           “FEDERAL ACTIVITIES

11       “SEC. 4301. (a) PROGRAM AUTHORIZED.—From  
12 funds appropriated under section 4003(3), the Secretary  
13 of Education, in consultation with the Secretary of Health  
14 and Human Services, the Director of the Office of Na-  
15 tional Drug Control Policy, and the Attorney General,  
16 shall carry out programs to prevent the illegal use of drugs  
17 and violence among, and promote safety and discipline for,  
18 students at all educational levels, prekindergarten through  
19 postsecondary. The Secretary shall carry out such pro-  
20 grams directly, or through grants, contracts, or coopera-  
21 tive agreements with public and private nonprofit organi-  
22 zations and individuals, or through agreements with other  
23 Federal agencies, and shall coordinate such programs with  
24 other appropriate Federal activities. Such programs may  
25 include—

1           “(1) the development and demonstration of in-  
2           novative strategies for training school personnel,  
3           parents, and members of the community, including  
4           the demonstration of model preservice training pro-  
5           grams for prospective school personnel;

6           “(2) demonstrations and rigorous evaluations of  
7           innovative approaches to drug and violence preven-  
8           tion;

9           “(3) drug and violence prevention research that  
10          is coordinated with other Federal agencies and is di-  
11          rected toward improving programs and activities  
12          under this title;

13          “(4) program evaluations that address issues  
14          not addressed under section 4108(a);

15          “(5) direct services to schools and school sys-  
16          tems afflicted with especially severe drug and vio-  
17          lence problems;

18          “(6) activities in communities designated as  
19          empowerment zones or enterprise communities that  
20          will connect schools to community-wide efforts to re-  
21          duce drug and violence problems;

22          “(7) developing and disseminating drug and vi-  
23          olence prevention materials, including model curric-  
24          ula; and

1           “(8) other activities that meet unmet national  
2 needs related to the purposes of this title.

3           “(b) PEER REVIEW.—The Secretary shall use a peer  
4 review process in reviewing applications for funds under  
5 this section.

6           “PART D—GENERAL PROVISIONS

7                   “DEFINITIONS

8           “SEC. 4401. For the purposes of this title, the follow-  
9 ing terms have the following meanings:

10           “(1) The term ‘drug and violence prevention’  
11 means—

12                   “(A) with respect to drugs, prevention,  
13 early intervention, rehabilitation referral, or  
14 education related to the illegal use of alcohol  
15 and tobacco (nicotine) and the use of controlled,  
16 illegal, addictive, or harmful substances, includ-  
17 ing inhalants and anabolic steroids; and

18                   “(B) with respect to violence, the pro-  
19 motion of school safety, such that students and  
20 school personnel are free from violent and dis-  
21 ruptive acts, including sexual harassment, on  
22 school premises, going to and from school, and  
23 at school-sponsored activities, through the cre-  
24 ation and maintenance of a school environment  
25 that is free of weapons and fosters individual



1 responsibility and respect for the rights of  
2 others.

3 “(2) The term ‘nonprofit’, as applied to a  
4 school, agency, organization, or institution means a  
5 school, agency, organization, or institution owned  
6 and operated by one or more nonprofit corporations  
7 or associations, no part of the net earnings of which  
8 inures, or may lawfully inure, to the benefit of any  
9 private shareholder or individual.

10 “(3) The term ‘school-aged population’ means  
11 the population aged five through 17, as determined  
12 by the Secretary on the basis of the most recent sat-  
13 isfactory data available from the Department of  
14 Commerce.

15 “(4) The term ‘school personnel’ includes teach-  
16 ers, administrators, guidance counselors, social  
17 workers, psychologists, nurses, librarians, and other  
18 support staff who are employed by a school or who  
19 perform services for the school on a contractual  
20 basis.

21 “MATERIALS

22 “SEC. 4402. (a) ‘WRONG AND HARMFUL’ MES-  
23 SAGE.—Drug prevention programs supported under this  
24 title shall convey a clear and consistent message that the  
25 illegal use of alcohol and other drugs is wrong and harm-  
26 ful.

1       “(b) CURRICULUM.—The Secretary shall not pre-  
2 scribe the use of specific curricula for programs supported  
3 under this title, but may evaluate the effectiveness of such  
4 curricula and other strategies in drug and violence preven-  
5 tion.

6                   “PROHIBITED USES OF FUNDS

7       “SEC. 4403. No funds under this title may be used  
8 for—

9           “(1) construction (except for minor remodeling  
10 needed to accomplish the purposes of this title);

11          “(2) drug treatment or rehabilitation; and

12          “(3) psychiatric, psychological, or other medical  
13 treatment or rehabilitation, other than school-based  
14 counseling for students or school personnel who are  
15 victims or witnesses of school-related crime.

16                   “TITLE V—PROMOTING EQUITY

17           “PART A—MAGNET SCHOOLS ASSISTANCE

18                   “FINDINGS

19       “SEC. 5101. The Congress finds that—

20           “(1) magnet schools are a significant part of  
21 our Nation’s effort to achieve voluntary desegrega-  
22 tion in its schools;

23           “(2) the use of magnet schools has increased  
24 dramatically since enactment of this program, with  
25 approximately 1.4 million students nationwide now

1 attending such schools, of which more than 60 per-  
2 cent of the students are nonwhite;

3 “(3) magnet schools offer a wide range of dis-  
4 tinctive programs that have served as models for  
5 school improvement efforts;

6 “(4) in administering this program, the Federal  
7 Government has learned that—

8 “(A) where magnet programs are imple-  
9 mented for only a portion of a school’s student  
10 body, special efforts must be made to discour-  
11 age the isolation of magnet students from other  
12 students in the school;

13 “(B) school districts can maximize their ef-  
14 fectiveness in achieving the purposes of this  
15 program if they have more flexibility to serve  
16 students attending a school who are not en-  
17 rolled in the magnet school program;

18 “(C) school districts must be creative in  
19 designing magnet schools for students at all  
20 academic levels, so that school districts do not  
21 skim off only the highest achieving students to  
22 attend the magnet schools;

23 “(D) school districts must seek to enable  
24 participation in magnet school programs by stu-

1           dents who reside in the neighborhoods where  
2           the programs are placed; and

3           “(E) in order to ensure that magnet  
4           schools are sustained after Federal funding  
5           ends, the Federal Government must assist  
6           school districts to improve their capacity to con-  
7           tinue to operate magnet schools at a high level  
8           of performance;

9           “(5) it is in the best interest of the Federal  
10          Government to—

11           “(A) continue its support of school dis-  
12           tricts implementing court-ordered desegregation  
13           plans and school districts seeking to foster  
14           meaningful interaction among students of dif-  
15           ferent racial and ethnic backgrounds beginning  
16           at the earliest stage of their education;

17           “(B) ensure that all students have equi-  
18           table access to quality education that will pre-  
19           pare them to function well in a culturally di-  
20           verse, technologically-oriented, and highly com-  
21           petitive global community; and

22           “(C) maximize the ability of school dis-  
23           tricts to plan, develop, implement and continue  
24           new and innovative magnet schools that con-  
25           tribute to State and local systemic reform.

1                                   “STATEMENT OF PURPOSE

2           “SEC. 5102. The purpose of this part is to assist in  
3 the desegregation of school districts by providing financial  
4 assistance to eligible local educational agencies for—

5                   “(1) the elimination, reduction, or prevention of  
6 minority group isolation in elementary and second-  
7 ary schools with substantial proportions of minority  
8 students;

9                   “(2) the development and implementation of  
10 magnet school projects that will assist local edu-  
11 cational agencies in achieving systemic reforms and  
12 providing all students the opportunity to meet chal-  
13 lenging performance State standards;

14                   “(3) the development and design of innovative  
15 educational methods and practices; and

16                   “(4) courses of instruction within magnet  
17 schools that will substantially strengthen the knowl-  
18 edge of academic subjects and the grasp of tangible  
19 and marketable vocational skills of students attend-  
20 ing such schools.

21                                   “PROGRAM AUTHORIZED

22           “SEC. 5103. The Secretary is authorized, in accord-  
23 ance with this part, to make grants to eligible local edu-  
24 cational agencies for use in magnet schools that are part  
25 of an approved desegregation plan and that are designed

1 to bring students from different social, economic, ethnic,  
2 and racial backgrounds together.

3 “DEFINITION

4 “SEC. 5104. For the purpose of this part, the term  
5 ‘magnet school’ means a school or education center that  
6 offers a special curriculum capable of attracting substan-  
7 tial numbers of students of different racial backgrounds.

8 “ELIGIBILITY

9 “SEC. 5105. A local educational agency is eligible to  
10 receive assistance under this part if it—

11 “(1) is implementing a plan undertaken pursu-  
12 ant to a final order issued by a court of the United  
13 States, or a court of any State, or any other State  
14 agency or official of competent jurisdiction, and that  
15 requires the desegregation of minority-group-seg-  
16 regated children or faculty in the elementary and  
17 secondary schools of such agency; or

18 “(2) without having been required to do so, has  
19 adopted and is implementing, or will, if assistance is  
20 made available to it under this part, adopt and im-  
21 plement a plan that has been approved by the Sec-  
22 retary as adequate under title VI of the Civil Rights  
23 Act of 1964 for the desegregation of minority-group-  
24 segregated children or faculty in such schools.

1           “APPLICATIONS AND REQUIREMENTS

2           “SEC. 5106. (a) APPLICATIONS.—An eligible local  
3 educational agency desiring to receive assistance under  
4 this part shall submit an application to the Secretary at  
5 such time, in such manner, and containing such informa-  
6 tion and assurances as the Secretary may require.

7           “(b) INFORMATION AND ASSURANCES.—An applica-  
8 tion under this part shall include—

9           “(1) a description of—

10                   “(A) how assistance made available under  
11 this part will be used to promote desegregation,  
12 including how the proposed magnet school  
13 project will increase interaction among students  
14 of different social, economic, ethnic, and racial  
15 backgrounds;

16                   “(B) the manner and extent to which the  
17 magnet school project will increase student  
18 achievement in the instructional area or areas  
19 offered by the school;

20                   “(C) the manner in which an applicant will  
21 continue the magnet school project after assist-  
22 ance under this part is no longer available, in-  
23 cluding, if applicable, an explanation of whether  
24 successful magnet schools established or sup-  
25 ported by the applicant with funds under this

1 part have been continued without the use of  
2 funds under this part;

3 “(D) how funds under this part will be  
4 used to implement services and activities that  
5 are consistent with—

6 “(i) the State’s systemic reform plan,  
7 if any, under title III of the Goals 2000:  
8 Educate America Act; and

9 “(ii) the local educational agency’s  
10 systemic reform plan, if any, under title III  
11 of the Goals 2000: Educate America Act;  
12 and

13 “(E) the criteria to be used in selecting  
14 students to attend the proposed magnet school  
15 projects; and

16 “(2) assurances that the applicant will—

17 “(A) use funds under this part for the pur-  
18 poses specified in section 5103;

19 “(B) employ teachers in the courses of in-  
20 struction assisted under this part who are cer-  
21 tified or licensed by the State to teach the sub-  
22 ject matter of the courses of instruction;

23 “(C) not engage in discrimination based on  
24 race, religion, color, national origin, sex, or dis-  
25 ability in—





1       rying out an approved desegregation plan and the  
2       projects for which assistance is sought;

3           “(2) propose to carry out new magnet school  
4       projects or significantly revise existing magnet  
5       school projects;

6           “(3) propose to implement innovative edu-  
7       cational approaches that are consistent with the  
8       State’s and the local educational agency’s approved  
9       systemic reform plans, if any, under title III of the  
10      Goals 2000: Educate America Act;

11          “(4) propose to select students to attend mag-  
12      net school projects by lottery, rather than through  
13      academic examination; and

14          “(5) propose to draw on comprehensive commu-  
15      nity plans for educational improvement, school and  
16      residential desegregation, and community renewal.

17                           “USE OF FUNDS

18      “SEC. 5108. (a) USE OF FUNDS.—Grants made  
19      under this part may be used by eligible local educational  
20      agencies—

21           “(1) for planning and promotional activities di-  
22      rectly related to the development, expansion, con-  
23      tinuation, or enhancement of academic programs  
24      and services offered at magnet schools;

25           “(2) for the acquisition of books, materials, and  
26      equipment, including computers and the mainte-

1 nance and operation thereof, necessary for the con-  
2 duct of programs in magnet schools;

3 “(3) for the payment of, or subsidization of the  
4 compensation of, elementary and secondary school  
5 teachers who are certified or licensed by the State  
6 and who are necessary for the conduct of programs  
7 in magnet schools; and

8 “(4) with respect to a magnet school program  
9 offered to less than the entire student population of  
10 a school, for instructional activities that—

11 “(A) are designed to make available the  
12 special curriculum that is offered by the magnet  
13 school project to students who are enrolled in  
14 the school but who are not enrolled in the mag-  
15 net school program; and

16 “(B) further the purposes of this part.

17 “(b) SPECIAL RULE.—With respect to subsections  
18 (a) (2) and (3), such grants may be used by eligible local  
19 educational agencies for such activities only if those activi-  
20 ties are directly related to improving the students’ reading  
21 skills or their knowledge of mathematics, science, history,  
22 geography, English, foreign languages, art, or music, or  
23 to improving vocational skills.

## 1                                   “PROHIBITIONS

2           “SEC. 5109. Grants under this part may not be used  
3 for transportation, or for any activity that does not aug-  
4 ment academic improvement.

## 5                                   “LIMITATION ON PAYMENTS

6           “SEC. 5110. (a) DURATION OF AWARDS.—Awards  
7 made under this part shall not exceed four years.

8           “(b) LIMITATION ON PLANNING FUNDS.—(1) A local  
9 educational agency may expend for planning up to 50 per-  
10 cent of the funds received under this part for the first  
11 year of the project, 25 percent for the second year of the  
12 project, and 10 percent for the third year of the project.

13           “(2) A local educational agency shall not expend  
14 funds under this part for planning after the third year  
15 of the project.

16           “(c) FEDERAL SHARE.—The Federal share of the  
17 cost of any project under this part shall not exceed 100  
18 percent for the first and second years of the project, 90  
19 percent for the third year, and 70 percent for the fourth  
20 year.

21           “(d) LIMITATION ON GRANTS.—No local educational  
22 agency shall receive more than \$4,000,000 under this part  
23 in any one grant cycle.

24           “(e) AWARD REQUIREMENT.—To the extent prac-  
25 ticable, for any fiscal year, the Secretary shall award

1 grants to local educational agencies under this part no  
2 later than June 30 of the applicable fiscal year.

3 “AUTHORIZATION OF APPROPRIATIONS; RESERVATION

4 “SEC. 5111. (a) AUTHORIZATION.—For the purpose  
5 of carrying out this part, there are authorized to be appro-  
6 priated such sums as may be necessary for each of the  
7 fiscal years 1995 through 1999.

8 “(b) AVAILABILITY OF FUNDS FOR GRANTS TO  
9 AGENCIES NOT PREVIOUSLY ASSISTED.—(1) In any fiscal  
10 year for which the amount appropriated pursuant to sub-  
11 section (a) exceeds \$75,000,000, the Secretary shall, with  
12 respect to such excess amount, give priority to grants to  
13 local educational agencies that did not receive a grant  
14 under this part in the last fiscal year of the funding cycle  
15 prior to the fiscal year for which the determination is  
16 made.

17 “(c) EVALUATIONS.—The Secretary may reserve no  
18 more than two percent of the funds appropriated under  
19 subsection (a) for any fiscal year to carry out evaluations  
20 of projects under this part.

21 “PART B—EQUALIZATION ASSISTANCE

22 “TECHNICAL AND OTHER ASSISTANCE REGARDING  
23 SCHOOL FINANCE EQUITY

24 “SEC. 5201. (a) TECHNICAL ASSISTANCE.—(1) The  
25 Secretary is authorized to make grants to, and enter into  
26 contracts and cooperative agreements with, State edu-

1 cational agencies and other public and private agencies,  
2 institutions, and organizations to provide technical assist-  
3 ance to State and local educational agencies to assist them  
4 in achieving a greater degree of equity in the distribution  
5 of financial resources for education among local edu-  
6 cational agencies in the State.

7 “(2) ACTIVITIES.—A grant or contract under this  
8 section may support technical assistance activities, such  
9 as—

10 “(A) the establishment and operation of a cen-  
11 ter or centers for the provision of technical assist-  
12 ance to State and local educational agencies;

13 “(B) the convening of conferences on equali-  
14 zation of resources within local educational agencies,  
15 within States, and among States; and

16 “(C) obtaining advice from experts in the field  
17 of school finance equalization.

18 “(b) RESEARCH.—(1) The Secretary is authorized to  
19 carry out applied research and analysis designed to fur-  
20 ther knowledge and understanding of methods to achieve  
21 greater equity in the distribution of financial resources  
22 among local educational agencies.

23 “(2) The Secretary may carry out research under this  
24 subsection directly or through grants to, or contracts or

1 cooperative agreements with, any public or private organi-  
2 zation.

3 “(3) In carrying out this section, the Secretary is au-  
4 thorized to—

5 “(A) support research on the equity of existing  
6 State school funding systems;

7 “(B) train individuals in such research;

8 “(C) promote the coordination of such research;

9 “(D) collect and analyze data related to school  
10 finance equity in the United States and other na-  
11 tions; and

12 “(E) report periodically on the progress of  
13 States in achieving school finance equity.

14 “(4) The Secretary shall coordinate activities under  
15 this subsection with activities carried out by the Office of  
16 Educational Research and Improvement.

17 “(5) Each State educational agency or local edu-  
18 cational agency receiving assistance under this Act shall  
19 provide such data and information on school finance as  
20 the Secretary may require to carry out the purposes of  
21 this section.

22 “(c) MODELS.—The Secretary is authorized, directly  
23 or through grants, contracts, or cooperative agreements,  
24 to develop and disseminate models and materials useful

1 to States in planning and implementing revisions of their  
2 school finance systems.

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—For the  
4 purpose of carrying out this section, there are authorized  
5 to be appropriated such sums as may be necessary for  
6 each of the fiscal years 1995 through 1999.

7 “PART C—WOMEN’S EDUCATIONAL EQUITY

8 “FINDINGS

9 “SEC. 5301. FINDINGS.—The Congress finds that—

10 “(1) since the enactment of title IX of the Edu-  
11 cation Amendments of 1972, women and girls have  
12 made strides in educational achievement and in their  
13 ability to avail themselves of educational opportuni-  
14 ties;

15 “(2) because of funding provided under the  
16 Women’s Educational Equity Act, there are now  
17 many more curricula, training and other educational  
18 materials concerning educational equity for women  
19 and girls available for national dissemination;

20 “(3) however, significant gender inequities still  
21 exist in teaching and learning practices, for exam-  
22 ple—

23 “(A) sexual harassment, particularly that  
24 experienced by girls, is a significant problem in  
25 schools, undermining the ability of schools to



1 provide a safe and equitable learning or work-  
2 place environment;

3 “(B) girls receive significantly less atten-  
4 tion from classroom teachers than boys, and  
5 girls of color have less interaction with teachers  
6 than all other girls;

7 “(C) educational materials do not suffi-  
8 ciently reflect the experiences, achievements, or  
9 concerns of women and, in most cases, are not  
10 written by women or persons of color;

11 “(D) girls do not take as many mathe-  
12 matics and science courses as boys, they lose  
13 confidence in their mathematics and science  
14 ability as they move through adolescence, there  
15 are few women role models in the sciences, and  
16 women continue to be concentrated in low-pay-  
17 ing, traditionally female jobs that do not re-  
18 quire mathematics and science skills; and

19 “(E) pregnant and parenting teenagers are  
20 at high risk for dropping out of school and ex-  
21 isting dropout prevention programs do not ade-  
22 quately address this population;

23 “(4) Federal support should address not only  
24 research and development of innovative model curric-  
25 ula and teaching and learning strategies to promote

1 gender equity, but, to the extent feasible, also help  
2 schools and local communities implement and insti-  
3 tutionalize gender equitable practices;

4 “(5) Federal assistance for gender equity must  
5 be tied to systemic reform, involve collaborative ef-  
6 forts to implement effective gender practices at the  
7 local level, and encourage parental participation; and

8 “(6) excellence in education, high educational  
9 achievements and standards, and the full participa-  
10 tion of women and girls in American Society cannot  
11 be achieved without educational equity for women  
12 and girls.

13 “STATEMENT OF PURPOSES

14 “SEC. 5302. The purposes of this part are to—

15 “(A) promote educational equity for women and  
16 girls in the United States and to provide financial  
17 assistance to enable educational agencies and insti-  
18 tutions to meet the requirements of title IX of the  
19 Education Amendments of 1972;

20 “(B) promote educational equity for women and  
21 girls who suffer multiple discrimination, bias, or  
22 stereotyping based on gender and on race, ethnic  
23 origin, disability, or age; and

24 “(C) help ensure that all women and girls have  
25 equal opportunity to achieve to high educational  
26 standards.

1                                   “PROGRAM AUTHORIZED

2           “SEC. 5303. The Secretary is authorized to make  
3 grants to, and enter into contracts and cooperative agree-  
4 ments with, public agencies, private nonprofit agencies, or-  
5 ganizations, and institutions, including student and com-  
6 munity groups, and individuals, to achieve the purposes  
7 of this part by providing support and technical assistance  
8 for—

9                   “(1) the implementation of effective gender-  
10 equity policies and practices at all educational levels,  
11 including—

12                           “(A) assisting educational agencies and in-  
13 stitutions to implement policies and practices to  
14 comply with title IX of the Education Amend-  
15 ments of 1972, including preventing the sexual  
16 harassment of students and employees;

17                           “(B) training for teachers, counselors, ad-  
18 ministrators, and other school personnel, espe-  
19 cially preschool and elementary school person-  
20 nel, to ensure that gender equity pervades their  
21 teaching and learning practices;

22                           “(C) leadership training to allow women  
23 and girls to develop professional and market-  
24 able skills to compete in the global marketplace,

1 improve self-esteem, and benefit from exposure  
2 to positive role models;

3 “(D) school-to-work transition programs  
4 and other programs to increase opportunities  
5 for women and girls to enter a technologically  
6 demanding workplace and, in particular, to  
7 enter highly skilled, high paying careers in  
8 which they have been underrepresented;

9 “(E) enhancing educational and career op-  
10 portunities for women and girls who suffer mul-  
11 tiple forms of discrimination, based on sex and  
12 on race, ethnic origin, limited English pro-  
13 ficiency, disability, or age; and

14 “(F) assisting pregnant students and stu-  
15 dents rearing children to remain in high school,  
16 graduate, and prepare their preschool children  
17 to start school; and

18 “(2) research and development designed to ad-  
19 vance gender equity nationwide and to help make  
20 policies and practices in educational agencies and in-  
21 stitutions and local communities gender-equitable,  
22 including—

23 “(A) research and development designed to  
24 advance gender equity, including the develop-

1           ment of innovative strategies to improve teach-  
2           ing and learning practices;

3           “(B) the development of high quality and  
4           challenging assessment instruments that are  
5           free of gender bias;

6           “(C) the evaluation of curricula, textbooks,  
7           and other educational materials to ensure the  
8           absence of gender stereotyping and bias;

9           “(D) the development of instruments and  
10          procedures that employ new and innovative  
11          strategies to assess whether diverse educational  
12          settings are gender equitable;

13          “(E) the development of new dissemination  
14          and replication strategies; and

15          “(F) updating high quality educational  
16          materials previously developed through awards  
17          made under this part.

18                           “APPLICATIONS

19          “SEC. 5304. (a) APPLICATIONS.—(1) A grant may  
20          be made, and a contract or cooperative agreement may  
21          be entered into, under this part only upon application to  
22          the Secretary, at such time, in such form, and containing  
23          or accompanied by such information as the Secretary may  
24          prescribe.

25          “(2) Each application shall—

1           “(A) set forth policies and procedures that will  
2           ensure a comprehensive evaluation of the activities  
3           carried out under the project, including an evalua-  
4           tion of the practices, policies, and materials used by  
5           the applicant and an evaluation or estimate of the  
6           continued significance of the work of the project fol-  
7           lowing completion of the award period;

8           “(B) demonstrate how funds received under  
9           this part will be used to promote the attainment of  
10          one or more of the National Education Goals set out  
11          in title I of the Goals 2000: Educate America Act  
12          and support the implementation of State and local  
13          plans for systemic reform, if any, approved under  
14          title III of such Act;

15          “(C) demonstrate how the applicant will ad-  
16          dress perceptions of gender roles based on cultural  
17          and linguistic differences or stereotypes;

18          “(D) describe how funds under this part will be  
19          used in a manner that is consistent with and pro-  
20          motes the implementation of State and local pro-  
21          grams under the School-to-Work Opportunities Act  
22          of 1993;

23          “(E) for applications for projects under section  
24          5303(1), demonstrate how the applicant will foster  
25          partnerships and share resources with State edu-

1 cational agencies, local educational agencies, institu-  
2 tions of higher education, and other recipients of  
3 Federal educational funding; and

4 “(F) for applications for projects under section  
5 5303(1), demonstrate how parental involvement in  
6 the project will be encouraged.

7 “(b) SPECIAL RULE.—In approving applications  
8 under this part, the Secretary shall give special consider-  
9 ation to applications—

10 “(1) submitted by applicants that have not re-  
11 ceived assistance under this part or under part C of  
12 title IX of this Act as in effect prior to October 1,  
13 1988;

14 “(2) for projects that would contribute signifi-  
15 cantly to directly improving teaching and learning  
16 practices in the local community; and

17 “(3) for projects that would—

18 “(A) provide for a comprehensive approach  
19 to enhancing gender equity in educational insti-  
20 tutions and agencies; and

21 “(B) draw on a variety of resources, in-  
22 cluding local educational agencies, community-  
23 based organizations, institutions of higher edu-  
24 cation, and private organizations.

