

Calendar No. 495

103^D CONGRESS
2^D SESSION

S. 1513

[Report No. 103-292]

A BILL

Entitled the "Improving America's Schools Act of
1993".

JUNE 24 (legislative day, JUNE 7), 1994
Reported with an amendment

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.

“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

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“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.

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- “Sec. 3303. Program priorities.
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- “Sec. 5301. Findings.
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“PART F—OTHER PROVISIONS

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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;

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

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

9 “(4) improve the life of every citizen, because
10 the quality of our individual lives ultimately depends
11 on the quality of the lives of others.

12 “(b) RECOGNITION OF NEED.—The Congress recog-
13 nizes that—

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

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

24 “(3) educational needs are particularly great for
25 low-achieving children in our highest-poverty schools;

1 children with limited English proficiency, children of
2 migrant workers, Indian children, children who are
3 neglected or delinquent, and young children and
4 their parents who are in need of family-literacy serv-
5 ices; and

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

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

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

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

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

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

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

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

23 “(7) Insufficient attention and resources are di-
24 rected toward the effective use of technology in

1 schools and the role it can play in professional devel-
2 opment and improved teaching and learning.

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

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

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

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

23 “(12) Resources provided under this title have
24 not been adequately targeted on the highest-poverty

1 school districts and schools that have children most
2 in need.

3 ~~“(d) STATEMENT OF PURPOSE.—~~The purpose of this
4 title is to enable schools to provide opportunities for chil-
5 dren served to acquire the knowledge and skills contained
6 in the rigorous State content standards and to meet the
7 challenging State performance standards developed for all
8 children under the Goals 2000: Educate America Act or,
9 in their absence, under this title. This purpose shall be
10 accomplished by—

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

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

21 ~~“(3) promoting schoolwide reform and ensuring~~
22 ~~access of children—from the earliest grades—to ef-~~
23 ~~fective instructional strategies and challenging aca-~~
24 ~~demie content that includes intensive complex think-~~
25 ~~ing and problem-solving experiences;~~

1 ~~“(4) significantly upgrading the quality of cur-~~
2 ~~ricula and instruction by providing staff in partici-~~
3 ~~pating schools with substantial opportunities for in-~~
4 ~~tensive and sustained professional development;~~

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

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

12 ~~“(7) distributing resources, in amounts suffi-~~
13 ~~cient to make a difference, to areas where needs are~~
14 ~~greatest;~~

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

20 ~~“(9) providing greater decision-making author-~~
21 ~~ity and flexibility to schools in exchange for greater~~
22 ~~responsibility for student performance.~~

23 ~~“AUTHORIZATION OF APPROPRIATIONS~~

24 ~~“SEC. 1002. Appropriations are authorized for the~~
25 ~~following programs and activities under this title:~~

1 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For
2 the purpose of carrying out part A of this title, other than
3 section 1117(e) and sections 1118(b)(1), (b)(2), and (e),
4 there are authorized to be appropriated \$7,000,000,000
5 for fiscal year 1995 and such sums as may be necessary
6 for each of the fiscal years 1996 through 2004.

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

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

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

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

24 “(f) SCHOOL IMPROVEMENT.—For the purpose of
25 carrying out the activities authorized in sections

1 1118(b)(1), (b)(2), and (c) of this title, there are author-
2 ized to be appropriated such sums as may be necessary
3 for each of the fiscal years 1995 through 2004.

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

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

12 “PART A—MAKING HIGH POVERTY SCHOOLS WORK

13 “Subpart 1—Basic Program Requirements

14 “STATE PLANS

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

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

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

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

10 ~~“(b) STANDARDS AND ASSESSMENT PROVISIONS.—~~

11 ~~(1)(A) Each State plan shall contain a description of the~~
12 ~~high-quality standards for all children that will be used~~
13 ~~by the State, its local educational agencies, and its schools~~
14 ~~to carry out this Act, which shall include—~~

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

17 ~~“(I) specify what all children are expected~~
18 ~~to know and be able to do; and~~

19 ~~“(II) contain coherent and rigorous con-~~
20 ~~tent; and~~

21 ~~“(ii) challenging performance standards that—~~

22 ~~“(I) are aligned with the State’s content~~
23 ~~standards;~~

24 ~~“(II) describe two levels of high perform-~~
25 ~~ance—‘proficient’ and ‘advanced’—that deter-~~

1 mine how well children are mastering the mate-
2 rial in the content standards; and

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

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

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

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

24 ~~“(ii) any local educational agency that receives~~
25 ~~funds under this part toward enabling all children~~

1 within its jurisdiction to meet the State's 'proficient'
2 and 'advanced' performance standards.

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

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

14 ~~“(A) be aligned with the State's challenging~~
15 content and performance standards and provide co-
16 herent information about student attainment;

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

21 ~~“(C) be comprised of multiple, up-to-date meas-~~
22 ures of student performance;

23 ~~“(D) include, except under the most extreme~~
24 conditions, children with disabilities and limited
25 English proficient children who, to the extent prac-

1 ticable, shall be assessed in the language that will
2 afford them the greatest opportunity to demonstrate
3 their proficiency;

4 “(E) provide individual student scores; and

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

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

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

22 “(B)(i) The Secretary, upon the request of a State
23 and a showing of substantial progress toward meeting the
24 requirements of paragraphs (1) and (3), may extend for

1 one year the use of the alternative assessments described
2 in subparagraph (A).

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

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

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

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

22 ~~“(2) the means by which the State educational~~
23 ~~agency will work with other agencies and institutions~~
24 ~~to provide technical assistance to local educational~~

1 agencies and schools to carry out their responsibil-
2 ities under this part;

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

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

11 ~~“(d) PEER REVIEW AND SECRETARIAL APPROVAL.—~~

12 ~~The Secretary shall—~~

13 ~~“(1) establish a peer review process to assist in~~
14 ~~the review and revision of State plans;~~

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

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

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

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

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

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

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

13 “LOCAL EDUCATIONAL AGENCY PLANS

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

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

24 “(B) if the local educational agency does not
25 have an approved plan under title III of the Goals
26 2000: Educate America Act and is not developing

1 such a plan, is integrated with its other plans under
2 this Act and satisfies the requirements of this sec-
3 tion.

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

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

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

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

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

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

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

12 “(A) takes into account the needs and activities
13 across and within schools; and

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

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

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

23 “(B) support and encourage schoolwide pro-
24 grams; and

1 ~~“(C) fulfill its school improvement responsibil-~~
2 ~~ities under section 1118, including the corrective ac-~~
3 ~~tions it will take under section 1118(c)(4).~~

4 ~~“(3) To address the comprehensive needs of children,~~
5 ~~each local educational agency plan shall describe how the~~
6 ~~local educational agency will—~~

7 ~~“(A) coordinate and integrate services provided~~
8 ~~under this part with other educational services, in-~~
9 ~~cluding—~~

10 ~~“(i) Even Start, Head Start, and other~~
11 ~~preschool programs, and school-to-work transi-~~
12 ~~tion programs; and~~

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

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

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

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

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

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

21 “(C) a general description of the nature of the
22 programs to be conducted by its schools under sec-
23 tions 1114 and 1115 and services outside those
24 schools for children living in local institutions for ne-

1 neglected or delinquent children and for eligible home-
2 less children; and

3 ~~“(D) a description of how the local educational~~
4 ~~agency will provide services to eligible children at-~~
5 ~~tending private elementary and secondary schools in~~
6 ~~accordance with section 1117, and how timely and~~
7 ~~meaningful consultation with private school officials~~
8 ~~regarding such services will occur.~~

9 ~~“(d) PLAN DEVELOPMENT AND DURATION.—Each~~
10 ~~local educational agency plan shall be—~~

11 ~~“(1) developed in consultation with teachers~~
12 ~~and parents of children in schools served under this~~
13 ~~part; and~~

14 ~~“(2) periodically reviewed and revised, as nec-~~
15 ~~essary, to reflect changes in the local educational~~
16 ~~agency’s strategies and programs.~~

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

23 ~~“(f) PROGRAM RESPONSIBILITY.—The local edu-~~
24 ~~cational agency plan shall reflect the shared responsibility~~

1 of schools and the local educational agency in making deci-
 2 sions required under sections 1114 and 1115.

3 “ELIGIBLE SCHOOL ATTENDANCE AREAS

4 “SEC. 1113. (a) GENERAL.—(1)(A)(i) A local edu-
 5 cational agency shall use funds received under this part
 6 only in school attendance areas with high concentrations
 7 of children from low-income families, hereafter in this sec-
 8 tion referred to as ‘eligible school attendance areas’.

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

10 “(I) ‘school attendance area’ means, in relation
 11 to a particular school, the geographical area in
 12 which the children who are normally served by that
 13 school reside; and

14 “(II) ‘eligible school attendance area’ means a
 15 school attendance area in which the percentage of
 16 children from low-income families is at least as high
 17 as the percentage of children from low-income fami-
 18 lies in the local educational agency as a whole.

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

22 “(i) annually rank, without regard to grade
 23 spans, its eligible school attendance areas in which
 24 the concentration of children from low-income fami-
 25 lies exceeds 75 percent from highest to lowest ac-

1 cording to the percentage of children from low-in-
2 come families; and

3 ~~“(ii) serve such eligible school attendance areas~~
4 ~~in rank order.~~

5 ~~“(C) If funds remain after serving all eligible school~~
6 ~~attendance areas under subparagraph (B), a local edu-~~
7 ~~cational agency shall—~~

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

13 ~~“(ii) serve such eligible school attendance areas~~
14 ~~in rank order either within each grade-span group-~~
15 ~~ing or within the local educational agency as a~~
16 ~~whole.~~

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

22 ~~“(A) identify eligible school attendance areas;~~

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

24 ~~“(C) determine allocations under subsection (c).~~

1 ~~“(3) This subsection shall not apply to a local edu-~~
2 ~~catational agency with a total enrollment of less than 1,000~~
3 ~~children.~~

4 ~~“(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—~~
5 ~~Notwithstanding subsection (a)(1), a local educational~~
6 ~~agency may—~~

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

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

16 ~~“(3)(A) skip an eligible school attendance area~~
17 ~~or eligible school that has a higher percentage of~~
18 ~~children from low-income families if—~~

19 ~~“(i) the school meets the comparability re-~~
20 ~~quirements of section 1119(c);~~

21 ~~“(ii) the school is receiving supplemental~~
22 ~~funds from other State or local sources that are~~
23 ~~spent according to the requirements of section~~
24 ~~1114 or 1115; and~~

1 ~~“(iii) the funds expended from those other~~
2 ~~sources equal or exceed the amount that would~~
3 ~~be provided under this part.~~

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

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

17 ~~“(2)(A) Except as provided in subparagraph (B), the~~
18 ~~per-pupil amount of funds allocated to each school attend-~~
19 ~~ance area or school under paragraph (1) shall be at least~~
20 ~~80 percent of the per-pupil amount of funds the local edu-~~
21 ~~cational agency received for that year under sections 1123~~
22 ~~and 1124.~~

23 ~~“(B) A local educational agency may reduce the~~
24 ~~amount of funds allocated under subparagraph (A) for a~~
25 ~~school attendance area or school by the amount of any~~

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

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

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

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

14 “SCHOOLWIDE PROGRAMS

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

22 “(A) For school year 1995–96—

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

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

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

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

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

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

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

2 (1) A schoolwide program shall include the following com-
3 ponents:

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

8 “(B) Schoolwide reform strategies that—

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

12 “(ii) are based on research on effective
13 means of improving the achievement of chil-
14 dren;

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

20 “(iv) address the needs of all children in
21 the school, but particularly the needs of low-
22 achieving children, children with limited English
23 proficiency, children from migratory families,
24 and children who are members of the target
25 population of any program that is included in

1 the schoolwide program, and how the school will
2 determine if those needs have been met; and

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

7 “(C) Instruction by highly qualified professional
8 staff.

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

13 “(E) Parental involvement in accordance with
14 section 1116.

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

19 “(i) counseling and mentoring services;

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

24 “(iii) services to prepare students for the
25 transition from school to work.

1 ~~“(2)(A) Any eligible school that desires to operate a~~
2 ~~schoolwide program shall first develop, in consultation~~
3 ~~with the local educational agency, a comprehensive plan~~
4 ~~for reforming the total instructional program in the school~~
5 ~~that—~~

6 ~~“(i) incorporates the components described in~~
7 ~~paragraph (1);~~

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

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

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

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

1 in the context of available research on effective instruc-
2 tional and school improvement practices.

3 ~~“(C) The comprehensive plan shall be—~~

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

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

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

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

21 ~~“(iii) reviewed and revised, as necessary, by the~~
22 ~~school; and~~

23 ~~“(iv) available to the local educational agency,~~
24 ~~parents, and the public. The information contained~~
25 ~~therein shall be translated, to the extent feasible,~~

1 into any language that a significant percentage of
2 the parents of participating children in the school
3 speak as their primary language.

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

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

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

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

21 “(A) periodically review the progress of the
22 school in enabling children in the school to meet the
23 State’s performance standards;

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

1 ~~“(C) make suggestions for improvement to the~~
2 ~~school and the local educational agency.~~

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

6 ~~“TARGETED ASSISTANCE SCHOOLS~~

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

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

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

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

25 ~~“(B) From the population described in subparagraph~~
26 ~~(A), eligible children are children identified by the school~~

1 as failing, or most at risk of failing, to meet the State's
2 challenging performance standards on the basis of mul-
3 tiple, educationally related, objective criteria established
4 by the local educational agency and supplemented by the
5 school, except that children from preschool through grade
6 two shall be selected solely on the basis of such criteria
7 as teacher judgment, interviews with parents, and devel-
8 opmentally appropriate measures.

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

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

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

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

24 ~~“(c) COMPONENTS OF A TARGETED ASSISTANCE~~
25 ~~SCHOOL PROGRAM.—(1) To assist targeted assistance~~

1 schools and local educational agencies to meet their re-
2 sponsibility to provide for all their students the oppor-
3 tunity to meet the State's challenging performance stand-
4 ards; each targeted assistance program under this section
5 shall—

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

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

11 “(C) use effective instructional strategies
12 that—

13 “(i) give primary consideration to provid-
14 ing extended learning time;

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

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

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

24 “(E) provide instruction by highly qualified pro-
25 fessional staff;

1 “(F) provide opportunities for intensive and
2 sustained professional development with resources
3 under this part and from other sources for adminis-
4 trators and for teachers and other school staff who
5 work with participating children in programs under
6 this section or in the regular education program;

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

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

14 “(i) counseling and mentoring;

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

19 “(iii) services to prepare students for the
20 transition from school to work.

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

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

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

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

13 ~~“(iv) how the school will provide individual stu-~~
14 ~~dent assessment results, including an interpretation~~
15 ~~of those results, to the parents of any child who par-~~
16 ~~ticipates in the assessment required by section~~
17 ~~1111(b)(3); and~~

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

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

1 in the context of available research on effective instruc-
2 tional practices.

3 ~~“(C) Each plan shall be—~~

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

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

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

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

23 ~~“(1) assume limited duties that are assigned to~~
24 ~~similar personnel who are not so paid, including du-~~
25 ~~ties beyond classroom instruction or that do not ben-~~

1 benefit participating children so long as the amount of
2 time spent on these duties is the same proportion of
3 total work time as prevails with respect to similar
4 personnel at the same school;

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

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

10 “PARENTAL INVOLVEMENT

11 “SEC. 1116. (a) LOCAL EDUCATIONAL AGENCY POL-
12 ICY.—(1) Each local educational agency that receives
13 funds under this part shall develop jointly with, and make
14 available to, parents of participating children a written
15 parent involvement policy that is incorporated into the
16 local educational agency’s plan developed under section
17 1112, establishes the expectations for parent involvement,
18 and describes how the local educational agency will—

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

23 “(B) provide the coordination, technical assist-
24 ance, and other support necessary to assist partici-
25 pating schools in planning and implementing effec-
26 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 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 ~~ational 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 employe-~~
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 ~~catinal 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 ~~catinal 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 INTERIOR

4 “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; and

13 “(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 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 ~~ing, 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 ~~“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 “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 ~~CHES.—(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 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 ~~ressed 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 “(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 “(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 ~~ational 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 ~~“(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 ~~riated 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 “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 ~~catinal 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 ~~tiiple 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 “(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 educational 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 “(1) conduct research related to effective ap-
2 proaches to the education of Indian children and
3 adults;

4 “(2) evaluate federally assisted education pro-
5 grams from which Indian children and adults may
6 benefit;

7 “(3) collect and analyze data on the educational
8 status and needs of Indians; and

9 “(4) carry out other activities consistent with
10 the purpose of this Act.

11 “(b) ELIGIBILITY.—The Secretary may carry out any
12 of the activities described in subsection (a) directly or
13 through grants to, or contracts or cooperative agreements
14 with, Indian tribes, Indian organizations, State edu-
15 cational agencies, local educational agencies, institutions
16 of higher education, including Indian institutions of higher
17 education, and other public and private agencies and
18 institutions.

19 “GRANTS TO STATES

20 “SEC. 6402. (a) PURPOSE.—The purpose of this sec-
21 tion is to assist States in implementing comprehensive,
22 Statewide strategies for providing Indian children and
23 adults with greater opportunities to meet challenging
24 State standards.

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 “(C) considered by the Secretary of the In-
2 terior to be an Indian for any purpose; or

3 “(D) an Eskimo, Aleut, or other Alaska
4 Native.

5 “AUTHORIZATIONS OF APPROPRIATIONS

6 “SEC. 6602. (a) PART A.—For the purpose of carry-
7 ing out part A of this title, there are authorized to be
8 appropriated such sums as may be necessary for each of
9 the fiscal years 1995 through 1999.

10 “(b) PARTS B THROUGH D.—For the purpose of car-
11 rying out parts B, C, and D of this title, there are author-
12 ized to be appropriated such sums as may be necessary
13 for each of the fiscal years 1995 through 1999.

14 “(c) PART E.—For the purpose of carrying out part
15 E of this title, including section 6502, there are authorized
16 to be appropriated such sums as may be necessary for
17 each of the fiscal years 1995 through 1999.

18 “TITLE VII—BILINGUAL EDUCATION
19 PROGRAMS

20 “FINDINGS

21 “SEC. 7001. The Congress finds that—

22 “(1) there are large and growing numbers of
23 children and youth of limited English proficiency,
24 many of whom have a cultural heritage that differs
25 from that of their English proficient peers;

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 “(1) develop their English and, to the extent
2 possible, their native language skills;

3 “(2) educate such children and youth to meet
4 the same rigorous standards for academic perform-
5 ance expected of all children and youth, including
6 meeting challenging State performance standards in
7 academic areas; and

8 “(3) develop bilingual skills and multi-cultural
9 understanding.

10 “(b) AUTHORIZATION OF APPROPRIATIONS.—(1) For
11 the purpose of carrying out this title, except for part D,
12 there are authorized to be appropriated such sums as may
13 be necessary for each of the fiscal years 1995 through
14 1999.

15 “(2) For the purpose of carrying out part D of this
16 title, there are authorized to be appropriated such sums
17 as may be necessary for each of the fiscal years 1995
18 through 1999.

19 “DEFINITIONS

20 “SEC. 7003. (a) DEFINITIONS.—For the purpose of
21 this title:

22 “(1)(A) The term ‘bilingual education pro-
23 gram’—

24 “(i) means a program of instruction de-
25 signed specifically for children and youth of lim-
26 ited English proficiency at any grade level, in-

1 including 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 ~~COMMENDATIONS.—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 “(3) The Secretary shall approve an application filed
2 up to 60 days after a deadline established under sub-
3 section (c) that otherwise meets the requirements of this
4 title, except that, notwithstanding section 8003(d) or any
5 other provision of this title, the Secretary shall reduce the
6 payment based on such late application by ten percent of
7 the amount that would otherwise be paid.

8 “(4) The Secretary shall not accept or approve any
9 application filed more than 60 days after a deadline estab-
10 lished under paragraph (1).

11 “SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE
12 OF MILITARY DEPENDENTS

13 “SEC. 8006. (a) ELIGIBILITY.—A local educational
14 agency is eligible for a payment under this section if—

15 “(1) the number of children in average daily at-
16 tendance during the current school year is at least
17 ten percent or 100 more than the number of chil-
18 dren in average daily attendance in the preceding
19 school year; and

20 “(2) the number of children in average daily at-
21 tendance with a parent on active duty (as defined in
22 section 101(18) of title 37, United States Code) in
23 the Armed Forces who are in attendance at such
24 agency because of the assignment of their parent to
25 a new duty station between July 1 and September
26 30, inclusive, of the current year, as certified by an

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 ~~ational 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 ceeding 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 ~~ation 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 ~~“SINGLE LOCAL EDUCATIONAL AGENCY STATES~~

2 ~~“SEC. 9202. A State educational agency that also~~
3 ~~serves as a local educational agency shall, in its applica-~~
4 ~~tions or State plans under this Act, describe how it will~~
5 ~~eliminate duplication in the conduct of administrative~~
6 ~~functions.~~

7 ~~“CONSOLIDATION OF FUNDS FOR LOCAL~~
8 ~~ADMINISTRATION~~

9 ~~“SEC. 9203. (a) GENERAL AUTHORITY.—In accord-~~
10 ~~ance with regulations of the Secretary, a local educational~~
11 ~~agency, with the approval of its State educational agency,~~
12 ~~may consolidate and use for the administration of one or~~
13 ~~more covered programs for any fiscal year not more than~~
14 ~~the percentage, determined by its State educational agen-~~
15 ~~cy, of the total amount available to that local educational~~
16 ~~agency under those covered programs.~~

17 ~~“(b) STATE PROCEDURES.—Within one year from~~
18 ~~the date of enactment of the Improving America’s Schools~~
19 ~~Act of 1993, a State educational agency shall, in collabora-~~
20 ~~tion with local educational agencies in the State, establish~~
21 ~~procedures for responding to requests from local edu-~~
22 ~~cational agencies to consolidate administrative funds~~
23 ~~under subsection (a) and for establishing limitations on~~
24 ~~the amount of funds under covered programs that may~~
25 ~~be used for administration on a consolidated basis.~~

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

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

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

18 (B) *for programs that are conducted on a*
19 *competitive basis, with respect to appropriations*
20 *for use under such programs in fiscal year 1995*
21 *and in subsequent fiscal years.*

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

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

4 (b) *TRANSITION.*—Notwithstanding any other provi-
5 sion of law, a recipient of funds under the Elementary and
6 Secondary Education Act of 1965, as such Act was in effect
7 on the day preceding the date of enactment of this Act, may
8 use funds available to such recipient under such predecessor
9 authority to carry out necessary and reasonable planning
10 and transition activities in order to ensure a smooth imple-
11 mentation of programs authorized by this Act.

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

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

17 The Elementary and Secondary Education Act of 1965
18 (20 U.S.C. 2701 et seq.) is amended to read as follows:

19 **“SECTION 1. SHORT TITLE.**

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

22 **“SEC. 2. TABLE OF CONTENTS.**

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

“Sec. 1. Short title.

“Sec. 2. Table of contents.

“TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

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

“Sec. 1002. Authorization of appropriations.

“PART A—MAKING HIGH-POVERTY SCHOOLS WORK

“SUBPART 1—BASIC PROGRAM REQUIREMENTS

“Sec. 1111. State plans.

“Sec. 1112. Local educational agency plans.

“Sec. 1113. Eligible school attendance areas.

“Sec. 1114. Schoolwide programs.