1       “(c) LIMITATION.—Nothing in this part shall be con-  
2       strued as prohibiting men and boys from participating in  
3       any programs or activities assisted under this part.

4                       “CRITERIA AND PRIORITIES

5       “SEC. 5305. The Secretary shall establish separate  
6       criteria and priorities for awards under sections 5303 (1)  
7       and (2) of this part to ensure that available funds are used  
8       for programs that most effectively will achieve the pur-  
9       poses of this part.

10                      “REPORT

11       “SEC. 5306. The Secretary shall, by January 1,  
12       1999, submit to the President and the Congress a report  
13       on the status of educational equity for girls and women  
14       in the Nation.

15                      “EVALUATION AND DISSEMINATION

16       “SEC. 5307. (a) EVALUATION AND DISSEMINA-  
17       TION.—The Secretary shall evaluate and disseminate ma-  
18       terials and programs developed under this part.

19       “(b) USE OF PROGRAM FUNDS.—The Secretary is  
20       authorized to use funds appropriated under section 5308  
21       to gather and disseminate information about emerging is-  
22       sues concerning gender equity and, if necessary, to con-  
23       vene meetings for this purpose.

24                      “AUTHORIZATION OF APPROPRIATIONS

25       “SEC. 5308. For the purpose of carrying out this  
26       part, there are authorized to be appropriated such sums



1 as may be necessary for each of the fiscal years 1995  
2 through 1999.

3 “TITLE VI—INDIAN EDUCATION

4 “FINDINGS

5 “SEC. 6001. 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, inter-  
11 nationally competitive content and student per-  
12 formance standards and build on Indian culture  
13 and the Indian community; and

14 “(B) assist local educational agencies, In-  
15 dian tribes, and others in providing Indian stu-  
16 dents the opportunity to learn to those stand-  
17 ards;

18 “(2) since enactment of the original Indian  
19 Education Act in 1972, Indian parents have become  
20 significantly more involved in the planning, develop-  
21 ment, and implementation of educational programs  
22 that affect them and their children, and schools  
23 should continue to foster this involvement;

24 “(3) although the numbers of Indian teachers,  
25 administrators, and university professors have in-

1        creased since 1972, teacher training programs are  
2        not recruiting, training, or retraining sufficient num-  
3        bers of Indian persons as educators to meet the  
4        needs of a growing Indian student population in ele-  
5        mentary, secondary, vocational, adult, and higher  
6        education;

7            “(4) the dropout rate for Indian students is un-  
8        acceptably high; for example, nine percent of Indian  
9        students who were 9th graders in 1988 had already  
10       dropped out of school by 1990;

11           “(5) from 1980 to 1990, the percentage of In-  
12       dian persons living in poverty increased from 24 per-  
13       cent to 31 percent, and the readiness of Indian chil-  
14       dren to learn is hampered by the high incidence of  
15       poverty, unemployment, and health problems among  
16       Indian children and families; and

17           “(6) research related specifically to the edu-  
18       cation of Indian children and adults is very limited,  
19       and much of it is poor in quality or focused on lim-  
20       ited local or regional issues.

21                            “PURPOSE

22           “SEC. 6002. (a) It is the purpose of this title to sup-  
23       port the efforts of local educational agencies, Indian tribes  
24       and organizations, State educational agencies, postsecond-  
25       ary institutions, and other entities to meet the unique edu-  
26       cational needs of American Indians and Alaska Natives,

1 so that they can achieve to the same challenging State  
2 performance standards expected of all students.

3 “(b) This title carries out this purpose by authorizing  
4 programs of direct assistance for—

5 “(1) the education of Indian children and  
6 adults;

7 “(2) the training of Indian persons as educators  
8 and counselors, and in other professions serving In-  
9 dian people; and

10 “(3) research, evaluation, data collection, and  
11 technical assistance.

12 “PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL  
13 AGENCIES

14 “PURPOSE

15 “SEC. 6101. It is the purpose of this part to support  
16 local educational agencies in their efforts to reform ele-  
17 mentary and secondary school programs that serve Indian  
18 students, in order to ensure that those programs—

19 “(1) are based on challenging State content and  
20 student performance standards that are used for all  
21 students; and

22 “(2) are designed to assist Indian students  
23 meet those standards and assist the Nation in reach-  
24 ing the National Education Goals.

1 “GRANTS TO LOCAL EDUCATIONAL AGENCIES

2 “SEC. 6102. A local educational agency is eligible for  
3 a grant under this part for any fiscal year if the number  
4 of Indian children who were enrolled in the schools of the  
5 agency, and to whom the agency provided free public edu-  
6 cation, during the preceding fiscal year—

7 “(1) was at least 20; or

8 “(2) constituted at least 25 percent of the agen-  
9 cy’s total enrollment.

10 “AMOUNT OF GRANTS

11 “SEC. 6103. (a) AMOUNT OF GRANTS.—(1) The Sec-  
12 retary is authorized to allocate to each local educational  
13 agency whose application has been approved under this  
14 part an amount equal to the product of—

15 “(A) the number of Indian children described in  
16 section 6102; and

17 “(B) the greater of—

18 “(i) the average per-pupil expenditure of  
19 the State in which the agency is located; or

20 “(ii) 80 percent of the average per-pupil  
21 expenditure in the United States.

22 “(2) The Secretary shall reduce the amount of each  
23 allocation determined under paragraph (1) in accordance  
24 with subsection (e) of this section.

25 “(b) MINIMUM GRANT AMOUNT.—The Secretary  
26 shall not make any grant to a local educational agency

1 if the amount determined under subsection (a) is less than  
2 \$4,000, except that the Secretary may make a grant to  
3 a consortium of local educational agencies, one or more  
4 of which does not qualify for such a minimum award, if—

5           “(1) the total amount so determined for those  
6 agencies is at least \$4,000;

7           “(2) those agencies, in the aggregate, meet the  
8 eligibility requirement of either section 6102(1) or  
9 6102(2); and

10           “(3) the Secretary determines that such a grant  
11 would be effectively used to carry out the purpose of  
12 this part.

13           “(c) DEFINITION.—For the purpose of this section,  
14 the average per-pupil expenditure of a State is determined  
15 by dividing—

16           “(1) the aggregate current expenditures of all  
17 the local educational agencies in the State, plus any  
18 direct current expenditures by the State for the op-  
19 eration of such agencies, without regard to the  
20 sources of funds from which such local or State ex-  
21 penditures were made, during the second fiscal year  
22 preceding the fiscal year for which the computation  
23 is made; by

24           “(2) the aggregate number of children who  
25 were in average daily attendance for whom such

1 agencies provided free public education during such  
2 preceding fiscal year.

3 “(d) SCHOOLS OPERATED OR SUPPORTED BY THE  
4 BUREAU OF INDIAN AFFAIRS.—(1) In addition to the  
5 grants determined under subsection (a), the Secretary  
6 shall allocate to the Secretary of the Interior an amount  
7 equal to the product of—

8 “(A) the total number of Indian children en-  
9 rolled in schools that are operated by—

10 “(i) the Bureau of Indian Affairs; or

11 “(ii) an Indian tribe, or an organization  
12 controlled or sanctioned by an Indian tribal  
13 government, for the children of that tribe under  
14 a contract with, or grant from, the Department  
15 of the Interior under the Indian Self-Deter-  
16 mination Act (25 U.S.C. 450f et seq.) or the  
17 Tribally Controlled Schools Act of 1988 (25  
18 U.S.C. 2501 et seq.); and

19 “(B) the greater of—

20 “(i) the average per-pupil expenditure of  
21 the State in which the school is located; or

22 “(ii) 80 percent of the average per-pupil  
23 expenditure in the United States.

24 “(2) The Secretary shall transfer the amount  
25 determined under paragraph (1), reduced as may be

1 necessary under subsection (e), to the Secretary of  
2 the Interior in accordance with, and subject to, sec-  
3 tion 9205 of this Act.

4 “(e) RATABLE REDUCTIONS.—If the sums appro-  
5 priated for any fiscal year under section 6602(a) are insuf-  
6 ficient to pay in full the amounts determined for local edu-  
7 cational agencies under subsection (a)(1) and for the Sec-  
8 retary of the Interior under subsection (d), each of those  
9 amounts shall be ratably reduced.

10 “APPLICATIONS

11 “SEC. 6104. (a) GENERAL.—Any local educational  
12 agency that desires to receive a grant under this part shall  
13 submit an application to the Secretary at such time, in  
14 such manner, and containing such information as the Sec-  
15 retary may require.

16 “(b) COMPREHENSIVE PLAN REQUIRED.—Each such  
17 application shall include a comprehensive plan for meeting  
18 the needs of Indian children in the local educational agen-  
19 cy, including their language and cultural needs, that—

20 “(1)(A) is consistent with, and promotes the  
21 goals in, the State and local plans, either approved  
22 or being developed, under title III of the Goals  
23 2000: Educate America Act or, if those plans are  
24 not approved or being developed, with the State and  
25 local plans under sections 1111 and 1112 of this  
26 Act; and

1           “(B) includes academic content and student  
2 performance goals for those children, and bench-  
3 marks for attaining them, that are based on the  
4 challenging State standards adopted under title III  
5 of the Goals 2000: Educate America Act or under  
6 title I of this Act for all children;

7           “(2) explains how Federal, State, and local pro-  
8 grams, especially under title I of this Act, will meet  
9 the needs of those students;

10           “(3) demonstrates how funds under this part  
11 will be used for activities authorized by section  
12 6106;

13           “(4) describes the professional development to  
14 be provided, as needed, to ensure that—

15           “(A) teachers and other school profes-  
16 sionals who are new to the Indian community  
17 are prepared to work with Indian children; and

18           “(B) all teachers who will be involved in  
19 the project have been properly trained to carry  
20 it out; and

21           “(5) describes how the agency—

22           “(A) will periodically assess the progress of  
23 all Indian children in its schools, including  
24 those not participating in programs under this



1 part, in meeting the goals described in para-  
2 graph (1);

3 “(B) will provide the results of that assess-  
4 ment to the parent committee described in sub-  
5 section (c)(8) and to the community served by  
6 the agency; and

7 “(C) is responding to findings of any pre-  
8 vious such assessments.

9 “(c) ASSURANCES.—Each such application shall also  
10 include assurances that—

11 “(1) the local educational agency will use funds  
12 received under this part only to supplement the level  
13 of funds that, in the absence of such Federal funds,  
14 the agency would make available for the education  
15 of Indian children, and not to supplant such funds;

16 “(2) the local educational agency will submit  
17 such reports to the Secretary, in such form and con-  
18 taining such information, as the Secretary may re-  
19 quire to—

20 “(A) carry out the Secretary’s functions  
21 under this part; and

22 “(B) determine the extent to which funds  
23 provided under this part have been effective in  
24 improving the educational achievement of In-  
25 dian students in the local educational agency;

1           “(3) the program for which assistance is sought  
2 will use the best available talents and resources, in-  
3 cluding persons from the Indian community;

4           “(4) the local educational agency has developed  
5 the program in open consultation with parents of In-  
6 dian children, teachers, and, where appropriate, sec-  
7 ondary school Indian students, including holding  
8 public hearings at which these persons have had a  
9 full opportunity to understand the program and to  
10 offer recommendations on it;

11           “(5) the local educational agency has developed  
12 the program with the participation and written ap-  
13 proval of a committee—

14           “(A) that is composed of, and selected by,  
15 parents of Indian children in the local edu-  
16 cational agency’s schools, teachers, and, where  
17 appropriate, secondary school Indian students;  
18 and

19           “(B) of which at least half the members  
20 are parents described in subparagraph (A); and

21           “(6) the parent committee described in para-  
22 graph (5) will adopt and abide by reasonable bylaws  
23 for the conduct of the activities of the committee.

24           “(d) STATE EDUCATIONAL AGENCY REVIEW.—(1)  
25 Before submitting its application to the Secretary, the

1 local educational agency shall obtain comments on the ap-  
2 plication from the State educational agency.

3 “(2) The local educational agency shall send the  
4 State educational agency’s comments to the Secretary  
5 with its application.

6 “AUTHORIZED SERVICES AND ACTIVITIES

7 “SEC. 6105. (a) GENERAL REQUIREMENTS.—Each  
8 local educational agency that receives a grant under this  
9 part shall use the grant funds for services and activities,  
10 consistent with the purpose of this part, that—

11 “(1) are designed to carry out its comprehen-  
12 sive plan for Indian students, described in its appli-  
13 cation under section 6104(b);

14 “(2) are designed with special regard for the  
15 language and cultural needs of those students; and

16 “(3) supplement and enrich the regular school  
17 program.

18 “(b) PARTICULAR ACTIVITIES.—Such services and  
19 activities include, but are not limited to—

20 “(1) early childhood and family programs that  
21 emphasize school readiness;

22 “(2) enrichment programs that focus on prob-  
23 lem-solving and cognitive skills development and that  
24 directly support the attainment of challenging State  
25 content and student performance standards;

1           “(3) integrated educational services in combina-  
2           tion with other programs meeting similar needs;

3           “(4) school-to-work transition activities to en-  
4           able Indian students to participate in programs such  
5           as those supported by the School-to-Work Opportu-  
6           nities Act of 1993 and the Carl D. Perkins Voca-  
7           tional and Applied Technology Education Act, in-  
8           cluding tech-prep programs;

9           “(5) prevention of, and education about, sub-  
10          stance abuse; and

11          “(6) acquisition of equipment, but only if it is  
12          essential to meet the purpose of this part.

13          “(c) SCHOOLWIDE PROGRAMS.—Notwithstanding  
14 any other provision of this part, a local educational agency  
15 may use funds it receives under this part to support a  
16 schoolwide program under section 1114 of title I of this  
17 Act, in accordance with such section, if the Secretary de-  
18 termines that the local educational agency has made ade-  
19 quate provision for the participation of Indian children,  
20 and the involvement of Indian parents, in such project.

21                           “STUDENT ELIGIBILITY FORMS

22          “SEC. 6106. Each local educational agency that ap-  
23 plies for a grant under this part shall maintain in its files  
24 a form, prescribed by the Secretary, for each Indian child  
25 described in section 6102, which shall contain at least—

26                   “(1) the child’s name;

1           “(2) the name of the Indian tribe or band of  
2           Indians in which membership is claimed; and

3           “(3) the parent’s signature.

4                           “PAYMENTS

5           “SEC. 6107. (a) GENERAL.—The Secretary shall pay  
6           each local educational agency with an application approved  
7           under this part the amount determined under section  
8           6103, subject to subsections (b) and (c) of this section.

9           “(b) PAYMENTS TAKEN INTO ACCOUNT BY THE  
10          STATE.—The Secretary shall not make a grant under this  
11          part for any fiscal year to any local educational agency  
12          in a State that has taken into consideration payments  
13          under this part (or under subpart 1 of the Indian Edu-  
14          cation Act of 1988) in determining the eligibility of the  
15          local educational agency for State aid, or the amount of  
16          that aid, with respect to the free public education of chil-  
17          dren during that year or the preceding fiscal year.

18          “(c) REDUCTION OF PAYMENT FOR FAILURE TO  
19          MAINTAIN FISCAL EFFORT.—(1) The Secretary shall not  
20          pay any local educational agency the full amount deter-  
21          mined under section 6103 for any fiscal year unless the  
22          State educational agency notifies the Secretary, and the  
23          Secretary determines, that the combined fiscal effort of  
24          that local agency and the State with respect to the provi-  
25          sion of free public education by that local agency for the  
26          preceding fiscal year, computed on either a per-student or

1 aggregate expenditure basis, was at least 90 percent of  
2 such combined fiscal effort, computed on the same basis,  
3 for the second preceding fiscal year.

4 “(2) If the Secretary determines for any fiscal year  
5 that a local educational agency failed to maintain its fiscal  
6 effort at the 90 percent level required by paragraph (1),  
7 the Secretary shall—

8 “(A) reduce the amount of the grant that would  
9 otherwise be made to the agency under this part in  
10 the exact proportion of that agency’s failure to  
11 maintain its fiscal effort at that level; and

12 “(B) not use the reduced amount of the agen-  
13 cy’s expenditures for the preceding year to deter-  
14 mine compliance with paragraph (1) for any suc-  
15 ceeding fiscal year, but shall use the amount of ex-  
16 penditures that would have been required to comply  
17 with paragraph (1).

18 “(3)(A) The Secretary may waive the requirement of  
19 paragraph (1), for not more than one year at a time, if  
20 the Secretary determines that the failure to comply with  
21 such requirement is due to exceptional or uncontrollable  
22 circumstances, such as a natural disaster or a precipitous  
23 and unforeseen decline in the agency’s financial resources.

24 “(B) The Secretary shall not use the reduced amount  
25 of such agency’s expenditures for the fiscal year preceding

1 the fiscal year for which a waiver is granted to determine  
2 compliance with paragraph (1) for any succeeding fiscal  
3 year, but shall use the amount of expenditures that would  
4 have been required to comply with paragraph (1) in the  
5 absence of the waiver.

6 “(d) REALLOCATIONS.—The Secretary may reallo-  
7 cate, in the manner the Secretary determines will best  
8 carry out the purpose of this part, any amounts that—

9 “(1) based on estimates by local educational  
10 agencies or other information, will not be needed by  
11 those agencies to carry out their approved projects  
12 under this part; or

13 “(2) otherwise become available for reallocation  
14 under this part.

15 “PART B—DISCRETIONARY PROGRAMS TO IMPROVE  
16 EDUCATIONAL ACHIEVEMENT OF INDIAN CHILDREN

17 “GRANTS TO INDIAN-CONTROLLED SCHOOLS

18 “SEC. 6201. (a) PURPOSE.—It is the purpose of this  
19 section to support Indian-controlled schools by providing  
20 assistance to—

21 “(1) help Indian-controlled schools get started  
22 and established; and

23 “(2) pay for supplemental services that will—

1           “(A) enable Indian students to meet the  
2           same challenging State performance standards  
3           that all students will be expected to meet; and

4           “(B) assist the Nation in reaching the Na-  
5           tional Education Goals.

6           “(b) ELIGIBLE APPLICANTS.—Indian tribes and In-  
7           dian organizations may apply under this section for grants  
8           for schools for Indian children.

9           “(c) PRIORITY.—(1) In making grants under this  
10          section, the Secretary shall give priority to applicants that  
11          are—

12           “(A) starting new schools with the approval of  
13           the Bureau of Indian Affairs; or

14           “(B) in the process of gaining control over a  
15           school operated by the Bureau of Indian Affairs.

16          “(2) To qualify for the priority under paragraph (1),  
17          an applicant must demonstrate to the Secretary’s satisfac-  
18          tion that the school for which assistance is sought will—

19           “(A) receive funds under the Indian school  
20           equalization program established under the Edu-  
21           cation Amendments of 1978 within three years of  
22           the beginning of its proposed project; and

23           “(B) have been under the control of the appli-  
24           cant for less than three years as of the beginning of  
25           its proposed project.



1       “(d) AUTHORIZED ACTIVITIES.—(1) Recipients of  
2 grants under this section shall use grant funds to carry  
3 out projects and activities that meet the purpose of this  
4 section.

5       “(2) Such activities include, but are not limited to—

6           “(A) student assessments;

7           “(B) curriculum development;

8           “(C) staff development; and

9           “(D) community orientation.

10           “DEMONSTRATION GRANTS

11       “SEC. 6202. (a) PURPOSE; COORDINATION.—(1) It  
12 is the purpose of this section to support projects that are  
13 designed to develop, test, and demonstrate the effective-  
14 ness of services and programs to improve educational  
15 achievement of Indian children.

16       “(2) The Secretary shall ensure that projects under  
17 this section are coordinated with projects under other pro-  
18 visions of this Act.

19       “(b) ELIGIBLE APPLICANTS.—State educational  
20 agencies, local educational agencies, Indian tribes, Indian  
21 organizations, and institutions of higher education, includ-  
22 ing Indian institutions of higher education, may apply for  
23 grants under this section.

24       “(c) AUTHORIZED PROJECTS AND ACTIVITIES.—Re-  
25 cipients of grants under this section shall use the grant

1 funds to carry out projects and activities that meet the  
2 purpose of this section, such as—

3           “(1) instruction to raise the achievement of In-  
4           dian children in one or more of the core curriculum  
5           areas of English, mathematics, science, foreign lan-  
6           guages, arts, history, and geography;

7           “(2) programs designed to reduce the incidence  
8           of students dropping out of school and to increase  
9           the rate of high school graduation;

10           “(3) partnership projects between local edu-  
11           cational agencies and institutions of higher edu-  
12           cation that allow high school students to enroll in  
13           courses at the postsecondary level to aid them in the  
14           transition from high school to postsecondary edu-  
15           cation;

16           “(4) partnership projects between schools and  
17           local businesses for school-to-work transition pro-  
18           grams designed to provide Indian youth with the  
19           knowledge and skills they need to make an effective  
20           transition from school to a first job in a high-skill,  
21           high-wage career;

22           “(5) family-based preschool programs that em-  
23           phasize school readiness and parenting skills;



1       “(b) ELIGIBLE APPLICANTS.—Eligible applicants  
2 under this section are—

3           “(1) institutions of higher education, including  
4 Indian institutions of higher education;

5           “(2) State and local educational agencies, in  
6 consortium with institutions of higher education; and

7           “(3) Indian tribes and Indian organizations, in  
8 consortium with institutions of higher education.

9       “(c) AUTHORIZED PROJECTS AND ACTIVITIES.—(1)  
10 Each recipient of a grant under this section shall use the  
11 grant funds to provide training to Indian persons, consist-  
12 ent with the purpose of this section.

13       “(2)(A) For teachers, counselors, and other education  
14 professionals, such training shall consist of pre-service or  
15 in-service professional development.

16       “(B) For those being trained in other fields, such  
17 training shall be in programs that result in graduate  
18 degrees.

19       “(d) ALLOCATION OF FUNDS.—The Secretary shall  
20 ensure that at least 50 percent of the sums appropriated  
21 to carry out this section for any fiscal year are used for  
22 training of educational personnel under subsection  
23 (c)(2)(A).

1       “(e) PROJECT PERIOD.—The project period for each  
2 project approved under this section shall be up to five  
3 years.

4       “(f) SERVICE OBLIGATION.—The Secretary may, by  
5 regulation, require that individuals who receive training  
6 under this section perform related work following that  
7 training or repay all or part of the cost of the training.

8                               “ADULT EDUCATION

9       “SEC. 6302. (a) PURPOSE.—The purpose of this sec-  
10 tion is to improve educational and employment opportuni-  
11 ties for Indian adults who lack the level of literacy skills,  
12 quantitative skills, and knowledge that they need to enjoy  
13 more fully the benefits and responsibilities of effective citi-  
14 zenship and productive employment by supporting projects  
15 that—

16               “(1) provide them sufficient high-quality edu-  
17 cation to enable them to benefit from job training  
18 and retraining programs and to obtain and retain  
19 productive employment; and

20               “(2) enable Indian adults who so desire to con-  
21 tinue their education through the high school level  
22 and beyond.

23       “(b) ELIGIBLE APPLICANTS.—Indian tribes, Indian  
24 organizations, Indian institutions of higher education, and  
25 other public and nonprofit private agencies and organiza-  
26 tions may apply for grants under this section.

1       “(c) PROGRAM REQUIREMENTS.—Each recipient of a  
2 grant under this section shall—

3           “(1) provide adult education, as defined in sec-  
4 tion 6601(2), to Indian adults in a manner that sup-  
5 plements State funds expended for adult education  
6 for Indian adults;

7           “(2) coordinate its project with other adult edu-  
8 cation programs, if any, in the same geographic  
9 area, including programs funded under the Adult  
10 Education Act and programs operated or funded by  
11 the Bureau of Indian Affairs; and

12           “(3) collect, evaluate, and report on data con-  
13 cerning such matters as the Secretary may require,  
14 including the number of participants, the effect of  
15 the project on the subsequent work experience of  
16 participants, the progress of participants in achiev-  
17 ing literacy, and the number of participants who  
18 pass high school equivalency examinations.

19       “PART D—NATIONAL ACTIVITIES AND GRANTS TO  
20 STATES

21           “NATIONAL ACTIVITIES

22       “SEC. 6401. (a) AUTHORIZED ACTIVITIES.—From  
23 funds appropriated for any fiscal year to carry out this  
24 section, the Secretary may—



1       “(b) ELIGIBILITY.—Each State is eligible for a grant  
2 under this section if it has a State plan for education re-  
3 form in the State that—

4           “(1) in the Secretary’s judgment, effectively  
5 provides for the education of Indian children and  
6 adults; and

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

12           “(B) if the State does not have an approved  
13 plan under title III of the Goals 2000: Educate  
14 America Act and is not developing such a plan, is  
15 integrated with other State plans under this Act.

16       “(c) GRANT AMOUNTS.—(1) From funds appro-  
17 priated to carry out this section, the Secretary shall make  
18 a grant to each State educational agency in an eligible  
19 State whose application for assistance under this section  
20 has been approved.

21       “(2)(A) The Secretary is authorized to determine the  
22 amount of each such grant on the basis of—

23           “(i) the number of Indian individuals in the  
24 State, as determined on the basis of the most recent  
25 available data satisfactory to the Secretary;



1           “(ii) the comprehensiveness and quality of the  
2 State’s plan;

3           “(iii) the State’s commitment to high-quality  
4 education programs for Indian children and adults;  
5 and

6           “(iv) other factors that the Secretary finds ap-  
7 propriate.