“Sec. 1115. Targeted assistance schools.

“Sec. 1116. Parental involvement.

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

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

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

“Sec. 1120. Fiscal requirements.

“SUBPART 2—ALLOCATIONS

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

“Sec. 1122. Allocations to States.

“Sec. 1123. Grants to States.

“Sec. 1124. Within State allocations.

“PART B—TRANSITION TO SUCCESS

“Sec. 1201. Transition to success.

“Sec. 1202. Coordination requirements.

“Sec. 1203. Definitions.

“PART C—EVEN START FAMILY LITERACY PROGRAMS

“Sec. 1301. Statement of purpose.

“Sec. 1302. Program authorized.

“Sec. 1303. State programs.

“Sec. 1304. Uses of funds.

“Sec. 1305. Program elements.

“Sec. 1306. Eligible participants.

“Sec. 1307. Applications.

“Sec. 1308. Award of subgrants.

“Sec. 1309. Evaluation.

“Sec. 1310. Construction.

“PART D—EDUCATION OF MIGRATORY CHILDREN

“Sec. 1401. Program purpose.

“Sec. 1402. Program authorized.

“Sec. 1403. State allocations.

“Sec. 1404. State applications; services.

“Sec. 1405. Secretarial approval; peer review.

“Sec. 1406. Comprehensive needs assessment and service-delivery plan; authorized activities.

“Sec. 1407. Bypass.

“Sec. 1408. Coordination of migrant education activities.

“PART E—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH

“Sec. 1501. Purpose; program authorized.

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

“PART F—FEDERAL EVALUATIONS AND DEMONSTRATIONS

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

“PART G—GENERAL PROVISIONS

- “Sec. 1701. Federal regulations.*
- “Sec. 1702. State administration.*
- “Sec. 1703. Construction.*

“TITLE II—IMPROVING TEACHING AND LEARNING

“PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

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

“SUBPART 1—FEDERAL ACTIVITIES

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

“SUBPART 2—STATE AND LOCAL ACTIVITIES

- “Sec. 2121. Program authorized.*
- “Sec. 2122. Allocation of funds.*
- “Sec. 2123. Within State allocations.*
- “Sec. 2124. Priority for professional development in mathematics and science.*
- “Sec. 2125. State applications.*
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- "Sec. 13302. Authorized activities.*
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- “Sec. 14004. Duties of the Center.*
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“Sec. 16224. Uses of funds.

“Sec. 16225. Accountability.

“Sec. 16226. Incentive awards to exemplary programs.

“SUBPART 2—GENERAL PROVISIONS

“Sec. 16231. White House Conference on Rural Education.

“PART C—AUTHORIZATION OF APPROPRIATIONS

“Sec. 16301. Authorization of appropriations.

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

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

6 *“(a) STATEMENT OF POLICY.—*

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

15 *“(2) ADDITIONAL POLICY.—The Congress further*
 16 *declares it to be the policy of the United States to ex-*
 17 *pand the program authorized by this title over the fis-*
 18 *cal years 1995 through 1999 by increasing funding*
 19 *for this title by at least \$750,000,000 over baseline*
 20 *each fiscal year and thereby increasing the percentage*

1 *of eligible children served in each fiscal year with the*
2 *intent of serving all eligible children by fiscal year*
3 *2004.*

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

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

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

16 “(3) *educational needs are particularly great for*
17 *low-achieving children in our Nation’s highest-poverty*
18 *schools, children with limited-English proficiency,*
19 *children of migrant workers, children with disabil-*
20 *ities, Indian children, children who are neglected or*
21 *delinquent, and young children and their parents who*
22 *are in need of family-literacy services; and*

23 “(4) *in order for all students to master challeng-*
24 *ing standards in core academic subjects as described*
25 *in the third National Education Goal described in*

1 *section 102(3) of the Goals 2000: Educate America*
2 *Act, students and schools will need to maximize the*
3 *time spent on teaching and learning the core aca-*
4 *ademic subjects, and students who receive pullout in-*
5 *struction at the expense of core academic subject*
6 *learning time can fall further behind in learning the*
7 *core academic subjects.*

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

11 *“(1) All children can master challenging content*
12 *and complex problem-solving skills. Research clearly*
13 *shows that children, including low-achieving children,*
14 *can succeed when expectations are high and all chil-*
15 *dren are given the opportunity to learn challenging*
16 *material.*

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

20 *“(3) Use of low-level tests that are not aligned*
21 *with schools’ curricula fails to provide adequate infor-*
22 *mation about what children know and can do and en-*
23 *courages curricula and instruction that focus on low-*
24 *level skills measured by those tests.*

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

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

9 “(6) All parents can contribute to their chil-
10 dren’s success by helping at home and becoming part-
11 ners with teachers so that children can achieve high
12 standards.

13 “(7) Decentralized decisionmaking is a key in-
14 gredient of systemic reform. Schools need the re-
15 sources, flexibility, and authority to design and im-
16 plement effective strategies for bringing their children
17 to high levels of performance.

18 “(8) Opportunities for students to achieve to
19 high standards can be enhanced through a variety of
20 approaches such as public school choice and charter
21 schools.

22 “(9) Attention to academics alone cannot ensure
23 that all children will reach high standards. The health
24 and other needs of children that affect learning are
25 frequently unmet, particularly in high-poverty

1 *schools, thereby necessitating coordination of services*
2 *to better meet children's needs.*

3 *“(10) Resources provided under this title have*
4 *not been adequately targeted on the highest-poverty*
5 *school districts and schools that have children most in*
6 *need.*

7 *“(11) Equitable and sufficient resources, particu-*
8 *larly as such resources relate to the quality of the*
9 *teaching force, have an integral relationship to high*
10 *student achievement.*

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

16 *“(1) ensuring high standards and aligning the*
17 *efforts of States, local educational agencies, and*
18 *schools to help children served under this title to reach*
19 *such standards;*

20 *“(2) providing children an enriched and acceler-*
21 *ated educational program, including, when appro-*
22 *priate, the use of the arts and humanities, through*
23 *schoolwide programs or through additional services*
24 *that increase the amount and quality of instructional*
25 *time;*

1 “(3) promoting schoolwide reform and access of
2 children, from the earliest grades, to effective instruc-
3 tional strategies and challenging academic content
4 that support intensive complex thinking and problem-
5 solving experiences;

6 “(4) significantly upgrading the quality of in-
7 struction by providing staff in participating schools
8 with substantial opportunities for ongoing profes-
9 sional development;

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

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

17 “(7) distributing resources, in amounts sufficient
18 to make a difference, to areas where needs are great-
19 est;

20 “(8) improving accountability, as well as teach-
21 ing and learning, by using State assessment systems
22 designed to measure how well children served under
23 this title are achieving high State student perform-
24 ance standards expected of all children;

1 “(9) providing greater decisionmaking authority
2 and flexibility to schools in exchange for greater re-
3 sponsibility for student performance; and

4 “(10) encouraging the development of innovative
5 models for recruitment, induction, retention, and as-
6 sessment of new, highly qualified teachers, especially
7 such teachers from historically underrepresented
8 groups.

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

10 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the
11 purpose of carrying out part A of this title, other than sec-
12 tion 1117(e), there are authorized to be appropriated
13 \$7,500,000,000 for fiscal year 1995 and such sums as may
14 be necessary for each of the 4 succeeding fiscal years.

15 “(b) EVEN START.—For the purpose of carrying out
16 part C, there are authorized to be appropriated
17 \$120,000,000 for fiscal year 1995 and such sums as may
18 be necessary for each of the 4 succeeding fiscal years.

19 “(c) EDUCATION OF MIGRATORY CHILDREN.—For the
20 purpose of carrying out part D, there are authorized to be
21 appropriated \$310,000,000 for fiscal year 1995 and such
22 sums as may be necessary for each of the 4 succeeding fiscal
23 years.

24 “(d) EDUCATION FOR NEGLECTED OR DELINQUENT
25 YOUTH.—For the purpose of carrying out part E, there are

1 authorized to be appropriated \$40,000,000 for fiscal year
2 1995 and such sums as may be necessary for each of the
3 4 succeeding fiscal years.

4 “(e) *CAPITAL EXPENSES.*—For the purpose of carrying
5 out section 1117(e), there are authorized to be appropriated
6 \$45,000,000 for fiscal year 1995 and such sums as may be
7 necessary for each of the 4 succeeding fiscal years.

8 “(f) *FEDERAL ACTIVITIES.*—

9 “(1) *SECTION 1601.*—For the purpose of carrying
10 out section 1601, there are authorized to be appro-
11 priated \$10,000,000 for fiscal year 1995 and such
12 sums as may be necessary for each of the 4 succeeding
13 fiscal years.

14 “(2) *SECTION 1602.*—For the purpose of carrying
15 out section 1602, there are authorized to be appro-
16 priated \$20,000,000 for fiscal year 1995 and such
17 sums as may be necessary for each of the 4 succeeding
18 fiscal years.

19 **“PART A—MAKING HIGH-POVERTY SCHOOLS**
20 **WORK**

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

22 **“SEC. 1111. STATE PLANS.**

23 “(a) *PLANS REQUIRED.*—

24 “(1) *IN GENERAL.*—Any State desiring to receive
25 a grant under this part shall submit to the Secretary

1 *a plan, developed in consultation with local edu-*
2 *cational agencies, teachers, pupil services personnel,*
3 *administrators, other staff, and parents, that satisfies*
4 *the requirements of this section.*

5 “(2) *CONSOLIDATION PLAN.*—A State plan sub-
6 mitted under paragraph (1) may be submitted as
7 part of a consolidation plan under section 10302.

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

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

11 “(i) *the high-quality academic standards for*
12 *all children that will be used by the State, its*
13 *local educational agencies, and its schools in sub-*
14 *jects, as determined by the State, to carry out*
15 *this part, and for those subjects for which a State*
16 *does not have standards and students are served*
17 *under this part, describe a process for ensuring*
18 *that such students are taught the same knowledge*
19 *and skills and held to the same expectations as*
20 *all children;*

21 “(ii) *(I) two levels of high performance, pro-*
22 *ficient and advanced, that determine how well*
23 *children are mastering the material in the State*
24 *content standards; and*

1 “(II) a third level, partially proficient, to
2 provide complete information about the progress
3 of the lower-performing children toward achiev-
4 ing to the proficient and advanced levels of per-
5 formance; and

6 “(iii) the steps the State will take to help
7 each local educational agency and school affected
8 by the State plan develop the capacity to comply
9 with each of the requirements of sections
10 1112(c)(3), 1114(b), and 1115(c) that is applica-
11 ble to such agency or school.

12 “(B) If a State has State content standards or
13 State student performance standards developed under
14 title III of the Goals 2000: Educate America Act or
15 an aligned set of assessments for all students devel-
16 oped under such title, or if not developed under such
17 title, adopted under another process, the State shall
18 use those standards and assessments, modified, if nec-
19 essary, to conform with the requirements of para-
20 graphs (1)(A)(i), (2), and (3).

21 “(C) If a State has not adopted State content
22 standards and State student performance standards
23 for all students, the State plan shall include a strat-
24 egy for developing State content standards and State
25 student performance standards for elementary and

1 *secondary school children served under this part in*
2 *subjects as determined by the State, including at least*
3 *mathematics, and reading or language arts, which*
4 *standards shall include the same knowledge, skills,*
5 *and levels of performance expected of all children, and*
6 *for those subjects for which a State will not develop*
7 *standards and students are served under this part, in-*
8 *clude a strategy for developing a process for ensuring*
9 *that such students are taught the same knowledge and*
10 *skills and held to the same expectations as all chil-*
11 *dren.*

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

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

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

23 “(B) Adequate yearly progress under this para-
24 *graph shall be defined in a manner that results in*
25 *continuous and substantial yearly improvement of*

1 *each local educational agency and school sufficient to*
2 *achieve the goal of all children served under this part*
3 *meeting the State's advanced level of performance,*
4 *particularly eligible children described in section*
5 *1115(b).*

6 *“(3) ASSESSMENTS.—Each State plan shall in-*
7 *clude a description of the set of high-quality, yearly*
8 *student assessments, including at least one assessment*
9 *in one grade in each school, that will be used as the*
10 *primary means of determining the yearly perform-*
11 *ance of each local educational agency and school*
12 *served under this part in enabling all children served*
13 *under this part to meet the State's student perform-*
14 *ance standards. Such assessments shall—*

15 *“(A) be the same assessments used to meas-*
16 *ure the performance of all children, if the State*
17 *measures the performance of all children;*

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

22 *“(C) involve multiple measures of student*
23 *performance, including measures that assess*
24 *higher order thinking skills and understanding;*

25 *“(D) provide for—*

1 “(i) the participation in such assess-
2 ments of all students with diverse learning
3 needs; and

4 “(ii) the adaptations and accommoda-
5 tions necessary to permit such participa-
6 tion;

7 “(E) be used for the purposes for which they
8 are valid and reliable and be consistent with rel-
9 evant, nationally recognized professional and
10 technical standards for such assessments, except
11 that assessment measures that do not satisfy the
12 requirements of this subparagraph may be in-
13 cluded as one of the multiple measures;

14 “(F) be capable of providing coherent infor-
15 mation about student attainments relative to the
16 State content standards;

17 “(G) support effective curriculum and in-
18 struction;

19 “(H) provide individual student reports;

20 “(I) provide statistically reliable results for
21 economically disadvantaged children disaggre-
22 gated by gender, major ethnic or racial groups,
23 limited-English proficient children, children with
24 disabilities, and other educationally meaningful
25 categories of children; and

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

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

18 “(5) TRANSITIONAL STATEWIDE ASSESSMENTS.—
19 (A)(i) If a State does not have State content stand-
20 ards and State student performance standards that
21 meet the requirements of paragraph (1) or assess-
22 ments that meet the requirements of paragraph (3),
23 the State may propose to use, for a transitional pe-
24 riod of not more than two years, a transitional state-
25 wide set of yearly assessments that measure the per-

1 *formance of complex skills and challenging subject*
2 *matter.*

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

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

14 *“(ii) A State that is denied the two-year exten-*
15 *sion or renewal under clause (i) or is granted such*
16 *an extension or renewal, but after one or two addi-*
17 *tional years does not have State content standards*
18 *and State student performance standards that meet*
19 *the requirements of paragraph (1) or assessments that*
20 *meet the requirements of paragraph (3), shall adopt*
21 *a set of such standards and aligned assessments, such*
22 *as those contained in other State plans the Secretary*
23 *has approved.*

24 *“(C) For any year during which a State is using*
25 *transitional assessments the State shall devise a pro-*

1 *cedure for identifying local educational agencies*
2 *under subsections (c)(3) and (c)(7) of section 1118*
3 *and schools under subsections (b)(1) and (b)(6) of sec-*
4 *tion 1118 that relies on accurate information about*
5 *the academic progress of each such local educational*
6 *agency and school.*

7 *“(c) OTHER PROVISIONS TO SUPPORT TEACHING AND*
8 *LEARNING.—Each State plan shall contain assurances*
9 *that—*

10 *“(1) the State educational agency will imple-*
11 *ment a system of school support teams under section*
12 *1119(b), including provision of necessary professional*
13 *development for those teams;*

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

18 *“(3) the State educational agency will fulfill its*
19 *local educational agency and school improvement re-*
20 *sponsibilities under section 1118; and*

21 *“(4) the State educational agency will encourage*
22 *the use of funds from other Federal, State, and local*
23 *sources for schoolwide reform in schoolwide programs*
24 *under section 1114.*

25 *“(d) PEER REVIEW AND SECRETARIAL APPROVAL.—*

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

2 “(A) *establish a peer review process to assist*
3 *in the review and recommendations for revision*
4 *of State plans;*

5 “(B) *following an initial peer review, ap-*
6 *prove a State plan the Secretary determines*
7 *meets the requirements of subsections (b) and (c);*

8 “(C) *if the Secretary determines that the*
9 *State plan does not meet the requirements of sub-*
10 *section (b) or (c), immediately notify the State*
11 *of that determination and the reasons for such*
12 *determination;*

13 “(D) *not finally disapprove a State’s plan*
14 *before offering the State an opportunity to revise*
15 *its plan and provide technical assistance to as-*
16 *sist the State to meet the requirements of sub-*
17 *sections (b) and (c); and*

18 “(E) *not require a State, as a condition of*
19 *approval of the State plan, to include in, or de-*
20 *lete from, such plan one or more specific ele-*
21 *ments of the State’s content standards or to use*
22 *specific assessment instruments or items.*

23 “(2) *WITHHOLDING.*—*The Secretary may with-*
24 *hold funds for State administration and activities*
25 *under section 1119 until the Secretary determines*

1 *that the State plan meets the requirements of this sec-*
2 *tion.*

3 “(e) *DURATION OF THE PLAN.*—

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

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

7 “(B) *be periodically reviewed and revised*
8 *by the State, as necessary, to reflect changes in*
9 *the State’s strategies and programs under this*
10 *part.*

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

17 “(f) *SPECIAL RULE.*—*If the aggregate State expendi-*
18 *ture by a State educational agency for the operation of ele-*
19 *mentary and secondary education programs in the State*
20 *is less than such agency’s aggregate Federal expenditure for*
21 *the State operation of all Federal elementary and secondary*
22 *education programs, then the State plan shall include as-*
23 *surances and specific provisions that such State will pro-*
24 *vide State expenditures for the operation of elementary and*
25 *secondary education programs equal to or exceeding the*

1 *level of Federal expenditures for such operation by October*
2 *1, 1998.*

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

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

10 *“(b) PLAN PROVISIONS.—*

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

13 *“(A) a description of additional high-qual-*
14 *ity student assessments, if any, other than those*
15 *described in the State plan under section 1111,*
16 *that—*

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

19 *“(I) provide information to teach-*
20 *ers, parents, and students on the*
21 *progress being made toward meeting*
22 *the State student performance stand-*
23 *ards described in section*
24 *1111(b)(2)(A); and*

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

9 “(ii) will be selected and administered
10 by teachers; and

11 “(iii) will be aligned with curriculum
12 and constitute an integral part of the in-
13 structional program;

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

21 “(C) a description of the strategy the local
22 educational agency will use to provide ongoing
23 professional development for teachers, pupil serv-
24 ices personnel, administrators, parents and other

1 *staff, including local educational agency level*
2 *staff, that—*

3 “(i) *takes into account the needs and*
4 *activities across and within schools; and*

5 “(ii) *draws on resources available*
6 *under this part, other Federal resources,*
7 *and, at the local educational agency’s dis-*
8 *cretion, other State and local resources;*

9 “(D) *a description of the poverty criteria*
10 *that will be used to select school attendance areas*
11 *under section 1113;*

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

18 “(F) *a general description of the nature of*
19 *the programs to be conducted by its schools*
20 *under sections 1114 and 1115 and services out-*
21 *side those schools for children living in local in-*
22 *stitutions for neglected or delinquent children*
23 *and for eligible homeless children;*

24 “(G) *a description of how the local edu-*
25 *cational agency, where appropriate, will use*

1 *funds under this part to support preschool pro-*
2 *grams for children, particularly children partici-*
3 *pating in a Head Start or Even Start program,*
4 *which services may be provided directly by the*
5 *local educational agency or through a sub-*
6 *contract with the local Head Start agency des-*
7 *ignated by the Secretary of Health and Human*
8 *Services under section 641 of the Head Start*
9 *Act, or another comparable public early child-*
10 *hood development program; and*

11 “(H) a description of how the local edu-
12 cational agency, as part of a comprehensive
13 school reform effort, will, where appropriate and
14 feasible as determined by such agency, use funds
15 provided under this part to reduce class size to
16 15 students.

17 “(2) *FILING AND APPROVAL.*—Notwithstanding
18 paragraph (1), each local educational agency plan
19 shall be filed according to a schedule established by
20 the State educational agency, except that a local edu-
21 cational agency shall have not more than 2 years
22 from the date of enactment of the Improving Ameri-
23 ca’s Schools Act of 1994 to have such plan approved
24 by the State educational agency.

1 “(c) *ASSURANCES.—Each local educational agency*
2 *plan shall provide assurances that the local educational*
3 *agency will—*

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

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

12 “(B) *provide technical assistance and support to*
13 *schoolwide programs;*

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

16 “(4) *provide services to eligible children attend-*
17 *ing private elementary and secondary schools in ac-*
18 *cordance with section 1117, and timely and meaning-*
19 *ful consultation with private school officials regarding*
20 *such services;*

21 “(5) *consistent with the provisions of section*
22 *10306, coordinate and integrate services provided*
23 *under this part with other educational services, in-*
24 *cluding—*

1 “(A) *Even Start, Head Start, and other*
2 *preschool programs, and school-to-work transi-*
3 *tion programs; and*

4 “(B) *services for children with limited-Eng-*
5 *lish proficiency or with disabilities, migratory*
6 *children served under part D, neglected or delin-*
7 *quent children served under part E, homeless*
8 *children, and immigrant children, in order to*
9 *increase program effectiveness, eliminate dupli-*
10 *cation, and reduce fragmentation of the chil-*
11 *dren’s instructional program;*

12 “(6) *coordinate and collaborate, to the extent fea-*
13 *sible and necessary as determined by the local edu-*
14 *cational agency, with school-based pupil services per-*
15 *sonnel where appropriate, and with other agencies*
16 *providing services to children, youth, and families,*
17 *including health and social services;*

18 “(7) *where appropriate and feasible as deter-*
19 *mined by the local educational agency, establish a*
20 *procedure to ensure that all children in participating*
21 *elementary schools receive two health screenings dur-*
22 *ing the elementary school years at appropriate inter-*
23 *vals based on reasonable pediatric standards; and*

24 “(8) *in the case that a State chooses to utilize*
25 *funds under this part to provide early childhood de-*

1 *velopment services to low-income children below the*
2 *age of compulsory school attendance, ensure that such*
3 *services comply with the performance standards estab-*
4 *lished under section 641A(a) of the Head Start Act or*
5 *under section 651 of such Act, as such section 651*
6 *was in effect on the day preceding the date of enact-*
7 *ment of the Human Services Amendments of 1994.*

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

10 *“(1) be developed in consultation with teachers,*
11 *pupil services personnel and parents of children in*
12 *schools served under this part;*

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

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

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

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

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

6 “(a) *IN GENERAL.*—

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

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

12 “(A) the term ‘school attendance area’
13 means, in relation to a particular school, the
14 geographical area in which the children who are
15 normally served by that school reside; and

16 “(B) the term ‘eligible school attendance
17 area’ means a school attendance area in which
18 the percentage of children from low-income fami-
19 lies is equal to or greater than the percentage of
20 children—

21 “(i) from low-income families served
22 by the local educational agency as a whole;
23 or

24 “(ii) served by the local educational
25 agency as a whole who are eligible to par-

1 *ticipate in a schoolwide program under sec-*
2 *tion 1114.*

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

6 *“(A) first serve in rank order schools in*
7 *which the concentration of children from low-in-*
8 *come families is 75 percent or greater;*

9 *“(B) then serve in rank order schools in*
10 *which such concentration is at least 50 percent*
11 *and less than 75 percent with rank order deter-*
12 *mined at the discretion of the local education*
13 *agency according to grade span or school; and*

14 *“(C) finally serve in rank order schools in*
15 *which such concentration is below 50 percent*
16 *with rank order determined according to grade*
17 *span or by school.*

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

24 *“(A) identify eligible school attendance*
25 *areas;*

1 “(B) determine the ranking of each such
2 area; and

3 “(C) determine allocations under subsection
4 (c).

5 “(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—
6 Notwithstanding subsection (a)(1), a local educational
7 agency may use funds received under this part in a school
8 that is not in an eligible school attendance area, if the per-
9 centage of children from low-income families enrolled in the
10 school is equal to or greater than the percentage of such
11 children in a participating school attendance area of such
12 agency.

13 “(c) ALLOCATIONS.—

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

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

21 “(B) identified under subparagraphs (B)
22 and (C) of subsection (a)(3) or under subsection
23 (b), in rank order, on the basis of the total num-
24 ber of children from low-income families in
25 grade levels served in each such area or school.

1 “(2) *SPECIAL RULE.*—(A) *Except as provided in*
2 *subparagraph (B), the per pupil amount of funds al-*
3 *located to each school attendance area or school under*
4 *paragraph (1) shall be at least 65 percent of the per*
5 *pupil amount of funds a local educational agency re-*
6 *ceived for that year under the poverty criterion de-*
7 *scribed by the local educational agency in the plan*
8 *submitted under section 1112, except that this para-*
9 *graph shall not apply to a local educational agency*
10 *that only serves schools in which the percentage of*
11 *such children is 50 percent or greater.*

12 “(B) *A local educational agency may reduce the*
13 *amount of funds allocated under subparagraph (A)*
14 *for a school attendance area or school by the amount*
15 *of any supplemental State and local funds expended*
16 *in that school attendance area or school for programs*
17 *that meet the requirements of section 1114 or 1115.*

18 “(3) *RESERVATION.*—*A local educational agency*
19 *shall reserve such funds as are necessary under this*
20 *part to provide services comparable to those provided*
21 *to children in schools funded under this part to*
22 *serve—*

23 “(A) *eligible homeless children who do not*
24 *attend participating schools, including providing*

1 *educationally related support services to children*
2 *in shelters, where appropriate; and*

3 “(B) *children living in local institutions for*
4 *neglected or delinquent children.*

5 “(d) *INAPPLICABILITY.—Subsections (a) and (c) shall*
6 *not apply—*

7 “(1) *to a local educational agency with a total*
8 *enrollment of less than 1,000 children, except that*
9 *such agency shall serve schools in rank order accord-*
10 *ing to grade span or school; or*

11 “(2) *to schools participating in desegregation*
12 *programs where the number of economically dis-*
13 *advantaged children is equal to or greater than 100*
14 *or equal to or greater than 25 percent of such school’s*
15 *total student enrollment.*

16 **“SEC. 1114. SCHOOLWIDE PROGRAMS.**

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

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

1 “(A) *The school serves an eligible school at-*
2 *tendance area in which at least 30 percent of the*
3 *children—*

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

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

11 “(B) *At least 30 percent of the children en-*
12 *rolled in the school are from families meeting the*
13 *requirements of clauses (i) and (ii) of subpara-*
14 *graph (A).*

15 “(2) *IDENTIFICATION.—(A) No school participat-*
16 *ing in a schoolwide program shall be required to*
17 *identify particular children as eligible to participate*
18 *in a schoolwide program or to provide supplemental*
19 *services to such children.*

20 “(B) *A school participating in a schoolwide pro-*
21 *gram shall use funds available to carry out this sec-*
22 *tion only to supplement the amount of funds that*
23 *would, in the absence of funds under this part, be*
24 *made available from non-Federal sources for the*
25 *school, including funds needed to provide services that*

1 *are required by law for children with disabilities and*
2 *children with limited-English proficiency.*

3 “(3) *SPECIAL RULE.—(A) Notwithstanding any*
4 *other provision of law, a school participating in a*
5 *schoolwide program may use funds received under*
6 *any noncompetitive, formula-grant program adminis-*
7 *tered by the Secretary, or any discretionary program*
8 *contained on a list, updated as necessary, issued by*
9 *the Secretary (other than any such program under the*
10 *Individuals with Disabilities Education Act) to sup-*
11 *port a schoolwide program if the underlying intent*
12 *and purposes of such program are met.*

13 “(B) *A school that uses funds from the programs*
14 *described in subparagraph (A) in accordance with*
15 *such subparagraph shall not be relieved of the require-*
16 *ments relating to health, safety, civil rights, mainte-*
17 *nance of effort, comparability of services, services for*
18 *the participation of children enrolled in private*
19 *schools, parental involvement, or the distribution of*
20 *funds to State or local educational agencies that*
21 *apply to the receipt of funds under such programs.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 *“(D) In accordance with subsection (a)(4),*
14 *ongoing professional development for teachers,*
15 *pupil services personnel, parents, principals, and*
16 *other staff to enable all children in the school to*
17 *meet the State’s student performance standards.*

18 *“(E) Parental involvement in accordance*
19 *with section 1116.*

20 *“(F) Development and use of teacher se-*
21 *lected assessments as described in section*
22 *1112(b)(1)(A)(ii) for providing information on*
23 *and improving the performance of individual*
24 *students and the overall instructional program.*

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

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

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

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

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

22 “(II) what the parents can do to
23 help the student improve the student’s
24 performance; and

1 “(III) additional assistance which
2 may be available to the student at the
3 school or elsewhere in the community.

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

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

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

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

21 “(iv) describes how the school will provide
22 valid and reliable individual student assessment
23 results, including an interpretation of those re-
24 sults, to the parents of any child who partici-

1 *pates in the assessment required by section*
2 *1111(b)(3); and*

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

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

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

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

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

22 *“(II) the school is operating a*
23 *schoolwide program on the day preceding*
24 *the date of enactment of the Improving*
25 *America’s Schools Act of 1994, in which*

1 *case such school may continue to operate*
2 *that program, but shall develop a new plan*
3 *during the first year of assistance under*
4 *such Act to reflect the provisions of this sec-*
5 *tion;*

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

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

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

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

22 “(a) *IN GENERAL.*—*In all schools selected to receive*
23 *funds under section 1113(c) that are ineligible for a*
24 *schoolwide program under section 1114, or that choose not*
25 *to operate such a schoolwide program, a local educational*

1 *agency may use funds received under this part only for pro-*
2 *grams that provide services to economically disadvantaged*
3 *children identified by teachers, in consultation with par-*
4 *ents, administrators, and pupil services personnel, as hav-*
5 *ing the greatest academic need for special assistance.*

6 *“(b) ELIGIBLE CHILDREN.—*

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

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

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

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

22 *“(ii) is a child with a disability, a*
23 *limited-English proficient child, or a mi-*
24 *grant child;*

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

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

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

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

18 “(c) COMPONENTS OF A TARGETED ASSISTANCE
19 SCHOOL PROGRAM.—

20 “(1) IN GENERAL.—To assist targeted assistance
21 schools and local educational agencies to meet their
22 responsibility to provide for all their students served
23 under this part the opportunity to meet the State’s
24 student performance standards in subjects as deter-

1 *mined by the State, each targeted assistance program*
2 *under this section shall—*

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

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

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

12 *“(D) use effective instructional strategies*
13 *that—*

14 *“(i) increase the amount and quality*
15 *of learning time;*

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

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

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

23 *“(i) counseling, mentoring and other*
24 *pupil services;*

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

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

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

10 “(F) provide instruction by highly qualified
11 staff;

12 “(G) if such program employs instructional
13 aides, ensure that such aides—

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

17 “(ii) have a secondary school diploma
18 or its recognized equivalent, or earn such
19 diploma or equivalent within 2 years of
20 such employment, except that an instruc-
21 tional aide that does not meet the require-
22 ment of this clause may be employed if such
23 aide possesses proficiency in a language
24 other than English that is needed to en-

1 *hance the participation of children in pro-*
2 *grams under this part; and*

3 *“(iii) are under the direct supervision*
4 *of a teacher who has primary responsibility*
5 *for providing instructional services to eligi-*
6 *ble children;*

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

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

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

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

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

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

8 *“(d) SPECIAL RULES.—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 “(b) SCHOOL PARENTAL INVOLVEMENT POLICY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “(4) coordinate and integrate parent involve-
9 ment programs and activities with Head Start, Even
10 Start, and public preschool programs, to the extent
11 feasible;

12 “(5) other activities, as appropriate and feasible,
13 such as parent resource centers, designed to help par-
14 ents become full partners in the education of their
15 children; and

16 “(6) provide such other reasonable support for
17 parental involvement activities under this section as
18 parents may request.

19 “(f) PARENTAL INFORMATION AND RESOURCE CEN-
20 TERS.—In States where parental information and resource
21 centers have been established pursuant to section 401 of the
22 Goals 2000: Educate America Act of 1994 (to providing
23 training, information, and support to parents and individ-
24 uals who work with parents) local educational agencies and
25 schools receiving assistance under this part shall assist par-

1 *ents and parent organizations by informing such parents*
2 *and organizations of the existence and purpose of such cen-*
3 *ters, providing such parents and organizations with a de-*
4 *scription of the services and programs provided by such cen-*
5 *ters, advising parents on how to use such centers, and help-*
6 *ing parents to contact such centers.*

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

14 **“SEC. 1117. PARTICIPATION OF CHILDREN ENROLLED IN**
15 **PRIVATE SCHOOLS.**

16 “(a) *GENERAL REQUIREMENT.*—

17 “(1) *IN GENERAL.*—*To the extent consistent with*
18 *the number of eligible children identified according to*
19 *section 1115(b) in a local educational agency who are*
20 *enrolled in private elementary and secondary schools,*
21 *a local educational agency shall, after timely and*
22 *meaningful consultation with appropriate private*
23 *school officials, provide such children, on an equitable*
24 *basis, special educational services or other benefits*
25 *under this part.*

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

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

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

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

19 “(b) *CONSULTATION.*—

20 “(1) *IN GENERAL.*—*To ensure timely and mean-*
21 *ingful consultation, a local educational agency shall*
22 *consult with appropriate private school officials dur-*
23 *ing the design and development of the agency’s pro-*
24 *grams under this part, on issues such as—*

1 “(A) *how the children’s needs will be identi-*
2 *fied;*

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

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

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

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

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

15 “(c) *PUBLIC CONTROL OF FUNDS.—*

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

21 “(2) *PROVISION OF SERVICES.—(A) The provi-*
22 *sion of services under this section 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 orga-
3 nization.

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

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

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

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

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

5 “(e) CAPITAL EXPENSES.—

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

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

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

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

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

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

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

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

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

16 *“(C) transportation; and*

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

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

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

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

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

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

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

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

19 *“(b) SCHOOL IMPROVEMENT.—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 *“(I) withholding funds;*

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

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

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

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

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

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

6 “(VIII) reconstituting the school staff; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(I) the withholding of funds;

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

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

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

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

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

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

1 *for the public governance and supervision of such*
2 *schools; and*

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

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

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

20 *“(7) SPECIAL RULE.—Local educational agencies*
21 *that for at least two of the three years following iden-*
22 *tification under paragraph (3) make adequate*
23 *progress toward meeting the State’s standards no*
24 *longer need to be identified for local educational agen-*
25 *cy improvement.*

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

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

22 “(C) A school support team shall work coop-
23 eratively with each school and make rec-
24 ommendations as the school develops its
25 schoolwide program plan or school improvement

1 *plan, review each plan, and make recommenda-*
2 *tions to the school and the local educational*
3 *agency.*

4 “(D) During the operation of the schoolwide
5 program or during school improvement activi-
6 ties, a school support team shall—

7 “(i) periodically review the progress of
8 the school in enabling children in the school
9 to meet the State’s performance standards
10 under this part;

11 “(ii) identify problems in the design
12 and operation of the instructional program;
13 and

14 “(iii) make recommendations for im-
15 provement to the school and the local edu-
16 cational agency.

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

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

24 “(i) any school served under this part that,
25 for three consecutive years, has exceeded the

1 *State's definition of adequate progress as defined*
2 *in section 1111(b)(2)(A)(i); and*

3 “(ii) *any school in which almost every stu-*
4 *dent has met the State's advanced level of per-*
5 *formance.*

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

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

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

24 “(D) *Schools designated as distinguished schools*
25 *under such subparagraph (A) may serve as models*

1 *and provide additional assistance to other schools*
2 *served under this part, especially schoolwide pro-*
3 *grams and schools in school improvement, that are*
4 *not making adequate progress.*

5 “(3) *DISTINGUISHED EDUCATORS.*—

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

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

20 “(C) *Distinguished educators shall provide,*
21 *as part of the statewide system, intensive and*
22 *sustained assistance to the schools and local edu-*
23 *cational agencies furthest from meeting the*
24 *State’s student performance standards and to*
25 *schoolwide programs as such programs develop*

1 *and implement their plans, including participa-*
2 *tion in the support teams described in para-*
3 *graph (1).*

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

8 “(d) *ALTERNATIVES.*—

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

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

22 **“SEC. 1120. FISCAL REQUIREMENTS.**

23 “(a) *MAINTENANCE OF EFFORT.*—*A local educational*
24 *agency may receive funds under this part for any fiscal*
25 *year only if the State educational agency finds that the*

1 *local educational agency has maintained its fiscal effort in*
2 *accordance with section 10501 of this Act.*

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

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

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

19 “(2) *SPECIAL RULE.—No local educational agen-*
20 *cy shall be required to provide services under this*
21 *part through a particular instructional method or in*
22 *a particular instructional setting in order to dem-*
23 *onstrate such agency’s compliance with paragraph*
24 *(1).*

25 “(c) *COMPARABILITY OF SERVICES.—*

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

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

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

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

24 “(i) *a local educational agency-wide salary*
25 *schedule;*

1 “(ii) a policy to ensure equivalence among
2 schools in teachers, administrators, and other
3 staff; and

4 “(iii) a policy to ensure equivalence among
5 schools in the provision of curriculum materials
6 and instructional supplies.

7 “(B) Unpredictable changes in student enroll-
8 ment or personnel assignments which occur after the
9 beginning of a school year shall not be included as a
10 factor in determining comparability of services.

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

16 “(3) PROCEDURES AND RECORDS.—Each local
17 educational agency shall—

18 “(A) develop procedures for compliance with
19 this subsection; and

20 “(B) maintain records that are updated bi-
21 ennially documenting such agency’s compliance
22 with this subsection.

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

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

5 “(A) *bilingual education for children of*
6 *limited-English proficiency; and*

7 “(B) *excessive costs of providing services to*
8 *children with disabilities as determined by the*
9 *local educational agency.*

10 **“Subpart 2—Allocations**

11 **“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE**
12 **SECRETARY OF THE INTERIOR.**

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

17 “(1) *the outlying areas on the basis of their re-*
18 *spective need for such assistance according to such*
19 *criteria as the Secretary determines will best carry*
20 *out the purpose of this part; and*

21 “(2) *the Secretary of the Interior in the amount*
22 *necessary to make payments pursuant to subsection*
23 *(c).*

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

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

8 “(2) *ADMINISTRATIVE COSTS.*—The Secretary
9 shall provide 5 percent of amounts made available for
10 grants under this paragraph in each fiscal year to the
11 Pacific Regional Educational Laboratory to pay the
12 administrative costs of such laboratory with respect to
13 the activities under this subsection.

14 “(c) *ALLOTMENT TO THE SECRETARY OF THE INTE-*
15 *RIOR.*—

16 “(1) *IN GENERAL.*—The amount allotted for pay-
17 ments to the Secretary of the Interior under sub-
18 section (a)(2) for any fiscal year shall be, as deter-
19 mined pursuant to criteria established by the Sec-
20 retary, the amount necessary to meet the special edu-
21 cational needs of—

22 “(A) Indian children on reservations served
23 by elementary and secondary schools for Indian
24 children operated or supported by the Depart-
25 ment of the Interior; and

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

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

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

17 “(B) *46 percent of such expenditure in the*
18 *United States.*

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

20 “(a) *ADJUSTMENTS WHERE NECESSITATED BY AP-*
21 *PROPRIATIONS.—*

22 “(1) *IN GENERAL.—If the sums made available*
23 *under this part for any fiscal year are insufficient to*
24 *pay the full amounts that all local educational agen-*
25 *cies in all States are eligible to receive under section*

1 1123 for such year, the Secretary first shall ratably
2 reduce the allocations to such local educational agen-
3 cies for such year.

4 “(2) *ADDITIONAL FUNDS.*—If additional funds
5 become available for making payments under section
6 1123 for such fiscal year, allocations that were re-
7 duced under paragraph (1) shall be increased on the
8 same basis as such allocations were reduced.

9 “(b) *HOLD-HARMLESS AMOUNTS.*—

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

13 “(A) for fiscal year 1995, shall not be less
14 than 100 percent of the total amount such State
15 received under sections 1005 and 1006 (as such
16 sections were in existence on the day preceding
17 the date of enactment of the Improving Ameri-
18 ca’s Schools Act of 1994) for fiscal year 1994;

19 “(B) for fiscal year 1996, shall not be less
20 than 90 percent of the total amount such State
21 received under section 1123 for fiscal year 1995;
22 and

23 “(C) for fiscal year 1997 and each succeed-
24 ing fiscal year, shall not be less than 85 percent
25 of the total amount such State received in the fis-

1 *cal year preceding the fiscal year for which the*
2 *determination is made.*

3 “(2) *RATABLE REDUCTIONS.*—(A) *If the sums*
4 *made available under this part for any fiscal year are*
5 *insufficient to pay the full amounts that all States*
6 *are eligible to receive under paragraph (1) for such*
7 *year, the Secretary shall ratably reduce such amounts*
8 *for such year.*

9 “(B) *If additional funds become available for*
10 *making payments under paragraph (1) for such fiscal*
11 *year, amounts that were reduced under subparagraph*
12 *(A) shall be increased on the same basis as such*
13 *amounts reduced.*

14 “(c) *DEFINITION.*—*For the purpose of this section and*
15 *section 1123, the term State means each of the 50 States,*
16 *the District of Columbia, and the Commonwealth of Puerto*
17 *Rico.*

18 **“SEC. 1123. GRANTS TO STATES.**

19 “(a) *AMOUNT OF GRANTS.*—

20 “(1) *IN GENERAL.*—(A) *In any case in which the*
21 *Secretary determines that satisfactory data for local*
22 *educational agencies are available to carry out deter-*
23 *minations under paragraph (2), the grant which a*
24 *State is eligible to receive under this subpart for a fis-*
25 *cal year shall be the aggregate amount of grants for*

1 *all local educational agencies in that State, as deter-*
2 *mined under paragraph (2).*

3 *“(B) In any case in which the Secretary deter-*
4 *mines that satisfactory data for local educational*
5 *agencies are not available to carry out determinations*
6 *under paragraph (2), the grant which a State is eligi-*
7 *ble to receive for a fiscal year shall be the aggregate*
8 *amounts of grants for all counties in that State, as*
9 *determined under paragraph (2).*

10 *“(2) GRANTS FOR STATES.—(A)(i) The grant for*
11 *a local educational agency shall be determined by*
12 *multiplying the number of children determined under*
13 *subsection (c)(2) by 40 percent of the amount deter-*
14 *mined under the next sentence, multiplying such*
15 *product by the effort factor described in clause (ii)*
16 *and multiplying such product by the equity factor de-*
17 *scribed in clause (iii). The amount determined under*
18 *this sentence shall be the average per pupil expendi-*
19 *ture in the State except that (I) if the average per*
20 *pupil expenditure in the State is less than 85 percent*
21 *of the average per pupil expenditure in the United*
22 *States, such amount shall be 85 percent of the average*
23 *per pupil expenditure in the United States, or (II) if*
24 *the average per pupil expenditure in the State is*
25 *more than 115 percent of the average per pupil ex-*

1 *penditure in the United States, such amount shall be*
2 *115 percent of the average per pupil expenditure in*
3 *the United States.*

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

18 *“(II) The effort factor for the Commonwealth of*
19 *Puerto Rico shall be equal to the lowest effort factor*
20 *calculated under subclause (I) for any State.*

21 *“(iii)(I) Except as provided in subclause (II),*
22 *the equity factor for a local educational agency shall*
23 *be determined in accordance with the succeeding sen-*
24 *tence, except that such factor shall not be less than .95*
25 *nor more than 1.05. The equity factor determined*

1 *under this sentence shall be calculated as follows:*
2 *First, calculate the difference (expressed as a positive*
3 *amount) between the average per pupil expenditure in*
4 *the State served by the local educational agency and*
5 *the average per pupil expenditure in each local edu-*
6 *cational agency in the State and multiply such dif-*
7 *ference by the total student enrollment for such agen-*
8 *cy, except that children from low-income families*
9 *shall be multiplied by a factor of 1.4 to calculate such*
10 *enrollment. Second, add the products under the pre-*
11 *ceding sentence for each local educational agency in*
12 *such State and divide such sum by the total student*
13 *enrollment of such State, except that children from*
14 *low-income families shall be multiplied by a factor of*
15 *1.4 to calculate such enrollment. Third, divide the*
16 *quotient under the preceding sentence by the average*
17 *per pupil expenditure in such State. If the final*
18 *quotient obtained under the preceding sentence is—*

19 *“(aa) .05 or less, then the equity factor is*
20 *1.05;*

21 *“(bb) greater than .05 and less than .15,*
22 *then the equity factor is equal to 1.10 minus*
23 *such quotient; or*

24 *“(cc) .15 or greater, then the equity factor*
25 *is .95.*

1 “(II) The equity factor for a local educational
2 agency serving—

3 “(aa) the District of Columbia and the
4 Commonwealth of Puerto Rico shall be calculated
5 so that there is no increase or decrease in the
6 District of Columbia’s or the Commonwealth of
7 Puerto Rico’s grant under this section by the ap-
8 plication of this clause;

9 “(bb) Hawaii shall be 1.05; and

10 “(cc) a State that meets the disparity
11 standard described in section 222.63 of title 34,
12 Code of Federal Regulations (as such section was
13 in effect on the day preceding the date of enact-
14 ment of the Improving America’s Schools Act of
15 1994), shall be not less than 1.00.