8           “(B) Notwithstanding subparagraph (A), no grant  
9 under this section shall be in an amount less than the  
10 greater of—

11           “(i) \$50,000; or

12           “(ii) five percent of the total amount paid to  
13 local educational agencies in the State for that fiscal  
14 year under part A of this title.

15           “(d) AUTHORIZED ACTIVITIES.—Each State that re-  
16 ceives a grant under this section shall use the grant funds  
17 for activities to meet the purpose of this section, includ-  
18 ing—

19           “(1) reviewing local educational agency applica-  
20 tions under part A of this title;

21           “(2) collecting data;

22           “(3) providing technical assistance to local edu-  
23 cational agencies;

1           “(4) measuring the achievement of Indian stu-  
2           dents against the standards set out in the State’s  
3           plan described in subsection (b); and

4           “(5) carrying out other activities and providing  
5           other services designed to build the capacity of the  
6           State to serve the educational needs of Indian chil-  
7           dren and adults.

8           “(e) APPLICATIONS.—Each State that desires to re-  
9           ceive a grant under this section shall submit an application  
10          to the Secretary at such time, in such manner, and con-  
11          taining such information and assurances as the Secretary  
12          may require, including an assurance that the State will  
13          submit to the Secretary, every two years, a report on its  
14          activities under this section containing such data and  
15          other information as the Secretary may require.

16                 “PART E—FEDERAL ADMINISTRATION

17                         “OFFICE OF INDIAN EDUCATION

18           “SEC. 6501. (a) OFFICE OF INDIAN EDUCATION.—  
19          There shall be an Office of Indian Education (hereafter  
20          in this section referred to as “the Office”) in the Depart-  
21          ment of Education.

22           “(b) DIRECTOR.—(1) The Office shall be under the  
23          direction of the Director, who shall be appointed by the  
24          Secretary and who shall report directly to the Assistant  
25          Secretary for Elementary and Secondary Education.

1 “(2) The Director shall—

2 “(A) be responsible for administering this title;

3 “(B) be involved in, and be primarily respon-  
4 sible for, the development of all policies affecting In-  
5 dian children and adults under programs adminis-  
6 tered by the Office of Elementary and Secondary  
7 Education; and

8 “(C) coordinate the development of policy and  
9 practice for all programs in the Department relating  
10 to Indian persons.

11 “(3) The Director of the Office shall be a member  
12 of the career Senior Executive Service.

13 “(c) INDIAN PREFERENCE IN EMPLOYMENT.—(1)  
14 The Secretary shall give a preference to Indian persons  
15 in all personnel actions in the Office.

16 “(2) Such preference shall be implemented in the  
17 same fashion as the preference given to any veteran under  
18 section 2609 of the Revised Statutes, section 45 of title  
19 25, United States Code.

20 “NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

21 “SEC. 6502. (a) MEMBERSHIP.—There shall be a  
22 National Advisory Council on Indian Education (hereafter  
23 in this section referred to as “the Council”), which shall—

24 “(1) consist of 15 Indian members, who shall  
25 be appointed by the President from lists of nominees

1 furnished, from time to time, by Indian tribes and  
2 organizations; and

3 “(2) represent different geographic areas of the  
4 country.

5 “(b) DUTIES.—The Council shall—

6 “(1) advise the Secretary on the funding and  
7 administration, including the development of regula-  
8 tions and of administrative policies and practices, of  
9 any program, including programs under this title,  
10 for which the Secretary is responsible and in which  
11 Indian children or adults participate or from which  
12 they can benefit;

13 “(2) make recommendations to the Secretary  
14 for filling the Director’s position whenever a vacancy  
15 occurs in that position; and

16 “(3) submit to the Congress, by June 30 of  
17 each year, a report on its activities, which shall in-  
18 clude—

19 “(A) any recommendations it finds appro-  
20 priate for the improvement of Federal education  
21 programs in which Indian children or adults  
22 participate, or from which they can benefit; and

23 “(B) its recommendations with respect to  
24 the funding of any such programs.



1           “(B) beyond the age of compulsory school  
2 attendance under State law.

3           “(2) The term ‘adult education’ has the mean-  
4 ing given that term in section 312(2) of the Adult  
5 Education Act.

6           “(3) The term ‘free public education’ means  
7 education that is—

8           “(A) provided at public expense, under  
9 public supervision and direction, and without  
10 tuition charge; and

11           “(B) provided as elementary or secondary  
12 education in the applicable State or to preschool  
13 children.

14           “(4) The term ‘Indian’ means an individual  
15 who is—

16           “(A) a member of an Indian tribe or band,  
17 as membership is defined by the tribe or band,  
18 including—

19           “(i) tribes and bands terminated since  
20 1940; and

21           “(ii) tribes and bands recognized by  
22 the State in which they reside;

23           “(B) a descendant, in the first or second  
24 degree, of an individual described in subpara-  
25 graph (A);



1           “(2) limited English proficient children and  
2 youth face a number of challenges in receiving an  
3 education that will enable them to participate fully  
4 in American society, including segregated education  
5 programs; disproportionate and improper placement  
6 in special education and other special programs due  
7 to the use of inappropriate evaluation procedures;  
8 the limited English proficiency of their own parents,  
9 which hinders the parents’ ability to fully participate  
10 in the education of their children; a shortage of  
11 teachers and educational personnel who are profes-  
12 sionally trained and qualified to serve them;

13           “(3) the Federal Government, as exemplified by  
14 title VI of the Civil Rights Act of 1964 and section  
15 204(f) of the Equal Education Opportunities Act of  
16 1974, has a special and continuing obligation to en-  
17 sure that States and local school districts take ap-  
18 propriate action to provide equal educational oppor-  
19 tunities to children and youth of limited English  
20 proficiency;

21           “(4) The Federal Government also, as exempli-  
22 fied by its efforts under this title, has a special and  
23 continuing obligation to assist States and local  
24 school districts in developing the capacity to provide  
25 programs of instruction that offer limited English



1 proficient children and youth an equal educational  
2 opportunity;

3 “(5) in carrying out its responsibilities with re-  
4 spect to ensuring equal educational opportunity for  
5 children and youth of limited English proficiency,  
6 the Federal Government has learned that—

7 “(A) large numbers of these children and  
8 youth have needs that must be met by a pro-  
9 gram of instruction designed specifically for  
10 them;

11 “(B) a primary purpose of such programs  
12 must be developing the English language skills  
13 of such children and youth;

14 “(C) the use of a child or youth’s native  
15 language and culture in classroom instruction  
16 can promote self-esteem and contribute to aca-  
17 demic achievement and learning English by lim-  
18 ited English proficient children and youth; ben-  
19 efit English proficient children and youth who  
20 also participate in such programs; and develop  
21 our national language resources, thus promot-  
22 ing the nation’s competitiveness in the global  
23 economy;

1           “(D) parent and community participation  
2           in bilingual education programs contributes to  
3           program effectiveness; and

4           “(E) research, evaluation, and data-collec-  
5           tion capabilities in the field of bilingual edu-  
6           cation need to be strengthened so that edu-  
7           cators can better identify and promote those  
8           programs, program implementation strategies,  
9           and instructional practices that result in effec-  
10          tive education; and

11          “(6) providing the educational services that pre-  
12          pare newly immigrated children and youth for full  
13          participation in American society and to achieve  
14          challenging State performance standards is a signifi-  
15          cant problem for a number of local educational agen-  
16          cies. Supplementary Federal assistance can help  
17          such agencies meet their responsibilities.

18          “POLICY; AUTHORIZATION OF APPROPRIATIONS

19          “SEC. 7002. (a) POLICY.—The Congress declares it  
20          to be the policy of the United States, in order to ensure  
21          equal educational opportunity for all children and youth  
22          and to promote educational excellence, to assist State and  
23          local educational agencies to build their capacity to estab-  
24          lish, implement, and sustain programs of instruction for  
25          children and youth of limited English proficiency that—



1 cluding the preschool, elementary, or secondary  
2 school levels, that is intended to help them de-  
3 velop proficiency in the English and, to the ex-  
4 tent possible, the native language and achieve  
5 to high academic standards in all courses of  
6 study; and

7 “(ii) may include activities to assist the  
8 parents of such children and youth enrolled in  
9 bilingual education programs to participate in  
10 the education of their children.

11 “(B)(i) A bilingual education program may be  
12 conducted in English, the native language, or both  
13 languages, except that all bilingual education pro-  
14 grams must develop proficiency in the English lan-  
15 guage. The native language may be used in the in-  
16 structional program to facilitate the acquisition of  
17 English; to develop overall linguistic competence;  
18 and to develop competence in the academic curricu-  
19 lum.

20 “(ii) A bilingual education program must, to  
21 the extent possible, incorporate the cultural heritage  
22 of the children or youth of limited English pro-  
23 ficiency served by the program, as well as the cul-  
24 tural heritage of other children in American society.

1           “(C) Children and youth proficient in English  
2           may participate in a bilingual education program so  
3           long as the primary purpose of the program is to  
4           benefit children and youth of limited English pro-  
5           ficiency.

6           “(2) The term ‘children and youth’ means indi-  
7           viduals aged three through twenty-one.

8           “(3) The term ‘Director’ means the Director of  
9           the Office of Bilingual Education and Minority Lan-  
10          guages Affairs established under section 210 of the  
11          Department of Education Organization Act.

12          “(4) The term ‘immigrant children and youth’  
13          means individuals who—

14                 “(A) are aged three through twenty-one;

15                 “(B) were not born in any State; and

16                 “(C) have not been attending one or more  
17          schools in any one or more States for more  
18          than twelve months.

19          “(5) The terms ‘limited English proficiency’  
20          and ‘limited English proficient’, when used with ref-  
21          erence to an individual, mean an individual—

22                 “(A) who—

23                         “(i) was not born in the United States  
24                         or whose native language is a language  
25                         other than English;

1           “(ii) comes from an environment  
2           where a language other than English is  
3           dominant; or

4           “(iii) is an American Indian or Alaska  
5           Native and comes from an environment  
6           where a language other than English has  
7           had a significant impact on his or her level  
8           of English language proficiency; and

9           “(B) who, by reason thereof, has sufficient  
10          difficulty speaking, reading, writing, or under-  
11          standing the English language to deny such in-  
12          dividual the opportunity to learn successfully in  
13          classrooms where the language of instruction is  
14          English or to participate fully in our society.

15          “(6) The term ‘native language’, when used  
16          with reference to an individual of limited English  
17          proficiency, means the language normally used by  
18          such individual, or in the case of a child or youth,  
19          the language normally used by the parents of the  
20          child or youth.

21          “(7) The term ‘other programs for persons of  
22          limited English proficiency’ means any programs ad-  
23          ministered by the Secretary that directly involve bi-  
24          lingual education activities serving persons of limited  
25          English proficiency.

1                   “INDIAN CHILDREN IN SCHOOL

2           “SEC. 7004. (a) ELIGIBLE ENTITIES.—For the pur-  
3   pose of carrying out programs under this title for individ-  
4   uals served by elementary and secondary schools operated  
5   predominately for Indian or Alaska Native children and  
6   youth, an Indian tribe, a tribally sanctioned educational  
7   authority, or an elementary or secondary school that is  
8   operated or funded by the Bureau of Indian Affairs shall  
9   be considered to be a local educational agency as such  
10  term is used in this title, subject to the following qualifica-  
11  tions:

12                   “(1) The term ‘Indian tribe’ means any Indian  
13   tribe, band, nation, or other organized group or com-  
14   munity, including any Alaska Native village or re-  
15   gional or village corporation as defined in or estab-  
16   lished pursuant to the Alaska Native Claims Settle-  
17   ment Act (43 U.S.C. 1601 et seq.), that is recog-  
18   nized for the special programs and services provided  
19   by the United States to Indians because of their sta-  
20   tus as Indians.

21                   “(2) The term ‘tribally sanctioned educational  
22   authority’ means—

23                           “(A) any department or division of edu-  
24   cation operating within the administrative

1 structure of the duly constituted governing body  
2 of an Indian tribe; and

3 “(B) any nonprofit institution or organiza-  
4 tion that is—

5 “(i) chartered by the governing body  
6 of an Indian tribe to operate any such  
7 school or otherwise to oversee the delivery  
8 of educational services to members of that  
9 tribe; and

10 “(ii) approved by the Secretary for  
11 the purpose of this section.

12 “PART A—FINANCIAL ASSISTANCE FOR BILINGUAL  
13 EDUCATION

14 “FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

15 “SEC. 7101. (a) PURPOSE.—The purpose of this part  
16 is to assist local educational agencies, through the grants  
17 authorized by subsections (b), (c), and (d), to—

18 “(1) develop and enhance their capacity to pro-  
19 vide high-quality instruction to children and youth of  
20 limited English proficiency; and

21 “(2) to help such children and youth—

22 “(A) develop proficiency in English, and to  
23 the extent possible, their native language; and

24 “(B) meet the same challenging State per-  
25 formance standards expected for all children



1           and youth as required by section 1111(b) of  
2           this Act.

3           “(b) ENHANCEMENT GRANTS.—(1) The Secretary is  
4 authorized to make grants to local educational agencies  
5 to—

6           “(A) develop new bilingual education programs;

7           “(B) enhance or expand existing bilingual edu-  
8 cation programs to meet new conditions, such as the  
9 need to serve additional language groups or different  
10 age or grade levels; and

11           “(C) meet the short-term needs of local edu-  
12 cational agencies without bilingual education pro-  
13 grams to serve children and youth of limited English  
14 proficiency.

15           “(2) Grants awarded under this subsection shall be  
16 for a period of up to two years.

17           “(c) COMPREHENSIVE SCHOOL GRANTS.—(1) The  
18 Secretary is authorized to make grants to local educational  
19 agencies for the purpose of implementing school-wide bi-  
20 lingual education programs that serve children and youth  
21 of limited English proficiency in schools with significant  
22 concentrations of such children and youth.

23           “(2) Grants awarded under this subsection shall be  
24 for a period of up to five years.

1       “(d) COMPREHENSIVE DISTRICT GRANTS.—(1) The  
2 Secretary is authorized to make grants to local educational  
3 agencies for the purpose of implementing district-wide bi-  
4 lingual education programs that serve children and youth  
5 of limited English proficiency in districts with significant  
6 concentrations of such children and youth.

7       “(2) Grants awarded under this subsection shall be  
8 for a period of up to five years.

9       “(e) USE OF FUNDS.—(1) Recipients may use funds  
10 for programs authorized by subsections (b), (c), and (d)  
11 for—

12           “(A) identification and acquisition of curricular  
13 materials, educational software, and technologies to  
14 advance the education of children and youth of lim-  
15 ited English proficiency;

16           “(B) parent outreach and training activities de-  
17 signed to assist parents to become active partici-  
18 pants in the education of their children;

19           “(C) salaries of personnel, including teacher  
20 aides who have been specifically trained, or are being  
21 trained, to provide services to children and youth of  
22 limited English proficiency;

23           “(D) tutorials and academic or career counsel-  
24 ing for children and youth of limited English pro-  
25 ficiency; and

1           “(E) such other activities, related to the pur-  
2           poses of this part, as the Secretary may approve.

3           “(2) Recipients of awards under subsections (c) and  
4 (d) may—

5           “(A) use such funds for pre-service and in-serv-  
6           ice professional development of staff participating,  
7           or preparing to participate, in the program, includ-  
8           ing those who will not directly participate in the bi-  
9           lingual instructional program, if such activities are  
10          directly related to serving children and youth of lim-  
11          ited English proficiency and will help accomplish the  
12          purposes of this title; and

13          “(B) during the first 12 months of such a  
14          grant, engage exclusively in activities preparatory to  
15          the delivery of services, which may include program  
16          design, the development of materials and procedures,  
17          and activities to involve parents in the educational  
18          program and to enable parents and family members  
19          to assist in the education of children and youth of  
20          limited English proficiency.

21          “(f) GEOGRAPHIC DISTRIBUTION OF FUNDS.—To  
22          the extent possible, the Secretary shall award funds under  
23          this section throughout the Nation in a manner that re-  
24          flects the geographic distribution of children and youth of  
25          limited English proficiency.

1       “(g) APPLICATIONS.—(1) Any local educational agen-  
2 cy desiring to receive a grant under this section shall sub-  
3 mit, through its State educational agency, an application  
4 to the Secretary, in such form, at such time, and contain-  
5 ing such information and assurances as the Secretary may  
6 require.

7       “(2) Each application shall—

8           “(A) describe—

9               “(i) the need for the proposed program, in-  
10 cluding data on the number of the children and  
11 youth of limited English proficiency in the  
12 school or district to be served and their charac-  
13 teristics, such as language spoken, dropout  
14 rates, proficiency in English and the native lan-  
15 guage, academic standing in relation to their  
16 English proficient peers, and, where applicable,  
17 the recency of immigration; and

18               “(ii) the program to be implemented and  
19 how its design—

20                   “(I) relates to the linguistic and aca-  
21 demic needs of the children and youth of  
22 limited English proficiency to be served;  
23 and

24                   “(II) is consistent with, and promotes  
25 the goals in, its plan under title III of the

1           Goals 2000: Educate America Act, if such  
2           plan exists, and its plan under section  
3           1112 of this Act, particularly as those  
4           plans relate to the education of children  
5           and youth of limited English proficiency;  
6           and

7           “(B) provide an assurance that the applicant  
8           will not reduce the level of State and local funds  
9           that it expends for bilingual education programs if  
10          it receives an award under this part.

11          “(3) Each application for a grant under subsections  
12 (c) or (d) shall also—

13           “(A) describe—

14           “(i) current services the applicant provides  
15           to children and youth of limited English pro-  
16           ficiency;

17           “(ii) what services children and youth of  
18           limited English proficiency would receive under  
19           the grant that they would not otherwise receive;

20           “(iii) how funds received under this part  
21           will be integrated with all other Federal, State,  
22           local, and private resources that may be used to  
23           serve children and youth of limited English pro-  
24           ficiency; and

1           “(iv) specific achievement and school reten-  
2           tion goals for the children and youth to be  
3           served by the proposed program and how  
4           progress toward achieving such goals will be  
5           measured; and

6           “(B) provide assurances that—

7           “(i) the program funded will—

8           “(I) serve all (or virtually all) of the  
9           children and youth of limited English pro-  
10          ficiency in a school participating in a pro-  
11          gram under subsection (c); or

12          “(II) serve a significant number of the  
13          children and youth of limited English pro-  
14          ficiency in the district participating in a  
15          program under subsection (d);

16          “(ii) the program funded will be integrated  
17          with the overall educational program; and

18          “(iii) the application has been developed in  
19          consultation with an advisory council, the ma-  
20          jority of whose members are parents and other  
21          representatives of the children and youth to be  
22          served in such programs.

23          “(h) LIMITATION ON FUNDING.—(1) No more than  
24          25 percent of the total amount of funds that the Secretary  
25          awards under subsection (b) for any fiscal year shall be

1 used to fund bilingual education programs that do not use  
2 the native language.

3 “(2) No more than 25 percent of the total amount  
4 of funds that the Secretary awards under subsection (c)  
5 for any fiscal year shall be used to fund bilingual edu-  
6 cation programs that do not use the native language.

7 “(i) STATE REVIEW OF APPLICATIONS UNDER PART  
8 A.—In order for an eligible applicant to apply for funds  
9 under this part, its State educational agency shall review  
10 such application for funds and provide the Secretary with  
11 timely comments on the need within the State for the pro-  
12 posed program and whether the proposed program is con-  
13 sistent with the State’s plan, either approved or being de-  
14 veloped, under title III of the Goals 2000: Educate Amer-  
15 ica Act, or, if the State does not have an approved plan  
16 under title III of the Goals 2000: Educate America Act  
17 and is not developing such a plan, with the State plan  
18 under section 1111 of this Act.

19 “(j) CAPACITY BUILDING.—(1) Each recipient of a  
20 grant under this section shall use its grant in ways that  
21 will build its capacity to continue to offer high quality bi-  
22 lingual education programs and services to children and  
23 youth of limited English proficiency once Federal assist-  
24 ance is reduced or eliminated.

1       “(2) In making awards under this part for any fiscal  
2 year, the Secretary shall, consistent with the quality of  
3 applications and the funds available under this part, in-  
4 crease the amount of funds used to support grants under  
5 subsections (c) and (d) over the amount allotted to sub-  
6 sections (c) and (d) in the previous fiscal year.

7       “(k) CONSORTIA.—A local educational agency that  
8 receives a grant under this part may collaborate or form  
9 a consortium with one or more local education agencies,  
10 institutions of higher education, and nonprofit organiza-  
11 tions to carry out the approved program.

12       “(l) SUBGRANTS.—A local educational agency that  
13 receives a grant under this part may, with the approval  
14 of the Secretary, make a subgrant to, or enter into a con-  
15 tract with, an institution of higher education, a nonprofit  
16 organization, or a consortium of such entities to carry out  
17 an approved program, including a program to serve out-  
18 of-school youth.

19       “(m) PARENTAL NOTIFICATION.—(1) Parents of a  
20 child or youth of limited English proficiency identified for  
21 enrollment in bilingual education programs shall be in-  
22 formed of the—

23               “(A) benefits and nature of the bilingual edu-  
24 cational program and of the instructional alter-  
25 natives; and



1           “(B) reasons for the selection of their child as  
2           being in need of bilingual education.

3           “(2)(A) Parents shall also be informed that they have  
4 the option of declining enrollment of their children in such  
5 programs and shall be given an opportunity to do so if  
6 they so choose.

7           “(B) Local educational agencies are not relieved of  
8 any of their obligations under title VI of the Civil Rights  
9 Act of 1964 because parents choose not to enroll their chil-  
10 dren in bilingual education programs.

11          “(3) Parents must receive, in a manner and form un-  
12 derstandable to them, including, if necessary and to the  
13 extent feasible, in their native language, the information  
14 required by this subsection. At a minimum, parents must  
15 receive—

16           “(A) timely information about projects funded  
17           under this part; and

18           “(B) if the parents of participating children so  
19           desire, notice of opportunities for regular meetings  
20           for the purpose of formulating and responding to  
21           recommendations from such parents.

22          “(n) PROGRAMS IN PUERTO RICO.—Programs au-  
23 thorized under this section in the Commonwealth of  
24 Puerto Rico may, notwithstanding any other provision of  
25 this title, include programs of instruction, teacher train-

1 ing, curriculum development, evaluation, and testing de-  
2 signed for children and youth of limited Spanish pro-  
3 ficiency.

4 “PART B—RESEARCH AND EVALUATION

5 “USE OF FUNDS

6 “SEC. 7201. The Secretary is authorized to conduct  
7 data collection, dissemination, research, and evaluation  
8 activities for the purpose of improving bilingual education  
9 programs for children and youth of limited English pro-  
10 ficiency.

11 “RESEARCH

12 “SEC. 7202. (a) AWARDS.—The Secretary may make  
13 grants and award contracts and cooperative agreements  
14 for research and evaluation activities related to improving  
15 and maintaining high quality bilingual educational pro-  
16 grams for persons of limited English proficiency.

17 “(b) CONSULTATION.—The Secretary shall consult  
18 with agencies and organizations that are engaged in bilin-  
19 gual education research and practice, or related research,  
20 and bilingual education researchers and practitioners to  
21 identify areas of study and activities to be funded under  
22 this section.

23 “ACADEMIC EXCELLENCE AWARDS

24 “SEC. 7203. (a) AWARDS.—The Secretary may make  
25 grants to, and enter into contracts and cooperative agree-  
26 ments with, State and local educational agencies, non-

1 profit organizations, and institutions of higher education  
2 to promote the adoption and implementation of bilingual  
3 education programs that demonstrate great promise of as-  
4 sisting children and youth of limited English proficiency  
5 to meet challenging State standards.

6       “(b) APPLICATIONS.—(1) An entity desiring to re-  
7 ceive an award under this section shall submit an applica-  
8 tion to the Secretary in such form, at such time, and con-  
9 taining such information and assurances as the Secretary  
10 may require.

11       “(2) The Secretary shall use a peer review process,  
12 using effectiveness criteria that the Secretary shall estab-  
13 lish, to review applications under this section.

14       “(c) USE OF FUNDS.—Funds under this section shall  
15 be used to enhance the capacity of States and local edu-  
16 cation agencies to provide high quality academic programs  
17 for children and youth of limited English proficiency,  
18 which may include—

19               “(1) completing the development of such pro-  
20 grams;

21               “(2) professional development of staff partici-  
22 pating in bilingual education programs;

23               “(3) sharing strategies and materials; and

24               “(4) supporting professional networks.

1       “(d) COORDINATION.—Recipients of funds under this  
2 section shall coordinate their activities with those carried  
3 out by comprehensive regional centers under section 2205  
4 of this Act.

5                               “STATE GRANT PROGRAM

6       “SEC. 7204. (a) STATE GRANT PROGRAM.—The Sec-  
7 retary is authorized to make an award to a State edu-  
8 cational agency that demonstrates, to the satisfaction of  
9 the Secretary, that its approved plan under title III of  
10 Goals 2000: Educate America Act (by amendment, if nec-  
11 essary), if such plan exists, or, if such plan does not exist,  
12 its plan under section 1111 of this Act, effectively provides  
13 for the education of children and youth of limited English  
14 proficiency within the State.

15       “(b) PAYMENTS.—The amount paid to a State edu-  
16 cational agency under subsection (a) shall not exceed 10  
17 percent of the total amount awarded to local educational  
18 agencies within the State under part A of this title for  
19 the previous fiscal year.

20       “(c) USE OF FUNDS.—(1) A State educational agen-  
21 cy may use funds for programs authorized by this section  
22 to—

23                               “(A) assist local educational agencies in the  
24 State with program design, capacity building, assess-  
25 ment of student performance, and program evalua-  
26 tion;

1           “(B) operate a bilingual education advisory  
2 panel under subsection (d); and

3           “(C) collect data concerning children and youth  
4 of limited English proficiency.

5           “(2) Recipients of awards under this section shall not  
6 restrict the provision of services under this section to fed-  
7 erally-funded programs.

8           “(d) STATE BILINGUAL EDUCATION ADVISORY  
9 PANEL.—Each State educational agency that receives  
10 funds under this section shall appoint a broad-based bilin-  
11 gual education advisory panel, with substantial represen-  
12 tation from persons knowledgeable about the education of  
13 limited English proficient students, to develop and rec-  
14 ommend to the State educational agency guidelines for re-  
15 viewing, and providing the Secretary with comments re-  
16 garding, applications for funds under parts A and C of  
17 this title that come from within the State.

18           “(e) APPLICATIONS.—A State educational agency de-  
19 siring to receive an award under this section shall submit  
20 an application to the Secretary in such form, at such time,  
21 containing such information and assurances as the Sec-  
22 retary may require.

23           “NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION

24           “SEC. 7205. (a) ESTABLISHMENT.—The Secretary  
25 shall establish and support the operation of a National  
26 Clearinghouse for Bilingual Education, which shall collect,

1 analyze, synthesize, and disseminate information about bi-  
2 lingual education and related programs.

3 “(b) FUNCTIONS.—The National Clearinghouse for  
4 Bilingual Education shall—

5 “(1) coordinate its activities with Federal data  
6 and information clearinghouses and dissemination  
7 networks and systems; and

8 “(2) develop a data base management and mon-  
9 itoring system for improving the operation and effec-  
10 tiveness of funded programs.

11 “EVALUATIONS

12 “SEC. 7206. (a) PROGRAM EVALUATIONS UNDER  
13 PART A.—(1) Each recipient of funds under part A of  
14 this title shall provide the Secretary with an evaluation,  
15 in the form prescribed by the Secretary, of its program  
16 every two years.

17 “(2) Such evaluation shall be used by a grantee—

18 “(A) for program improvement;

19 “(B) to further define the local program’s goals  
20 and objectives; and

21 “(C) to determine program effectiveness.

22 “(3) Evaluations shall include—

23 “(A) student outcome indicators that measure  
24 progress toward the performance standards set out  
25 in the State’s plan, either approved or being devel-  
26 oped, under title III of the Goals 2000: Educate

1 America Act, or, if the State does not have an ap-  
2 proved plan under title III of the Goals 2000: Edu-  
3 cate America Act and is not developing such a plan,  
4 with the State plan approved or being developed  
5 under section 1111 of this Act, including data com-  
6 paring children and youth of limited English pro-  
7 ficiency with nonlimited English proficient children  
8 and youth with regard to school retention, academic  
9 achievement, and gains in English (and, where appli-  
10 cable, native language) proficiency;

11 “(B) program implementation indicators that  
12 provide information for informing and improving  
13 program management and effectiveness, including  
14 data on appropriateness of curriculum in relation-  
15 ship to grade and course requirements, appropriate-  
16 ness of program management, appropriateness of  
17 the program’s staff professional development, and  
18 appropriateness of the language of instruction;

19 “(C) program context indicators that describe  
20 the relationship of the activities funded under the  
21 grant to the overall school program and other Fed-  
22 eral, State, or local programs serving children and  
23 youth of limited English proficiency; and

24 “(D) such other information as the Secretary  
25 may require.

1       “(b) PROGRAM EVALUATIONS UNDER PART C.—(1)  
2 Each recipient of funds under part C of this title shall  
3 provide the Secretary with an evaluation of its program  
4 every two years.

5       “(2) Such evaluation shall include data on—

6           “(A) post-program placement of persons  
7 trained;

8           “(B) how the training relates to the employ-  
9 ment of persons served by the program;

10          “(C) program completion; and

11          “(D) such other information as the Secretary  
12 may require.

13       “PART C—PROFESSIONAL DEVELOPMENT

14                           “PURPOSE

15       “SEC. 7301. The purpose of this part is to improve  
16 the quality of instruction for children and youth of limited  
17 English proficiency—

18           “(1) through professional development pro-  
19 grams designed—

20                   “(A) for persons preparing to provide serv-  
21 ices for children and youth of limited English  
22 proficiency;

23                   “(B) to improve the skills of persons cur-  
24 rently providing services to children and youth  
25 of limited English proficiency; and



1           “(C) for other staff in schools serving chil-  
2           dren and youth of limited English proficiency;  
3           and

4           “(2) by disseminating information on appro-  
5           priate instructional practices and activities for chil-  
6           dren and youth of limited English proficiency to  
7           other school personnel, including teachers not cur-  
8           rently serving such children and youth.

9           “PROFESSIONAL DEVELOPMENT GRANTS

10          “SEC. 7302. (a) GRANTS TO INSTITUTIONS OF HIGH-  
11          ER EDUCATION.—(1) The Secretary is authorized to make  
12          grants to institutions of higher education for—

13               “(A) pre-service and in-service professional de-  
14               velopment for individuals who are either involved in,  
15               or preparing to be involved in, the provision of edu-  
16               cational services for children and youth of limited  
17               English proficiency; and

18               “(B) national professional development insti-  
19               tutes that assist schools or departments of education  
20               in institutions of higher education to improve the  
21               quality of professional development programs for  
22               personnel serving, preparing to serve, or who may  
23               serve, children and youth of limited English pro-  
24               ficiency.

25          “(b) GRANTS TO STATE AND LOCAL EDUCATIONAL  
26          AGENCIES.—The Secretary may make grants to State and

1 local educational agencies for in-service professional devel-  
2 opment programs that prepare current school personnel  
3 to provide effective services to limited English proficient  
4 students.

5 “(c) USE OF FUNDS FOR SECOND LANGUAGE COM-  
6 PETENCE.—Awards under this section may be used to de-  
7 velop a program participant’s competence in a second lan-  
8 guage.

9 “(d) APPLICATIONS.—(1) An institution of higher  
10 education, or a state or local educational agency desiring  
11 to receive an award under this section shall submit,  
12 through its State educational agency, an application to the  
13 Secretary, in such form, at such time, and containing such  
14 information and assurances as the Secretary may require.

15 “(2) Each application shall contain a description of  
16 how the applicant has consulted with, and assessed the  
17 needs of, public and private schools serving children and  
18 youth of limited English proficiency to determine their  
19 need for and the design of the program for which funds  
20 are sought.

21 “(3)(A) An application for a grant under subsection  
22 (a) from an applicant who proposes to conduct a masters  
23 or doctoral-level program with funds received under this  
24 section shall provide an assurance that such program will  
25 include, as a part of the program, a training practicum

1 in a local school program serving children and youth of  
2 limited English proficiency.

3 “(B) A recipient of a grant under subsection (a) may  
4 waive the requirement of a training practicum for a degree  
5 candidate with significant experience in a local school pro-  
6 gram serving children and youth of limited English pro-  
7 ficiency.

8 “(4) In order for an institution of higher education  
9 or a local educational agency to apply for funds under this  
10 section, its State educational agency shall review such ap-  
11 plication for funds and provide the Secretary with timely  
12 comments on the need within the State for the proposed  
13 program and whether the proposed program is consistent  
14 with the State’s plan, either approved or being developed,  
15 under title III of Goals 2000: Educate America Act, or,  
16 if the State does not have an approved plan under title  
17 III of Goals 2000: Educate America Act and is not devel-  
18 oping such a plan, with the State plan under section 1111  
19 of this Act and section 2125 of this Act.

20 “FELLOWSHIPS

21 “SEC. 7303. (a) ACADEMIC FELLOWSHIPS.—The  
22 Secretary may award fellowships for masters, doctoral,  
23 and post-doctoral study related to instruction of children  
24 and youth of limited English proficiency in such areas as  
25 teacher training, program administration, research and

1 evaluation, and curriculum development, and for the sup-  
2 port of dissertation research related to such study.

3 “(b) REPAYMENT.—(1) Any person receiving a fel-  
4 lowship under this section shall agree to—

5 “(A) work in an activity related to the program  
6 or in an activity such as those authorized under the  
7 program for a period of time equivalent to the period  
8 of time during which such person receives assistance  
9 under this title; or

10 “(B) repay such assistance.

11 “(2) The Secretary shall establish in regulations such  
12 terms and conditions for such agreement as he or she  
13 deems reasonable and necessary and may waive the re-  
14 quirement of paragraph (1) in extraordinary cir-  
15 cumstances.

16 “STIPENDS

17 “SEC. 7304. The Secretary shall provide for the pay-  
18 ment of such stipends (including allowances for subsist-  
19 ence and other expenses for such persons and their de-  
20 pendants), as the Secretary determines to be appropriate,  
21 to persons participating in training programs under this  
22 part.



1       “(2) Grants awarded under this part shall be for a  
2 period of up to two years.

3       “(b) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—For  
4 the purpose of this part, an eligible local educational agen-  
5 cy is a local educational agency that has enrolled, in the  
6 aggregate, over the current school year and the preceding  
7 school year—

8           “(1) at least 1,000 immigrant children and  
9 youth; or

10          “(2) immigrant children and youth in numbers  
11 that represent at least 10 percent of the local edu-  
12 cational agency’s total enrollment.

13       “(c) APPLICATIONS.—(1) Any eligible local edu-  
14 cational agency desiring to receive a grant under this part  
15 shall submit to the Secretary an application in such form,  
16 at such time, and containing such information and assur-  
17 ances as the Secretary may require.

18       “(2) Each application shall—

19           “(A) describe—

20                  “(i) the need for the proposed program, in-  
21 cluding data on the number of the immigrant  
22 children and youth in the districts to be served  
23 and their characteristics, such as language spo-  
24 ken, dropout rates, proficiency in English and

1 the native language, and academic standing in  
2 relation to their English proficient peers; and

3 “(ii) the program to be implemented and  
4 how its design—

5 “(I) relates to the linguistic and aca-  
6 demic needs of the immigrant children and  
7 youth to be served; and

8 “(II) is consistent with, and promotes  
9 the goals in, its plan under title III of the  
10 Goals 2000: Educate America Act, if such  
11 plan exists, and its plan under section  
12 1112 of this Act, particularly as those  
13 plans relate to the education of immigrant  
14 children and youth; and

15 “(B) provide an assurance that the applicant  
16 will not reduce the level of State and local funds  
17 that it expends for instructional programs for immi-  
18 grant children and youth if it receives an award  
19 under this part.

20 “(d) USE OF FUNDS.—Funds awarded under this  
21 part shall be used to pay for enhanced instructional oppor-  
22 tunities for immigrant children and youth, which may in-  
23 clude—

1           “(1) parent outreach and training activities de-  
2           signed to assist parents to become active partici-  
3           pants in the education of their children;

4           “(2) salaries of personnel, including teacher  
5           aides who have been specifically trained, or are being  
6           trained, to provide services to immigrant children  
7           and youth;

8           “(3) tutorials and academic or career counsel-  
9           ing for immigrant children and youth;

10           “(4) identification and acquisition of curricular  
11           materials, educational software, and technologies to  
12           be used in the program; and

13           “(5) such other activities, related to the pur-  
14           poses of this part, as the Secretary may authorize.

15           “(e) CONSORTIA.—A local educational agency that  
16           receives a grant under this part may collaborate or form  
17           a consortium with one or more local educational agencies,  
18           institutions of higher education, and non-profit organiza-  
19           tions to carry out the approved program.

20           “(f) SUBGRANTS.—A local educational agency that  
21           receives a grant under this part may, with the approval  
22           of the Secretary, make a subgrant to, or enter into a con-  
23           tract with, an institution of higher education, a non-profit  
24           organization, or a consortium of such entities to carry out



1 an approved program, including a program to serve out-  
2 of-school youth.

3 “PART E—ADMINISTRATION

4 “COORDINATION WITH RELATED PROGRAMS

5 “SEC. 7501. In order to maximize the effectiveness  
6 of Federal efforts aimed at serving the educational needs  
7 of children and youth of limited English proficiency, the  
8 Secretary shall coordinate and ensure close cooperation  
9 with other programs administered by the Department of  
10 Education, including programs in such areas as teacher  
11 training, program content, research, and curriculum.

12 “REPORT ON BILINGUAL EDUCATION

13 “SEC. 7502. The Secretary shall, within three years  
14 from the date of enactment of the Improving America’s  
15 Schools Act of 1993, and every third year thereafter, sub-  
16 mit to the Congress a report on the condition of bilingual  
17 education. The report shall include—

18 “(1) information on—

19 “(A) the grants, contracts, and cooperative  
20 agreements made pursuant to this title in the  
21 preceding three fiscal years;

22 “(B) the number of individuals benefiting  
23 from the programs assisted under this title;

24 “(C) the evaluation of activities carried out  
25 under this title during the preceding three fiscal  
26 years and the extent to which each of such ac-

1 activities achieves the policy set forth in section  
2 7002(a);

3 “(D) an estimate of the number of teach-  
4 ers and other school personnel for bilingual  
5 education that will be necessary for the three  
6 succeeding fiscal years; and

7 “(E) the research activities carried out  
8 under this title during the preceding three fiscal  
9 years and the major findings of research stud-  
10 ies; and

11 “(2) an analysis and synthesis of such data.

12 “STATE EDUCATIONAL AGENCY RECOMMENDATIONS;

13 PEER REVIEW

14 “SEC. 7503. (a) STATE EDUCATIONAL AGENCY REC-  
15 OMMENDATIONS.—In making awards under parts A and  
16 C of this title, the Secretary shall take State educational  
17 agency recommendations into account.

18 “(b) PEER REVIEW.—(1) In making awards under  
19 parts A, C, and D of this title and in making funding  
20 decisions for continuation grants under parts A and C of  
21 this title, the Secretary may solicit recommendations from  
22 peer review panels composed of individuals experienced in  
23 aspects of the education of limited English proficient stu-  
24 dents.

1       “(2) The Secretary may use up to .2 percent of the  
2 total amount of funds appropriated for each fiscal year  
3 for programs authorized under this title for peer review.

4                   “PART F—SPECIAL RULE

5                           “SPECIAL RULE

6       “SEC. 7601. Notwithstanding any other provision of  
7 this title, no recipient of a grant under title VII of this  
8 Act as in effect prior to the enactment of the Improving  
9 America’s Schools Act of 1993 shall be eligible for fourth-  
10 and fifth-year renewals authorized by section  
11 7021(d)(1)(C) of this title as in effect prior to such enact-  
12 ment.

13                   “TITLE VIII—IMPACT AID

14                           “FINDINGS

15       “SEC. 8001. The Congress finds that—

16               “(1) certain activities of the Federal Govern-  
17 ment place a financial burden on the local edu-  
18 cational agencies serving areas where such activities  
19 are carried out; and

20               “(2) it is the shared responsibility of the Fed-  
21 eral Government, the States, and local educational  
22 agencies to provide for the education of children con-  
23 nected to those activities.

24                           “PURPOSE

25       “SEC. 8002. In order to fulfill the Federal respon-  
26 sibility to assist with the provision of educational services

1 to federally connected children, and to help them meet  
2 challenging State standards, it is the purpose of this title  
3 to provide financial assistance to local educational agen-  
4 cies that—

5           “(1) educate children who reside on Federal  
6 property and whose parents are employed on Federal  
7 property;

8           “(2) experience sudden and substantial in-  
9 creases in enrollments because of military  
10 realignments; or

11           “(3) need special assistance with capital ex-  
12 penditures for construction activities because of the  
13 enrollments of substantial numbers of children who  
14 reside on Indian lands.

15           “PAYMENTS FOR ELIGIBLE CHILDREN

16           “SEC. 8003. (a) ELIGIBLE CHILDREN.—For the pur-  
17 pose of computing the amount that a local educational  
18 agency is eligible to receive under subsection (b) or (c)  
19 of this section for any fiscal year, the Secretary shall de-  
20 termine the number of children who were in average daily  
21 attendance in the schools of such agency, and for whom  
22 such agency provided free public education, during the  
23 preceding school year and who, while in attendance at  
24 such schools—

25           “(1) resided on Federal property with a parent  
26 employed on Federal property located, in whole or in

1 part, within the boundaries of the school district of  
2 such agency;

3 “(2) resided on Federal property and had a  
4 parent on active duty in the uniformed services (as  
5 defined in section 101 of title 37, United States  
6 Code); or

7 “(3) resided on Indian lands, as defined in sec-  
8 tion 8012(6) of this title.

9 “(b) BASIC SUPPORT PAYMENTS.—(1) From the  
10 amount appropriated under section 8013(a) for any fiscal  
11 year, the Secretary is authorized to make payments to  
12 local educational agencies with children described in sub-  
13 section (a).

14 “(2) The maximum amount that a local educational  
15 agency is eligible to receive under this subsection for any  
16 fiscal year is—

17 “(A) the total number of children determined  
18 under subsection (a) (1) and (2), plus 1.25 times the  
19 number of children determined under subsection  
20 (a)(3), for such agency; multiplied by

21 “(B) the average per-pupil expenditure of local  
22 educational agencies in such agency’s State for the  
23 third preceding fiscal year, as determined by the  
24 Secretary; multiplied by

1           “(C) the local contribution percentage for the  
2           third preceding fiscal year, as determined by the  
3           Secretary.

4           “(3) If the amount appropriated under section  
5           8013(a) for any fiscal year is insufficient to pay to each  
6           local educational agency the amount determined under  
7           paragraph (2), the Secretary shall ratably reduce each  
8           such payment.

9           “(c) SUPPLEMENTAL PAYMENTS FOR CERTAIN CHIL-  
10          DREN WITH DISABILITIES.—(1) From the amount appro-  
11          priated under section 8013(b) for any fiscal year, the Sec-  
12          retary shall make supplemental payments to local edu-  
13          cational agencies that receive basic support payments  
14          under subsection (b).

15          “(2) The maximum amount that a local educational  
16          agency is eligible to receive under this subsection for any  
17          fiscal year is—

18                 “(A) the number of children with disabilities, as  
19                 defined in section 602(a)(1) of the Individuals with  
20                 Disabilities Education Act, described in paragraphs  
21                 (2) and (3) of subsection (a), to whom the local edu-  
22                 cational agency provided a free appropriate public  
23                 education in accordance with such Act in the preced-  
24                 ing school year; multiplied by

1           “(B) 50 percent of the average per-pupil ex-  
2           penditure determined under subsection (b)(2)(B);  
3           multiplied by

4           “(C) the local contribution percentage deter-  
5           mined by the Secretary under subsection (b)(2)(C).

6           “(3) If the amount appropriated under section  
7 8013(b) for any fiscal year is insufficient to pay to each  
8 local educational agency the amount determined under  
9 paragraph (2), the Secretary shall ratably reduce each  
10 such payment.

11          “(4) A local educational agency shall use any funds  
12 it receives under this subsection to provide a free appro-  
13 priate public education to children described in paragraph  
14 (2), in accordance with part B of the Individuals with Dis-  
15 abilities Education Act.

16          “(d) HOLD-HARMLESS AMOUNTS.—(1) Notwith-  
17 standing any other provision of this section, the total  
18 amount that the Secretary shall pay a local educational  
19 agency under subsections (b) and (c) of this section—

20           “(A) for fiscal year 1995, shall not be less than  
21           80 percent of the payment such agency received for  
22           fiscal year 1994 under section 3(a) of Public Law  
23           81-874, as in effect for fiscal year 1994;

24           “(B) for fiscal year 1996, shall not be less than  
25           60 percent of such fiscal year 1994 payment; and





1           “(4) relevant applications, evaluations, and pro-  
2           gram plans are disseminated to the parents and In-  
3           dian tribes; and

4           “(5) parents and Indian tribes are afforded an  
5           opportunity to present their views on the agency’s  
6           general educational program.

7           “(b) RECORDS.—Each such agency shall maintain  
8           records demonstrating its compliance with subsection (a).

9           “(c) WAIVER.—Any such agency is excused from the  
10          requirements of subsections (a) and (b) for any year with  
11          respect to any Indian tribe from which it has received a  
12          written statement that the agency need not comply with  
13          those subsections because the tribe is satisfied with the  
14          agency’s provision of educational services to such children.

15          “(d) TECHNICAL ASSISTANCE AND ENFORCE-  
16          MENT.—The Secretary shall—

17               “(1) provide technical assistance to local edu-  
18               cational agencies, parents, and Indian tribes to en-  
19               able them to carry out this section; and

20               “(2) enforce this section through such actions,  
21               which may include the withholding of funds, as the  
22               Secretary finds appropriate, after affording the local  
23               educational agency, parents, and affected Indian  
24               tribes an opportunity to present their views.

1 “APPLICATIONS FOR PAYMENTS UNDER SECTION 8003

2 “SEC. 8005. (a) APPLICATIONS REQUIRED.—Any  
3 local educational agency wishing to receive a payment  
4 under section 8003 of this title shall—

5 “(1) file an application therefor with the Sec-  
6 retary; and

7 “(2) provide a copy of its application to the  
8 State educational agency.

9 “(b) APPLICATION CONTENTS.—Each such applica-  
10 tion shall be submitted in such form and manner, and  
11 shall contain such information, as the Secretary may re-  
12 quire, including—

13 “(1) information to determine such agency’s eli-  
14 gibility for a payment and the amount of any such  
15 payment; and

16 “(2) where applicable, an assurance that such  
17 agency is in compliance with section 8004 of this  
18 title, relating to children residing on Indian lands.

19 “(c) DEADLINE FOR SUBMITTING; APPROVAL.—(1)  
20 The Secretary shall establish deadlines for the filing of  
21 applications under this section.

22 “(2) The Secretary shall approve each application  
23 submitted under this section that is filed by the deadline  
24 established under paragraph (1) and otherwise meets the  
25 requirements of this title.



1 appropriate local official of the Department of De-  
2 fense, is at least ten percent or 100 more than the  
3 number of children in average daily attendance in  
4 the preceding school year.

5 “(b) APPLICATION.—Any local educational agency  
6 that wishes to receive a payment under this section shall  
7 file an application therefor with the Secretary by October  
8 15 of the current school year, in such manner and contain-  
9 ing such information as the Secretary may prescribe, in-  
10 cluding information demonstrating that it is eligible for  
11 such a payment.

12 “(c) CHILDREN TO BE COUNTED.—For each eligible  
13 local educational agency that applies for a payment under  
14 this section, the Secretary shall determine the lesser of—

15 “(1) the increase in the number of children in  
16 average daily attendance from the preceding year;  
17 and

18 “(2) the number of children described in sub-  
19 section (a)(2).

20 “(d) PAYMENTS.—The Secretary shall pay each local  
21 educational agency with an approved application an  
22 amount, not to exceed \$200 per eligible child, equal to—

23 “(1) the amount available to carry out this sec-  
24 tion, including any funds carried over from prior  
25 years, divided by the number of children determined

1 under subsection (c) for all such local educational  
2 agencies; multiplied by

3 “(2) the number of such children determined  
4 for that local educational agency.

5 “CONSTRUCTION

6 “SEC. 8007. (a) PAYMENTS AUTHORIZED.—From  
7 the amount appropriated for each fiscal year under section  
8 8013(d), the Secretary shall make payments to each local  
9 educational agency—

10 “(1) that receives a basic payment under sec-  
11 tion 8003(b); and

12 “(2) in which the number of children deter-  
13 mined under section 8003(a) who resided on Indian  
14 lands constituted at least 50 percent of the number  
15 of children who were in average daily attendance in  
16 the schools of such agency during the preceding  
17 school year.

18 “(b) AMOUNT OF PAYMENTS.—The amount of a pay-  
19 ment to each such agency shall be equal to—

20 “(1) the amount so appropriated under section  
21 8013(d); divided by

22 “(2) the number of children determined under  
23 section 8003(a) for all such agencies, but not includ-  
24 ing any children attending a school assisted or pro-  
25 vided by the Secretary under section 8008 of this

1 title or section 10 of Public Law 81–815, as in ef-  
2 fect prior to the repeal of such statute; multiplied by

3 “(3) the number of such children determined  
4 for such agency.

5 “(c) USE OF FUNDS.—Any local educational agency  
6 that receives funds under this section shall use such funds  
7 for construction, as defined in section 8012(3) of this title.

8 “MINIMUM SCHOOL FACILITIES ASSISTED BY THE  
9 SECRETARY

10 “SEC. 8008. (a) CURRENT FACILITIES.—From the  
11 amount appropriated for any fiscal year under section  
12 8013(e), the Secretary may continue to provide assistance  
13 for school facilities that were supported by the Secretary  
14 under section 10 of Public Law 81–815 as in effect prior  
15 to the repeal of such statute.

16 “(b) TRANSFER OF FACILITIES.—(1) The Secretary  
17 shall, as soon as practicable, transfer to the appropriate  
18 local educational agency or another appropriate entity all  
19 the right, title, and interest of the United States in and  
20 to each facility provided under section 10 of Public Law  
21 81–815, or under sections 204 or 310 of Public Law 81–  
22 874 as in effect on January 1, 1958.

23 “(2) Any such transfer shall be without charge to  
24 such agency or entity and shall be subject to such terms  
25 and conditions as the Secretary finds appropriate.

1 “STATE CONSIDERATION OF PAYMENTS IN PROVIDING  
2 STATE AID

3 “SEC. 8009. (a) GENERAL PROHIBITION ON STATE  
4 CONSIDERATION.—Except as provided in subsection (b),  
5 no State shall—

6 “(1) consider payments under this title or  
7 under Public Law 81–874 in determining, for any  
8 fiscal year—

9 “(A) the eligibility of any local educational  
10 agency for State aid for free public education;  
11 or

12 “(B) the amount of such aid; or

13 “(2) make such aid available to local edu-  
14 cational agencies in a manner that results in less  
15 State aid to any local educational agency that is eli-  
16 gible for such payment than it would receive if it  
17 were not so eligible.