16 “(B) For each fiscal year, the Secretary shall de-
17 termine the percentage which the average per pupil
18 expenditure in the Commonwealth of Puerto Rico is
19 of the lowest average per pupil expenditure of any of
20 the 50 States. The grant which the Commonwealth of
21 Puerto Rico shall be eligible to receive under this sub-
22 part for a fiscal year shall be determined by mul-
23 tiplying the product of the effort factor for the Com-
24 monwealth of Puerto Rico under subparagraph
25 (A)(ii)(II) for such year multiplied by the equity fac-

1 *tor for the Commonwealth of Puerto Rico under sub-*
2 *paragraph (A)(iii)(II)(aa) for such year by the*
3 *amount arrived at by multiplying the number of chil-*
4 *dren counted under subsection (c) for the Common-*
5 *wealth of Puerto Rico by the product of—*

6 *“(i) the percentage determined under the*
7 *preceding sentence for such year; and*

8 *“(ii) 32 percent of the average per pupil ex-*
9 *penditure in the United States for such year.*

10 *“(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—*

11 *The children served by a local educational agency shall be*
12 *counted for a fiscal year under this subpart only if such*
13 *agency meets the following requirements with respect to the*
14 *number of children counted under subsection (c)(1):*

15 *“(1) In any case (except as provided in para-*
16 *graph (3)) in which the Secretary determines that*
17 *satisfactory data for the purpose of this subsection as*
18 *to the number of such children are available on a*
19 *school district basis, the number of such children in*
20 *the school district of such local educational agency*
21 *shall be at least 10.*

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

1 “(3) *In any case in which a county includes a*
2 *part of the school district of the local educational*
3 *agency concerned and the Secretary has not deter-*
4 *mined that satisfactory data for the purpose of this*
5 *subsection are available on a school district basis for*
6 *all the local educational agencies or all the counties*
7 *into which the school district of the local educational*
8 *agency concerned extends, the eligibility requirement*
9 *with respect to the number of such children for such*
10 *local educational agency shall be determined in ac-*
11 *cordance with regulations prescribed by the Secretary*
12 *for the purposes of this subsection.*

13 “(c) *DETERMINATION OF WEIGHTED NUMBER OF*
14 *CHILDREN.—*

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

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

22 “(ii) *the number of children aged 5 to 17,*
23 *inclusive, in the school district of such agency*
24 *living in institutions for neglected or delinquent*
25 *children (other than such institutions operated*

1 *by the United States) but not counted pursuant*
2 *to subpart 3 of part E for the purposes of a*
3 *grant to a State agency, or being supported in*
4 *foster homes with public funds.*

5 “(B) *For the purposes of this section, the Sec-*
6 *retary shall determine the number of children counted*
7 *under subparagraph (A) on the basis of the most re-*
8 *cent satisfactory data available from the Department*
9 *of Commerce for local educational agencies (or, if*
10 *such data are not available for such agencies, for*
11 *counties); and in determining the families which are*
12 *below the poverty level, the Secretary shall utilize the*
13 *criteria of poverty used by the Bureau of the Census*
14 *in compiling the most recent decennial census.*

15 “(2) *DETERMINATION OF NUMBER OF CHIL-*
16 *DREN.—(A) The number of children to be determined*
17 *for purposes of this paragraph shall be the number of*
18 *children counted under paragraph (1) multiplied by*
19 *the weighting factor for the local educational agency.*
20 *The weighting factor shall be established on the basis*
21 *of the percentage that the number of children counted*
22 *under paragraph (1) represents of the total popu-*
23 *lation aged 5 to 17, inclusive, in the local educational*
24 *agency or the number of such children. Weighted*
25 *pupil counts shall be calculated based upon both per-*

1 centage and number and the larger of the two counts
2 shall be used in calculating grants for each local edu-
3 cational agency. Except as provided in subparagraph
4 (B), weighting factors shall be assigned according to
5 the following scale: if the percentage is greater than
6 0 but less than 12.20, the weighting factor shall be
7 1.00 for all children counted under paragraph (1); if
8 the percentage is greater than 12.20 but less than
9 17.70, the weighting factor shall be 1.00 for a number
10 of children counted under paragraph (1) equal to
11 12.20 percent of the total school age population and
12 1.10 for children counted under paragraph (1) in ex-
13 cess of 12.20 percent of the total school age popu-
14 lation; if the percentage is greater than 17.70 percent
15 but less than 22.80 percent, then the weighting factor
16 shall be 1.00 for a number of children counted under
17 paragraph (1) equal to 12.20 percent of the total
18 school age population, 1.10 for a number of children
19 counted under paragraph (1) equal to 5.50 percent of
20 the total school age population, and 1.20 for children
21 counted under paragraph (1) in excess of 17.70 per-
22 cent of the total school age population; if the percent-
23 age is greater than 22.80 percent but less than 29.70
24 percent, then the weighting factor shall be 1.00 for a
25 number of children counted under paragraph (1)

1 equal to 12.20 percent of the total school age popu-
2 lation, 1.10 for a number of children counted under
3 paragraph (1) equal to 5.50 percent of the total school
4 age population, 1.20 for a number of children counted
5 under paragraph (1) equal to 5.10 percent of the total
6 school age population, and 1.30 for children counted
7 under paragraph (1) in excess of 22.80 percent of the
8 total school age population; and if the percentage is
9 greater than 29.70, then the weighting factor shall be
10 1.00 for a number of children counted under para-
11 graph (1) equal to 12.20 percent of the total school
12 age population, 1.10 for a number of children counted
13 under paragraph (1) equal to 5.50 percent of the total
14 school age population, 1.20 for a number of children
15 counted under paragraph (1) equal to 5.10 percent of
16 the total school age population, 1.30 for a number of
17 children counted under paragraph (1) equal to 6.90
18 percent of the total school age population, and 1.40
19 for children counted under paragraph (1) in excess of
20 29.70 percent of the total school age population. Sepa-
21 rately, if the number of children counted under para-
22 graph (1) is greater than 0 but less than 1917, the
23 weighting factor shall be 1.00 for all children counted
24 under paragraph (1); if the number is greater than
25 1917 but less than 5,938, the weighting factor shall be

1 *1.00 for a number of children counted under para-*
2 *graph (1) equal to 1917, and 1.075 for children*
3 *counted under paragraph (1) in excess of 1917; if the*
4 *number is greater than 5,938 but less than 20,199,*
5 *then the weighting factor shall be 1.00 for a number*
6 *of children counted under paragraph (1) equal to*
7 *1917, 1.075 for a number of children counted under*
8 *paragraph (1) equal to 4,021, and 1.150 for children*
9 *counted under paragraph (1) in excess of 5,938; if the*
10 *number is greater than 20,199 but less than 77,999*
11 *then the weighting factor shall be 1.00 for a number*
12 *of children counted under paragraph (1) equal to*
13 *1917, 1.075 for a number of children counted under*
14 *paragraph (1) equal to 4,021, 1.150 for a number of*
15 *children counted under paragraph (1) equal to*
16 *14,261, and 1.225 for children counted under para-*
17 *graph (1) in excess of 20,199; and if the number is*
18 *greater than 77,999, then the weighting factor shall be*
19 *1.00 for a number of children counted under para-*
20 *graph (1) equal to 1917, 1.075 for a number of chil-*
21 *dren counted under paragraph (1) equal to 4,021,*
22 *1.150 for a number of children counted under para-*
23 *graph (1) equal to 14,261, 1.225 for a number of chil-*
24 *dren counted under paragraph (1) equal to 57,800*
25 *and 1.30 for children counted under paragraph (1) in*

1 *excess of 77,999. For the Commonwealth of Puerto*
2 *Rico, the weighting factor shall be not greater than*
3 *1.15.*

4 “(B) *If the Secretary determines that satisfac-*
5 *tory data for local educational agencies are available*
6 *to carry out determinations under section 1123(a)(2),*
7 *then the Secretary shall substitute the percentages,*
8 *numbers, and quintiles described in section*
9 *1124(b)(3) for the percentages, numbers, and quintiles*
10 *described in subparagraph (A).*

11 “(d) *STATE MINIMUM.—*

12 “(1) *MINIMUM.—For any fiscal year the aggre-*
13 *gate amount allotted for all local educational agencies*
14 *within a State may not be less than one-quarter of 1*
15 *percent of the total amount available for such fiscal*
16 *year under this section.*

17 “(2) *SPECIAL RULE.—A State shall not be allot-*
18 *ted in any fiscal year more than 125 percent of the*
19 *amount that the State would have received under this*
20 *section in such fiscal year if the provisions of para-*
21 *graph (1) were not applied.*

22 “(e) *SPECIAL RULE.—No State shall receive a grant*
23 *under this section for fiscal year 1995 in an amount that*
24 *exceeds 115 percent of the amount that would have been al-*
25 *located to such State for such fiscal year under subpart 1*

1 *of part A of chapter 1 of title I (as such subpart was in*
2 *effect on the day preceding the date of enactment of the Im-*
3 *proving America's Schools Act of 1994).*

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

5 *“(a) IN GENERAL.—*

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

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

23 *“(B)(i) If the sums made available under this*
24 *part for any fiscal year are insufficient to pay the*
25 *full amounts that all local educational agencies in all*

1 *States are eligible to receive under subparagraph (A)*
2 *for such year, the State educational agency shall rat-*
3 *ably reduce the allocations to such local educational*
4 *agencies for such year.*

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

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

14 *“(i) are not eligible for assistance under*
15 *paragraph (1); and*

16 *“(ii) serve a school attendance area for*
17 *which the percentage of children counted under*
18 *subsection (b)(1) that are enrolled in the schools*
19 *in such area exceeds—*

20 *“(I) the percentage of such children in*
21 *the State; or*

22 *“(II) 25 percent.*

23 *“(B) The total amount of funds awarded to each*
24 *local educational agency receiving a grant under this*

1 *paragraph when added to funds made available under*
2 *paragraph (2) shall not exceed—*

3 *“(i) for fiscal year 1995, the amount such*
4 *agency received under this part’s predecessor au-*
5 *thority in the preceding fiscal year; and*

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

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

18 *“(D) Each local educational agency receiving a*
19 *grant under this paragraph only shall use such grants*
20 *funds to serve school attendance areas described in*
21 *subparagraph (A)(ii).*

22 *“(E) In order to receive a grant under this para-*
23 *graph a local educational agency shall provide an as-*
24 *surance to the State educational agency serving such*
25 *local educational agency that such local educational*

1 *agency has not modified the student assignment prac-*
2 *tices of such local educational agency so as to increase*
3 *the percentage of children from low-income families*
4 *in each school for which assistance is sought under*
5 *this paragraph.*

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

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

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

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

22 *“(B) In determining the number of children eli-*
23 *gible to be counted under subparagraph (A), a State*
24 *educational agency shall use for each local edu-*

1 *cational agency served by such State educational*
2 *agency—*

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

6 *“(ii) data based on the sum of—*

7 *“(I) the number of children from fami-*
8 *lies receiving aid to families with dependent*
9 *children under part A of title IV of the So-*
10 *cial Security Act; and*

11 *“(II) the number of children with lim-*
12 *ited-English proficiency served by such*
13 *agency divided by three; or*

14 *“(iii) data based on other poverty criteria,*
15 *including combinations of the data described in*
16 *clauses (i) and (ii) and combinations of the data*
17 *described in either such clause and other data,*
18 *that the State educational agency deems appro-*
19 *priate and the Secretary approves, adjusted to be*
20 *equivalent in proportion to the number of chil-*
21 *dren determined in accordance with section*
22 *1123(c)(1)(B) in the State, except that the State*
23 *educational agency may submit to the Secretary*
24 *for approval alternative data that more accu-*
25 *rately target poverty.*

1 “(2) *ABSORPTION.*—In determining the number
2 of children to be counted under this paragraph for
3 each local educational agency, the State educational
4 agency shall subtract 1 percent of the total number of
5 children aged 5 to 17, inclusive, served by such local
6 educational agency from the number of children
7 counted under paragraph (1) for such local edu-
8 cational agency.

9 “(3) *WEIGHTED CHILDREN.*—From funds made
10 available under section 1123, each State educational
11 agency shall allocate such funds to local educational
12 agencies in the State on the basis of the number of
13 children counted under paragraph (2) for a local edu-
14 cational agency multiplied by the weighting factor for
15 the local educational agency. The weighting factor
16 shall be established on the basis of the percentage that
17 the number of children counted under paragraph (2)
18 represents of the total population aged 5 to 17, inclu-
19 sive, in the local educational agency or the number of
20 such children. Weighted pupil counts shall be cal-
21 culated based upon both percentage and number and
22 the larger of the two counts shall be used in calculat-
23 ing grants for each local educational agency.
24 Weighting factors shall be assigned according to the
25 following scale, except that a State educational agen-

1 *cy may submit to the Secretary for approval State-*
2 *specific quintiles for use in the following percentages*
3 *or numbers for the State if the use of such quintiles*
4 *more accurately targets poverty: if the percentage is*
5 *greater than 0 but less than 14.265, the weighting fac-*
6 *tor shall be 1.00 for all children counted under para-*
7 *graph (2); if the percentage is greater than 14.265 but*
8 *less than 21.553, the weighting factor shall be 1.00 for*
9 *a number of children counted under paragraph (2)*
10 *equal to 14.265 percent of the total school age popu-*
11 *lation and 1.150 for children counted under para-*
12 *graph (2) in excess of 14.265 percent of the total*
13 *school age population; if the percentage is greater*
14 *than 21.553 percent but less than 29.223 percent, then*
15 *the weighting factor shall be 1.00 for a number of*
16 *children counted under paragraph (2) equal to 14.265*
17 *percent of the total school age population, 1.150 for*
18 *a number of children counted under paragraph (2)*
19 *equal to 7.288 percent of the total school age popu-*
20 *lation, and 1.300 for children counted under para-*
21 *graph (2) in excess of 21.553 percent of the total*
22 *school age population; if the percentage is greater*
23 *than 29.223 percent but less than 36.538 percent, then*
24 *the weighting factor shall be 1.00 for a number of*
25 *children counted under paragraph (2) equal to 14.265*

1 *percent of the total school age population, 1.150 for*
2 *a number of children counted under paragraph (2)*
3 *equal to 7.288 percent of the total school age popu-*
4 *lation, 1.30 for a number of children counted under*
5 *paragraph (2) equal to 7.67 percent of the total school*
6 *age population, and 1.450 for children counted under*
7 *paragraph (2) in excess of 29.223 percent of the total*
8 *school age population; and if the percentage is greater*
9 *than 36.538, then the weighting factor shall be 1.00*
10 *for a number of children counted under paragraph*
11 *(2) equal to 14.265 percent of the total school age pop-*
12 *ulation, 1.150 for a number of children counted under*
13 *paragraph (2) equal to 7.288 percent of the total*
14 *school age population, 1.300 for a number of children*
15 *counted under paragraph (2) equal to 7.67 percent of*
16 *the total school age population, 1.450 for a number of*
17 *children counted under paragraph (2) equal to 7.315*
18 *percent of the total school age population, and 1.600*
19 *for children counted under paragraph (2) in excess of*
20 *36.538 percent of the total school age population. Sep-*
21 *arately, if the number of children counted under*
22 *paragraph (2) is greater than 0 but less than 575, the*
23 *weighting factor shall be 1.00 for all children counted*
24 *under paragraph (2); if the number is greater than*
25 *575 but less than 1,870, the weighting factor shall be*

1 *1.00 for a number of children counted under para-*
2 *graph (2) equal to 575, and 1.10 for children counted*
3 *under paragraph (2) in excess of 575; if the number*
4 *is greater than 1,870 but less than 6,910, then the*
5 *weighting factor shall be 1.00 for a number of chil-*
6 *dren counted under paragraph (2) equal to 575, 1.10*
7 *for a number of children counted under paragraph*
8 *(2) equal to 1,295, and 1.20 for children counted*
9 *under paragraph (2) in excess of 1,870; if the number*
10 *is greater than 6,910 but less than 42,000 then the*
11 *weighting factor shall be 1.00 for a number of chil-*
12 *dren counted under paragraph (2) equal to 575, 1.10*
13 *for a number of children counted under paragraph*
14 *(2) equal to 1,295, 1.20 for a number of children*
15 *counted under paragraph (2) equal to 5,040, and 1.30*
16 *for children counted under paragraph (2) in excess of*
17 *6,910; and if the number is greater than 42,000, then*
18 *the weighting factor shall be 1.00 for a number of*
19 *children counted under paragraph (2) equal to 575,*
20 *1.10 for a number of children counted under para-*
21 *graph (2) equal to 1,295, 1.20 for a number of chil-*
22 *dren counted under paragraph (2) equal to 5,040,*
23 *1.30 for a number of children counted under para-*
24 *graph (2) equal to 35,090 and 1.40 for children*
25 *counted under paragraph (2) in excess of 42,000.*

1 “(4) *GEOGRAPHIC CIRCUMSTANCES.*—*In the case*
2 *of local educational agencies which serve in whole or*
3 *in part the same geographical area, and in the case*
4 *of a local educational agency which provides free pub-*
5 *lic education for a substantial number of children*
6 *who reside in the school district of another local edu-*
7 *cational agency, the State educational agency may al-*
8 *locate the amount of the grants for those local edu-*
9 *cational agencies among those local educational agen-*
10 *cies in such manner as the State educational agency*
11 *determines will best carry out the purposes of this*
12 *part.*

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

1 *such responsibility, any other State or local public*
 2 *agency, as determined by regulations established by*
 3 *the Secretary, which does assume such responsibility,*
 4 *shall be eligible to receive such portion of the alloca-*
 5 *tion.*

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

15 **“PART B—TRANSITION TO SUCCESS**

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

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

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

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

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

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

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

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

1 *priority to students entering their first year of ele-*
2 *mentary school) and their families in—*

3 *“(A) obtaining supportive services that*
4 *build on the strength of families, including*
5 *health, immunization, mental health, nutrition,*
6 *parenting education, literacy, and social services*
7 *(including substance abuse treatment, education,*
8 *and prevention services); and*

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

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

20 *“(5) TERM OF GRANT.—Each grant awarded*
21 *under this part shall be for a period of not more than*
22 *3 years.*

23 *“(c) CONSULTATION.—The Secretary shall consult*
24 *with the Secretary of Health and Human Services to de-*
25 *velop regulations and promote coordination of activities as-*

1 *sisted under this part with the projects funded under the*
2 *Head Start Transition Project Act, including a process*
3 *to—*

4 “(1) *collect information on program activities*
5 *and outcomes; and*

6 “(2) *disseminate information on model pro-*
7 *grams.*

8 “(d) *ELIGIBILITY.—*

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

12 “(A) *receives funds under part A;*

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

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

1 “(2) *COOPERATING AGENCY.*—A nonprofit agen-
2 cy or institution of higher education with experience
3 in early childhood development may participate in a
4 consortium formed under paragraph (1)(B) in devel-
5 oping, operating, and evaluating programs assisted
6 under this part, including developing or implement-
7 ing model approaches to developmentally appropriate
8 curricula.

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

15 “(f) *REQUIREMENTS.*—

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

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

21 “(A) the commitment of the members of the
22 consortium to the program for which assistance
23 under this part is requested;

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

4 “(C) the quality of information and plans
5 in the application.

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

9 “(A) will operate a program under this
10 part at a school designated for a schoolwide pro-
11 gram under section 1114;

12 “(B) serve local educational agencies that
13 have the highest number or percentage of poor
14 children; and

15 “(C) demonstrate a significant commitment
16 by the community to the proposed program, as
17 evidenced by the level of resources, both cash and
18 in-kind, from other public and private sources
19 available to the consortium.

20 “(g) APPLICATION.—

21 “(1) IN GENERAL.—Each local educational agen-
22 cy consortium seeking a grant under this part shall
23 submit an application to the State educational agen-
24 cy according to guidelines established by the Sec-
25 retary. Each such application shall include—

1 “(A) a description of the activities and serv-
2 ices for which assistance is sought;

3 “(B) a description of members of the consor-
4 tium formed under subsection (d)(1)(B), includ-
5 ing any cooperating agency;

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

16 “(D) a plan for the development of a sup-
17 portive services team of family service coordina-
18 tors to—

19 “(i) assist families, administrators,
20 and teachers to respond to health, immuni-
21 zation, mental health, nutrition, social serv-
22 ice, and educational needs of students;

23 “(ii) conduct home visits and help stu-
24 dents and their families to obtain health,
25 immunization, mental health, nutrition,

1 *parenting education, literacy, education*
2 *(including tutoring and remedial services),*
3 *and social services (including substance*
4 *abuse treatment, education, and preven-*
5 *tion), for which such students and their*
6 *families are eligible;*

7 *“(iii) coordinate a family outreach*
8 *and support program, including a plan for*
9 *involving parents in the management of the*
10 *program assisted under this part, in co-*
11 *operation with parental involvement efforts*
12 *undertaken pursuant to this title, the Head*
13 *Start Act, and the Individuals with Dis-*
14 *abilities Education Act, including school-*
15 *parent compacts, parent volunteer activi-*
16 *ties, parent education services such as the*
17 *Even Start program, and regular meetings;*

18 *“(iv) assist families, administrators,*
19 *and teachers in enhancing developmental*
20 *continuity between the programs assisted*
21 *under the Head Start Act, other early child-*
22 *hood development programs, and elementary*
23 *school classes; and*

24 *“(v) prepare a plan for the transition*
25 *of each child from Head Start, or other*

1 *early childhood development program, to*
2 *kindergarten, including—*

3 “(I) *a meeting of the early child-*
4 *hood development program teacher*
5 *with the kindergarten teacher and the*
6 *child’s parents to discuss the transition*
7 *of each child and to address any par-*
8 *ticular educational needs of such child;*
9 *and*

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

17 “(E) *the designation of a member of the*
18 *supportive services team described in subpara-*
19 *graph (D) who will serve as the supervisor of*
20 *such supportive services team;*

21 “(F) *assurances that State agencies, local*
22 *agencies, and community-based organizations*
23 *that provide supportive services to low-income*
24 *students served by the local educational agency*

1 *consortium have been consulted in the prepara-*
2 *tion of the plan described in subparagraph (D);*

3 “(G) assurances that State agencies, local
4 agencies, and community-based organizations
5 that provide supportive services to low-income
6 students served by the local educational agency
7 consortium will designate an individual who
8 will act as a liaison to the supportive services
9 team described in subparagraph (D);

10 “(H) a description of the target population
11 to be served by the supportive services team de-
12 scribed in subparagraph (D), including families
13 previously served under part C, the Head Start
14 Act, or other comparable early childhood develop-
15 ment program;

16 “(I) a description of the supportive services
17 to be provided, directly or through referral;

18 “(J) a plan to ensure the smooth transition
19 of children served under part C, the Head Start
20 Act, the Individuals with Disabilities Education
21 Act, and other comparable early childhood devel-
22 opment programs, to elementary schools;

23 “(K) assurances that, and a plan describing
24 how, families will be involved in the design and

1 *operation of the program assisted under this*
2 *part;*

3 “(L) *a description of the Federal and non-*
4 *Federal resources that will be used to carry out*
5 *the program;*

6 “(M) *if the applicant is receiving assistance*
7 *through a program under the Follow Through*
8 *Act—*

9 “(i) *a description of the activities that*
10 *will be funded under this part and the ac-*
11 *tivities that are funded with assistance pro-*
12 *vided under the Follow Through Act; and*

13 “(ii) *a description of the manner in*
14 *which activities funded under this part and*
15 *activities funded with assistance provided*
16 *under the Follow Through Act will be co-*
17 *ordinated within the elementary school;*

18 “(N) *assurances that the supportive services*
19 *described in subparagraph (D) will be equipped*
20 *to assist children and families with limited-Eng-*
21 *lish proficiency and disabilities, if appropriate;*

22 “(O) *a plan describing how the program as-*
23 *sisted under this part will be sustained, with*
24 *funding received under part A or other Federal*

1 *and non-Federal funding sources, after the grant*
2 *has expired;*

3 *“(P) program goals and a methodology to*
4 *measure progress toward achieving such goals;*
5 *and*

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

8 *“(2) SPECIAL RULE.—Each supportive services*
9 *team developed pursuant to paragraph (1)(D) shall*
10 *include at least 1 family service coordinator for every*
11 *35 children to be served.*

12 *“(h) EVALUATION AND REPORT.—*

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

21 *“(2) INFORMATION.—Each State educational*
22 *agency shall furnish to the Secretary such informa-*
23 *tion as the Secretary shall request to carry out the*
24 *evaluation described in paragraph (1).*

1 **“SEC. 1202. COORDINATION REQUIREMENTS.**

2 “(a) *IN GENERAL.*—Each local educational agency re-
3 ceiving assistance under section 1113 may use such assist-
4 ance to carry out the activities described in subsection (b)
5 to the extent feasible and appropriate to the circumstances,
6 including the extent to which such local educational agency
7 is able to secure the cooperation of parents and local Head
8 Start agencies and, if feasible, other early childhood devel-
9 opment programs.

10 “(b) *ACTIVITIES.*—The activities referred to in sub-
11 section (a) are activities that increase coordination between
12 the local educational agency and a Head Start agency, and,
13 if feasible, other early childhood development programs,
14 serving children who will attend the schools of such agency,
15 including—

16 “(1) *developing and implementing a systematic*
17 *procedure for receiving records regarding such chil-*
18 *dren transferred with parental consent from a Head*
19 *Start program or, where applicable, other early child-*
20 *hood development programs;*

21 “(2) *establishing channels of communication be-*
22 *tween school staff and their counterparts in such*
23 *Head Start agencies (including teachers, social work-*
24 *ers, and health staff) or other early childhood develop-*
25 *ment programs, as appropriate, to facilitate coordina-*
26 *tion of programs;*

1 “(3) *conducting meetings involving parents, kin-*
2 *dergarten or elementary school teachers, and Head*
3 *Start teachers or, if appropriate, teachers from other*
4 *early childhood development programs, to discuss the*
5 *developmental and other needs of individual children;*
6 *and*

7 “(4) *organizing and participating in joint tran-*
8 *sition related training of school staff, Head Start*
9 *staff, and, where appropriate, other early childhood*
10 *staff.*

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

16 **“SEC. 1203. DEFINITIONS.**

17 *“As used in this part:*

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

24 “(2) *FAMILY SERVICES COORDINATOR.—The*
25 *term ‘family services coordinator’ means an individ-*

1 “(1) be implemented through cooperative projects
2 that build on existing community resources to create
3 a new range of services;

4 “(2) promote achievement of the National Edu-
5 cation Goals; and

6 “(3) assist children and adults from low-income
7 families to achieve to challenging State content stand-
8 ards and challenging State student performance
9 standards.

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

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

18 “(1) children of migratory workers;

19 “(2) the outlying areas; and

20 “(3) Indian tribes and tribal organizations.

21 “(b) *RESERVATION FOR FEDERAL ACTIVITIES.*—From
22 amounts appropriated under section 1002(b), the Secretary
23 may reserve not more than 3 percent of such amounts or
24 the amount reserved to carry out the activities described in

1 paragraphs (1) and (2) for the fiscal year 1994, whichever
2 is greater, for purposes of—

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

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

8 “(c) RESERVATION FOR GRANTS.—

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

23 “(2) MATCHING REQUIREMENT.—The Secretary
24 shall not make a grant to a State under paragraph
25 (1) unless the State agrees that, with respect to the

1 *costs to be incurred by the eligible consortium in car-*
2 *rying out the activities for which the grant was*
3 *awarded, the State will make available non-Federal*
4 *contributions in an amount equal to not less than the*
5 *Federal funds provided under the grant.*

6 *“(d) STATE ALLOCATION.—*

7 *“(1) IN GENERAL.—From amounts appropriated*
8 *under section 1002(b) and not reserved under sub-*
9 *sections (a), (b), and (c), the Secretary shall make*
10 *grants to States from allocations under paragraph*
11 *(2).*

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

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

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

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

4 “(A) *a local educational agency; and*

5 “(B) *a nonprofit community-based organi-*
6 *zation, a public agency, an institution of higher*
7 *education, or a public or private nonprofit orga-*
8 *nization of demonstrated quality;*

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

16 “(3) *the terms ‘Indian tribe’ and ‘tribal organi-*
17 *zation’ have the meanings given such terms in section*
18 *4 of the Indian Self-Determination and Education*
19 *Assistance Act; and*

20 “(4) *the term ‘State’ includes each of the 50*
21 *States, the District of Columbia, and the Common-*
22 *wealth of Puerto Rico.*

1 **“SEC. 1303. STATE PROGRAMS.**

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

5 “(1) administration; and

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

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

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

15 “(2) *MINIMUM.*—No State shall award a
16 subgrant under paragraph (1) in an amount less
17 than \$75,000, except that a State may award one
18 subgrant in each fiscal year of sufficient size, scope,
19 and quality to be effective in an amount less than
20 \$75,000 if, after awarding subgrants under para-
21 graph (1) for such fiscal year in amounts of \$75,000
22 or greater, less than \$75,000 is available to the State
23 to award such subgrants.

24 **“SEC. 1304. USES OF FUNDS.**

25 “(a) *IN GENERAL.*—In carrying out a program under
26 this part, a recipient of funds under this part shall use such

1 *funds to pay the Federal share of the cost of providing fam-*
2 *ily-centered education programs that involve parents and*
3 *children in a cooperative effort to help parents obtain edu-*
4 *cational skills and become full partners in the education*
5 *of their children and to assist children in reaching their*
6 *full potential as learners.*

7 “(b) *FEDERAL SHARE LIMITATION.*—

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

11 “(i) *90 percent of the total cost of the pro-*
12 *gram in the first year that such program receives*
13 *assistance under this part or its predecessor au-*
14 *thority;*

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

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

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

18 *and*

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

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

24 “(2) *WAIVER.*—*The State educational agency*
25 *may waive, in whole or in part, the cost-sharing re-*

1 *quirement described in paragraph (1) for an eligible*
2 *entity if such entity—*

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

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

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

18 **“SEC. 1305. PROGRAM ELEMENTS.**

19 *“Each program assisted under this part shall—*

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

1 “(2) include screening and preparation of par-
2 ents, including teenage parents, and children to en-
3 able such parents and children to participate fully in
4 the activities and services provided under this part,
5 including testing, referral to necessary pupil services,
6 and other developmental and support services;

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

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

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

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

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

1 *ational services, and preparation of children for suc-*
2 *cess in regular school programs;*

3 *“(5) include qualified personnel to develop, ad-*
4 *minister, and implement the program assisted under*
5 *this part;*

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

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

13 *“(8) operate on a year-round basis, including the*
14 *provision of some instructional or enrichment services*
15 *during the summer months;*

16 *“(9) be coordinated with—*

17 *“(A) other programs assisted under this*
18 *title and 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 lit-*
24 *eracy programs, and other relevant programs;*

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

4 “(11) provide services under this part to individ-
5 uals with special needs, such as individuals with lim-
6 ited-English proficiency and individuals with disabil-
7 ities;

8 “(12) encourage eligible participants to remain
9 in the program for a time sufficient to meet the pro-
10 gram’s purpose; and

11 “(13) provide for an independent evaluation of
12 the program.

13 **“SEC. 1306. ELIGIBLE PARTICIPANTS.**

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

16 “(1) a parent or parents—

17 “(A) who are eligible for participation in
18 an adult basic education program under the
19 Adult Education Act; or

20 “(B) who are within the State’s compulsory
21 school attendance age range, so long as a local
22 educational agency provides (or ensures the
23 availability of) the basic education component
24 required under this part; and

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

3 “(b) *ELIGIBILITY FOR CERTAIN OTHER PARTICI-*
4 *PANTS.—*

5 “(1) *IN GENERAL.—Family members of eligible*
6 *participants described in subsection (a) may partici-*
7 *pate in activities and services provided under this*
8 *part, when appropriate to serve the purpose of this*
9 *part.*

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

17 “(A) *in the case of a family in which ineli-*
18 *gibility was due to the child or children of such*
19 *family attaining the age of eight, shall be in two*
20 *years or when the parent or parents become in-*
21 *eligible due to educational advancement, which-*
22 *ever occurs first; and*

23 “(B) *in the case of a family in which ineli-*
24 *gibility was due to the educational advancement*
25 *of the parent or parents of such family, shall be*

1 *when all children in the family attain the age of*
2 *eight.*

3 ***“SEC. 1307. APPLICATIONS.***

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

9 “(b) *PLAN.*—

10 “(1) *IN GENERAL.*—*Each such application shall*
11 *include—*

12 “(A) *a description of the program goals;*

13 “(B) *a description of the activities and*
14 *services that will be provided under the program,*
15 *including a description of how the program will*
16 *incorporate the program elements required by*
17 *section 1305;*

18 “(C) *a description of the population to be*
19 *served and an estimate of the number of partici-*
20 *pants to be served;*

21 “(D) *as appropriate, a description of the*
22 *applicant’s collaborative efforts with institutions*
23 *of higher education, community-based organiza-*
24 *tions, the State educational agency, private ele-*
25 *mentary schools, or eligible organizations in car-*

1 *rying out the program for which assistance is*
2 *sought; and*

3 *“(E) a statement of the methods that will be*
4 *used—*

5 *“(i) to ensure that the programs will*
6 *serve those families most in need of the ac-*
7 *tivities and services provided by this part;*

8 *“(ii) to provide services under this*
9 *part to individuals with special needs, such*
10 *as individuals with limited-English pro-*
11 *ficiency and individuals with disabilities;*
12 *and*

13 *“(iii) to encourage participants to re-*
14 *main in the program for a time sufficient*
15 *to meet the program’s purpose.*

16 *“(2) DURATION OF THE PLAN.—Each plan sub-*
17 *mitted under paragraph (1)(A) shall—*

18 *“(A) remain in effect for the duration of the*
19 *eligible entity’s participation under this part;*
20 *and*

21 *“(B) be periodically reviewed and revised*
22 *by the eligible entity as necessary.*

23 **“SEC. 1308. AWARD OF SUBGRANTS.**

24 *“(a) SELECTION PROCESS.—*

1 “(1) *IN GENERAL.*—*The State educational agency shall establish a review panel in accordance with*
2 *subsection (b) that will approve applications that—*

3 “(A) *are most likely to be successful in—*

4 “(i) *meeting the purpose of this part;*

5 *and*

6 “(ii) *effectively implementing the pro-*
7 *gram elements required under section 1305;*

8 “(B) *demonstrate that the area to be served*
9 *by such program has a high percentage or a*
10 *large number of children and families who are in*
11 *need of such services as indicated by high levels*
12 *of poverty, illiteracy, unemployment, limited-*
13 *English proficiency, or other need-related indica-*
14 *tors, including a high percentage of children to*
15 *be served by the program who reside in a school*
16 *attendance area eligible for participation in pro-*
17 *grams under part A of this title;*

18 “(C) *provide services for at least a three-*
19 *year age range;*

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

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

3 “(F) demonstrate the applicant’s ability to
4 provide the remaining cost required by section
5 1304(b);

6 “(G) are representative of urban and rural
7 regions of the State; and

8 “(H) show the greatest promise for provid-
9 ing models that may be adopted by other local
10 educational agencies.

11 “(2) REVIEW PANEL.—A review panel shall con-
12 sist of at least three members, including one early
13 childhood professional, one adult education profes-
14 sional, and one of the following individuals:

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

17 “(B) A representative of a community-based
18 literacy organization.

19 “(C) A member of a local board of edu-
20 cation.

21 “(D) A representative of business and in-
22 dustry with a commitment to education.

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

1 “(3) *PRIORITY.*—*The State educational agency*
2 *shall give priority to awarding subgrants under this*
3 *subsection to applications describing programs that—*

4 “(A) *target services primarily to families*
5 *whose children reside in attendance areas of*
6 *schools eligible for schoolwide programs under*
7 *section 1114; or*

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

10 “(b) *DURATION.*—

11 “(1) *IN GENERAL.*—*Subgrants under this part*
12 *may be awarded for a period not to exceed four years.*

13 “(2) *STARTUP PERIOD.*—*The State educational*
14 *agency may provide an eligible recipient, at such re-*
15 *recipient’s request, a 3- to 6-month startup period dur-*
16 *ing the first year of the 4-year grant period, which*
17 *may include staff recruitment and training, and the*
18 *coordination of services, before requiring full imple-*
19 *mentation of the program.*

20 “(3) *CONTINUING ELIGIBILITY.*—*In awarding*
21 *subgrant funds to continue a program under this part*
22 *for the second, third, or fourth year, the State edu-*
23 *cational agency shall review the progress being made*
24 *toward meeting the objectives of the program after the*
25 *conclusion of the startup period, if any.*

1 “(4) *GRANT RENEWAL.*—(A) *An eligible entity*
2 *that has previously received a subgrant under this*
3 *part may reapply under this part for a second*
4 *subgrant period.*

5 “(B) *The Federal share of any subgrant renewed*
6 *under subparagraph (A) shall not exceed 50 percent*
7 *in any fiscal year.*

8 “(5) *INSUFFICIENT PROGRESS.*—*The State edu-*
9 *cational agency may refuse to award subgrant funds*
10 *if such agency finds that sufficient progress has not*
11 *been made toward meeting such objectives, but only*
12 *after affording the applicant notice and an oppor-*
13 *tunity for a hearing.*

14 **“SEC. 1309. EVALUATION.**

15 *“From funds reserved under section 1302(b)(1), the*
16 *Secretary shall provide for an independent evaluation of*
17 *programs assisted under this part—*

18 *“(1) to determine the performance and effective-*
19 *ness of programs assisted under this part; and*

20 *“(2) to identify effective programs assisted under*
21 *this part that can be duplicated and used in provid-*
22 *ing technical assistance to Federal, State, and local*
23 *programs.*

1 **“SEC. 1310. CONSTRUCTION.**

2 *“Nothing in this part shall be construed to prohibit*
3 *a recipient of funds under this part from serving students*
4 *participating in Even Start simultaneously with students*
5 *with similar educational needs, in the same educational set-*
6 *tings where appropriate.*

7 **“PART D—EDUCATION OF MIGRATORY CHILDREN**

8 **“SEC. 1401. PROGRAM PURPOSE.**

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

10 *“(1) support high-quality and comprehensive*
11 *educational programs for migratory children to help*
12 *reduce the educational disruptions and other problems*
13 *that result from repeated moves;*

14 *“(2) ensure that migratory children are provided*
15 *with appropriate educational services (including sup-*
16 *portive services) that address their special needs in a*
17 *coordinated and efficient manner;*

18 *“(3) ensure that migratory children have the op-*
19 *portunity to meet the same challenging State content*
20 *standards and challenging State student performance*
21 *standards that all children are expected to meet;*

22 *“(4) design programs to help migratory children*
23 *overcome educational disruption, cultural and lan-*
24 *guage barriers, social isolation, various health-related*
25 *problems, and other factors that inhibit the ability of*
26 *such children to do well in school, and to prepare*

1 *such children to make a successful transition to post-*
2 *secondary education or employment; and*

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

5 **“SEC. 1402. PROGRAM AUTHORIZED.**

6 *“(a) IN GENERAL.—In order to carry out the purpose*
7 *of this part, the Secretary shall make grants to State edu-*
8 *cational agencies, or combinations of such agencies, to es-*
9 *tablish or improve, directly or through local operating agen-*
10 *cies, programs of education for migratory children in ac-*
11 *cordance with this part.*

12 *“(b) DEFINITIONS.—As used in this part—*

13 *“(1) the term ‘local operating agency’ means—*

14 *“(A) a local educational agency to which a*
15 *State educational agency makes a subgrant*
16 *under this part;*

17 *“(B) a public or private nonprofit agency*
18 *with which a State educational agency or the*
19 *Secretary makes an arrangement to carry out a*
20 *program or project under this part; or*

21 *“(C) a State educational agency, if the*
22 *State educational agency operates the State’s mi-*
23 *grant education program or projects directly;*
24 *and*

1 “(2) the term ‘migratory child’ means a child
2 who is, or whose parent or guardian is, a migratory
3 agricultural worker, including a migratory dairy
4 worker, or a migratory fisher, and who, in the preced-
5 ing 48 months, in order to obtain, or accompany such
6 parent or spouse in order to obtain, temporary or sea-
7 sonal employment in agricultural or fishing work—

8 “(A) has moved from one school district to
9 another;

10 “(B) in a State that is comprised of a sin-
11 gle school district, has moved from one adminis-
12 trative area to another within such district; or

13 “(C) resides in a school district of more
14 than 15,000 square miles, and migrates a dis-
15 tance of 20 miles or more to a temporary resi-
16 dence to engage in a fishing activity.

17 **“SEC. 1403. STATE ALLOCATIONS.**

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

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

1 through 21 who reside in the State part time, as de-
2 termined in accordance with subsection (e); multi-
3 plied by

4 “(2) 40 percent of the average per-pupil expendi-
5 ture in the State, except that the amount determined
6 under this paragraph shall not be less than 32 per-
7 cent, or more than 48 percent, of the average per-
8 pupil expenditure in the United States.

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

12 “(1) the number of migratory children in Puerto
13 Rico, determined under subsection (a)(1); multiplied
14 by

15 “(2) the product of—

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

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

22 “(c) RATABLE REDUCTIONS; REALLOCATIONS.—

23 “(1) IN GENERAL.—(A) If, after the Secretary re-
24 serves funds under section 1408(c), the amount appro-
25 priated to carry out this part for any fiscal year is

1 *insufficient to pay in full the amounts for which all*
2 *States are eligible, the Secretary shall ratably reduce*
3 *each such amount.*

4 *“(B) If additional funds become available for*
5 *making such payments for any fiscal year, the Sec-*
6 *retary shall allocate such funds to States in amounts*
7 *that the Secretary determines will best carry out the*
8 *purpose of this part.*

9 *“(2) SPECIAL RULE.—(A) The Secretary shall*
10 *further reduce the amount of any grant to a State*
11 *under this part for any fiscal year if the Secretary*
12 *determines, based on available information on the*
13 *numbers and needs of migratory children in the State*
14 *and the program proposed by the State to address*
15 *those needs, that such amount is not needed by the*
16 *State.*

17 *“(B) The Secretary shall reallocate such excess*
18 *funds to other States whose grants under this part*
19 *would otherwise be insufficient to provide an appro-*
20 *priate level of services to migratory children, in such*
21 *amounts as the Secretary determines are appropriate.*

22 *“(d) CONSORTIUM ARRANGEMENTS.—*

23 *“(1) IN GENERAL.—In the case of any State that*
24 *receives a grant of \$500,000 or less under this section,*
25 *the Secretary shall consult with the State educational*

1 *agency to determine whether consortium arrange-*
2 *ments with another State or another appropriate en-*
3 *tity would result in delivery of services in a more ef-*
4 *fective and efficient manner.*

5 “(2) *PROPOSALS.*—Any State, regardless of the
6 *amount of such State’s allocation, may submit a con-*
7 *sortium arrangement to the Secretary for approval.*

8 “(3) *APPROVAL.*—The Secretary shall approve a
9 *consortium arrangement under paragraph (1) or (2)*
10 *if the proposal demonstrates that the arrangement*
11 *will—*

12 “(A) *reduce administrative costs or pro-*
13 *gram function costs for State programs; and*

14 “(B) *make more funds available for direct*
15 *services to add substantially to the welfare or*
16 *educational attainment of children to be served*
17 *under this part.*

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

22 “(1) *use such information as the Secretary finds*
23 *most accurately reflects the actual number of migra-*
24 *tory children; and*

1 “(2) *adjust the full-time equivalent number of*
2 *migratory children who reside in each State to take*
3 *into account—*

4 “(A) *the special needs of those children par-*
5 *ticipating in special programs provided under*
6 *this part that operate during the summer or*
7 *other intersession periods; and*

8 “(B) *the additional costs of operating such*
9 *programs.*

10 **“SEC. 1404. STATE APPLICATIONS; SERVICES.**

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

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

17 “(1) *a description of how, in planning, imple-*
18 *menting, and evaluating programs and projects as-*
19 *sisted under this part, the State and its local operat-*
20 *ing agencies will ensure that the special educational*
21 *needs of migratory children, including preschool mi-*
22 *gratory children, are identified and addressed through*
23 *a comprehensive plan for needs assessment and service*
24 *delivery that meets the requirements of section 1406;*

1 “(2) a description of the steps the State is taking
2 to provide all migratory students with the oppor-
3 tunity to meet the same challenging State content
4 standards and challenging State student performance
5 standards that all children are expected to meet;

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

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

19 “(5) a description of how the State will deter-
20 mine the amount of any subgrants the State will
21 award to local operating agencies and the amount of
22 funds that such agencies will provide to individual
23 schools, taking into account the requirements of para-
24 graph (1).

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

3 “(1) *such programs and projects will be carried*
4 *out in a manner consistent with the objectives of sec-*
5 *tions 1114, 1115(b), 1115(e), 1117, 1120(b), and*
6 *1120(c), and part G;*

7 “(2) *in the planning and operation of such pro-*
8 *grams and projects at both the State and local operat-*
9 *ing agency level, there is appropriate consultation*
10 *with parent advisory councils for programs of one*
11 *school year in duration, and that all such programs*
12 *and projects are carried out, to the extent feasible, in*
13 *a manner consistent with section 1116;*

14 “(3) *the effectiveness of such programs and*
15 *projects will be determined, where feasible, using the*
16 *same approaches and standards that will be used to*
17 *assess the performance of students, schools, and local*
18 *educational agencies under part A; and*

19 “(4) *to the extent feasible, such programs and*
20 *projects will provide for—*

21 “(A) *advocacy and outreach activities for*
22 *migratory children and their families, including*
23 *informing such children and families of, or help-*
24 *ing such children and families gain access to,*

1 *other education, health, nutrition, and social*
2 *services;*

3 “(B) *professional development programs, in-*
4 *cluding mentoring, for teachers and other pro-*
5 *gram personnel;*

6 “(C) *family literacy programs, including*
7 *such programs that use models developed under*
8 *Even Start;*

9 “(D) *the integration of information tech-*
10 *nology into educational and related programs;*
11 *and*

12 “(E) *programs to facilitate the transition of*
13 *secondary school students to postsecondary edu-*
14 *cation or employment; and*

15 “(5) *the State will assist the Secretary in deter-*
16 *mining the number of migratory children under sec-*
17 *tion 1403(e), through such procedures as the Secretary*
18 *may require.*

19 “(d) *PRIORITY FOR SERVICES.—In providing services*
20 *with funds received under this part, each recipient of such*
21 *funds shall give priority to migratory children who are fail-*
22 *ing, or most at risk of failing, to meet the State’s challeng-*
23 *ing State content standards and challenging State student*
24 *performance standards, and whose education has been in-*
25 *terrupted during the regular school year.*

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

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

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

10 **“SEC. 1405. SECRETARIAL APPROVAL; PEER REVIEW.**

11 “(a) *SECRETARIAL APPROVAL.*—The Secretary shall
12 approve each application under this part that meets the re-
13 quirements of this part.

14 “(b) *PEER REVIEW.*—The Secretary may review any
15 application under this part with the assistance and advice
16 of State officials and other individuals with relevant exper-
17 tise.

18 **“SEC. 1406. COMPREHENSIVE NEEDS ASSESSMENT AND**
19 ***SERVICE-DELIVERY PLAN; AUTHORIZED AC-***
20 ***TIVITIES.***

21 “(a) *COMPREHENSIVE PLAN.*—

22 “(1) *IN GENERAL.*—Each State that receives as-
23 sistance under this part shall ensure that the State
24 and its local operating agencies identify and address

1 *the special educational needs of migratory children in*
2 *accordance with a comprehensive State plan that—*

3 “(A) provides that migratory children will
4 *have an opportunity to meet the same challeng-*
5 *ing State content standards and challenging*
6 *State student performance standards, set out in*
7 *such plans, that all children are expected to*
8 *meet;*

9 “(B) specifies measurable program goals
10 *and outcomes;*

11 “(C) encompasses the full range of services
12 *that are available for migratory children from*
13 *appropriate local, State and Federal educational*
14 *programs;*

15 “(D) is the product of joint planning among
16 *such local, State, and Federal programs, includ-*
17 *ing programs under part A, early childhood pro-*
18 *grams, and bilingual education programs under*
19 *part A of title VII; and*

20 “(E) provides for the integration of services
21 *available under this part with services provided*
22 *by such other programs.*

23 “(2) DURATION OF THE PLAN.—*Each such com-*
24 *prehensive State plan 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
4 by the State, as necessary, to reflect changes in
5 the State’s strategies and programs under this
6 part.