18 “(b) STATE EQUALIZATION PLANS.—(1) Notwith-  
19 standing subsection (a), a State may reduce State aid to  
20 a local educational agency that receives a payment under  
21 section 8003(b) of this title or under Public Law 81–874  
22 (other than a payment under section 2 or an increase in  
23 payments described in paragraphs (2)(B), (2)(C), (2)(D),  
24 or (3)(B)(ii) of section 3(d)) for any fiscal year if the Sec-  
25 retary determines, and certifies under subsection

1 (c)(3)(A), that the State has in effect a program of State  
2 aid that equalizes expenditures for free public education  
3 among local educational agencies in the State.

4 “(2)(A) For the purpose of paragraph (1), a program  
5 of State aid equalizes expenditures among local edu-  
6 cational agencies if, in the second preceding fiscal year,  
7 the amount of per-pupil expenditures made by, or per-  
8 pupil revenues available to, the local educational agency  
9 in the State with the highest such per-pupil expenditures  
10 or revenues did not exceed the amount of such per-pupil  
11 expenditures made by, or per-pupil revenues available to,  
12 the local educational agency in the State with the lowest  
13 such expenditures or revenues by more than 25 percent.

14 “(B) In making a determination under this sub-  
15 section, the Secretary shall—

16 “(i) disregard local educational agencies with  
17 per-pupil expenditures or revenues above the 95th  
18 percentile of such expenditures or revenues in the  
19 State; and

20 “(ii) take into account the extent to which a  
21 program of State aid reflects the additional cost of  
22 providing free public education in particular types of  
23 local educational agencies, such as those that are  
24 geographically isolated, or to particular types of stu-  
25 dents, such as children with disabilities.



1       “(3) Notwithstanding paragraph (2), if the Secretary  
2 determines that the State has substantially revised its pro-  
3 gram of State aid, the Secretary may certify such program  
4 for any fiscal year only if—

5           “(A) the Secretary determines, on the basis of  
6 projected data, that the State’s program will meet  
7 the 25 percent disparity standard described in para-  
8 graph (2) in that fiscal year; and

9           “(B) the State provides an assurance to the  
10 Secretary that, if final data do not demonstrate that  
11 the State’s program met such standard for that year  
12 (or that it met such standard with a greater percent-  
13 age of disparity than anticipated), the State will pay  
14 to each affected local educational agency the amount  
15 by which it reduced State aid to the local edu-  
16 cational agency on the basis of such certification, or  
17 a proportionate share thereof, as the case may be.

18       “(c) PROCEDURES FOR REVIEW OF STATE EQUALI-  
19 ZATION PLANS.—(1)(A) Any State that wishes to consider  
20 payments described in subsection (b)(1) in providing State  
21 aid to local educational agencies shall submit to the Sec-  
22 retary, not later than 120 days before the beginning of  
23 the State’s fiscal year, a written notice of its intention to  
24 do so.

1       “(B) Such notice shall be in the form and contain  
2 the information the Secretary requires, including evidence  
3 that the State has notified each local educational agency  
4 in the State of its intention to consider such payments  
5 in providing State aid.

6       “(2) Before making a determination under subsection  
7 (b), the Secretary shall afford the State, and local edu-  
8 cational agencies in the State, an opportunity to present  
9 their views.

10       “(3)(A) If the Secretary determines that a program  
11 of State aid qualifies under subsection (b), the Secretary  
12 shall—

13               “(i) certify the program and so notify the State;  
14       and

15               “(ii) afford an opportunity for a hearing, in ac-  
16 cordance with section 8011(a), to any local edu-  
17 cational agency adversely affected by such certifi-  
18 cation.

19       “(B) If the Secretary determines that a program of  
20 State aid does not qualify under subsection (b), the Sec-  
21 retary shall—

22               “(i) so notify the State; and

23               “(ii) afford an opportunity for a hearing, in ac-  
24 cordance with section 8011(a), to the State, and to

1 any local educational agency adversely affected by  
2 such determination.

3 “(d) REDUCTIONS OF STATE AID.—(1) A State  
4 whose program of State aid has been certified by the Sec-  
5 retary under subsection (c)(3)(A) may reduce the amount  
6 of such aid provided to a local educational agency that  
7 receives a payment described in subsection (b)(1) by any  
8 amount up to—

9 “(A) the amount of such payment; multiplied  
10 by

11 “(B) 100 percent minus the percentage of dis-  
12 parity determined under subsection (b).

13 “(2) No State may make such reductions before its  
14 program of State aid has been certified by the Secretary  
15 under subsection (c)(3)(A).

16 “(e) REMEDIES FOR STATE VIOLATIONS.—(1) The  
17 Secretary or any aggrieved local educational agency may,  
18 without exhausting administrative remedies, bring an ac-  
19 tion in United States district court against any State that  
20 violates subsection (a) or subsection (d)(2) of this section  
21 or fails to carry out an assurance provided under sub-  
22 section (b)(3)(B) of this section.

23 “(2) A State shall not be immune under the eleventh  
24 amendment to the Constitution of the United States from  
25 such action.

1       “(3) The court shall grant such relief, other than  
2 monetary damages, as it determines is appropriate, which  
3 may include attorney’s fees to a prevailing local edu-  
4 cational agency.

5                       “FEDERAL ADMINISTRATION

6       “SEC. 8010. (a) PAYMENTS IN WHOLE DOLLAR  
7 AMOUNTS.—The Secretary shall round any payments  
8 under this title to the nearest whole dollar amount.

9       “(b) OTHER AGENCIES.—Each Federal agency ad-  
10 ministering Federal property on which children reside, and  
11 each agency principally responsible for an activity that  
12 may occasion assistance under this title, shall, to the maxi-  
13 mum extent practicable, comply with requests of the Sec-  
14 retary for information the Secretary may need to carry  
15 out this title.

16                       “ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW

17       “SEC. 8011. (a) ADMINISTRATIVE HEARINGS.—Any  
18 local educational agency and any State that is adversely  
19 affected by any action of the Secretary under this title  
20 shall be entitled to a hearing on such action in the same  
21 manner as if such agency were a person under chapter  
22 5 of title 5, United States Code.

23       “(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—  
24 (1) Any local educational agency or any State aggrieved  
25 by the Secretary’s final decision following an agency pro-  
26 ceeding under subsection (a) may, within 60 days after



1           “(1) ARMED FORCES.—The term ‘Armed  
2 Forces’ means the Army, Navy, Air Force, and Ma-  
3 rine Corps.

4           “(2) AVERAGE PER-PUPIL EXPENDITURE.—The  
5 term ‘average per-pupil expenditure’ means—

6                 “(A) the aggregate current expenditures of  
7 all local educational agencies in the State; di-  
8 vided by

9                 “(B) the total number of children in aver-  
10 age daily attendance for whom such agencies  
11 provided free public education.

12           “(3) CONSTRUCTION.—The term ‘construction’  
13 means—

14                 “(A) the preparation of drawings and spec-  
15 ifications for school facilities;

16                 “(B) erecting, building, acquiring, altering,  
17 remodeling, repairing, or extending school facili-  
18 ties;

19                 “(C) inspecting and supervising the con-  
20 struction of school facilities; and

21                 “(D) debt service for such activities.

22           “(4) FEDERAL PROPERTY.—(A) Except as oth-  
23 erwise described in paragraphs (B) through (E) of  
24 this paragraph, the term ‘Federal property’ means  
25 real property that is not subject to taxation by any

1 State or any political subdivision of a State due to  
2 Federal agreement, law, or policy, and that is—

3 “(i) owned by the United States or leased  
4 by the United States from another entity;

5 “(ii)(I) held in trust by the United States  
6 for individual Indians or Indian tribes;

7 “(II) held by individual Indians or Indian  
8 tribes subject to restrictions on alienation im-  
9 posed by the United States;

10 “(III) conveyed at any time under the  
11 Alaska Native Claims Settlement Act (Public  
12 Law 92–203, 43 U.S.C. 1601 et seq.) to a Na-  
13 tive individual, Native group, or Village or Re-  
14 gional corporation;

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 tribes; or

18 “(V) used for low-rent housing, as other-  
19 wise described in this paragraph, that is located  
20 on land described in clauses (I), (II), (III), or  
21 (IV) of this subparagraph or on land that met  
22 one of those descriptions immediately before its  
23 use for such housing;

1           “(iii) part of a low-rent housing project as-  
2           sisted under the United States Housing Act of  
3           1937; or

4           “(iv) owned by a foreign government or by  
5           an international organization.

6           “(B) ‘Federal property’ includes, so long as not  
7           subject to taxation by any State or any political sub-  
8           division of a State, and whether or not that tax ex-  
9           emption is due to Federal agreement, law, or pol-  
10          icy—

11           “(i) any school providing flight training to  
12           members of the Air Force under contract with  
13           the Air Force at an airport owned by a State  
14           or political subdivision of a State; and

15           “(ii) real property that is part of a low-  
16           rent housing project assisted under—

17           “(I) section 516 of the Housing Act  
18           of 1949, 42 U.S.C. 1486 (domestic farm  
19           labor low-rent housing); or

20           “(II) part B of title III of the Eco-  
21           nomic Opportunity Act of 1964, formerly  
22           42 U.S.C. 2861 et seq. (migrant and other  
23           seasonally employed farmworker low-rent  
24           housing).



1           “(C) ‘Federal property’ includes, whether or not  
2           subject to taxation by a State or a political subdivi-  
3           sion of a State—

4                   “(i) any non-Federal easement, lease, li-  
5                   cense, permit, or other such interest in Federal  
6                   property as otherwise described in this para-  
7                   graph, but not including any non-Federal fee-  
8                   simple interest;

9                   “(ii) any improvement on Federal property  
10                  as otherwise described in this paragraph; and

11                  “(iii) real property that, immediately be-  
12                  fore its sale or transfer to a non-Federal party,  
13                  was owned by the United States and otherwise  
14                  qualified as Federal property described in this  
15                  paragraph, but only for one year beyond the  
16                  end of the fiscal year of such sale or transfer.

17           “(D) Notwithstanding any other provision of  
18           this paragraph, ‘Federal property’ does not in-  
19           clude—

20                   “(i) any real property under the jurisdic-  
21                   tion of the United States Postal Service that is  
22                   used primarily for the provision of postal serv-  
23                   ices; or

24                   “(ii) pipelines and utility lines.

1           “(E) Notwithstanding any other provision of  
2 this paragraph, ‘Federal property’ does not include  
3 any property on which children reside that is other-  
4 wise described in this paragraph if—

5                   “(i) no tax revenues of the State or of any  
6 political subdivision of the State may be ex-  
7 pended for the free public education of children  
8 who reside on that Federal property; or

9                   “(ii) no tax revenues of the State are allo-  
10 cated or available for the free public education  
11 of such children.

12           “(5) FREE PUBLIC EDUCATION.—The term  
13 ‘free public education’ means education that is pro-  
14 vided—

15                   “(A) at public expense, under public super-  
16 vision and direction, and without tuition charge;  
17 and

18                   “(B) as elementary or secondary edu-  
19 cation, as determined under State law, except  
20 that, notwithstanding State law, such term—

21                           “(i) includes preschool education; and

22                           “(ii) does not include any education  
23 provided beyond grade 12.

1           “(6) INDIAN LANDS.—The term ‘Indian lands’  
2 means any Federal property described in paragraph  
3 (4)(A)(ii) of this section.

4           “(7) LOCAL CONTRIBUTION PERCENTAGE.—(A)  
5 The term ‘local contribution percentage’ means the  
6 percentage of current expenditures in the State de-  
7 rived from local and intermediate sources, as re-  
8 ported to and verified by the National Center for  
9 Education Statistics.

10           “(B) Notwithstanding subparagraph (A), the  
11 local contribution percentage for Hawaii and for the  
12 District of Columbia shall be the local contribution  
13 percentage computed for the Nation as a whole.

14           “(8) LOCAL EDUCATIONAL AGENCY.—(A) The  
15 term ‘local educational agency’ means a board of  
16 education or other legally constituted local school  
17 authority having administrative control and direction  
18 of free public education in a county, township, inde-  
19 pendent school district, or other school district.

20           “(B) ‘Local educational agency’ includes any  
21 State agency that directly operates and maintains  
22 facilities for providing free public education.

23           “(C) ‘Local educational agency’ does not in-  
24 clude any agency or school authority that the Sec-  
25 retary determines, on a case-by-case basis—

1           “(i) was constituted or reconstituted pri-  
2           marily for the purpose of receiving assistance  
3           under this title or under Public Law 81–874 or  
4           increasing the amount of such assistance; or

5           “(ii) is not constituted or reconstituted for  
6           legitimate educational purposes.

7           “(9) SCHOOL FACILITIES.—The term ‘school fa-  
8           cilities’ includes classrooms and related facilities,  
9           and equipment, machinery, and utilities necessary or  
10          appropriate for school purposes.

11          “AUTHORIZATION OF APPROPRIATIONS

12          “SEC. 8013. (a) BASIC PAYMENTS.—For the pur-  
13          pose of making payments under section 8003(b), there are  
14          authorized to be appropriated such sums as may be nec-  
15          essary for each of the fiscal years 1995 through 1999.

16          “(b) SUPPLEMENTAL PAYMENTS FOR CHILDREN  
17          WITH DISABILITIES.—For the purpose of making pay-  
18          ments under section 8003(c), there are authorized to be  
19          appropriated such sums as may be necessary for each of  
20          the fiscal years 1995 through 1999.

21          “(c) PAYMENTS FOR INCREASES IN MILITARY CHIL-  
22          DREN.—For the purpose of making payments under sec-  
23          tion 8006, there are authorized to be appropriated such  
24          sums as may be necessary for each of the fiscal years 1995  
25          through 1999.

1       “(d) CONSTRUCTION.—For the purpose of making  
2 payments under section 8007, there are authorized to be  
3 appropriated such sums as may be necessary for each of  
4 the fiscal years 1995 through 1999.

5       “(e) FACILITIES MAINTENANCE.—For the purpose of  
6 carrying out section 8008, there are authorized to be ap-  
7 propriated such sums as may be necessary for each of the  
8 fiscal years 1995 through 1999.

9           “TITLE IX—GENERAL PROVISIONS

10                   “PART A—DEFINITIONS

11                           “DEFINITIONS

12       “SEC. 9101. Except as otherwise provided, for the  
13 purposes of this Act, the following terms have the follow-  
14 ing meanings:

15           “(1)(A) Except as provided otherwise by State  
16 law or this paragraph, the term ‘average daily at-  
17 tendance’ means—

18                   “(i) the aggregate number of days of at-  
19 tendance of all students during a school year;  
20 divided by

21                   “(ii) the number of days school is in ses-  
22 sion during such school year.

23           “(B) The Secretary shall permit the conversion  
24 of average daily membership (or other similar data)  
25 to average daily attendance for local educational

1 agencies in States that provide State aid to local  
2 educational agencies on the basis of average daily  
3 membership or such other data.

4 “(C) If the local educational agency in which a  
5 child resides makes a tuition or other payment for  
6 the free public education of the child in a school lo-  
7 cated in another school district, the Secretary shall,  
8 for purposes of this Act—

9 “(i) consider the child to be in attendance  
10 at a school of the agency making such payment;  
11 and

12 “(ii) not consider the child to be in attend-  
13 ance at a school of the agency receiving such  
14 payment.

15 “(D) If a local educational agency makes a tui-  
16 tion payment to a private school or to a public  
17 school of another local educational agency for a child  
18 with disabilities, as defined in section 602(a)(1) of  
19 the Individuals with Disabilities Education Act, the  
20 Secretary shall, for the purposes of this Act, con-  
21 sider such child to be in attendance at a school of  
22 the agency making such payment.

23 “(2) The term ‘average per-pupil expenditure’  
24 means, in the case of a State or of the United  
25 States—

1           “(A) without regard to the source of  
2 funds—

3                   “(i) the aggregate current expendi-  
4 tures, during the third preceding fiscal  
5 year (or, if satisfactory data for that year  
6 are not available, during the most recent  
7 preceding fiscal year for which satisfactory  
8 data are available) of all local educational  
9 agencies in the State or, in the case of the  
10 United States for all States (which, for the  
11 purpose of this paragraph, means the 50  
12 States and the District of Columbia); plus

13                   “(ii) any direct current expenditures  
14 by the State for operation of such agen-  
15 cies; divided by

16           “(B) the aggregate number of children in  
17 average daily attendance to whom such agencies  
18 provided free public education during such pre-  
19 ceding year.

20           “(3) The term ‘child’ means any person within  
21 the age limits for which the applicable State provides  
22 free public education.

23           “(4) The term ‘community-based organization’  
24 means a private nonprofit organization that—

1           “(A) is representative of a community or  
2           significant segments of a community; and

3           “(B) provides educational or related serv-  
4           ices to individuals in the community.

5           “(5) The term ‘consolidated State application’  
6           means an application submitted by a State edu-  
7           cational agency pursuant to section 9302 of this Act.

8           “(6) The term ‘county’ means one of those divi-  
9           sions of a State used by the Secretary of Commerce  
10          in compiling and reporting data regarding counties.

11          “(7) The term ‘covered program’ means each of  
12          the programs authorized by—

13               “(A) part A of title I of this Act (making  
14               high-poverty schools work);

15               “(B) part C of title I of this Act (edu-  
16               cation of migratory children);

17               “(C) part A of title II of this Act (profes-  
18               sional development); and

19               “(D) part A of title IV of this Act (safe  
20               and drug-free schools) except section 4104.

21          “(8) The term ‘current expenditures’ means ex-  
22          penditures for free public education—

23               “(A) including expenditures for adminis-  
24               tration, instruction, attendance and health serv-  
25               ices, pupil transportation services, operation



1 and maintenance of plant, fixed charges, and  
2 net expenditures to cover deficits for food serv-  
3 ices and student body activities; but

4 “(B) not including expenditures for com-  
5 munity services, capital outlay, and debt serv-  
6 ice, or any expenditures made from funds re-  
7 ceived under title I and part A of title II of this  
8 Act.

9 “(9) The term ‘Department’ means the Depart-  
10 ment of Education.

11 “(10) The term ‘elementary school’ means a  
12 day or residential school that provides elementary  
13 education, as determined under State law.

14 “(11) The term ‘free public education’ means  
15 education that is provided—

16 “(A) at public expense, under public super-  
17 vision and direction, and without tuition charge;  
18 and

19 “(B) as elementary or secondary school  
20 education as determined under applicable State  
21 law, except that such term does not include any  
22 education provided beyond grade 12.

23 “(12) The term ‘institution of higher education’  
24 has the meaning given that term in section 1201(a)  
25 of the Higher Education Act of 1965.

1           “(13)(A) The term ‘local educational agency’  
2 means a public board of education or other public  
3 authority legally constituted within a State for either  
4 administrative control or direction of, or to perform  
5 a service function for, public elementary or second-  
6 ary schools in a city, county, township, school dis-  
7 trict, or other political subdivision of a State, or for  
8 such combination of school districts or counties as  
9 are recognized in a State as an administrative agen-  
10 cy for its public elementary or secondary schools.

11           “(B) The term includes any other public insti-  
12 tution or agency having administrative control and  
13 direction of a public elementary or secondary school.

14           “(14) The term ‘outlying area’ means the Vir-  
15 gin Islands, Guam, American Samoa, the Common-  
16 wealth of the Northern Mariana Islands, and Palau  
17 (until the effective date of the Compact of Free As-  
18 sociation with the Government of Palau).

19           “(15) The term ‘parent’ includes a legal guard-  
20 ian or other person standing in loco parentis.

21           “(16) The terms ‘pupil-services personnel’ and  
22 ‘pupil services’ mean, respectively—

23           “(A) school counselors, school social work-  
24 ers, school psychologists, and other qualified  
25 professional personnel involved in providing as-

1           assessment, diagnosis, counseling, educational,  
2           therapeutic, and other necessary services as  
3           part of a comprehensive program to meet stu-  
4           dent needs; and

5                   “(B) the services provided by such individ-  
6           uals.

7                   “(17) The term ‘secondary school’ means a day  
8           or residential school that provides secondary edu-  
9           cation, as determined under State law, except that  
10          it does not include any education beyond grade 12.

11                   “(18) The term ‘Secretary’ means the Secretary  
12          of Education.

13                   “(19) The term ‘State’ means each of the 50  
14          States, the District of Columbia, the Commonwealth  
15          of Puerto Rico, and each of the outlying areas.

16                   “(20) The term ‘State educational agency’  
17          means the agency primarily responsible for the State  
18          supervision of public elementary and secondary  
19          schools.

20                   “APPLICABILITY OF THIS TITLE

21                   “SEC. 9102. Parts B through F of this title do not  
22          apply to title VIII of this Act.

1           “PART B—FLEXIBILITY IN THE USE OF  
2           ADMINISTRATIVE AND OTHER FUNDS

3   “CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR  
4   ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

5           “SEC. 9201. (a) CONSOLIDATION OF ADMINISTRA-  
6   TIVE FUNDS.—(1) A State educational agency may con-  
7   solidate the amounts specifically made available to it for  
8   State administration under one or more of the programs  
9   specified under paragraph (2).

10          “(2) This section applies to title I of this Act and  
11   the covered programs specified in sections 9101(7) (C)  
12   and (D).

13          “(b) USE OF FUNDS.—(1) A State educational agen-  
14   cy shall use the amount available under this section for  
15   the administration of the programs included in the consoli-  
16   dation under subsection (a).

17          “(2) A State educational agency may also use funds  
18   available under this section for administrative activities  
19   designed to enhance the effective and coordinated use of  
20   funds under such programs, such as—

21                  “(A) the coordination of programs specified in  
22                  subsection (a)(2) with other Federal and non-Fed-  
23                  eral programs;

24                  “(B) the establishment and operation of peer-  
25                  review mechanisms under this Act;

1           “(C) the administration of this title;

2           “(D) the dissemination of information regard-  
3           ing model programs and practices; and

4           “(E) technical assistance under programs speci-  
5           fied in subsection (a)(2).

6           “(c) RECORDS.—A State educational agency that  
7           consolidates administrative funds under this section shall  
8           not be required to keep separate records, by individual  
9           program, to account for costs relating to the administra-  
10          tion of programs included in the consolidation under sub-  
11          section (a).

12          “(d) REVIEW.—To determine the effectiveness of  
13          State administration under this section, the Secretary may  
14          periodically review the performance of State educational  
15          agencies in using consolidated administrative funds under  
16          this section and take such steps as the Secretary finds  
17          appropriate to ensure the effectiveness of such administra-  
18          tion.

19          “(e) UNUSED ADMINISTRATIVE FUNDS.—If a State  
20          educational agency does not use all of the funds available  
21          to it under this section for administration, it may use such  
22          funds during the applicable period of availability as funds  
23          available under one or more programs included in the con-  
24          solidation under subsection (a).



1       “(c) CONDITIONS.—A local educational agency that  
2 consolidates administrative funds under this section for  
3 any fiscal year shall not use any other funds under the  
4 programs included in the consolidation for administration  
5 for that fiscal year.

6       “(d) USES OF ADMINISTRATIVE FUNDS.—A local  
7 educational agency that consolidates administrative funds  
8 under this section may use these consolidated funds for  
9 the administration of covered programs and for the pur-  
10 poses described in section 9201(b)(2).

11       “(e) RECORDS.—A local educational agency that con-  
12 solidates administrative funds under this section shall not  
13 be required to keep separate records, by individual covered  
14 program, to account for costs relating to the administra-  
15 tion of covered programs included in the consolidation.

16                   “ADMINISTRATIVE FUNDS STUDY

17       “SEC. 9204. (a) STUDY.—(1) The Secretary may  
18 conduct a study of the use of funds under this Act for  
19 the administration, by State and local educational agen-  
20 cies, of covered programs, including the percentage of  
21 grant funds used for such purpose in covered programs.

22       “(2) Based on the results of such study, the Sec-  
23 retary may publish regulations or guidelines regarding the  
24 use of funds for administration under those programs, in-  
25 cluding the use of such funds on a consolidated basis and

1 limitations on the amount of such funds that may be used  
2 for administration.

3 “(b) REPORT.—The Secretary shall submit to the  
4 President and the appropriate committees of the Congress  
5 a report regarding the study, if any, conducted under this  
6 section within 30 days of its completion.

7 “CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE  
8 INTERIOR FUNDS

9 “SEC. 9205. (a) GENERAL AUTHORITY.—(1) The  
10 Secretary shall transfer to the Department of the Interior,  
11 as a consolidated amount for covered programs, the Indian  
12 education programs under part A of title VI of this Act,  
13 and the education for homeless children and youth pro-  
14 gram under subtitle B of title VII of the Stewart B.  
15 McKinney Homeless Assistance Act, the amounts allotted  
16 to the Department of the Interior under those programs.

17 “(2)(A) The Secretary and the Secretary of the Inte-  
18 rior shall enter into an agreement, consistent with the re-  
19 quirements of the programs specified in paragraph (1), for  
20 the distribution and use of those funds under terms that  
21 the Secretary determines best meet the purposes of those  
22 programs.

23 “(B) The agreement shall—

24 “(i) set forth the plans of the Secretary of the  
25 Interior for the use of the amount transferred, the  
26 steps to be taken to achieve the National Education



1 Goals, and performance measures to assess program  
2 effectiveness, including measurable goals and objec-  
3 tives; and

4 “(ii) be developed in consultation with Indian  
5 tribes.

6 “(b) ADMINISTRATION.—The Department of the In-  
7 terior may use up to 1.5 percent of the funds consolidated  
8 under this section for its costs related to the administra-  
9 tion of the funds transferred under this section.

10 “SCHOOLWIDE PROGRAMS

11 “SEC. 9206. In accordance with section 1114 of this  
12 Act, a school may use funds received under any non-  
13 competitive, formula-grant program administered by the  
14 Secretary, except a program under the Individuals with  
15 Disabilities Education Act, and any discretionary program  
16 contained on a list (updated as necessary) issued by the  
17 Secretary, to support a schoolwide program, notwithstand-  
18 ing any provision of the statute or regulations governing  
19 any such program.

20 “AVAILABILITY OF UNNEEDED PROGRAM FUNDS

21 “SEC. 9207. With the approval of its State edu-  
22 cational agency, a local educational agency that deter-  
23 mines for any fiscal year that funds under a covered  
24 program other than part A of title I of this Act are not  
25 needed for the purpose of that covered program may use  
26 such funds, not to exceed 5 percent of the total amount

1 of its funds under that covered program, for the purpose  
2 of another covered program.

3           “PART C—COORDINATION OF PROGRAMS;  
4       CONSOLIDATED STATE AND LOCAL APPLICATIONS  
5                           “PURPOSE

6           “SEC. 9301. It is the purpose of this part to improve  
7 teaching and learning by encouraging greater cross-pro-  
8 gram coordination, planning, and service delivery under  
9 this Act and enhanced integration of programs under this  
10 Act with educational activities carried out with State and  
11 local funds.

12           “OPTIONAL CONSOLIDATED STATE APPLICATION  
13           “SEC. 9302. (a) GENERAL AUTHORITY.—(1) In  
14 order to simplify application requirements and reduce bur-  
15 den for State educational agencies under this Act, the Sec-  
16 retary shall, in accordance with subsection (b), establish  
17 procedures and criteria under which a State educational  
18 agency may submit a consolidated State application meet-  
19 ing the requirements of this section for each of the covered  
20 programs in which the State participates.

21           “(2) A State educational agency may also include in  
22 its consolidated application—

23                   “(A) the Even Start program under part B of  
24 title I of this Act;

25                   “(B) the education of neglected and delinquent  
26 youth program under part D of title I of this Act;



1 Act, whether separately or under section 9302, shall have  
2 on file with the Secretary a single set of assurances, appli-  
3 cable to each program for which a plan or application is  
4 submitted, that provides that—

5           “(1) each such program will be administered in  
6 accordance with all applicable statutes, regulations,  
7 program plans, and applications;

8           “(2)(A) the control of funds provided under  
9 each such program and title to property acquired  
10 with program funds will be in a public agency, in a  
11 nonprofit private agency, institution, or organiza-  
12 tion, or in an Indian tribe if the statute authorizing  
13 the program provides for assistance to such entities;  
14 and

15           “(B) the public agency, nonprofit private agen-  
16 cy, institution, or organization, or Indian tribe will  
17 administer such funds and property to the extent re-  
18 quired by the authorizing statutes;

19           “(3) the State will adopt and use proper meth-  
20 ods of administering each such program, including—

21           “(A) the enforcement of any obligations  
22 imposed by law on agencies, institutions, orga-  
23 nizations and other recipients responsible for  
24 carrying out each program;

1           “(B) the correction of deficiencies in pro-  
2           gram operations that are identified through au-  
3           dits, monitoring, or evaluation; and

4           “(C) the adoption of written procedures for  
5           the receipt and resolution of complaints alleging  
6           violations of law in the administration of such  
7           programs;

8           “(4) the State will cooperate in carrying out  
9           any evaluation of each such program conducted by  
10          or for the Secretary or other Federal officials;

11          “(5) the State will use such fiscal control and  
12          fund accounting procedures as will ensure proper  
13          disbursement of, and accounting for, Federal funds  
14          paid to the State under each such program;

15          “(6) the State will—

16                 “(A) make reports to the Secretary as may  
17                 be necessary to enable the Secretary to perform  
18                 the Secretary’s duties under each such pro-  
19                 gram; and

20                 “(B) maintain such records, provide such  
21                 information to the Secretary, and afford access  
22                 to the records as the Secretary may find nec-  
23                 essary to carry out the Secretary’s duties; and

24                 “(7) before the application was submitted to the  
25          Secretary, the State has afforded a reasonable op-

1 portunity for public comment on the application and  
2 has considered such comment.

3 “(b) GEPA PROVISION.—Section 435 of the General  
4 Education Provisions Act does not apply to programs  
5 under this Act.

6 “CONSOLIDATED LOCAL APPLICATIONS

7 “SEC. 9304. (a) GENERAL AUTHORITY.—A local  
8 educational agency receiving funds under more than one  
9 covered program may submit applications to the State  
10 educational agency under such programs on a consolidated  
11 basis.

12 “(b) REQUIRED CONSOLIDATED APPLICATIONS.—A  
13 State educational agency that has submitted and had ap-  
14 proved a consolidated State application under section  
15 9302 may require local educational agencies in the State  
16 receiving funds under more than one program included in  
17 the consolidated State application to submit consolidated  
18 local applications under such programs.

19 “(c) COLLABORATION.—A State educational agency  
20 shall collaborate with local educational agencies in the  
21 State in establishing procedures for the submission of the  
22 consolidated applications under this section.

23 “OTHER GENERAL ASSURANCES

24 “SEC. 9305. (a) ASSURANCES.—Any applicant other  
25 than a State educational agency that submits an applica-  
26 tion under this Act, whether separately or pursuant to sec-

1 tion 9304, shall have on file with the State educational  
2 agency a single set of assurances, applicable to each pro-  
3 gram for which an application is submitted, that provides  
4 that—

5           “(1) each such program will be administered in  
6 accordance with all applicable statutes, regulations,  
7 program plans, and applications;

8           “(2)(A) the control of funds provided under  
9 each such program and title to property acquired  
10 with program funds will be in a public agency or in  
11 a nonprofit private agency, institution, organization,  
12 or Indian tribe, if the statute authorizing the pro-  
13 gram provides for assistance to such entities; and

14           “(B) the public agency, nonprofit private agen-  
15 cy, institution, or organization, or Indian tribe will  
16 administer such funds and property to the extent re-  
17 quired by the authorizing statutes;

18           “(3) the applicant will adopt and use proper  
19 methods of administering each such program, in-  
20 cluding—

21           “(A) the enforcement of any obligations  
22 imposed by law on agencies, institutions, orga-  
23 nizations, and other recipients responsible for  
24 carrying out each program; and

1           “(B) the correction of deficiencies in pro-  
2           gram operations that are identified through au-  
3           dits, monitoring, or evaluation;

4           “(4) the applicant will cooperate in carrying out  
5           any evaluation of each such program conducted by  
6           or for the State educational agency or the Secretary  
7           or other Federal officials;

8           “(5) the applicant will use such fiscal control  
9           and fund accounting procedures as will ensure prop-  
10          er disbursement of, and accounting for, Federal  
11          funds paid to such applicant under each such pro-  
12          gram;

13          “(6) the applicant will—

14               “(A) make reports to the State educational  
15               agency and the Secretary as may be necessary  
16               to enable such agency and the Secretary to per-  
17               form their duties under each such program; and

18               “(B) maintain such records, provide such  
19               information, and afford access to the records as  
20               the State educational agency or the Secretary  
21               may find necessary to carry out the State edu-  
22               cational agency’s or the Secretary’s duties; and

23          “(7) before the application was submitted, the  
24          applicant afforded a reasonable opportunity for pub-



1       lic comment on the application and has considered  
2       such comment.

3       “(b) GEPA PROVISION.—Section 436 of the General  
4 Education Provisions Act does not apply to programs  
5 under this Act.

6                                   “PART D—WAIVERS

7                   “WAIVERS OF STATUTORY AND REGULATORY

8                                   REQUIREMENTS

9       “SEC. 9401. (a) GENERAL.—(1) Except as provided  
10 in subsection (c), the Secretary may waive any require-  
11 ment of this Act or of the General Education Provisions  
12 Act, or of the regulations issued under such Acts, for a  
13 State educational agency, Indian tribe, or other agency,  
14 organization, or institution that receives funds under a  
15 program authorized by this Act from the Department and  
16 that requests such a waiver if—

17                   “(A) the Secretary determines that such re-  
18 quirement impedes the ability of the State edu-  
19 cational agency or other recipient to achieve more ef-  
20 fectively the purposes of this Act; and

21                   “(B) in the case of a waiver proposal submitted  
22 by a State educational agency, the State educational  
23 agency—

24                                   “(i) provides all interested local edu-  
25 cational agencies in the State with notice and

1 an opportunity to comment on the proposal;  
2 and

3 “(ii) submits the comments to the Sec-  
4 retary; and

5 “(C) in the case of a waiver proposal submitted  
6 by a local educational agency or other agency, insti-  
7 tution, or organization that receives funds under this  
8 Act from the State educational agency, such request  
9 has been reviewed by the State educational agency  
10 and is accompanied by the comments, if any, of such  
11 agency.

12 “(b) WAIVER PERIOD.—(1) A waiver under this sec-  
13 tion shall be for a period not to exceed three years.

14 “(2) The Secretary may extend such period if the  
15 Secretary determines that—

16 “(A) the waiver has been effective in enabling  
17 the State or affected recipients to carry out the ac-  
18 tivities for which it was requested and has contrib-  
19 uted to improved performance; and

20 “(B) such extension is in the public interest.

21 “(c) WAIVERS NOT AUTHORIZED.—The Secretary  
22 may not waive, under this section, any statutory or regu-  
23 latory requirement relating to—

24 “(1) comparability of services;

25 “(2) maintenance of effort;

1           “(3) the equitable participation of students at-  
2           tending private schools;

3           “(4) parental participation and involvement;

4           “(5) the distribution of funds to States or to  
5           local educational agencies or other recipients of  
6           funds under this Act;

7           “(6) maintenance of records;

8           “(7) applicable civil rights requirements; or

9           “(8) the requirements of sections 438 and 439  
10          of the General Education Provisions Act.

11          “(d) TERMINATION OF WAIVERS.—The Secretary  
12          shall terminate a waiver under this section if the Secretary  
13          determines that the performance of the State or other re-  
14          cipient affected by the waiver has been inadequate to jus-  
15          tify a continuation of the waiver or if it is no longer nec-  
16          essary to achieve its original purposes.

17                        “PART E—UNIFORM PROVISIONS

18                                “MAINTENANCE OF EFFORT

19          “SEC. 9501. (a) GENERAL.—A local educational  
20          agency may receive funds under a covered program for  
21          any fiscal year only if the State educational agency finds  
22          that either the combined fiscal effort per student or the  
23          aggregate expenditures of that agency and the State with  
24          respect to the provision of free public education by that  
25          agency for the preceding fiscal year was not less than 90

1 percent of such combined fiscal effort or aggregate ex-  
2 penditures for the second preceding fiscal year.

3 “(b) REDUCTION IN CASE OF FAILURE TO MEET.—

4 (1) The State educational agency shall reduce the amount  
5 of the allocation of funds under a covered program in any  
6 fiscal year in the exact proportion to which a local edu-  
7 cational agency fails to meet the requirement of subsection  
8 (a) by falling below 90 percent of both the combined fiscal  
9 effort per student and aggregate expenditures (using the  
10 measure most favorable to such local agency).

11 “(2) No such lesser amount shall be used for comput-  
12 ing the effort required under subsection (a) for subsequent  
13 years.

14 “(c) WAIVER.—The Secretary may waive the require-  
15 ments of this section if the Secretary determines that such  
16 a waiver would be equitable due to—

17 “(1) exceptional or uncontrollable circumstances  
18 such as a natural disaster; or

19 “(2) a precipitous decline in the financial re-  
20 sources of the local educational agency.

21 “PROHIBITION REGARDING STATE AID

22 “SEC. 9502. No State shall take into consideration  
23 payments under this Act in determining the eligibility of  
24 any local educational agency in that State for State aid,  
25 or the amount of State aid, with respect to free public  
26 education of children.



1       “(4) Expenditures for educational services and other  
2 benefits provided under this section to eligible private  
3 school children, their teachers, and other educational per-  
4 sonnel serving them shall be equal, taking into account  
5 the number and educational needs of the children to be  
6 served, to the expenditures for participating public school  
7 children.

8       “(5) Such agency or consortium may provide such  
9 services directly or through contracts with public and pri-  
10 vate agencies, organizations, and institutions.

11       “(b) APPLICABILITY.—(1) This section applies to—

12           “(A) each covered program;

13           “(B) programs under title VII of this Act; and

14           “(C) any other program under this Act speci-  
15 fied by the Secretary, subject to such conditions as  
16 the Secretary may prescribe.

17       “(2) For the purposes of this section, the term ‘eligi-  
18 ble children’ means children eligible for services under a  
19 program described in paragraph (1).

20       “(c) CONSULTATION.—(1) To ensure timely and  
21 meaningful consultation, such agency or consortium shall  
22 consult with appropriate private school officials during the  
23 design and development of the programs under this Act,  
24 on issues such as—

25           “(A) how the children’s needs will be identified;

1           “(B) what services will be offered;

2           “(C) how and where the services will be pro-  
3       vided; and

4           “(D) how the services will be assessed.

5       “(2) Such consultation shall occur before the agency  
6 or consortium makes any decision that affects the oppor-  
7 tunities of eligible private school children, teachers, and  
8 other educational personnel to participate in programs  
9 under this Act.

10       “(3) Such consultation shall include a discussion of  
11 the full range of service delivery mechanisms that an agen-  
12 cy or consortium could use to provide equitable services  
13 to eligible private school children, teachers, and other edu-  
14 cational personnel, including, but not limited to—

15           “(A) instruction provided at public school sites,  
16       at neutral sites, or in mobile vans;

17           “(B) computer-assisted instruction;

18           “(C) extended-day services;

19           “(D) home tutoring; and

20           “(E) take-home computers.

21       “(d) PUBLIC CONTROL OF FUNDS.—(1) The control  
22 of funds used to provide services under this section, and  
23 title to materials, equipment, and property purchased with  
24 these funds, shall be in a public agency for the uses and

1 purposes provided in this Act, and a public agency shall  
2 administer such funds and property.

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

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

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

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

14 “(C) Funds used to provide services under this sec-  
15 tion shall not be commingled with non-Federal funds.

16 “STANDARDS FOR BY-PASS

17 “SEC. 9504. If, by reason of any provision of law,  
18 a State, local, or intermediate educational agency or con-  
19 sortium is prohibited from providing for the participation  
20 in programs of children enrolled in, or teachers or other  
21 educational personnel from, private elementary and sec-  
22 ondary schools, on an equitable basis, or if the Secretary  
23 determines that such agency or consortium has substan-  
24 tially failed or is unwilling to provide for such participa-  
25 tion, as required by section 9503, the Secretary shall—





1 each such appeal within 120 days after receipt of the  
2 appeal.

3 “BY-PASS DETERMINATION PROCESS

4 “SEC. 9506. (a) REVIEW.—(1)(A) The Secretary  
5 shall not take any final action under section 9504 until  
6 the agency or consortium affected by such action has had  
7 an opportunity, for at least 45 days after receiving written  
8 notice thereof, to submit written objections and to appear  
9 before the Secretary to show cause why that action should  
10 not be taken.

11 “(B) Pending final resolution of any investigation or  
12 complaint that could result in a determination under this  
13 section, the Secretary may withhold from the allocation  
14 of the affected State or local educational agency the  
15 amount estimated by the Secretary to be necessary to pay  
16 the cost of those services.

17 “(2)(A) If such affected agency or consortium is dis-  
18 satisfied with the Secretary’s final action after a proceed-  
19 ing under paragraph (1), it may, within 60 days after no-  
20 tice of such action, file with the United States court of  
21 appeals for the circuit in which such State is located a  
22 petition for review of that action.

23 “(B) A copy of the petition shall be forthwith trans-  
24 mitted by the clerk of the court to the Secretary.

25 “(C) The Secretary thereupon shall file in the court  
26 the record of the proceedings on which the Secretary based

1 this action, as provided in section 2112 of title 28, United  
2 States Code.

3 “(3)(A) The findings of fact by the Secretary, if sup-  
4 ported by substantial evidence, shall be conclusive, but the  
5 court, for good cause shown, may remand the case to the  
6 Secretary to take further evidence and the Secretary may  
7 thereupon make new or modified findings of fact and may  
8 modify the Secretary’s previous action, and shall file in  
9 the court the record of the further proceedings.

10 “(B) Such new or modified findings of fact shall like-  
11 wise be conclusive if supported by substantial evidence.

12 “(4)(A) Upon the filing of such petition, the court  
13 shall have jurisdiction to affirm the action of the Secretary  
14 or to set it aside, in whole or in part.

15 “(B) The judgment of the court shall be subject to  
16 review by the Supreme Court of the United States upon  
17 certiorari or certification as provided in section 1254 of  
18 title 28, United States Code.

19 “(b) DETERMINATION.—Any determination by the  
20 Secretary under this section shall continue in effect until  
21 the Secretary determines, in consultation with such agency  
22 or consortium and representatives of the affected private  
23 school children, teachers, or other educational personnel  
24 that there will no longer be any failure or inability on the  
25 part of such agency or consortium to meet the applicable



1 (other than part A of title I of this Act) and part B of  
2 title I of this Act.

3 “(2) Such recognition awards shall be made by the  
4 State educational agency to recipients of assistance under  
5 this Act in the State that the State educational agency  
6 determines have carried out grant-related activities in an  
7 exemplary fashion and have demonstrated outstanding  
8 performance measured in accordance with this section.

9 “(3) A State desiring to make monetary awards  
10 under this section may reserve a portion of the total  
11 amount available for grants within the State under such  
12 program for any fiscal year, not to exceed 1 percent, for  
13 the purpose of making recognition awards to qualifying  
14 recipients under such programs. In implementing this sec-  
15 tion, a State may reduce the amount of funds it would  
16 otherwise allocate to recipients in accordance with the ap-  
17 plicable statute governing such allocation to the extent  
18 necessary.

19 “(b) CONDITIONS.—A State educational agency may  
20 make recognition awards under this section if—

21 “(1) in selecting awardees, it takes into account  
22 improvements in performance (rather than compari-  
23 sons with other schools and school districts), and  
24 successful cooperative efforts among teachers, ad-

1 administrators, and other school personnel in achieving  
2 educational reform;

3 “(2) it employs peer review procedures in iden-  
4 tifying recipients eligible for awards, the identity of  
5 the awardees, and the amount of the awards;

6 “(3) it determines that the awardee is in com-  
7 pliance with applicable civil rights requirements; and

8 “(4) it submits to the Secretary a description of  
9 the criteria used in making such awards.

10 “INTERNATIONAL EDUCATION ACTIVITIES

11 “SEC. 9602. (a) GENERAL AUTHORITY.—In order to  
12 enhance education in the United States and to encourage  
13 cooperative efforts with foreign governments and inter-  
14 national organizations, the Secretary is authorized directly  
15 or through grants, contracts, or cooperative agreements  
16 to carry out the activities in subsection (b).

17 “(b) AUTHORIZED ACTIVITIES.—Funds under this  
18 section may be used for—

19 “(1) activities to improve international under-  
20 standing through the exchange of technical assist-  
21 ance, information, and training opportunities;

22 “(2) activities to improve our understanding of  
23 how educational systems in other countries work in  
24 order to better carry out reform efforts;

25 “(3) joint conferences with foreign countries to  
26 focus on specific content areas; and

1           “(4) other joint efforts designed to foster inter-  
2           national collaboration and cooperation in education.

3           “(c) AUTHORIZATION.—For the purpose of carrying  
4           out this section, there are authorized to be appropriated  
5           such sums as may be necessary for each of the fiscal years  
6           1995 through 1999.”.

7           TITLE II—AMENDMENTS TO THE GENERAL  
8                           EDUCATION PROVISIONS ACT  
9           PART A—APPLICABILITY OF THE GENERAL EDUCATION  
10                           PROVISIONS ACT

11                           TITLE; APPLICABILITY; DEFINITIONS

12           SEC. 211. Section 400 of the General Education Pro-  
13           visions Act (20 U.S.C. 1221 et seq.; hereafter in this title  
14           referred to as “the Act”) is amended to read as follows:

15                           “TITLE; APPLICABILITY; DEFINITIONS

16           “SEC. 400. (a) This title may be cited as the ‘General  
17           Education Provisions Act’.

18           “(b)(1) Except as otherwise provided, this title ap-  
19           plies to each applicable program of the Department of  
20           Education.

21           “(2) Except as otherwise provided, this title does not  
22           apply to any contract made by the Department of Edu-  
23           cation.

24           “(c) As used in this title, the following terms have  
25           the following meanings:

1           “(1) The term ‘applicable program’ means any  
2 program for which the Secretary or the Department  
3 has administrative responsibility as provided by law  
4 or by delegation of authority pursuant to law. The  
5 term includes each program for which the Secretary  
6 or the Department has administrative responsibility  
7 under the Department of Education Organization  
8 Act or under statutes effective after the effective  
9 date of that Act.

10           “(2) The term ‘applicable statute’ means—

11                   “(A) the Act or the title, part, section, or  
12 any other subdivision of an Act, as the case  
13 may be, that authorizes the appropriation for  
14 an applicable program;

15                   “(B) this title; and

16                   “(C) any other statute that by its terms  
17 expressly controls the administration of an ap-  
18 plicable program.

19           “(3) The term ‘Department’ means the Depart-  
20 ment of Education.

21           “(4) The term ‘Secretary’ means the Secretary  
22 of Education.

23           “(d) Nothing in this title shall be construed to affect  
24 the applicability of title VI of the Civil Rights Act of 1964,  
25 title IX of the Education Amendments of 1972, title V



1 of the Rehabilitation Act of 1973, the Age Discrimination  
2 Act, or other statutes prohibiting discrimination, to any  
3 applicable program.”.

4 REPEAL

5 SEC. 212. Section 400A of the Act is repealed.

6 PART B—THE DEPARTMENT OF EDUCATION

7 NEW HEADING FOR PART A

8 SEC. 221. The heading for part A of the Act is  
9 amended to read as follows: “PART A—FUNCTIONS OF  
10 THE DEPARTMENT OF EDUCATION”.

11 GENERAL AUTHORITY OF THE SECRETARY

12 SEC. 222. Section 408 of the Act is amended to read  
13 as follows:

14 “GENERAL AUTHORITY OF THE SECRETARY

15 “SEC. 408. The Secretary, in order to carry out func-  
16 tions otherwise vested in him by law or by delegation of  
17 authority pursuant to law, and subject to limitations as  
18 may be otherwise imposed by law, is authorized to make,  
19 promulgate, issue, rescind, and amend rules and regula-  
20 tions governing the manner of operation of, and governing  
21 the applicable programs administered by, the Depart-  
22 ment.”.

23 OFFICE OF PRIVATE EDUCATION

24 SEC. 223. Section 409 of the Act is repealed and a  
25 new section 409 is inserted in lieu thereof to read as  
26 follows:

1                   “OFFICE OF PRIVATE EDUCATION

2           “SEC. 409. Subject to section 413 of the Department  
3 of Education Organization Act, there is established in the  
4 Department an Office of Private Education to ensure the  
5 maximum participation of nonpublic school students in all  
6 applicable programs for which such children are eligible.”.

7                                   REPEALS

8           SEC. 224. Sections 401, 402, 403, 406A, 406B,  
9 406C, and 407 of the Act are repealed.

10           PART C—APPROPRIATIONS AND EVALUATIONS

11                           AVAILABILITY OF APPROPRIATIONS

12           SEC. 231. (a) The heading for section 412 of the Act  
13 is amended to read as follows: “AVAILABILITY OF APPRO-  
14 PRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDI-  
15 TIONAL PERIOD FOR OBLIGATION OF FUNDS”.

16           (b) Section 412 of the Act is further amended—

17                   (1) in subsection (a)—

18                           (A) by striking out “to educational agen-  
19 cies or institutions”;

20                           (B) by striking out “expenditure” and in-  
21 serting in lieu thereof “obligations”; and

22                           (C) by striking out “by the agency or insti-  
23 tution concerned” and inserting in lieu thereof  
24 “by the recipient”;

25                   (2) by amending subsection (b)(1) to read as  
26 follows:

1       “(b)(1)(A) Notwithstanding any other provision of  
2 law, unless enacted in express limitation of this subsection,  
3 any funds from appropriations to carry out any applicable  
4 State formula grant program that are not obligated by a  
5 recipient by the end of the fiscal year for which such funds  
6 were appropriated shall remain available for obligation by  
7 such recipient during the succeeding fiscal year.

8       “(B) As used in this subsection, the term ‘applicable  
9 State formula grant program’ means an applicable pro-  
10 gram whose authorizing statute or implementing regula-  
11 tions provide a formula for allocating program funds  
12 among eligible States.”;

13           (3) in subsection (b)(2)—

14               (A) by striking out “applicable program”  
15               and inserting in lieu thereof “applicable State  
16               formula grant program”;

17               (B) by striking out “and expenditure” and  
18               “and expended”; and

19               (C) in subparagraph (B), by striking out  
20               “educational agencies or institutions” and in-  
21               serting in lieu thereof “recipients”; and

22           (4) by striking out subsection (c).