7 “(b) AUTHORIZED ACTIVITIES.—

8 “(1) IN GENERAL.—In implementing the com-
9 prehensive plan described in subsection (a), each local
10 operating agency shall have the flexibility to deter-
11 mine the activities to be provided with funds made
12 available under this part, except that—

13 “(A) before funds under this part are used
14 to provide services described in subparagraph
15 (B), such funds shall be used to meet the identi-
16 fied needs of migratory children that—

17 “(i) result from the effects of their mi-
18 gratory lifestyle, or are needed to permit
19 migratory children to participate effectively
20 in school; and

21 “(ii) are not addressed by services pro-
22 vided under other programs, including pro-
23 grams under part A;

24 “(B) all migratory children who are eligible
25 to receive services under part A shall receive such

1 *services with funds provided under this part or*
2 *under part A; and*

3 “(C) funds received under this part shall be
4 used only—

5 “(i) for programs and projects, includ-
6 ing the acquisition of equipment, in accord-
7 ance with section 1406(b)(1); and

8 “(ii) to coordinate such programs and
9 projects with similar programs and projects
10 within the State and in other States, as
11 well as with other Federal programs that
12 can benefit migratory children and their
13 families.

14 “(2) CONSTRUCTION.—Nothing in this part shall
15 be construed to prohibit a local operating agency from
16 serving migrant students simultaneously with stu-
17 dents with similar educational needs, in the same
18 educational settings where appropriate.

19 “(3) INAPPLICABILITY.—This subsection shall
20 not apply to funds under this part that are used for
21 schoolwide programs under section 1114.

22 **“SEC. 1407. BYPASS.**

23 *“The Secretary may use all or part of any State’s allo-*
24 *cation under this part to make arrangements with any pub-*

1 *lic or nonprofit agency to carry out the purpose of this part*
 2 *in such State if the Secretary 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 ef-*
 6 *ficient 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 chil-*
 10 *dren.*

11 **“SEC. 1408. COORDINATION OF MIGRANT EDUCATION AC-**
 12 **TIVITIES.**

13 “(a) *IMPROVEMENT OF COORDINATION.—*

14 “(1) *IN GENERAL.—The Secretary, in consulta-*
 15 *tion with the States, may make grants to, or enter*
 16 *into contracts with, State educational agencies, local*
 17 *educational agencies, institutions of higher education,*
 18 *and other public and private entities to improve the*
 19 *interstate and intrastate coordination among such*
 20 *agencies’ educational programs, including the estab-*
 21 *lishment or improvement of programs for credit ac-*
 22 *crual and exchange, available to migratory students.*

23 “(2) *EXTENSION.—The Secretary may extend*
 24 *until January 1, 1996 the contract for the operation*
 25 *of the migrant student record transfer system under*

1 *section 1203(a)(2)(A) of this Act (as such section was*
2 *in existence on the day preceding the date of enact-*
3 *ment of the Improving America's Schools Act of*
4 *1994).*

5 *“(b) REPORT.—Not later than October 1, 1995, the*
6 *Secretary shall submit a report to the Congress regarding*
7 *the effectiveness of methods used by States to transfer migra-*
8 *tory students' educational and health records.*

9 *“(c) AVAILABILITY OF FUNDS.—For the purpose of*
10 *carrying out this section in any fiscal year, the Secretary*
11 *shall reserve not more than \$6,000,000 of the amount ap-*
12 *propriated to carry out this part for such year.*

13 *“(d) INCENTIVE GRANTS.—From the amounts made*
14 *available to carry out this section, the Secretary may re-*
15 *serve not more than \$1,500,000 to award grants in amounts*
16 *of not more than \$100,000 to each State educational agency*
17 *entering into a consortium agreement described in section*
18 *1403(d).*

19 **“PART E—EDUCATION FOR NEGLECTED AND**
20 **DELINQUENT YOUTH**

21 **“SEC. 1501. PURPOSE; PROGRAM AUTHORIZED.**

22 *“(a) PURPOSE.—It is the purpose of this part to—*

23 *“(1) improve educational services to children in*
24 *institutions for neglected or delinquent children so*
25 *that such children have the opportunity to meet the*

1 *same challenging State content standards and chal-*
2 *lenging State student performance standards that all*
3 *children in the State will be expected to meet; and*

4 *“(2) provide such children the services such chil-*
5 *dren need to make a successful transition from insti-*
6 *tutionalization to further schooling or employment.*

7 *“(b) PROGRAM AUTHORIZED.—In order to carry out*
8 *the purpose of this part, the Secretary shall make grants*
9 *to State educational agencies to enable such State edu-*
10 *cational agencies to award subgrants to State agencies to*
11 *establish or improve programs of education for neglected or*
12 *delinquent children in accordance with this part.*

13 ***“SEC. 1502. ELIGIBILITY.***

14 *“A State agency is eligible for assistance under this*
15 *part if such State agency is responsible for providing free*
16 *public education for children—*

17 *“(1) in institutions for neglected or delinquent*
18 *children;*

19 *“(2) attending community day programs for ne-*
20 *glected or delinquent children; or*

21 *“(3) in adult correctional institutions.*

22 ***“SEC. 1503. ALLOCATION OF FUNDS.***

23 *“(a) SUBGRANTS TO STATE AGENCIES.—*

24 *“(1) IN GENERAL.—Each State agency described*
25 *in section 1502 (other than an agency in the Com-*

1 *monwealth of Puerto Rico) is eligible to receive a*
2 *subgrant under this part, for each fiscal year, an*
3 *amount equal to the product of—*

4 *“(A) the number of neglected or delinquent*
5 *children described in section 1502 who—*

6 *“(i) are enrolled for at least 15 hours*
7 *per week in education programs in adult*
8 *correctional institutions; and*

9 *“(ii) are enrolled for at least 20 hours*
10 *per week—*

11 *“(I) in education programs in in-*
12 *stitutions for neglected or delinquent*
13 *children; or*

14 *“(II) in community day programs*
15 *for neglected or delinquent children;*
16 *and*

17 *“(B) 40 percent of the average per-pupil ex-*
18 *penditure in the State, except that the amount*
19 *determined under this paragraph shall not be*
20 *less than 32 percent, or more than 48 percent, of*
21 *the average per-pupil expenditure in the United*
22 *States.*

23 *“(2) SPECIAL RULE.—The number of neglected*
24 *or delinquent children determined under paragraph*
25 *(1) shall—*

1 “(A) be determined by the State agency by
2 a date or dates set by the Secretary, except that
3 no State agency shall be required to determine
4 the number of such children on a specific date set
5 by the Secretary; and

6 “(B) be adjusted, as the Secretary deter-
7 mines is appropriate, to reflect the relative
8 length of such agency’s annual programs.

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

13 “(1) the number of children counted under sub-
14 section (a)(1) for Puerto Rico; multiplied by

15 “(2) the product of—

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

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

22 “(c) *RATABLE REDUCTIONS IN CASE OF INSUFFICIENT*
23 *APPROPRIATIONS.*—If the amount appropriated for any fis-
24 cal year for subgrants under subsections (a) and (b) is in-
25 sufficient to pay the full amount for which all agencies are

1 *eligible under such subsections, the Secretary shall ratably*
2 *reduce each such amount.*

3 *“(d) PAYMENTS TO STATE EDUCATIONAL AGENCIES.—*

4 *“(1) IN GENERAL.—The Secretary shall pay to*
5 *each State educational agency the total amount need-*
6 *ed to make subgrants to State agencies in that State,*
7 *as determined under this section.*

8 *“(2) ADMINISTRATIVE EXPENSES.—Each State*
9 *educational agency may retain a portion of such total*
10 *amount for State administration of, in accordance*
11 *with section 1701(b).*

12 **“SEC. 1504. STATE REALLOCATION OF FUNDS.**

13 *“If a State educational agency determines that a State*
14 *agency does not need the full amount of the subgrant for*
15 *which such State agency is eligible under this part for any*
16 *fiscal year, the State educational agency may reallocate the*
17 *amount that will not be needed to other State agencies that*
18 *need additional funds to carry out the purpose of this part,*
19 *in such amounts as the State educational agency shall de-*
20 *termine.*

21 **“SEC. 1505. STATE PLAN AND STATE AGENCY APPLICA-**
22 **TIONS.**

23 *“(a) STATE PLAN.—*

24 *“(1) IN GENERAL.—Each State educational*
25 *agency that desires to receive payments under this*

1 *part shall submit, for approval by the Secretary, a*
2 *plan for meeting the needs of neglected and delinquent*
3 *children, which shall be revised and updated as need-*
4 *ed to satisfy the requirements of this section.*

5 *“(2) CONTENTS.—Each such State plan shall—*

6 *“(A) describe the program goals, objectives,*
7 *and performance measures established by the*
8 *State that will be used to assess the effectiveness*
9 *of the program in improving academic and voca-*
10 *tional skills of children in the program;*

11 *“(B) provide that, to the extent feasible,*
12 *such children will have the same opportunities to*
13 *learn as such children would have if such chil-*
14 *dren were in the schools of local educational*
15 *agencies in the State; and*

16 *“(C) contain assurances that the State edu-*
17 *cational agency will—*

18 *“(i) ensure that programs assisted*
19 *under this part will be carried out in ac-*
20 *cordance with the State plan described in*
21 *this subsection; and*

22 *“(ii) carry out the evaluation require-*
23 *ments of section 1509 of this part.*

24 *“(3) DURATION OF THE PLAN.—Each such State*
25 *plan 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
4 by the State, as necessary, to reflect changes in
5 the State’s strategies and programs under this
6 part.

7 “(b) SECRETARIAL APPROVAL; PEER REVIEW.—

8 “(1) IN GENERAL.—The Secretary shall approve
9 each State plan that meets the requirements of this
10 part.

11 “(2) PEER REVIEW.—The Secretary may review
12 any State plan with the assistance and advice of in-
13 dividuals with relevant expertise.

14 “(c) STATE AGENCY APPLICATIONS.—Any State agen-
15 cy that desires to receive funds to carry out a program
16 under this part shall submit an application to the State
17 educational agency that—

18 “(1) describes the procedures to be used, consist-
19 ent with the State plan under part A, to assess the
20 educational needs of the children to be served;

21 “(2) describes the program, including a budget
22 for the first year of the program, with annual updates
23 to be provided to the State educational agency;

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

1 “(4) describes how the State agency will consult
2 with experts and provide the necessary training for
3 appropriate staff, to ensure that the planning and op-
4 eration of institution-wide projects under section 1507
5 are of high quality;

6 “(5) describes how the agency will carry out the
7 evaluation requirements of section 1509 and how the
8 results of the most recent evaluation were used to plan
9 and improve the program;

10 “(6) includes data showing that the State agency
11 has maintained fiscal effort as if such agency were a
12 local educational agency, in accordance with section
13 10501;

14 “(7) describes how the programs will be coordi-
15 nated with other State and Federal programs admin-
16 istered by the State agency;

17 “(8) describes how appropriate professional de-
18 velopment will be provided to teachers and other staff;
19 and

20 “(9) designates an individual in each affected
21 institution to be responsible for issues relating to the
22 transition of children from the institution to locally
23 operated programs.

24 **“SEC. 1506. USE OF FUNDS.**

25 “(a) *IN GENERAL.*—

1 “(1) *IN GENERAL.*—A State agency shall use
2 funds received under this part only for programs and
3 projects that—

4 “(A) are consistent with the State plan de-
5 scribed in section 1505(a); and

6 “(B) concentrate on providing participants
7 with the knowledge and skills needed to make a
8 successful transition to further education or em-
9 ployment.

10 “(2) *USES.*—Such programs and projects—

11 “(A) may include the acquisition of equip-
12 ment;

13 “(B) shall be designed to support edu-
14 cational services that—

15 “(i) except for institution-wide projects
16 under section 1507, are provided to children
17 identified by the State agency as failing, or
18 most at risk of failing, to meet the State’s
19 challenging State content standards and
20 challenging State student performance
21 standards;

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

1 “(iii) afford such children an oppor-
2 tunity to learn such standards;

3 “(C) shall be carried out in a manner con-
4 sistent with section 1120(b) and part G; and

5 “(D) may include the costs of meeting the
6 evaluation requirements of section 1509.

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 sup-
11 plant’ requirement of section 1120(b) without regard to the
12 subject areas in which instruction is given during those
13 hours.

14 **“SEC. 1507. INSTITUTION-WIDE PROJECTS.**

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

1 “(1) provides for a comprehensive assessment of
2 the educational needs of all individuals under the age
3 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 age
6 21 with the opportunity to meet challenging State
7 content standards and challenging State student per-
8 formance standards in order to improve the likelihood
9 that such children will complete secondary school and
10 find employment after leaving the institution;

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

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

17 “(5) describes the measures and procedures that
18 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 agency
2 has provided for appropriate training to teachers and
3 other instructional and administrative personnel to
4 enable such teachers and personnel to carry out the
5 project effectively.

6 “(b) *PROJECTS REQUIRED.*—Beginning with school
7 year 1996–1997, a State agency described in subsection (a)
8 shall use funds received under this part only for institution-
9 wide projects described in that subsection, except as pro-
10 vided in section 1510.

11 **“SEC. 1508. THREE-YEAR PROJECTS.**

12 *“If a State agency operates a program or project under*
13 *this part in which individual children are likely to partici-*
14 *pate for more than one year, the State educational agency*
15 *may approve the State agency’s application for a subgrant*
16 *under this part for a period of not more than three years.*

17 **“SEC. 1509. PROGRAM EVALUATIONS.**

18 “(a) *SCOPE OF EVALUATION.*—Each State agency that
19 conducts a program or project under this part shall evalu-
20 ate the program or project at least once every three years,
21 disaggregating data on participants by sex, and if feasible,
22 race, ethnicity or age, to determine the program or project’s
23 impact on the ability of participants to—

24 “(1) maintain and improve educational achieve-
25 ment;

1 “(2) accrue school credits that meet State re-
2 quirements for grade promotion and secondary school
3 graduation;

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

7 “(4) complete secondary school and obtain em-
8 ployment after participants leave the institution.

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

13 “(c) *EVALUATION RESULTS.*—Each State agency
14 shall—

15 “(1) submit the results of each evaluation under
16 this section to the State educational agency; and

17 “(2) use the results of evaluations under this sec-
18 tion to plan and improve subsequent programs for
19 participating children.

20 **“SEC. 1510. TRANSITION SERVICES.**

21 “(a) *TRANSITION SERVICES.*—Each State agency may
22 reserve not more than 10 percent of the amount such agency
23 receives under this part for any fiscal year to support
24 projects that facilitate the transition of children from State-

1 *operated institutions for neglected and delinquent children*
2 *into locally operated programs.*

3 “(b) *CONDUCT OF PROJECTS.*—A project supported
4 *under this section may be conducted directly by the State*
5 *agency, or through a contract or other arrangement with*
6 *one or more local educational agencies, other public agen-*
7 *cies, or private nonprofit organizations.*

8 “(c) *LIMITATION.*—Any funds reserved under sub-
9 *section (a) shall be used only to provide special educational*
10 *services, which may include pupil services and mentoring,*
11 *to neglected and delinquent children in schools other than*
12 *State-operated institutions.*

13 “(d) *CONSTRUCTION.*—Nothing in this section shall be
14 *construed to prohibit a school that receives funds under sub-*
15 *section (a) from serving neglected and delinquent children*
16 *simultaneously with students with similar educational*
17 *needs, in the same educational settings where appropriate.*

18 **“SEC. 1511. DEFINITIONS.**

19 *“For the purpose of this part—*

20 “(1) *the term ‘adult correctional institution’*
21 *means a facility in which persons are confined as a*
22 *result of a conviction for a criminal offense, including*
23 *persons under 21 years of age;*

24 “(2) *the term ‘community day program’ means*
25 *a regular program of instruction provided by a State*

1 *agency at a community day school operated specifi-*
2 *cally for neglected or delinquent children;*

3 *“(3) the term ‘institution for delinquent children’*
4 *means a public or private residential facility for the*
5 *care of children who have been adjudicated to be de-*
6 *linquent or in need of supervision; and*

7 *“(4) the term ‘institution for neglected children’*
8 *means a public or private residential facility, other*
9 *than a foster home, that is operated for the care of*
10 *children who have been committed to the institution*
11 *or voluntarily placed in the institution under appli-*
12 *cable State law, due to abandonment, neglect, or*
13 *death of their parents or guardians.*

14 **“PART F—FEDERAL EVALUATIONS AND**
15 **DEMONSTRATIONS**

16 **“SEC. 1601. EVALUATIONS.**

17 “(a) NATIONAL ASSESSMENT.—

18 “(1) IN GENERAL.—*The Secretary shall conduct*
19 *a national assessment of programs assisted under this*
20 *title, in coordination with the ongoing Chapter 1*
21 *Longitudinal Study under subsection (c) of this sec-*
22 *tion, that shall be planned, reviewed, and conducted*
23 *in consultation with an independent panel of re-*
24 *searchers, State practitioners, local practitioners, and*
25 *other appropriate individuals.*

1 “(2) *EXAMINATION.*—*The assessment shall exam-*
2 *ine how well schools, local educational agencies, and*
3 *States—*

4 “(A) *are progressing toward the goal of all*
5 *children served under this title reaching the*
6 *State’s challenging State content standards and*
7 *challenging State student performance standards;*
8 *and*

9 “(B) *are accomplishing the purpose set forth*
10 *in section 1001(d) to achieve the goal described*
11 *in paragraph (1), including—*

12 “(i) *ensuring challenging State content*
13 *standards and challenging State student*
14 *performance standards for all children*
15 *served under this title and aligning the ef-*
16 *forts of States, local educational agencies,*
17 *and schools to help such children reach such*
18 *standards;*

19 “(ii) *providing children served under*
20 *this title an enriched and accelerated edu-*
21 *cational program through schoolwide pro-*
22 *grams or through additional services that*
23 *increase the amount and quality of instruc-*
24 *tional time that such children receive;*

1 “(iii) promoting schoolwide reform and
2 access for all children served under this title
3 to effective instructional strategies and chal-
4 lenging academic content;

5 “(iv) significantly upgrading the qual-
6 ity of the curriculum and instruction by
7 providing staff in participating schools
8 with substantial opportunities for profes-
9 sional development;

10 “(v) coordinating services provided
11 under all parts of this title with each other,
12 with other educational and pupil services,
13 including preschool services, and, to the ex-
14 tent feasible, with health and social service
15 programs funded from other sources;

16 “(vi) affording parents of children
17 served under this title meaningful opportu-
18 nities to participate in the education of
19 their children at home and at school;

20 “(vii) distributing resources to areas
21 where needs are greatest;

22 “(viii) improving accountability, as
23 well as teaching and learning, by making
24 assessments under this title congruent with
25 State assessment systems; and

1 “(ix) providing greater decisionmaking
2 authority and flexibility to schools in ex-
3 change for greater responsibility for student
4 performance.

5 “(3) NAEP INFORMATION.—Where feasible, the
6 Secretary shall use information gathered by the Na-
7 tional Assessment of Educational Progress in carry-
8 ing out this subsection.

9 “(4) INTERIM AND FINAL REPORTS.—The Sec-
10 retary shall submit an interim report summarizing
11 the preliminary findings of the assessment to the
12 President and the appropriate committees of the Con-
13 gress and a final report of the findings of the assess-
14 ment by January 1, 1998.

15 “(b) STUDIES AND DATA COLLECTION.—

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

23 “(2) MINIMUM INFORMATION.—At a minimum,
24 the Secretary shall collect trend information on the ef-
25 fect of programs under this title. Such data shall com-

1 *plement the data collected and reported under sub-*
2 *sections (a) and (c).*

3 “(c) *NATIONAL LONGITUDINAL STUDY.*—

4 “(1) *IN GENERAL.*—*The Secretary shall carry*
5 *out an ongoing evaluation of the program assisted*
6 *under part A of title I in order to provide the public,*
7 *the Congress, and educators involved in such pro-*
8 *gram, an accurate description of the short- and long-*
9 *term effectiveness of such program and to provide in-*
10 *formation that can be used to improve such program’s*
11 *effectiveness in enabling students to meet high State*
12 *content standards and State student performance*
13 *standards, graduate from secondary school, and make*
14 *successful transitions to postsecondary education and*
15 *work. Such evaluation shall—*

16 “(A) *have a longitudinal design that tracks*
17 *cohorts of students within schools of differing*
18 *poverty concentrations for at least 3 years which,*
19 *when the cohorts are taken as a whole, provides*
20 *a picture of such program’s effectiveness over the*
21 *elementary and secondary grades;*

22 “(B) *be separate and independent from*
23 *State and local assessments an evaluations re-*
24 *quired under this part and consistent with meas-*
25 *uring the achievement of students to relative to*

1 *high State content standards and State student*
2 *performance standards;*

3 “(C) *utilize the highest available content*
4 *standards that are generally accepted as na-*
5 *tional in scope;*

6 “(D) *provide information on all students,*
7 *students served under this part, and, if funds are*
8 *sufficient, information on students from low-in-*
9 *come families, limited-English proficient stu-*
10 *dents, and students with disabilities; and*

11 “(E) *when feasible, collect, cross-tabulate,*
12 *and report data by sex within race or ethnicity*
13 *and socioeconomic status.*

14 “(2) *USE.—The Secretary shall use the results of*
15 *the evaluation described in paragraph (1) as part of*
16 *the national assessment required by subsection (a)*
17 *and shall report the data from such evaluation to the*
18 *Congress and the public at least as frequently as re-*
19 *ports are made under subsection (a)(4).*

20 “(d) *DEVELOPMENTALLY APPROPRIATE MEASURES.—*
21 *In conducting the national assessment under subsection (a)*
22 *and the national longitudinal study under subsection (b),*
23 *the Secretary shall use developmentally appropriate meas-*
24 *ures to assess student performance and progress.*

1 “(e) *STUDY ON ESTIMATING STATE CHILD POVERTY*
2 *COUNTS.*—*The Secretary shall—*

3 “(1) *conduct a study to determine whether a fea-*
4 *sible method exists for producing reliable estimates,*
5 *between decennial census counts, of the number of*
6 *school-aged children living in poverty by State in*
7 *each of the 50 States, the District of Columbia, and*
8 *the Commonwealth of Puerto Rico; and*

9 “(2) *use such a method, if one exists, to provide*
10 *the Congress with such estimates.*

11 **“SEC. 1602. DEMONSTRATIONS OF INNOVATIVE PRACTICES.**

12 “(a) *DEMONSTRATION PROGRAMS TO IMPROVE*
13 *ACHIEVEMENT.*—

14 “(1) *IN GENERAL.*—*From the funds appro-*
15 *priated for any fiscal year under section 1002(g)(2),*
16 *the Secretary may make grants to State educational*
17 *agencies, local educational agencies, other public*
18 *agencies, nonprofit organizations, and consortia of*
19 *such entities to carry out demonstration projects that*
20 *show the most promise of enabling children served*
21 *under this title to meet challenging State content*
22 *standards and challenging State student performance*
23 *standards. Such projects shall include promising*
24 *strategies such as—*

1 “(A) *accelerated curricula, the application*
2 *of new technologies to improve teaching and*
3 *learning, extended learning time, and a safe and*
4 *enriched full-day environment for children to*
5 *provide children the opportunity to reach such*
6 *standards;*

7 “(B) *coordinated pupil services programs;*

8 “(C) *integration of education services with*
9 *each other and with health, family, and other so-*
10 *cial services, particularly in empowerment zones*
11 *and enterprise communities;*

12 “(D) *effective approaches to whole school re-*
13 *form;*

14 “(E) *programs that have been especially ef-*
15 *fective with limited-English proficient children,*
16 *migratory children and other highly mobile stu-*
17 *dents, children leaving institutions for neglected*
18 *or delinquent children and returning to school,*
19 *and homeless children and youth; and*

20 “(F) *programs which are especially effective*
21 *in recruiting, inducting and retraining highly*
22 *qualified teachers for service in schools with low*
23 *student achievement.*

24 “(2) *EVALUATION.—The Secretary shall evaluate*
25 *the demonstration projects supported under this title,*

1 *using rigorous methodological designs and techniques,*
2 *including control groups and random assignment, to*
3 *the extent feasible, to produce reliable evidence of ef-*
4 *fectiveness.*

5 “(b) *PARTNERSHIPS.*—*From funds appropriated*
6 *under section 1002(g)(2) for any fiscal year, the Secretary*
7 *may, directly or through grants or contracts, work in part-*
8 *nership with State educational agencies, local educational*
9 *agencies, other public agencies, and nonprofit organizations*
10 *to disseminate and use the highest quality research and*
11 *knowledge about effective practices to improve the quality*
12 *of teaching and learning in schools assisted under this title.*

13 **“PART G—GENERAL PROVISIONS**

14 **“SEC. 1701. FEDERAL REGULATIONS.**

15 “(a) *IN GENERAL.*—*The Secretary is authorized to*
16 *issue such regulations as are considered necessary to reason-*
17 *ably ensure that there is compliance with the specific re-*
18 *quirements and assurances required by this title.*

19 “(b) *PROCEDURE.*—

20 “(1) *IN GENERAL.*—*Prior to publishing proposed*
21 *regulations pursuant to this title, the Secretary shall*
22 *convene regional meetings which shall provide input*
23 *to the Secretary on the content of proposed regula-*
24 *tions. Such meetings shall include representatives of*
25 *Federal, State, and local administrators, parents,*

1 *teachers, and members of local boards of education in-*
2 *volved with implementation of programs under this*
3 *title.*

4 “(2) *PROPOSED REGULATIONS.*—Subsequent to
5 *regional meetings and prior to publishing proposed*
6 *regulations in the Federal Register, the Secretary*
7 *shall prepare draft regulations and submit regula-*
8 *tions on a minimum of 4 key issues to a modified ne-*
9 *gotiated rulemaking process as a demonstration of*
10 *such process. The modified process shall waive appli-*
11 *cation of the Federal Advisory Committee Act, but*
12 *shall otherwise follow the guidance provided in the*
13 *Administrative Conference of the United States in*
14 *Recommendation 82-4, “Procedures for Negotiating*
15 *Proposed Regulations” (47 Fed. Reg. 30708, June 18,*
16 *1982) and any successor regulation. Participants in*
17 *the demonstration shall be chosen by the Secretary*
18 *from among participants in the regional meetings,*
19 *representing the groups described in paragraph (1)*
20 *and all geographic regions. The demonstration shall*
21 *be conducted in a timely manner.*

22 “(3) *EMERGENCY SITUATION.*—In an emergency
23 *situation in which regulations pursuant to this title*
24 *must be issued within a very limited time to assist*
25 *State and local educational agencies with the oper-*

1 *ation of the program, the Secretary may issue a regu-*
2 *lation without such prior consultation, but shall im-*
3 *mediately thereafter convene regional meetings to re-*
4 *view the emergency regulation prior to issuance in*
5 *final form.*

6 *“(c) LIMITATION.—Programs under this title may not*
7 *be required to follow any 1 instructional model, such as*
8 *the provision of services outside the regular classroom or*
9 *school program.*

10 **“SEC. 1702. STATE ADMINISTRATION.**

11 *“(a) RULEMAKING.—*

12 *“(1) IN GENERAL.—Each State that receives*
13 *funds under this title shall—*

14 *“(A) ensure that any State rules, regula-*
15 *tions, and policies relating to this title conform*
16 *to the purposes of this title;*

17 *“(B) minimize such rules, regulations, and*
18 *policies to which their local educational agencies*
19 *and schools are subject; and*

20 *“(C) identify any such rule, regulation, or*
21 *policy as a State-imposed requirement.*

22 *“(2) SPECIAL RULE.—State rules, regulations,*
23 *and policies under this title shall support and facili-*
24 *tate local educational agency and school-level systemic*
25 *reform designed to enable all children to meet the*

1 *State's challenging State content standards and chal-*
2 *lenging State student performance standards.*

3 “(b) *PAYMENT FOR STATE ADMINISTRATION.—Each*
4 *State may reserve for the proper and efficient performance*
5 *of such State's duties under this title, the greater of—*

6 “(1)(A) *1.00 percent of the funds appropriated to*
7 *carry out subsections (a), (c), (d), and (e) of section*
8 *1002 for fiscal year 1995 and each succeeding fiscal*
9 *year not described in subparagraph (B) or (C);*

10 “(B) *1.25 percent of the funds appropriated to*
11 *carry out such subsections for any fiscal year after*
12 *fiscal year 1995 for which the funds appropriated to*
13 *carry out such subsections exceeds by more than*
14 *\$500,000,000 but less than \$1,000,000,000 the funds*
15 *appropriated to carry out such subsections for fiscal*
16 *year 1995; or*

17 “(C) *1.50 percent of the funds appropriated to*
18 *carry out such subsections for any fiscal year after*
19 *fiscal year 1995 for which the funds appropriated to*
20 *carry out such subsections exceeds by \$1,000,000,000*
21 *the funds appropriated to carry out such subsections*
22 *for fiscal year 1995;*

23 “(2) *except as provided in paragraph (3)—*

1 “(A) \$375,000 for fiscal year 1995 and each
2 succeeding fiscal year not described in subpara-
3 graph (B) or (C);

4 “(B) \$470,000 for any fiscal year after fis-
5 cal year 1995 for which the funds appropriated
6 to carry out such subsections exceeds by more
7 than \$500,000,000 but less than \$1,000,000,000
8 the funds appropriated to carry out such sub-
9 sections for fiscal year 1995; or

10 “(C) \$565,000 for any fiscal year after fis-
11 cal year 1995 for which the funds appropriated
12 to carry out such subsections exceeds by
13 \$1,000,000,000 the funds appropriated to carry
14 out such subsections for fiscal year 1995; or

15 “(3) in the case of an outlying area—

16 “(A) \$50,000 for fiscal year 1995 and each
17 succeeding fiscal year not described in subpara-
18 graph (B) or (C);

19 “(B) \$65,000 for any fiscal year after fiscal
20 year 1995 for which the funds appropriated to
21 carry out such subsections exceeds by more than
22 \$500,000 but less than \$1,000,000,000 the funds
23 appropriated to carry out such subsections for
24 fiscal year 1995; and

1 “(C) \$80,000 for any fiscal year after fiscal
2 year 1995 for which the funds appropriated to
3 carry out such subsections exceeds by
4 \$1,000,000,000 the funds appropriated to carry
5 out such subsections for fiscal year 1995.

6 “(c) *PAYMENT FOR SCHOOL IMPROVEMENT.*—Each
7 State may reserve for the proper and efficient performance
8 of its duties under subsections (b)(5) and (c) of section 1118,
9 and section 1119, the greater of—

10 “(1) .75 percent of the funds received under sub-
11 sections (a), (c), (d), (e), and (f) of section 1002;

12 “(2) except as provided in paragraph (3),
13 \$245,000; or

14 “(3) in the case of an outlying area, \$40,000.

15 “(d) *FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-*
16 *PLANT, NON-FEDERAL FUNDS.*—

17 “(1) *IN GENERAL.*—(A) Except as provided in
18 subparagraph (B), a State or local educational agen-
19 cy shall use funds received under this part only to
20 supplement the amount of funds that would, in the
21 absence of such Federal funds, be made available from
22 non-Federal sources for the education of pupils par-
23 ticipating in programs assisted under this part, and
24 not to supplant such funds.

1 “(B) For the purpose of complying with sub-
2 paragraph (A), a State or local educational agency
3 may exclude supplemental State and local funds ex-
4 pended in any eligible school attendance area or
5 school for programs that meet the requirements of sec-
6 tion 1114 or 1115.

7 “(2) SPECIAL RULE.—No local educational agen-
8 cy shall be required to provide services under this
9 part through a particular instructional method or in
10 a particular instructional setting in order to dem-
11 onstrate its compliance with paragraph (1).

12 **“SEC. 1703. CONSTRUCTION.**

13 “(a) PROHIBITION OF FEDERAL MANDATES, DIREC-
14 TION OR CONTROL.—Nothing in this title shall be construed
15 to authorize an officer or employee of the Federal Govern-
16 ment to mandate, direct, or control a State, local edu-
17 cational agency, or school’s specific instructional content or
18 pupil performance standards and assessments, curriculum,
19 or program of instruction as a condition of eligibility to
20 receive funds under this title.

21 “(b) EQUALIZED SPENDING.—Nothing in this title
22 shall be construed to mandate equalized spending per pupil
23 for a State, local educational agency, or school.

1 “(c) *BUILDING STANDARDS.*—Nothing in this title
2 shall be construed to mandate national school building
3 standards for a State, local educational agency, or school.

4 **“TITLE II—IMPROVING**
5 **TEACHING AND LEARNING**

6 **“PART A—DWIGHT D. EISENHOWER**
7 **PROFESSIONAL DEVELOPMENT PROGRAM**

8 **“SEC. 2101. FINDINGS.**

9 *“The Congress finds as follows:*

10 “(1) *Reaching the third National Education*
11 *Goal (all students will demonstrate mastery of chal-*
12 *lenging subject matter in the core academic subjects)*
13 *and the fifth National Education Goal (United States*
14 *students will become first in the world in mathe-*
15 *matics and science achievement) requires a com-*
16 *prehensive educational reform strategy that involves*
17 *parents, schools, government, communities, and other*
18 *public and private organizations at all levels.*

19 “(2) *A crucial component of the strategy for*
20 *achieving these two goals is ensuring, through sus-*
21 *tained and intensive high-quality professional devel-*
22 *opment, that all teachers can provide challenging*
23 *learning experiences in the core academic subjects for*
24 *their students.*

1 “(3) *The potential positive impact of high-quality*
2 *professional development is underscored by recent*
3 *research findings that—*

4 “(A) *professional development must be fo-*
5 *cused on teaching and learning in order to*
6 *change the opportunities of all students to*
7 *achieve higher standards;*

8 “(B) *effective professional development fo-*
9 *cuses on discipline-based knowledge and effective*
10 *subject-specific pedagogical skills, involves teams*
11 *of teachers, administrators, and pupil services*
12 *personnel in a school and, through professional*
13 *networks of teachers, administrators, pupil serv-*
14 *ices personnel, and parents is interactive and*
15 *collaborative, motivates by its intrinsic content*
16 *and relationship to practice, builds on experience*
17 *and learning-by-doing, and becomes incorporated*
18 *into the everyday life of the school;*

19 “(C) *professional development can dramati-*
20 *cally improve classroom instruction and learn-*
21 *ing when teachers, administrators, pupil services*
22 *personnel, and parents are partners in the devel-*
23 *opment and implementation of such professional*
24 *development; and*

1 “(D) *new and innovative strategies for*
2 *teaching to high standards will require time for*
3 *teachers, outside of the time spent teaching, for*
4 *instruction, practice, and collegial collaboration.*

5 “(4) *Special attention must be given in profes-*
6 *sional development activities to ensure that education*
7 *professionals are knowledgeable of, and make use of,*
8 *strategies for serving populations that historically*
9 *have lacked access to equal opportunities for advanced*
10 *learning and career advancement.*

11 “(5) *Professional development activities must*
12 *prepare teachers, pupil services personnel, paraprofes-*
13 *sionals and other staff in intervention strategies to—*

14 “(A) *alleviate the need, and inappropriate*
15 *referral, for special education services; and*

16 “(B) *prepare staff to work collaboratively to*
17 *educate students with disabilities placed into*
18 *general education settings, consistent with such*
19 *student’s individualized education program.*

20 “(6) *Professional development activities, designed*
21 *in cooperation with parents, that focus on the com-*
22 *plex social, emotional and mental health needs of chil-*
23 *dren which may impede learning, can help teachers,*
24 *administrators, and pupil services personnel assist*
25 *children in overcoming barriers to academic success.*

1 “(7) Professional development is often a victim
2 of budget reductions in fiscally difficult times.

3 “(8) There are few incentives or sanctions oper-
4 ating to encourage teachers and administrators to
5 work to prepare themselves to be more effective or to
6 participate in challenging and effective professional
7 development activities.

8 “(9) Parental involvement is an important as-
9 pect of school reform and improvement. There is a
10 need for special attention to ensure the effective in-
11 volvement of parents in the education of their chil-
12 dren. Professional development should include meth-
13 ods and strategies to better prepare teachers and ad-
14 ministrators in involving parents. Programs are
15 needed to provide parents the training and develop-
16 ment necessary to enable parents to participate fully
17 and effectively in their children’s education.

18 “(10) The Federal Government has a vital role
19 in helping to make sustained and intensive high-qual-
20 ity professional development in the core academic
21 subjects become an integral part of the elementary
22 and secondary education system.

23 **“SEC. 2102. PURPOSES.**

24 *“It is the purpose of this part—*

1 “(1) to help ensure that teachers, other staff, and
2 administrators have access to high-quality profes-
3 sional development that is aligned to challenging
4 State content standards and challenging State student
5 performance standards and to support the develop-
6 ment and implementation of sustained and intensive
7 high-quality professional development activities in the
8 core academic subjects; and

9 “(2) to help ensure that teachers, administrators,
10 other staff, pupil services personnel, and parents have
11 access to professional development that—

12 “(A) is tied to challenging State content
13 standards and challenging State student per-
14 formance standards;

15 “(B) reflects recent research on teaching and
16 learning;

17 “(C) includes strong academic content and
18 pedagogical components;

19 “(D) incorporates effective strategies, tech-
20 niques, methods, and practices for meeting the
21 educational needs of diverse student populations,
22 including females, minorities, individuals with
23 disabilities, limited-English proficient individ-
24 uals, and economically disadvantaged individ-
25 uals, in order to ensure that all students have the

1 *opportunity to achieve challenging State student*
2 *performance standards;*

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

6 *“(F) is part of the everyday life of the*
7 *school and creates an orientation toward contin-*
8 *uous improvement throughout the school.*

9 **“SEC. 2103. AUTHORIZATION OF APPROPRIATIONS; ALLOCA-**
10 **TION BETWEEN SUBPARTS.**

11 *“(a) AUTHORIZATION OF APPROPRIATIONS.—For the*
12 *purpose of carrying out this part, there are authorized to*
13 *be appropriated \$800,000,000 for fiscal year 1995 and such*
14 *sums as may be necessary for each of the 4 succeeding fiscal*
15 *years.*

16 *“(b) ALLOCATION BETWEEN SUBPARTS.—Of the*
17 *amounts appropriated to carry out this part for any fiscal*
18 *year the Secretary shall make available—*

19 *“(1) 5 percent of such amounts to carry out sub-*
20 *part 1, of which 10 percent of such 5 percent shall be*
21 *available to carry out section 2114;*

22 *“(2) 93.75 percent of such amounts to carry out*
23 *subpart 2; and*

24 *“(3) 1.25 percent of such amounts to carry out*
25 *subpart 3.*

1 **“Subpart 1—Federal Activities**

2 **“SEC. 2111. PROGRAM AUTHORIZED.**

3 “(a) *IN GENERAL.*—*The Secretary is authorized to*
4 *make grants to, and enter into contracts and cooperative*
5 *agreements with, local educational agencies, educational*
6 *service agencies, State educational agencies, State agencies*
7 *for higher education, institutions of higher education, and*
8 *other public and private agencies, organizations, and insti-*
9 *tutions to—*

10 “(1) *support activities of national significance*
11 *that the Secretary determines will contribute to the*
12 *development and implementation of high-quality pro-*
13 *fessional development activities in the core academic*
14 *subjects; and*

15 “(2) *evaluate activities carried out under this*
16 *subpart and subpart 2 in accordance with section*
17 *10701.*

18 “(b) *REQUIREMENTS.*—*In carrying out the activities*
19 *described in subsection (a), the Secretary shall coordinate*
20 *professional development programs within the Department,*
21 *particularly with those programs within the Office of Edu-*
22 *cational Research and Improvement, and shall consult and*
23 *coordinate with the National Science Foundation, the Na-*
24 *tional Endowment for the Humanities, the National En-*
25 *dowment for the Arts, the Institute of Museum Services, and*
26 *other appropriate Federal agencies and entities.*

1 **“SEC. 2112. AUTHORIZED ACTIVITIES.**

2 *“The Secretary shall use funds available to carry out*
3 *this subpart for activities that help meet the purposes of*
4 *this part, such as—*

5 *“(1) providing seed money to the entities de-*
6 *scribed in section 2111(a) to develop the capacity of*
7 *such entities to offer sustained and intensive high-*
8 *quality professional development;*

9 *“(2) professional development institutes that pro-*
10 *vide teams of teachers, or teachers, administrators,*
11 *pupil services personnel and other staff, from individ-*
12 *ual schools, with professional development that con-*
13 *tains strong and integrated disciplinary and peda-*
14 *gogical components;*

15 *“(3) encouraging the development of local and*
16 *national professional networks, including the Teacher*
17 *Research Dissemination Demonstration Program*
18 *under section 941(j) of the Educational Research, De-*
19 *velopment, Dissemination, and Improvement Act of*
20 *1994, that provide a forum for interaction among*
21 *teachers of the core academic subjects and that allow*
22 *the exchange of information on advances in content*
23 *and pedagogy;*

24 *“(4) supporting the National Board for Profes-*
25 *sional Teaching Standards;*

1 “(5) the development and dissemination of teach-
2 ing standards in the core academic subjects;

3 “(6) the development of exemplary methods of as-
4 sessing teachers, other staff, and administrators for li-
5 censure and certification;

6 “(7) the dissemination of models of high-quality
7 professional development activities that train edu-
8 cators in strategies, techniques, methods, and prac-
9 tices for meeting the educational needs of historically
10 underserved populations, including females, minori-
11 ties, individuals with disabilities, limited-English
12 proficient individuals, and economically disadvan-
13 taged individuals, in order to ensure that all students
14 have the opportunity to achieve challenging State stu-
15 dent performance standards;

16 “(8) activities that promote the transferability of
17 licensure and certification of teachers and adminis-
18 trators among State and local jurisdictions;

19 “(9) the development and testing of incentive
20 strategies for motivating teachers, administrators,
21 and pupil services personnel to help increase their ef-
22 fectiveness through professional development focused
23 on teaching and learning and giving all students the
24 opportunity to learn to challenging State content

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

3 *“(10) the development of innovative intervention*
4 *strategies to—*

5 *“(A) alleviate the need, and inappropriate*
6 *referral, for special education services; and*

7 *“(B) prepare general education and special*
8 *education teachers, paraprofessionals and pupil*
9 *services personnel in effective integration of stu-*
10 *dents with disabilities into general education set-*
11 *tings, consistent with such student’s individual-*
12 *ized education program;*

13 *“(11) encouraging the development of innovative*
14 *models for recruitment, induction, retention and as-*
15 *essment of new, highly qualified teachers, especially*
16 *such teachers from historically underrepresented*
17 *groups;*

18 *“(12) the dissemination of information about*
19 *voluntary national content standards and voluntary*
20 *national performance standards and related models of*
21 *high-quality professional development;*

22 *“(13) the development and maintenance of a na-*
23 *tional clearinghouse for such core academic subjects as*
24 *the Secretary determines are needed;*

1 “(14) joint activities with other Federal agencies
2 and entities engaged in or supporting similar profes-
3 sional development efforts;

4 “(15) the evaluation of programs under this sub-
5 part and subpart 2 in accordance with section 10701;
6 and

7 “(16) the development of programs which pre-
8 pare teachers to incorporate environmental education
9 in the core academic subjects.

10 **“SEC. 2113. EISENHOWER NATIONAL CLEARINGHOUSE FOR**
11 **MATHEMATICS AND SCIENCE EDUCATION.**

12 “(a) *CLEARINGHOUSE AUTHORIZED.*—The Secretary,
13 in consultation with the Director of the National Science
14 Foundation, may award a grant or contract to establish
15 an Eisenhower National Clearinghouse for Mathematics
16 and Science Education (hereafter in this section referred
17 to as the ‘Clearinghouse’).

18 “(b) *APPLICATION AND AWARD BASIS.*—Each entity
19 desiring to establish and operate the Clearinghouse author-
20 ized by this section shall submit an application to the Sec-
21 retary at such time, in such manner and accompanied by
22 such information as the Secretary may reasonably require.
23 The grant or contract awarded pursuant to paragraph (1)
24 shall be made on a competitive, merit basis.

1 “(c) *DURATION.*—*The grant or contract awarded*
2 *under this section shall be awarded for a period of 5 years*
3 *and shall be reviewed by the Secretary not later than 30*
4 *months from the date the grant or contract is awarded.*

5 “(d) *USE OF FUNDS.*—*The grant or contract awarded*
6 *under this section shall be used to—*

7 “(1) *maintain a permanent repository of mathe-*
8 *matics and science education instructional materials*
9 *and programs for elementary and secondary schools,*
10 *including middle schools (including, to the extent*
11 *practicable, all materials and programs developed*
12 *with Federal and non-Federal funds, such as instruc-*
13 *tional materials developed by the Department, mate-*
14 *rials developed by State and national mathematics*
15 *and science programs assisted under this part, and*
16 *other instructional materials) for use by the regional*
17 *consortiums established under subpart 2 of part C*
18 *and by the general public;*

19 “(2) *compile information on all mathematics*
20 *and science education programs administered by each*
21 *Federal agency or department;*

22 “(3) *disseminate information, programs, and in-*
23 *structional materials to the public, dissemination net-*
24 *works, and the regional consortiums under subpart 2*
25 *of part C;*

1 “(4) coordinate with identifiable and existing
2 data bases containing mathematics and science cur-
3 riculum and instructional materials, including Fed-
4 eral, non-Federal and, where feasible, international
5 data bases;

6 “(5) participate in collaborative meetings of rep-
7 resentatives of the Clearinghouse and the regional
8 consortiums under subpart 2 of part C to discuss is-
9 sues of common interest and concern, to foster effec-
10 tive collaboration and cooperation in acquiring and
11 distributing curriculum materials and programs, and
12 to coordinate computer network access to the Clear-
13 ingshouse and the resources of the regional Consor-
14 tiums, except that not more than 3 percent of the
15 funds awarded under this section shall be used to
16 carry out this paragraph; and

17 “(6) gather qualitative and evaluative data on
18 submissions to the Clearinghouse.

19 “(e) *SUBMISSION TO CLEARINGHOUSE.*—Each Federal
20 agency or department which develops mathematics or
21 science education instructional material or programs, in-
22 cluding the National Science Foundation and the Depart-
23 ment, shall submit to the Clearinghouse copies of such mate-
24 rial or programs.

1 “(f) *PEER REVIEW.*—The Secretary shall establish a
2 peer review process to select the recipient of the award
3 under this subsection.

4 “(g) *STEERING COMMITTEE.*—The Secretary may ap-
5 point a steering committee to recommend policies and ac-
6 tivities for the Clearinghouse.