23           CONTINGENT EXTENSION OF PROGRAMS

24           SEC. 232. Section 414 of the Act is amended to read  
25 as follows:

1 “CONTINGENT EXTENSION OF PROGRAMS

2 “SEC. 414. (a) The authorization of appropriations  
3 for, or duration of, an applicable program shall be auto-  
4 matically extended for one additional fiscal year unless  
5 Congress, in the regular session that ends prior to the ter-  
6 minal fiscal year of such authorization or duration—

7 “(1) has passed legislation that becomes law  
8 and extends, or has formally rejected legislation that  
9 would have extended, the authorization or duration  
10 of such program; or

11 “(2) approves a resolution, by action of either  
12 the House of Representatives or the Senate, stating  
13 that this section shall not apply to such program.

14 “(b) The amount authorized to be appropriated for  
15 the period of automatic extension of an applicable program  
16 under subsection (a) shall be the amount that was author-  
17 ized to be appropriated for that program during its termi-  
18 nal fiscal year.

19 “(c) If the Secretary is required, in the terminal fiscal  
20 year of an applicable program, to carry out certain acts  
21 or make certain determinations that are necessary for the  
22 continuation of such program, such acts or determinations  
23 shall be required to be carried out or made during the  
24 period of automatic extension under subsection (a).”.

## 1 BIENNIAL EVALUATION REPORT

2 SEC. 233. Section 417 of the Act is amended to read  
3 as follows:

## 4 “BIENNIAL EVALUATION REPORT

5 “SEC. 417. Not later than March 31 of each second  
6 year beginning with 1995, the Secretary shall transmit to  
7 the Committee on Education and Labor of the House of  
8 Representatives and the Committee on Labor and Human  
9 Resources of the Senate an evaluation report on the effec-  
10 tiveness of applicable programs during the two preceding  
11 fiscal years in achieving their legislated purposes. Such re-  
12 port shall—

13 “(1) contain program profiles that include legis-  
14 lative citations, multi-year funding histories, and leg-  
15 islated purposes;

16 “(2) contain recent evaluation information on  
17 the progress being made toward the achievement of  
18 program objectives, including listings of program  
19 performance indicators, data from performance  
20 measurement based on the indicators, and evaluation  
21 information on the costs and benefits of the applica-  
22 ble programs being evaluated;

23 “(3) contain selected significant program activi-  
24 ties, such as initiatives for program improvement,  
25 regulations, and program monitoring and evaluation;



1                   “JOINT FUNDING OF PROGRAMS

2           “SEC. 421A. (a)(1) The Secretary is authorized to  
3 enter into arrangements with other Federal agencies to  
4 jointly carry out projects of common interest, to transfer  
5 to such agencies funds appropriated under any applicable  
6 program, and to receive and use funds from such agencies,  
7 for projects of common interest.

8           “(2) Funds so transferred or received shall be used  
9 only in accordance with the statutes authorizing the ap-  
10 propriation of such funds and the statutes appropriating  
11 such funds, and shall be made available only to parties  
12 eligible to receive such funds under such statutes.

13          “(3) If the Secretary enters into a agreement under  
14 this subsection for the administration of a project, the  
15 agency administering the project shall use its procedures  
16 to select awardees and to administer the awards, unless  
17 the parties to the agreement specify the use of procedures  
18 of another agency that is a party to the agreement.

19          “(4) If the Secretary has entered into an agreement  
20 authorized under subsection (a) of this section and the  
21 Secretary and the heads of the other agencies participat-  
22 ing in the agreement determine that joint funding is nec-  
23 essary to address a special need consistent with the  
24 purposes and authorized activities of each program that  
25 provides funding, the Secretary and the heads of the other

1 participating agencies may develop a single set of criteria  
2 for jointly funded projects and require each applicant for  
3 those projects to submit a single application for review by  
4 the participating agencies.

5 “(b) The Secretary may develop the criteria for, and  
6 require the submission of, joint applications under two or  
7 more applicable programs under which awards are made  
8 on a competitive basis, and may jointly review and approve  
9 such applications separately from other applications under  
10 such programs, when the Secretary determines that such  
11 joint awards are necessary to address a special need con-  
12 sistent with the purposes and authorized activities of each  
13 such program. Any applicant for such a joint award must  
14 meet the eligibility requirements of each such program.”.

15 COLLECTION AND DISSEMINATION OF INFORMATION

16 SEC. 242. Section 422 of the Act is amended to read  
17 as follows:

18 “COLLECTION AND DISSEMINATION OF INFORMATION

19 “SEC. 422. The Secretary shall—

20 “(1) prepare and disseminate to State and local  
21 educational agencies and institutions information  
22 concerning applicable programs and cooperate with  
23 other Federal officials who administer programs af-  
24 fecting education in disseminating information con-  
25 cerning such programs;



1           “(2) inform the public on federally supported  
2 education programs; and

3           “(3) collect data and information on applicable  
4 programs for the purpose of obtaining objective  
5 measurements of the effectiveness of such programs  
6 in achieving their purposes.”.

7                                   REVIEW OF APPLICATIONS

8           SEC. 243. Section 425 of the Act is amended—

9           (1) in subsection (a)—

10           (A) by striking out “Commissioner” and  
11 inserting in lieu thereof “Secretary”;

12           (B) by striking out “and in the case of the  
13 program provided for in title I of the Elemen-  
14 tary and Secondary Education Act of 1965,”;

15           (C) in the third sentence thereof, by insert-  
16 ing a comma after “the hearing”; and

17           (D) in the fourth sentence thereof—

18           (i) by striking out the comma after  
19 “guidelines”; and

20           (ii) by inserting a comma after “pro-  
21 gram”;

22           (2) in subsection (b), by striking out “Commis-  
23 sioner” each place it appears and inserting in lieu  
24 thereof “Secretary”; and

25           (3) in subsection (d), by striking out “Commis-  
26 sioner” each time it appears and inserting in lieu

1       thereof “Secretary” and by inserting before the pe-  
2       riod “or issue such other orders as the Secretary  
3       may deem appropriate to achieve such compliance”.

4                                   USE OF FUNDS WITHHELD

5       SEC. 244. Section 428 of the Act is amended to read  
6 as follows:

7                                   “USE OF FUNDS WITHHELD

8       “SEC. 428. (a) At any time that the Secretary makes  
9 an allotment or reallocation to any State under any appli-  
10 cable program, the Secretary shall reduce such allotment  
11 or reallocation by such amount as the Secretary deter-  
12 mines it would have been reduced, had the data on which  
13 the allotment or reallocation is based excluded all data re-  
14 lating to local educational agencies of the State that, on  
15 the date of the Secretary’s action, are ineligible to receive  
16 the Federal financial assistance involved because of failure  
17 to comply with title VI of the Civil Rights Act of 1964,  
18 title IX of the Education Amendments of 1972, section  
19 504 of the Rehabilitation Act of 1973, or the Age Dis-  
20 crimination Act of 1975.

21       “(b) The Secretary may use any funds withheld  
22 under subsection (a)—

23                                   “(1) to increase the allotments of other local  
24 educational agencies within the State, or the allot-  
25 ments of all States, in accordance with the statutes  
26 governing the program; or



1 (C) by striking out the last sentence there-  
2 of; and

3 (2) in subsection (b), by striking out “to any  
4 records of a recipient which may be related, or perti-  
5 nent to, the grants, subgrants, contracts, sub-  
6 contracts, loans, or other arrangements” and insert-  
7 ing in lieu thereof “to any records currently main-  
8 tained by a recipient that may be related, or perti-  
9 nent to, grants, subgrants, cooperative agreements,  
10 loans, or other arrangements”.

11 TECHNICAL AMENDMENTS

12 SEC. 248. (a) The heading for Part C of the Act is  
13 amended by striking out “COMMISSIONER OF EDU-  
14 CATION” and inserting in lieu thereof “SECRETARY”.

15 (b) Section 427 of the Act is amended—

16 (1) by striking out “Commissioner” and insert-  
17 ing in lieu thereof “Secretary”; and

18 (2) in the second sentence thereof, by inserting  
19 “is made” after “such determination”.

20 (c) Section 430 of the Act is amended by striking  
21 out “Commissioner” each place it appears and inserting  
22 in lieu thereof “Secretary”.

23 (d) Section 433 of the Act is amended by striking  
24 out “Except for emergency relief” and inserting in lieu  
25 thereof “All laborers”.

1 (e)(1) The heading of section 434 of the Act is  
2 amended by striking out “EDUCATIONAL”.

3 (2) Section 434 of the Act is amended—

4 (A) by striking out “Commissioner” each place  
5 it appears and inserting in lieu thereof “Secretary”;  
6 and

7 (B) by inserting “(c)” before the last sentence  
8 and by deleting “paragraph (3)” in such sentence  
9 and inserting in lieu thereof “subsection (b)(3)”.

10 (f) Section 435 of the Act is amended—

11 (1) by striking out “Commissioner” each place  
12 it appears and inserting in lieu thereof “Secretary”;  
13 and

14 (2) in subsection (a)—

15 (A) by striking out the comma after “sub-  
16 mits a plan”; and

17 (B) by striking out “(subject, in the case  
18 of programs under chapter 1 and chapter 2 of  
19 title I of the Elementary and Secondary Edu-  
20 cation Act of 1965)”.

21 (g) Section 436 of the Act is amended—

22 (1) in subsection (a), by striking out “that local  
23 education agency” and inserting in lieu thereof “that  
24 local educational agency”; and

25 (2) in subsection (b)—

1 (A) in paragraph (2), by inserting a  
2 comma after “program”;

3 (B) in paragraph (4), by striking out  
4 “Commissioner” each place it appears and in-  
5 serting in lieu thereof “Secretary”; and

6 (C) in paragraph (7), by striking out  
7 “handicapped individuals” and inserting in lieu  
8 thereof “individuals with disabilities”.

9 (h) Section 438 of the Act is amended—

10 (1) in subsection (a)(4)(B)(ii), by striking out  
11 the period at the end thereof and inserting in lieu  
12 thereof a semicolon;

13 (2) in subsection (b)—

14 (A) in paragraph (1)(C), by striking out  
15 “(iii) an administrative head of an education  
16 agency (as defined in section 408(c)), or (iv)”  
17 and inserting in lieu thereof “or (iii)”;

18 (B) in paragraph (1)(H), by striking out  
19 “1954” and inserting in lieu thereof “1986”;  
20 and

21 (C) in paragraph (3)—

22 (i) by striking out “(C) an adminis-  
23 trative head of an education agency or  
24 (D)” and inserting in lieu thereof “or  
25 (C)”;

1 (ii) by striking out “education pro-  
2 gram” and inserting in lieu thereof “edu-  
3 cation programs”;

4 (3) in subsection (d), by inserting a comma  
5 after “education”;

6 (4) in subsection (f)—

7 (A) by striking out “The Secretary, or an  
8 administrative head of an education agency,”  
9 and inserting in lieu thereof “The Secretary”;

10 (B) by striking out “provisions of” after  
11 “enforce”;

12 (C) by striking out “according to the provi-  
13 sions of” and inserting in lieu thereof “in ac-  
14 cordance with”; and

15 (D) by striking out “the provisions of”  
16 after “with”; and

17 (5) in subsection (g)—

18 (A) by striking out “Health, Education,  
19 and Welfare” and inserting in lieu thereof  
20 “Education”; and

21 (B) by striking out “the provisions of”.

22 REPEALS

23 SEC. 249. (a) Sections 421, 423, 424, 426, 426A,  
24 and 429 of the Act are repealed.

1 EQUITY FOR STUDENTS, TEACHERS, AND OTHER  
2 PROGRAM BENEFICIARIES

3 SEC. 250. The Act is further amended by inserting  
4 after section 425 a new section 426 to read as follows:

5 “EQUITY FOR STUDENTS, TEACHERS, AND OTHER  
6 PROGRAM BENEFICIARIES

7 “SEC. 426. (a) The purpose of this section is to assist  
8 the Department in implementing its mission to ensure  
9 equal access to education and to promote educational ex-  
10 cellence throughout the Nation, by ensuring equal oppor-  
11 tunities to participate for all eligible students, teachers  
12 and other program beneficiaries in any project or activity  
13 carried out under an applicable program and promoting  
14 their ability to meet high standards.

15 “(b) The Secretary shall require each applicant for  
16 assistance under an applicable program (other than an in-  
17 dividual) to develop and describe in its application the  
18 steps it proposes to take to ensure equitable access to, and  
19 equitable participation in, the project or activity to be con-  
20 ducted with such assistance, by addressing the special  
21 needs of students, teachers, and other program bene-  
22 ficiaries in order to overcome barriers to equitable partici-  
23 pation, including barriers based on gender, race, color, na-  
24 tional origin, disability, and age.



1       “(c) The Secretary may establish criteria and provide  
2 technical assistance for meeting the requirements of this  
3 section.

4       “(d) Nothing in this section is intended to alter in  
5 any way the rights or responsibilities established under the  
6 statutes cited in section 400(d) of this Act.”.

7                   PART E—ADVISORY COMMITTEES

8                               REPEAL

9       SEC. 251. Part D of the Act is repealed.

10                   PART F—ENFORCEMENT

11                               REPEAL OF GRANTBACK PROVISION

12       SEC. 261. Section 459 of the Act is repealed.

13                   PART G—RELATED AMENDMENTS TO OTHER ACTS

14                               DEPARTMENT OF EDUCATION ORGANIZATION ACT

15       SEC. 271. The Department of Education Organiza-  
16 tion Act is amended—

17                   (1) in section 414, by striking out “(a)” and  
18 subsection (b);

19                   (2) in section 417, by adding a new subsection  
20 (d) to read as follows:

21       “(d) The Secretary is authorized, with funds ex-  
22 pressly appropriated for such purpose, to construct such  
23 facilities as may be necessary to carry out functions of  
24 the Secretary or the Department and to acquire and dis-  
25 pose of such property.”;

1           (3) in section 421, by inserting “and to accept  
2           donations of services” after “personal”; and

3           (4) by striking out section 427.

4           HIGHER EDUCATION ACT OF 1965

5           SEC. 272. Sections 432(d) and 482(c) of the Higher  
6           Education Act of 1965 are repealed.

7           PART H—CONFORMING AMENDMENTS

8           CONFORMING AMENDMENTS TO OTHER ACTS

9           SEC. 281. (a) The Rehabilitation Act of 1973 is  
10          amended—

11           (1) by repealing section 9; and

12           (2) in section 100, by striking out subsection  
13          (d).

14          (b) Section 491(b) of the Higher Education Act of  
15          1965 (20 U.S.C. 1001 et seq.) is amended by striking out  
16          the last sentence thereof.

17          TITLE III—AMENDMENTS TO OTHER ACTS

18          PART A—AMENDMENTS TO THE INDIVIDUALS WITH

19                  DISABILITIES EDUCATION ACT

20                  ALLOCATIONS UNDER SECTION 611 OF THE IDEA

21          SEC. 311. (a) Section 611(a) of the Individuals with  
22          Disabilities Education Act (hereafter in this title referred  
23          to as the “IDEA”) is amended—

24           (1) by amending paragraph (1) to read as fol-  
25          lows:

1           “(1) Except as provided in paragraph (5), the  
2           maximum amount of the grant for which a State is  
3           eligible under this section for any fiscal year is—

4                   “(A) the sum of—

5                           “(i) the number of children with dis-  
6                           abilities in the State, aged 6 through 21,  
7                           who are receiving special education and re-  
8                           lated services, as determined under para-  
9                           graph (3); and

10                           “(ii) the number of such children in  
11                           the State, aged 3 through five, if the State  
12                           is eligible for a grant under section 619;  
13                           multiplied by

14                           “(B) 40 percent of the average per-pupil  
15                           expenditure in public elementary and secondary  
16                           schools in the United States.”;

17           (2) by amending paragraph (2) to read as fol-  
18           lows:

19                   “(2) For the purpose of this section, the term  
20                   ‘State’ means each of the 50 States, the District of  
21                   Columbia, and the Commonwealth of Puerto Rico.”;

22           and

23                   (3) in paragraph (5)(A)—

24                           (A) in clause (i), by striking out “and the  
25                           State” and inserting in lieu thereof “or the

1 combined percentage of such children counted  
2 by the Secretary for the purpose of making fis-  
3 cal year 1994 allocations under this section and  
4 under subpart 2 of part D of chapter 1 of title  
5 I of the Elementary and Secondary Education  
6 Act of 1965, whichever is greater, if the State”;

7 (B) in clause (ii)—

8 (i) by striking out “and the State”  
9 and inserting in lieu thereof “or the com-  
10 bined percentage of such children counted  
11 by the Secretary for the purpose of making  
12 fiscal year 1994 allocations under this sec-  
13 tion and under subpart 2 of part D of  
14 chapter 1 of title I of the Elementary and  
15 Secondary Education Act of 1965, which-  
16 ever is greater, if the State”; and

17 (ii) by striking out the semicolon and  
18 “and” at the end thereof and inserting in  
19 lieu thereof a period; and

20 (C) by striking out clause (iii).

21 (b) Section 611(b) of the IDEA is amended to read  
22 as follows:

23 “(b)(1) Notwithstanding subsections (a) and (g) of  
24 this section, no State shall receive an amount under this  
25 section for any of the fiscal years 1995 through 1999 that

1 is less than the combined amount it received for fiscal year  
2 1994 under—

3 “(A) this section; and

4 “(B) subpart 2 of part D of chapter 1 of title  
5 I of the Elementary and Secondary Education Act  
6 of 1965 for children with disabilities aged three  
7 through 21.

8 “(2) If, for fiscal year 1998 or 1999, the number of  
9 children determined under subsection (a)(3) for any State  
10 is less than the total number of children with disabilities,  
11 aged three through 21, counted for that State’s fiscal year  
12 1994 grants under this section and under subpart 2 of  
13 part D of chapter 1 of title I of the Elementary and Sec-  
14 ondary Education Act of 1965, the amount determined  
15 under paragraph (1) for that State shall be reduced by  
16 the same percentage by which the number of those chil-  
17 dren so declined.”.

18 (c) Section 611(c) of the IDEA is amended—

19 (1) by amending paragraph (1) to read as fol-  
20 lows:

21 “(1) Of the funds received under subsection (a)  
22 by any State for any fiscal year—

23 “(A) the State may use up to 25 percent  
24 in accordance with paragraph (2); and

1           “(B) except as provided in paragraph (4),  
2           the State shall distribute at least 75 percent to  
3           local educational agencies and intermediate edu-  
4           cational units, in accordance with subsection  
5           (d), for use in accordance with priorities estab-  
6           lished under section 612(3).”;

7           (2) in paragraph (2), by amending subpara-  
8           graph (A) to read as follows:

9           “(A) From the funds that any State may  
10          use under paragraph (1)(A) for any fiscal year,  
11          the State—

12               “(i) may use five percent of the funds  
13               received under this section or \$450,000,  
14               whichever is greater, for administrative  
15               costs related to carrying out sections 612  
16               and 613; and

17               “(ii) shall use the remainder—

18                       “(I) to provide support services  
19                       and direct services, subject to sub-  
20                       paragraph (B), in accordance with  
21                       priorities established under section  
22                       612(3); and

23                       “(II) for the administrative costs  
24                       of monitoring and complaint inves-  
25                       tigation, but only to the extent that

1           such costs exceed the costs of admin-  
2           istration incurred during fiscal year  
3           1985.”.

4           (d) Section 611(d) of the IDEA is amended to read  
5 as follows:

6           “(d)(1) From the total amount of funds available for  
7 any fiscal year under subsection (c)(1)(B), the State shall  
8 provide to each local educational agency or intermediate  
9 educational unit an amount that bears the same ratio to  
10 such total amount as the number of children, aged 3  
11 through 21, determined under subsection (a)(3) for such  
12 agency or unit bears to the total number of such children  
13 determined for all such agencies and units that apply for  
14 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 agency that  
18 received fiscal year 1994 funds under subpart 2 of  
19 part D of chapter 1 of title I of the Elementary and  
20 Secondary Education Act of 1965 receives, from the  
21 combination of such funds and funds provided under  
22 paragraph (1), an amount equal to—

23           “(I) the number of children, aged 6  
24 through 21, determined under subsection (a)(3)  
25 for such agency; multiplied by

1           “(II) the per-child amount provided under  
2           such subpart for fiscal year 1994; and

3           “(ii) may use such funds to ensure that each  
4           local educational agency that received fiscal year  
5           1994 funds under such subpart for children who had  
6           transferred from a State-operated or State-sup-  
7           ported school or program assisted under such sub-  
8           part receives, from the combination of such funds  
9           and funds provided under paragraph (1), an amount  
10          for each such child, aged 3 through 21, determined  
11          under subsection (a)(3) for such agency, equal to the  
12          per-child amount the agency received under such  
13          subpart for fiscal year 1994.

14          “(B) For the purpose of subparagraph (A), the num-  
15          ber of children determined under subsection (a)(3) for any  
16          State agency or local educational agency shall not exceed  
17          the number of children aged 3 through 21 for whom such  
18          agency received funds under such subpart for such fiscal  
19          year.”.

20          (e) Section 611(e)(1) of the IDEA is amended to read  
21          as follows:

22                 “(1) The jurisdictions to which this subsection  
23                 applies are Guam, American Samoa, the Virgin Is-  
24                 lands, the Commonwealth of the Northern Mariana  
25                 Islands, and Palau (until the effective date of the



1 Compact of Free Association with the Government  
2 of Palau).”.

3 (f) Section 611(g) of the IDEA is amended to read  
4 as follows:

5 “(g)(1)(A) If the sums appropriated under subsection  
6 (h) for any fiscal year are not sufficient to pay in full the  
7 total of the amounts that all States are eligible to receive  
8 under subsection (a), each such amount shall be ratably  
9 reduced.

10 “(B) If additional funds become available for making  
11 such payments for any fiscal year, such reduced amounts  
12 shall be increased on the same basis as they were reduced.

13 “(C) Any State that receives any such additional  
14 funds shall distribute them in accordance with this section,  
15 except that any State that has used funds available under  
16 subsection (c)(2)(A)(ii) for the purposes described in sub-  
17 section (d)(2) may—

18 “(i) deduct, from the amount that it would oth-  
19 erwise be required to make available to local edu-  
20 cational agencies and intermediate educational units,  
21 the same amount of such additional funds as it so  
22 used; and

23 “(ii) use such funds in accordance with sub-  
24 section (c)(2)(A)(ii).

1       “(2)(A) In any fiscal year for which payments have  
2 been reduced and additional funds have not been made  
3 available under paragraph (1) to pay in full the amounts  
4 for which all States are eligible under this section, each  
5 State educational agency shall fix dates by which each  
6 local educational agency or intermediate educational unit  
7 shall report to the State agency the amount of funds avail-  
8 able to it under this section that it estimates it will  
9 expend.

10       “(B) The State educational agency shall, in accord-  
11 ance with this section, reallocate any funds that it deter-  
12 mines will not be used during the period of availability  
13 by such local educational agencies and intermediate edu-  
14 cational units, and by any such agency or unit to which  
15 such funds would be available if it applied for them under  
16 this part, to those local educational agencies and inter-  
17 mediate educational units that the State educational agen-  
18 cy determines will need, and be able to use, additional  
19 funds to carry out approved programs.”.

20           TREATMENT OF CHAPTER 1 STATE AGENCIES

21       SEC. 312. Part B of the IDEA is further amended  
22 by inserting after section 614 the following new section:

23           “TREATMENT OF CHAPTER 1 STATE AGENCIES

24       “SEC. 614A. (a) For the purpose of making pay-  
25 ments under sections 611 and 619 of this Act, any State  
26 agency that received funds for fiscal year 1994 under sub-

1 part 2 of part D of chapter 1 of title I of the Elementary  
2 and Secondary Education Act of 1965 shall be treated as  
3 if it were a local educational agency.

4 “(b) The State educational agency shall ensure that  
5 each State agency that operates or supports a program  
6 or school for children with disabilities with funds under  
7 this part—

8 “(1) provides each child with a disability in that  
9 school or program a free appropriate public edu-  
10 cation in accordance with this part, including the  
11 due process protections of section 615, as if it were  
12 a local educational agency; and

13 “(2) has on file with the State educational  
14 agency an application that meets those requirements  
15 of section 614 that the Secretary finds appropriate.

16 “(c) Section 611(c)(4) shall not apply with respect  
17 to a State agency that is eligible for a payment under this  
18 part by virtue of this section.”.

19 INFANTS AND TODDLERS WITH DISABILITIES

20 SEC. 313. (a) Section 684(c) of the IDEA is amend-  
21 ed—

22 (1) by redesignating paragraph (2) as para-  
23 graph (5); and

24 (2) by striking out paragraph (1) and inserting  
25 in lieu thereof paragraphs (1) through (4) to read  
26 as follows:

1           “(1) Except as provided in paragraphs (3) and  
2 (4), from the funds remaining for each fiscal year  
3 after the reservation and payments under sub-  
4 sections (a) and (b), the Secretary shall first allot to  
5 each State an amount that bears the same ratio to  
6 the amount of such remainder as the number of in-  
7 fants and toddlers in the State bears to the number  
8 of infants and toddlers in all States.

9           “(2) For fiscal year 1995 only, the Secretary  
10 shall allot \$34,000,000 of the remaining funds de-  
11 scribed in paragraph (1) among the States in pro-  
12 portion to their relative numbers of infants and tod-  
13 dlers with disabilities who—

14                   “(A) are counted on December 1, 1994;  
15                   and

16                   “(B) would have been eligible to be count-  
17 ed under section 1221(c)(1) of the Elementary  
18 and Secondary Education Act of 1965 as in ef-  
19 fect before the enactment of the Improving  
20 America’s Schools Act of 1993.

21           “(3) Except as provided in paragraph (4), no  
22 State shall receive an amount under this section for  
23 any fiscal year that is less than the greater of—

24                   “(A) one-half of one percent of the remain-  
25 ing amount described in paragraph (1), not in-

1 cluding any amounts allotted under paragraph  
2 (2); or

3 “(B) \$500,000.

4 “(4)(A) No State shall receive an amount under  
5 this section for any of the fiscal years 1995 through  
6 1999 that is less than the combined amount it re-  
7 ceived for fiscal year 1994 under—

8 “(i) this part; and

9 “(ii) subpart 2 of part D of chapter 1 of  
10 title I of the Elementary and Secondary Edu-  
11 cation Act of 1965 for children with disabilities  
12 from birth through age two.

13 “(B) If, for fiscal year 1998 or 1999, the num-  
14 ber of infants and toddlers in any State, as deter-  
15 mined under paragraph (1), is less than the number  
16 of infants and toddlers so determined for fiscal year  
17 1994, the amount determined under subparagraph  
18 (A) for that State shall be reduced by the same per-  
19 centage by which the number of those infants and  
20 toddlers so declined.”.

21 (b) The amendments made by subsection (a) shall  
22 take effect beginning with fiscal year 1995.

1           PART B—AMENDMENTS TO THE STEWART B.  
2           MCKINNEY HOMELESS ASSISTANCE ACT  
3           STATE LITERACY INITIATIVES

4           SEC. 321. Section 702 of the Stewart B. McKinney  
5 Homeless Assistance Act (42 U.S.C. 11301 et seq.; herein-  
6 after in this title referred to as “the Act”) is amended  
7 to read as follows:

8                           “STATE LITERACY INITIATIVES

9           “SEC. 702. (a) GENERAL AUTHORITY.—(1) The Sec-  
10 retary of Education is authorized to make grants to State  
11 educational agencies to enable each such agency to imple-  
12 ment, either directly or through contracts and grants, a  
13 program of literacy training and academic remediation for  
14 adult homeless individuals within the State, which pro-  
15 gram shall—

16                   “(A) include outreach activities; and

17                   “(B) be coordinated with other agencies or or-  
18 ganizations, such as community-based organizations,  
19 nonprofit literacy-action organizations, and funding  
20 recipients under the Adult Education Act, title II of  
21 the Job Training Partnership Act, the Youth Fair  
22 Chance program under title IV of the Job Training  
23 Partnership Act, the Volunteers in Service to Amer-  
24 ica program under the Domestic Volunteers Service  
25 Act, part C of this title, or the Job Opportunity and  
26 Basic Skills program under the Social Security Act.

1       “(2) The Secretary of Education shall, in awarding  
2 grants under this section, give special consideration to the  
3 estimates submitted in the application submitted under  
4 subsection (b) and make such awards in whatever amounts  
5 he or she determines would best serve the purposes of this  
6 section.

7       “(b) APPLICATION.—Each State educational agency  
8 desiring to receive a grant under this section shall submit  
9 to the Secretary of Education an application at such time,  
10 in such manner, and containing such information as the  
11 Secretary may reasonably require. Each such application  
12 shall include an estimate of the number of homeless indi-  
13 viduals in the State and the number of such individuals  
14 expected to be served.

15       “(c) AUTHORIZATION OF APPROPRIATIONS.—(1) For  
16 the purpose of carrying out the adult literacy and aca-  
17 demic remediation programs authorized by this section,  
18 there are authorized to be appropriated such sums as may  
19 be necessary for each of the fiscal years 1995 through  
20 1999.

21       “(d) DEFINITION.—As used in this section, the term  
22 ‘State’ means each of the 50 States, the District of Colum-  
23 bia, the Commonwealth of Puerto Rico, the Virgin Islands,  
24 Guam, American Samoa, the Commonwealth of the North-  
25 ern Mariana Islands, and Palau (until the effective date

1 of the Compact of Free Association with the Government  
2 of Palau).”.

3 EDUCATION FOR HOMELESS CHILDREN AND YOUTH

4 SEC. 322. Subtitle B of title VII of the Act is amend-  
5 ed to read as follows:

6 “Subtitle B—Education for Homeless Children and  
7 Youth

8 “STATEMENT OF POLICY

9 “SEC. 721. It is the policy of the Congress that—

10 “(1) each State educational agency shall ensure  
11 that each child of a homeless individual and each  
12 homeless youth has equal access to the same free,  
13 appropriate public education, including a public pre-  
14 school education, as provided to other children and  
15 youth;

16 “(2) in any State that has a compulsory resi-  
17 dency requirement as a component of its compulsory  
18 school attendance laws or other laws, regulations,  
19 practices, or policies that may act as a barrier to the  
20 enrollment, attendance, or success in school of home-  
21 less children and youth, the State will review and  
22 undertake steps to revise such laws, regulations,  
23 practices, or policies to ensure that homeless chil-  
24 dren and youth are afforded the same free, appro-  
25 priate public education as provided to other children  
26 and youth;



1           “(3) homelessness alone should not be sufficient  
2           reason to separate students from the mainstream  
3           school environment; and

4           “(4) homeless children and youth should have  
5           access to the education and other services that they  
6           need to ensure that they have an opportunity to  
7           meet the same challenging State performance stand-  
8           ards to which all students are held.

9           “GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE  
10           EDUCATION OF HOMELESS CHILDREN AND YOUTH

11           “SEC. 722. (a) GENERAL AUTHORITY.—The Sec-  
12           retary is, in accordance with the provisions of this section,  
13           authorized to make grants to States to carry out the ac-  
14           tivities described in subsections (d), (e), (f), and (g).

15           “(b) APPLICATION.—No State may receive a grant  
16           under this section unless the State educational agency  
17           submits an application to the Secretary at such time, in  
18           such manner, and containing or accompanied by such in-  
19           formation as the Secretary may reasonably require.

20           “(c) ALLOCATION AND RESERVATIONS.—(1) Subject  
21           to paragraph (2) and section 724(c), from the amounts  
22           appropriated for each fiscal year pursuant to section 726,  
23           the Secretary is authorized to allot to each State an  
24           amount that bears the same ratio to the amount appro-  
25           priated in each such year as the amount allocated under  
26           section 1122 of the Elementary and Secondary Education

1 Act of 1965 to the State in that year bears to the total  
2 amount allocated to all States, except that no State shall  
3 receive less than \$100,000.

4 “(2)(A) The Secretary is authorized to reserve 0.1  
5 percent of the amount appropriated for each fiscal year  
6 pursuant to section 726 to be allocated by the Secretary  
7 among the Virgin Islands, Guam, American Samoa, the  
8 Commonwealth of the Northern Mariana Islands, and  
9 Palau (until the effective date of the Compact of Free As-  
10 sociation with the Government of Palau), according to  
11 their respective need, as determined by the Secretary.

12 “(B)(i) The Secretary is authorized to transfer one  
13 percent of the amount appropriated for each fiscal year  
14 under section 726 to the Department of the Interior for  
15 programs for Indian students served by schools funded by  
16 the Secretary of the Interior, as determined under the In-  
17 dian Self-Determination and Education Assistance Act,  
18 that are consistent with the purposes of this Act.

19 “(ii) The Secretary and the Secretary of the Interior  
20 shall enter into an agreement, consistent with the require-  
21 ments of this part, for the distribution and use of these  
22 funds under terms that the Secretary determines best  
23 meet the purposes of the covered programs. Such agree-  
24 ment shall set forth the plans of the Secretary of the Inte-

1 rior for the use of the amounts transferred, including ap-  
2 propriate goals, objectives and milestones.

3 “(3) As used in this subsection, the term ‘State’ shall  
4 not include the Virgin Islands, Guam, American Samoa,  
5 the Commonwealth of the Northern Mariana Islands, or  
6 Palau.

7 “(d) MANDATED ACTIVITIES.—Grants under this  
8 section shall be used—

9 “(1) to carry out the policies set forth in sec-  
10 tion 721 in the State;

11 “(2) to provide activities for, and services to,  
12 homeless children, including preschool-aged children,  
13 and homeless youth that enable such children and  
14 youth to enroll in, attend, and succeed in school, or,  
15 if appropriate, in preschool programs;

16 “(3) to establish or designate an Office of Coor-  
17 dinator of Education of Homeless Children and  
18 Youth in the State educational agency in accordance  
19 with subsection (f);

20 “(4) to prepare and carry out the State plan  
21 described in subsection (g); and

22 “(5) to develop and implement professional de-  
23 velopment programs for school personnel to heighten  
24 their awareness of, and capacity to respond to, spe-

1 cific problems in the education of homeless children  
2 and youth.

3 “(e) STATE AND LOCAL GRANTS.—(1)(A) Subject to  
4 subparagraph (B), if the amount allotted to the State edu-  
5 cational agency for any fiscal year under this subtitle ex-  
6 ceeds the amount such agency received for fiscal year  
7 1990 under this subtitle, such agency shall provide grants  
8 to local educational agencies for purposes of section 723.

9 “(B) The State educational agency may reserve not  
10 more than the greater of 5 percent of the amount it re-  
11 ceives under this subtitle for any fiscal year, or the  
12 amount such agency received under this subtitle for fiscal  
13 year 1990, to conduct activities under subsection (f) di-  
14 rectly or through grants or contracts.

15 “(2) If the amount allotted to a State educational  
16 agency for any fiscal year under this subtitle is less than  
17 the amount such agency received for fiscal year 1990  
18 under this subtitle, such agency, at its discretion, may pro-  
19 vide such grants or may conduct activities under sub-  
20 section (f) directly or through grants or contracts.

21 “(f) FUNCTIONS OF THE OFFICE OF COORDINA-  
22 TOR.—The Coordinator of Education of Homeless Chil-  
23 dren and Youth established in each State shall—

24 “(1) estimate the number of homeless children  
25 and youth in the State and the number of such chil-

1       dren and youth served with assistance provided  
2       under the grants under this subtitle;

3           “(2) gather, to the extent possible, reliable,  
4       valid, and comprehensive information on the nature  
5       and extent of the problems homeless children and  
6       youth have in gaining access to public preschool pro-  
7       grams and to public elementary and secondary  
8       schools, the difficulties in identifying the special  
9       needs of such children and youth, any progress made  
10      by the State educational agency and local edu-  
11      cational agencies in the State in addressing such  
12      problems and difficulties, and the success of the pro-  
13      gram under this subtitle in allowing homeless chil-  
14      dren and youth to enroll in, attend, and succeed in  
15      school;

16           “(3) develop and carry out the State plan de-  
17      scribed in subsection (g);

18           “(4) prepare and submit to the Secretary not  
19      later than October 1, 1997, and on October 1 of  
20      every third year thereafter, a report on the informa-  
21      tion gathered pursuant to paragraphs (1) and (2)  
22      and such additional information as the Secretary  
23      may require to carry out his or her responsibilities  
24      under this subtitle;

1           “(5) facilitate coordination between the State  
2           educational agency, the State social services agency,  
3           and other agencies providing services to homeless  
4           children and youth and their families; and

5           “(6) develop relationships and coordinate with  
6           other relevant education, child development, or pre-  
7           school programs and providers of services to home-  
8           less children, homeless families, and runaway and  
9           homeless youth (including domestic violence agen-  
10          cies, shelter operators, transitional housing facilities,  
11          runaway and homeless youth centers, and transi-  
12          tional living programs for homeless youth), to im-  
13          prove the provision of comprehensive services to  
14          homeless children and youth and their families.

15          “(g) STATE PLAN.—(1) Each State shall submit to  
16          the Secretary a plan to provide for the education of home-  
17          less children and youth within the State, which plan shall  
18          describe how such children and youth are or will be given  
19          the opportunity to meet the same challenging State per-  
20          formance standards all students are expected to meet,  
21          shall describe the procedures the State educational agency  
22          will use to identify such children and youth in the State  
23          and to assess their special needs, and shall—

1           “(A) describe procedures for the prompt resolu-  
2           tion of disputes regarding the educational placement  
3           of homeless children and youth;

4           “(B) describe programs for school personnel  
5           (including principals, attendance officers, teachers  
6           and enrollment personnel), to heighten the aware-  
7           ness of such personnel of the specific needs of run-  
8           away and homeless youth;

9           “(C) describe procedures that ensure that  
10          homeless children and youth who meet the relevant  
11          eligibility criteria are able to participate in Federal,  
12          State, or local food programs;

13          “(D) describe procedures that ensure that—

14                 “(i) homeless children have equal access to  
15                 the same public preschool programs as provided  
16                 to other children; and

17                 “(ii) homeless children and youth who  
18                 meet the relevant eligibility criteria are able to  
19                 participate in Federal, State, or local before-  
20                 and after-school care programs;

21          “(E) address problems set forth in the report  
22          provided to the Secretary under subsection (f)(4);

23          “(F) address other problems with respect to the  
24          education of homeless children and youth, including  
25          problems caused by—

1           “(i) transportation issues; and

2           “(ii) enrollment delays that are caused

3           by—

4                   “(I) immunization requirements;

5                   “(II) residency requirements;

6                   “(III) lack of birth certificates, school

7                   records, or other documentation; or

8                   “(IV) guardianship issues;

9           “(G) demonstrate that the State educational  
10           agency and local educational agencies in the State  
11           have developed, and will review and revise, policies  
12           to remove barriers to the enrollment and retention  
13           of homeless children and youth in schools in the  
14           State; and

15           “(H) contain an assurance that the State edu-  
16           cational agency and local educational agencies in the  
17           State will adopt policies and practices to ensure that  
18           homeless children and youth are not isolated or  
19           stigmatized.

20           “(2) Each plan adopted under this subsection shall  
21           also show how the State will ensure that local educational  
22           agencies in the State will comply with the requirements  
23           of paragraphs (3) through (9).



1       “(3)(A) The local educational agency of each home-  
2 less child and youth shall, according to the child’s or  
3 youth’s best interest, either—

4               “(i) continue the child’s or youth’s education in  
5 the school of origin—

6                       “(I) for the remainder of the academic  
7 year; or

8                       “(II) in any case in which a family be-  
9 comes homeless between academic years, for the  
10 following academic year; or

11               “(ii) enroll the child or youth in any school that  
12 nonhomeless students who live in the attendance  
13 area in which the child or youth is actually living are  
14 eligible to attend.

15       “(B) In determining the best interests of the child  
16 or youth under subparagraph (A), the local educational  
17 agency shall comply with the request made by a parent  
18 or guardian regarding school selection unless the local  
19 educational agency has a compelling reason for not com-  
20 plying with the request.

21       “(C) For purposes of this paragraph, the term ‘school  
22 of origin’ means the school that the child or youth at-  
23 tended when permanently housed, or the school in which  
24 the child or youth was last enrolled.

1       “(D) The choice regarding placement shall be made  
2 regardless of whether the child or youth lives with the  
3 homeless parents or has been temporarily placed elsewhere  
4 by the parents.

5       “(4) Each homeless child or youth shall be provided  
6 services comparable to services offered to other students  
7 in the school selected according to the provisions of para-  
8 graph (3), including—

9           “(A) transportation services, except as required  
10       by paragraph (9);

11           “(B) educational services for which the child or  
12       youth meets the eligibility criteria, such as services  
13       provided under title I of the Elementary and Sec-  
14       ondary Education Act of 1965 or similar State or  
15       local programs, educational programs for children  
16       with disabilities, and educational programs for stu-  
17       dents with limited English proficiency;

18           “(C) programs in vocational education;

19           “(D) programs for gifted and talented students;

20       and

21           “(E) school meals programs.

22       “(5) Any record ordinarily kept by the school, includ-  
23 ing immunization records, academic records, birth certifi-  
24 cates, guardianship records, and evaluations for special

1 services or programs, of each homeless child or youth shall  
2 be maintained—

3 “(A) so that the records are available, in a  
4 timely fashion, when a child or youth enters a new  
5 school district; and

6 “(B) in a manner consistent with section 438 of  
7 the General Education Provisions Act.

8 “(6) Each local educational agency serving homeless  
9 children and youth that receives assistance under this sub-  
10 title shall coordinate with local social services agencies and  
11 other agencies or programs providing services to such chil-  
12 dren or youth and their families.

13 “(7)(A) Each local educational agency in which  
14 homeless children or youth live or attend school in a State  
15 that receives a grant under this subtitle shall designate  
16 a homelessness liaison to ensure that—

17 “(i) homeless children and youth enroll and suc-  
18 ceed in the schools of that agency; and

19 “(ii) homeless families, children, and youth re-  
20 ceive educational services for which they are eligible,  
21 including preschool programs, and referrals to health  
22 care services, dental services, mental health services,  
23 and other appropriate services.

24 “(B) State coordinators and local educational agen-  
25 cies shall inform school personnel, service providers, and

1 advocates working with homeless families of the duties of  
2 the liaisons.

3       “(8) Each State educational agency and local edu-  
4 cational agency shall review and revise any policies that  
5 may act as barriers to the enrollment of homeless children  
6 and youth in schools selected in accordance with para-  
7 graph (3). In reviewing and revising such policies, consid-  
8 eration shall be given to issues concerning transportation,  
9 immunization, residency, birth certificates, school records,  
10 and other documentation, and guardianship. Special at-  
11 tention shall be given to ensuring the enrollment and at-  
12 tendance of homeless children and youth who are not cur-  
13 rently attending school.

14       “(9) Each plan adopted under this subsection shall—

15               “(A) demonstrate that transportation, to the  
16 extent possible, will be provided at no cost to home-  
17 less children and youth attending the school in which  
18 they are enrolled; and

19               “(B) contain procedures for resolving disputes  
20 between local educational agencies or within a local  
21 educational agency concerning transportation costs  
22 for such children and youth.

23       “LOCAL EDUCATIONAL AGENCY GRANTS FOR THE  
24 EDUCATION OF HOMELESS CHILDREN AND YOUTH

25       “SEC. 723. (a) GENERAL AUTHORITY.—(1) The  
26 State educational agency shall, in accordance with section

1 722(e) and with amounts made available to such agency  
2 under section 726, make grants to local educational agen-  
3 cies for the purpose of facilitating the enrollment, attend-  
4 ance, and success in school of homeless children and  
5 youth.

6 “(2) Unless otherwise specified, services under para-  
7 graph (1) may be provided through programs on school  
8 grounds or at other facilities. Where services are provided  
9 through programs on school grounds, such services may  
10 also be made available to children and youth who are de-  
11 termined by the local educational agency to be at risk of  
12 failing in, or dropping out of, schools, except that priority  
13 for such services shall be given to homeless children and  
14 youth. To the maximum extent practicable, services shall  
15 be provided through existing programs and mechanisms  
16 that integrate homeless individuals with nonhomeless indi-  
17 viduals.

18 “(3) Services provided under this section shall be de-  
19 signed to expand upon or improve services provided as  
20 part of the school’s regular academic program.

21 “(b) APPLICATION.—A local educational agency that  
22 desires to receive a grant under this section shall submit  
23 an application to the State educational agency at such  
24 time, in such manner, and containing or accompanied by  
25 such information as the State educational agency may rea-

1 sonably require according to guidelines issued by the Sec-  
2 retary. Each such application shall include—

3 “(1) a description of the services and programs  
4 for which assistance is sought and the problems to  
5 be addressed through the provision of such services  
6 and programs;

7 “(2) an assurance that the local educational  
8 agency’s combined fiscal effort per student or the  
9 aggregate expenditures of that agency and the State  
10 with respect to the provision of free public education  
11 by that agency for the preceding fiscal year was not  
12 less than 90 percent of such combined fiscal effort  
13 or aggregate expenditures for the second preceding  
14 fiscal year;

15 “(3) an assurance that the applicant complies  
16 with, or will use requested funds to come into com-  
17 pliance with, paragraphs (3) through (9) of section  
18 722(g); and

19 “(4) a description of policies and procedures  
20 that the agency will implement to ensure that activi-  
21 ties carried out by the agency will not isolate or stig-  
22 matize homeless children and youth.

23 “(c) AWARDS.—(1) The State educational agency  
24 shall, in accordance with section 722(g) and with amounts  
25 made available to such agency under section 726, award

1 grants under this section to local educational agencies sub-  
2 mitting an application under subsection (b) on the basis  
3 of the need of such agencies.

4       “(2) In determining need under paragraph (1), the  
5 State educational agency may consider the number of  
6 homeless children and youth enrolled in preschool, elemen-  
7 tary, and secondary schools within the area served by the  
8 agency, and shall consider the needs of such children and  
9 youth and the ability of the agency to meet such needs.  
10 Such agency may also consider—

11           “(A) the extent to which the proposed use of  
12 funds would facilitate the enrollment, retention, and  
13 educational success of homeless children and youth;

14           “(B) the extent to which the application reflects  
15 coordination with other local and State agencies that  
16 serve homeless children and youth, as well as the  
17 State plan required by section 722(g);

18           “(C) the extent to which the applicant exhibits  
19 in the application and in current practice a commit-  
20 ment to education for all homeless children and  
21 youth; and

22           “(D) such other criteria as the agency deter-  
23 mines appropriate.

24       “(3) Grants awarded under this section shall be for  
25 terms not to exceed three years.

1       “(d) AUTHORIZED ACTIVITIES.—(1) A local edu-  
2 cational agency may use funds awarded under this section  
3 for activities to carry out the purpose of this subtitle, in-  
4 cluding—

5           “(A) the provision of tutoring and supple-  
6 mentary educational services that are linked to the  
7 achievement of the same challenging standards the  
8 State establishes for other children or youth;

9           “(B) the provision of expedited evaluations of  
10 the strengths and needs of homeless children and  
11 youth, including needs and eligibility for programs  
12 and services (such as educational programs for gift-  
13 ed and talented students, children with disabilities,  
14 and students with limited English proficiency, serv-  
15 ices provided under title I of the Elementary and  
16 Secondary Education Act of 1965 or similar State  
17 or local programs, programs in vocational education,  
18 and school meals programs);

19           “(C) professional development and other activi-  
20 ties for educators and other school personnel that is  
21 designed to heighten the understanding and sensitiv-  
22 ity of such personnel to the needs of homeless chil-  
23 dren and youth, the rights of such children and  
24 youth under this Act, and the specific educational  
25 needs of runaway and homeless youth;



1           “(D) the provision of referral services to home-  
2           less children and youth for medical, dental, mental,  
3           and other health services;

4           “(E) the provision of assistance to defray the  
5           excess cost of transportation for students pursuant  
6           to sections 722(g)(4) or 722(g)(9), not otherwise  
7           provided through Federal, State, or local funding,  
8           where necessary to enable students to attend the  
9           school selected under section 722(g)(3);

10          “(F) the provision of developmentally appro-  
11          priate early childhood education programs, not oth-  
12          erwise provided through Federal, State, or local  
13          funding, for preschool-aged children;

14          “(G) the provision of before- and after-school  
15          and summer programs for homeless children and  
16          youth in which a teacher or other qualified individ-  
17          ual provides tutoring, homework assistance, and su-  
18          pervision of educational activities;

19          “(H) where necessary, the payment of fees and  
20          other costs associated with tracking, obtaining, and  
21          transferring records necessary to enroll homeless  
22          children and youth in school, including birth certifi-  
23          cates, immunization records, academic records,  
24          guardianship records, and evaluations for special  
25          programs or services;

1           “(I) the provision of education and training to  
2 the parents of homeless children and youth about  
3 the rights of, and resources available to, such chil-  
4 dren and youth;

5           “(J) the development of coordination between  
6 schools and agencies providing services to homeless  
7 children and youth;

8           “(K) the provision of counseling (including vio-  
9 lence prevention counseling), social work, and psy-  
10 chological services, and referrals for such services;

11           “(L) activities to address the particular needs  
12 of homeless children and youth that may arise from  
13 domestic violence;

14           “(M) the adaptation of space and purchase of  
15 supplies for nonschool facilities made available under  
16 subsection (a)(2) to provide services under this sub-  
17 section;

18           “(N) the provision of school supplies to be dis-  
19 tributed at shelters or temporary housing facilities;  
20 and

21           “(O) the provision of other extraordinary or  
22 emergency assistance needed to enable homeless chil-  
23 dren and youth to attend school.

24           “SECRETARIAL RESPONSIBILITIES

25           “SEC. 724. (a) REVIEW OF PLANS.—In reviewing the  
26 State plans submitted by the State educational agencies

1 under section 722(g), the Secretary shall use a peer review  
2 process and shall evaluate whether State laws, policies,  
3 and practices described in such plans adequately address  
4 the problems of homeless children and youth relating to  
5 access to education and placement as described in such  
6 plans.

7 “(b) TECHNICAL ASSISTANCE.—The Secretary shall  
8 provide support and technical assistance to the State edu-  
9 cational agencies to assist such agencies to carry out their  
10 responsibilities under this subtitle.

11 “(c) EVALUATION AND DISSEMINATION.—The Sec-  
12 retary shall conduct evaluation and dissemination activi-  
13 ties of programs designed to meet the educational needs  
14 of homeless elementary and secondary school students,  
15 and may use funds appropriated under section 726 to con-  
16 duct such activities.

17 “(d) REPORTS.—The Secretary shall prepare and  
18 submit a report to Congress on the programs and activi-  
19 ties authorized by this subtitle by December 31, 1997, and  
20 every third year thereafter.

21 “DEFINITIONS

22 “SEC. 725. For the purpose of this subtitle, the fol-  
23 lowing terms have the following meanings:

24 “(1) The term ‘Secretary’ means the Secretary  
25 of Education.

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

4           “AUTHORIZATION OF APPROPRIATIONS

5           “SEC. 726. For the purpose of carrying out this sub-  
6           title, there are authorized to be appropriated such sums  
7           as may be necessary for each of the fiscal years 1995  
8           through 1999.’”.

9           PART C—REPEAL OF IMPACT AID STATUTES

10           REPEAL OF IMPACT AID STATUTES

11           SEC. 331. Public Laws 81–815 and 81–874 are  
12           repealed.

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