7 “(h) *APPLICATION OF COPYRIGHT LAWS.*—Nothing in
8 this section shall be construed to allow the use or copying,
9 in any media, of any material collected by the Clearing-
10 house that is protected under the copyright laws of the Unit-
11 ed States unless the permission of the owner of the copyright
12 is obtained. The Clearinghouse, in carrying out the provi-
13 sions of this subsection, shall ensure compliance with title
14 17, United States Code.

15 “(i) *DISSEMINATION OF INFORMATION.*—The Sec-
16 retary shall disseminate information concerning the grant
17 or contract awarded under this section to State and local
18 educational agencies and institutions of higher education.
19 Such dissemination of information shall include examples
20 of exemplary national programs in mathematics and
21 science instruction and necessary technical assistance for
22 the establishment of similar programs.

23 **“SEC. 2114. NATIONAL TEACHER TRAINING PROJECT.**

24 “(a) *SHORT TITLE; FINDINGS; DEFINITIONS.*—

1 “(1) *SHORT TITLE.*—*This section may be cited*
2 *as the ‘National Teacher Training Project Act of*
3 *1994’.*

4 “(2) *FINDINGS.*—*The Congress finds that—*

5 “(A) *teachers must be major players in edu-*
6 *cational reform in the United States;*

7 “(B) *teachers are isolated from their peers*
8 *and have virtually no time during the school day*
9 *to consult with other teachers;*

10 “(C) *there is a shortage of sustained, year-*
11 *round professional development programs for*
12 *teachers;*

13 “(D) *successful teaching methods are not*
14 *adequately shared among teachers;*

15 “(E) *teachers are the best teachers of other*
16 *teachers because practicing classroom teachers*
17 *have experience that no outside consultant can*
18 *match;*

19 “(F) *it is important for universities and*
20 *schools to collaborate on teacher development*
21 *programs if teaching and learning are to be im-*
22 *proved;*

23 “(G) *pertinent research is not shared among*
24 *teachers in a professional setting;*

1 “(H) exemplary teachers should be recog-
2 nized for their abilities and contributions and
3 encouraged to refine their teaching methods;

4 “(I) each State should support a nationally
5 based teacher training program that is modeled
6 after the National Writing Project for teachers of
7 the core academic subjects, including early child-
8 hood education, mathematics, science, English,
9 civics and government, foreign languages, and
10 arts;

11 “(J) the National Writing Project is a na-
12 tionally recognized and honored nonprofit orga-
13 nization that recognizes there are teachers in
14 every region of the United States who have devel-
15 oped successful methods for teaching writing and
16 that such teachers can be trained and encouraged
17 to train other teachers;

18 “(K) the National Writing Project is a col-
19 laborative university-school program which offers
20 summer and school year inservice teacher train-
21 ing programs and a dissemination network to
22 inform and teach teachers regarding develop-
23 ments in the field of writing;

24 “(L) each year over 125,000 teachers volun-
25 tarily seek training in National Writing Project

1 *intensive summer institutes and workshops and*
2 *school year inservice programs through 1 of the*
3 *155 sites located within the United States, and*
4 *in 18 sites located outside of the United States;*

5 “(M) *in the 20 years of its existence, over*
6 *1,100,000 teachers, administrators and parents*
7 *have participated in National Writing Project*
8 *programs;*

9 “(N) *less than \$16 per teacher was the aver-*
10 *age cost in Federal dollars for all teacher train-*
11 *ing at writing projects in academic year 1991–*
12 *1992;*

13 “(O) *for every dollar in Federal support,*
14 *the National Writing Project provides over \$5 in*
15 *matching funds from States, local universities*
16 *and schools, and the private sector;*

17 “(P) *private foundation resources, although*
18 *generous in the past concerning National Writ-*
19 *ing Project programs, are inadequate to fund all*
20 *of the National Teacher Training Project sites*
21 *needed, and the future of the program is in jeop-*
22 *ardy without secure financial support;*

23 “(Q) *the National Writing Project has be-*
24 *come a model for programs in other fields, such*
25 *as science, mathematics, history, literature, for-*

1 *eign languages, and the performing arts, and the*
2 *development of programs in other fields should*
3 *continue with the support of Federal funds; and*

4 “(R) *each of the 50 States should partici-*
5 *pate in the National Teacher Training Project*
6 *by establishing regional teacher training sites in*
7 *early childhood development, mathematics,*
8 *science, English, civics and government, foreign*
9 *languages, and arts to serve all teachers within*
10 *the State.*

11 “(3) *DEFINITIONS.—For the purpose of this sec-*
12 *tion—*

13 “(A) *the term ‘contractor’ means—*

14 “(i) *a local educational agency;*

15 “(ii) *an educational service agency; or*

16 “(iii) *an institution of higher edu-*
17 *cation that awards a bachelor’s degree; and*

18 “(B) *the term ‘eligible recipient’ means a*
19 *nonprofit educational organization which has as*
20 *its primary purpose the improvement of student*
21 *learning in one of the core academic subjects de-*
22 *scribed in subsection (b)(2).*

23 “(b) *GRANTS AUTHORIZED.—*

1 “(1) *GRANTS TO ELIGIBLE RECIPIENTS.*—The
2 *Secretary is authorized to award a grant to an eligi-*
3 *ble recipient to enable such recipient—*

4 “(A) *to support and promote the establish-*
5 *ment of teacher training programs in early*
6 *childhood development and one of the 9 core aca-*
7 *ademic subjects described in paragraph (2), in-*
8 *cluding the dissemination of effective practices*
9 *and research findings regarding teacher train-*
10 *ing, and administrative activities;*

11 “(B) *to support classroom research on effec-*
12 *tive teaching practices in such area; and*

13 “(C) *to pay the Federal share of the cost of*
14 *such programs and research.*

15 “(2) *CORE SUBJECT AREAS.*—*To the extent fea-*
16 *sible, the Secretary shall award a grant under para-*
17 *graph (1) for the establishment of a National Teacher*
18 *Training Project in early childhood development and*
19 *each of the following core academic subjects:*

20 “(A) *Mathematics.*

21 “(B) *Science.*

22 “(C) *English.*

23 “(D) *Civics and government.*

24 “(E) *Foreign languages.*

25 “(F) *Arts.*

1 “(G) *Geography.*

2 “(H) *History.*

3 “(I) *Economics.*

4 “(3) *NUMBER OF GRANTS AND ELIGIBLE RECIPI-*
5 *ENTS.—The Secretary shall award not more than 10*
6 *grants under paragraph (1) to 10 different eligible re-*
7 *ipients.*

8 “(4) *EQUITABLE DISTRIBUTION.—The Secretary*
9 *shall award grants under paragraph (1) to eligible re-*
10 *ipients from different geographic areas of the United*
11 *States.*

12 “(5) *SPECIAL RULE.—Each grant under para-*
13 *graph (1) shall be of sufficient size, scope and quality*
14 *to be effective.*

15 “(6) *ADMINISTRATIVE COSTS AND TECHNICAL AS-*
16 *SISTANCE.—Each eligible recipient receiving a grant*
17 *under paragraph (1) may use not more than 5 per-*
18 *cent of the grant funds for administrative costs and*
19 *the costs of providing technical assistance to a con-*
20 *tractor.*

21 “(c) *GRANT REQUIREMENTS.—Each eligible recipient*
22 *receiving a grant under subsection (b) shall—*

23 “(1) *enter into a contract with a contractor*
24 *under which such contractor agrees—*

1 “(A) to establish, operate, and provide the
2 non-Federal share of the cost of teacher training
3 programs in effective approaches and processes
4 for the teaching of the subject matter for which
5 such eligible recipient was awarded a grant, in-
6 cluding approaches and processes to obtain pa-
7 rental involvement in a child’s education; and

8 “(B) to use funds received from the eligible
9 recipient to pay the Federal share of the cost of
10 establishing and operating teacher training pro-
11 grams described in subparagraph (A);

12 “(2) make annual reports to the Secretary and
13 be responsible for oversight of the funds expended at
14 each teacher training program described in subpara-
15 graph (A); and

16 “(3) meet such other conditions and standards as
17 the Secretary determines to be necessary to assure
18 compliance with this section and provide such tech-
19 nical assistance as may be necessary to carry out this
20 section.

21 “(d) *TEACHER TRAINING PROGRAMS.*—The teacher
22 training programs described in subsection (b) shall—

23 “(1) be conducted during the school year and
24 during the summer months;

1 “(2) train teachers who teach grades kinder-
2 garten through college;

3 “(3) select teachers to become members of a Na-
4 tional Teacher Training Project, which members shall
5 conduct inservice workshops for other teachers in the
6 area served by the National Teacher Training Project
7 site;

8 “(4) borrow teacher training principles and re-
9 ceive technical assistance from the National Writing
10 Project; and

11 “(5) encourage teachers from all disciplines to
12 participate in such teacher training programs.

13 “(e) FEDERAL SHARE.—The term ‘Federal share’
14 means, with respect to the costs of teacher training pro-
15 grams described in subsection (b), 50 percent of such costs
16 to the contractor

17 “(f) APPLICATION.—Each eligible recipient desiring a
18 grant under this section shall submit an application to the
19 Secretary at such time, in such manner and accompanied
20 by such information as the Secretary may reasonably re-
21 quire.

22 “(g) PARTICIPANTS AND SELECTION PROCESS.—The
23 selection process for participation in a teacher training
24 program described in subsection (b) shall—

1 “(1) reward exemplary teachers with varying
2 levels of teaching experience who are nominated by
3 other teachers and administrators;

4 “(2) involve an application process to select par-
5 ticipants for a summer program;

6 “(3) ensure the selection of a geographically and
7 ethnically diverse group of teachers by soliciting ap-
8 plications from teachers of both public and private
9 institutions in rural, urban and suburban settings of
10 every State; and

11 “(4) automatically offer a place in a summer
12 program to the ‘Teacher of the Year’ chosen pursuant
13 to a Federal or State teacher recognition program.

14 “(h) LIMITATION.—A contractor entering into a con-
15 tract under subsection (c)(1) shall not spend more than 5
16 percent of funds received under the contract for administra-
17 tive costs.

18 **“Subpart 2—State and Local Activities**

19 **“SEC. 2121. PROGRAM AUTHORIZED.**

20 “The Secretary is authorized to make grants to State
21 educational agencies for the support of sustained and inten-
22 sive high-quality professional development activities in the
23 core academic subjects at the State and local levels.

1 **“SEC. 2122. ALLOCATION OF FUNDS.**

2 “(a) *RESERVATION OF FUNDS.*—From the amount
3 available to carry out this subpart for any fiscal year, the
4 Secretary shall reserve—

5 “(1) $\frac{1}{2}$ of 1 percent for the outlying areas, to be
6 distributed among the outlying areas on the basis of
7 their relative need, as determined by the Secretary in
8 accordance with the purposes of this part;

9 “(2) $\frac{1}{2}$ of 1 percent for the Secretary of the Inte-
10 rior for programs under this part for professional de-
11 velopment activities for teachers, other staff, and ad-
12 ministrators in schools operated or funded by the Bu-
13 reau of Indian Affairs.

14 “(b) *STATE ALLOTMENTS.*—The Secretary shall allo-
15 cate the amount available to carry out this subpart and
16 not reserved under subsection (a) to each of the 50 States,
17 the District of Columbia, and the Commonwealth of Puerto
18 Rico as follows, except that no State shall receive less than
19 one-half of 1 percent of such amount:

20 “(1) Fifty percent shall be allocated among such
21 jurisdictions on the basis of their relative populations
22 of individuals aged 5 through 17, as determined by
23 the Secretary on the basis of the most recent satisfac-
24 tory data.

25 “(2) Fifty percent shall be allocated among such
26 jurisdictions in accordance with the relative amounts

1 *such jurisdictions received under part A of title I for*
2 *the preceding fiscal year.*

3 *“(c) REALLOCATION.—If any jurisdiction does not*
4 *apply for an allotment under subsection (b) for any fiscal*
5 *year, the Secretary shall reallocate such amount to the re-*
6 *maining jurisdictions in accordance with that subsection.*

7 ***“SEC. 2123. WITHIN-STATE ALLOCATIONS.***

8 *“Of the amounts received by any State under this sub-*
9 *part for any fiscal year—*

10 *“(1) 75 percent shall be available for State level*
11 *activities under section 2126 and local allowable ac-*
12 *tivities under section 2129(b), of which—*

13 *“(A) not more than 5 percent may be used*
14 *for the administrative costs of the State edu-*
15 *cational agency;*

16 *“(B) not more than 5 percent may be used*
17 *for State-level activities under section 2126; and*

18 *“(C) of the remaining amount—*

19 *“(i) 50 percent shall be distributed to*
20 *local educational agencies—*

21 *“(I) for use in accordance with*
22 *section 2129; and*

23 *“(II) in accordance with the rel-*
24 *ative enrollments in public and private*
25 *nonprofit elementary and secondary*

1 *schools within the boundaries of such*
2 *agencies; and*

3 *“(ii) 50 percent of such amount shall*
4 *be distributed to local educational agen-*
5 *cies—*

6 *“(I) for use in accordance with*
7 *section 2129; and*

8 *“(II) in accordance with the rel-*
9 *ative amount such agencies received*
10 *under part A of title I of this Act for*
11 *the preceding fiscal year; and*

12 *“(2) 25 percent shall be available to the State*
13 *agency for higher education for activities under sec-*
14 *tion 2130, of which not more than 5 percent may be*
15 *used for the administrative costs of the State agency*
16 *for higher education.*

17 **“SEC. 2124. PRIORITY FOR PROFESSIONAL DEVELOPMENT**
18 **IN MATHEMATICS AND SCIENCE.**

19 *“(a) APPROPRIATION OF LESS THAN \$250,000,000.—*
20 *In any fiscal year for which the amount appropriated for*
21 *this part is less than \$250,000,000, each State shall ensure*
22 *that all funds distributed in accordance with section*
23 *2123(1)(C) are used for professional development in mathe-*
24 *matics and science.*

1 “(b) *APPROPRIATION EQUAL TO OR ABOVE*
2 *\$250,000,000.—In any fiscal year for which the amount*
3 *appropriated for this part is at least \$250,000,000, each*
4 *State shall ensure that the amount of funds distributed in*
5 *accordance with section 2123(1)(C) that is used for profes-*
6 *sional development in mathematics and science is not less*
7 *than the amount that bears the same ratio to the total*
8 *amount of funds so distributed as the sum of \$250,000,000*
9 *plus at least 10 percent of the amount appropriated for this*
10 *part for such year in excess of \$250,000,000 bears to the*
11 *total amount appropriated for this part for such year.*

12 **“SEC. 2125. STATE APPLICATIONS.**

13 “(a) *APPLICATIONS REQUIRED.—Each State edu-*
14 *cational agency that wishes to receive an allotment under*
15 *this subpart for any fiscal year shall submit an application*
16 *to the Secretary at such time and in such form as the Sec-*
17 *retary may require.*

18 “(b) *PROFESSIONAL DEVELOPMENT PLAN.—*

19 “(1) *IN GENERAL.—Each application under this*
20 *section shall include a State plan for professional de-*
21 *velopment that satisfies the requirements of this sec-*
22 *tion.*

23 “(2) *CONTENTS.—Each such State plan shall—*

24 “(A) *be developed in conjunction with the*
25 *State agency for higher education, nonprofit or-*

1 *ganizations of demonstrated effectiveness, institu-*
2 *tions of higher education or schools of education,*
3 *and with the extensive participation of local*
4 *teachers, administrators, and pupil services per-*
5 *sonnel and show the role of each such entity in*
6 *implementation of the plan;*

7 *“(B) be designed to give teachers, adminis-*
8 *trators, and pupil services personnel in the State*
9 *the knowledge and skills necessary to provide all*
10 *students the opportunity to meet challenging*
11 *State content standards and challenging State*
12 *student performance standards;*

13 *“(C) include an assessment of State and*
14 *local needs for professional development specifi-*
15 *cally related to subparagraph (B);*

16 *“(D) describe the need for teacher develop-*
17 *ment beginning with recruitment, preservice,*
18 *and induction, and continuing throughout the*
19 *professional teaching career, taking into account*
20 *the need, as determined by the State, for greater*
21 *access to and participation in the teaching pro-*
22 *fession by individuals from historically*
23 *underrepresented groups;*

24 *“(E) describe how the State requirements*
25 *for licensure of teachers and administrators, in-*

1 *cluding certification and recertification, support*
2 *challenging State content standards and chal-*
3 *lenging State student performance standards;*

4 “(F) describe how the State will work with
5 *teachers, administrators, parents, local edu-*
6 *cational agencies, schools, educational service*
7 *agencies, and institutions of higher education or*
8 *nonprofit organizations of demonstrated effective-*
9 *ness to ensure that such individuals or entities*
10 *develop the capacity to support sustained and*
11 *intensive, high-quality professional development*
12 *programs in the core academic subjects;*

13 “(G) describe how the State will prepare all
14 *teachers to teach children with diverse learning*
15 *needs, including children with disabilities;*

16 “(H) describe how the State will prepare
17 *teachers, paraprofessionals and pupil services*
18 *personnel in intervention strategies to—*

19 “(i) alleviate the need, and inappropri-

20 *ate referral, for special education services;*
21 *and*

22 “(ii) prepare general and special edu-

23 *cation staff to work collaboratively to edu-*
24 *cate students with disabilities placed into*
25 *general education settings, consistent with*

1 *such student’s individualized education pro-*
2 *gram;*

3 “(I) describe how the State will use tech-
4 *nology, including the emerging national infor-*
5 *mation infrastructure, to enhance the profes-*
6 *sional development of teachers, administrators,*
7 *and pupil services personnel;*

8 “(J) describe how the State will ensure a
9 *strong focus on professional development in*
10 *mathematics and science taking into account the*
11 *need for greater access to, and participation in,*
12 *such disciplines by students from historically*
13 *underrepresented groups;*

14 “(K) describe how the State will provide in-
15 *centives to teachers and administrators to focus*
16 *their professional development on preparing*
17 *themselves to provide instruction consistent with*
18 *challenging State content standards and chal-*
19 *lenging State student performance standards;*

20 “(L) set specific outcome performance indi-
21 *cators for professional development; and*

22 “(M) describe how parents can be involved
23 *in professional development programs to enhance*
24 *their participation in the education of their chil-*
25 *dren.*

1 “(3) *DURATION OF THE PLAN.*—Each such State
2 *plan shall—*

3 “(A) *remain in effect for the duration of the*
4 *State’s participation under this subpart; and*

5 “(B) *be periodically reviewed and revised*
6 *by the State, as necessary, to reflect changes in*
7 *the State’s strategies and programs under this*
8 *subpart.*

9 “(c) *ADDITIONAL MATERIAL.*—Each State application
10 *shall include—*

11 “(1) *a description of how the activities assisted*
12 *under this subpart will be coordinated, as appro-*
13 *priate, with—*

14 “(A) *other activities conducted with Federal*
15 *funds, especially activities supported under part*
16 *A of title I of this Act, and parts B and D of*
17 *the Individuals with Disabilities Education Act;*

18 “(B) *State and local funds;*

19 “(C) *resources from business and industry,*
20 *museums, libraries, educational television sta-*
21 *tions, and public and private nonprofit organi-*
22 *zations of demonstrated experience; and*

23 “(D) *funds received from other Federal*
24 *agencies, such as the National Science Founda-*
25 *tion, the Departments of Commerce, Energy, and*

1 *Health and Human Services, the National En-*
2 *dowment for the Arts, the Institute of Museum*
3 *Services, and the National Endowment for the*
4 *Humanities; and*

5 “(2) *a description of the activities to be spon-*
6 *sored under the State level activities under section*
7 *2126 and the higher education activities under section*
8 *2130.*

9 “(d) *PEER REVIEW AND SECRETARIAL APPROVAL.—*

10 “(1) *IN GENERAL.—The Secretary shall approve*
11 *an application of a State educational agency under*
12 *this section if such application meets the requirements*
13 *of this section and holds reasonable promise of achiev-*
14 *ing the purposes of this part.*

15 “(2) *REVIEW.—In reviewing applications under*
16 *this section, the Secretary shall obtain the advice of*
17 *non-Federal experts on education in the core aca-*
18 *demical subjects and on teacher education, including*
19 *teachers and administrators.*

20 **“SEC. 2126. STATE LEVEL ACTIVITIES.**

21 “*Each State may use funds made available under sec-*
22 *tion 2123(1) to carry out activities described in the plan*
23 *under section 2125(b), such as—*

24 “(1) *reviewing and reforming State requirements*
25 *for teacher and administrator licensure, including*

1 *certification and recertification, to align such require-*
2 *ments with the State's challenging State content*
3 *standards and ensure that teachers and administra-*
4 *tors have the knowledge and skills necessary to help*
5 *students meet challenging State student performance*
6 *standards;*

7 “(2) *developing performance assessments and*
8 *peer review procedures, as well as other methods, for*
9 *licensing teachers and administrators;*

10 “(3) *providing technical assistance to schools*
11 *and local educational agencies to help such schools*
12 *and agencies provide effective professional develop-*
13 *ment in the core academic subjects;*

14 “(4) *developing or supporting professional devel-*
15 *opment networks, either within a State or in a re-*
16 *gional consortium of States, that provide a forum for*
17 *interaction among teachers and that allow exchange*
18 *of information on advances in content and pedagogy;*

19 “(5) *professional development in the effective use*
20 *of educational technology as an instructional tool for*
21 *increasing student understanding of the core aca-*
22 *demic subjects, including efforts to train teachers in*
23 *methods for achieving gender equity both in students'*
24 *access to computers and other educational technology*

1 *and in teaching practices used in the application of*
2 *educational technology;*

3 *“(6) providing financial or other incentives for*
4 *teachers to become certified by nationally recognized*
5 *professional teacher enhancement organizations;*

6 *“(7) designing systems that enable teachers to*
7 *meet pay ladder professional development require-*
8 *ments by demonstrating content knowledge and peda-*
9 *gogical competence tied to challenging State content*
10 *standards and challenging State student performance*
11 *standards, rather than by merely completing course*
12 *credits;*

13 *“(8) providing incentives for teachers to be in-*
14 *volved in assessment, curriculum development, and*
15 *technical assistance processes for teachers and stu-*
16 *dents;*

17 *“(9) professional development to enable teachers,*
18 *pupil services personnel, and other school staff to en-*
19 *sure that girls and young women, minorities, limited*
20 *English proficient students, individuals with disabil-*
21 *ities, and the economically disadvantaged have the*
22 *full opportunity to achieve to challenging State con-*
23 *tent standards and challenging State student perform-*
24 *ance standards in the core academic subjects by, for*
25 *example, encouraging girls and young women and*

1 *minorities to pursue advanced courses in mathematics*
2 *and science;*

3 *“(10) professional development designed to—*

4 *“(A) provide the collaborative skills needed*
5 *to appropriately serve children with disabilities*
6 *in the general education setting consistent with*
7 *such child’s individualized education program;*
8 *and*

9 *“(B) develop skills needed for effective inter-*
10 *vention teaching strategies to alleviate the need,*
11 *and inappropriate referral, for special education*
12 *services;*

13 *“(11) professional development and recruitment*
14 *activities designed to increase the numbers of minori-*
15 *ties, individuals with disabilities and females teach-*
16 *ing in the core academic subjects in which such indi-*
17 *viduals are underrepresented;*

18 *“(12) identifying, developing, or supporting pa-*
19 *rental involvement programs to better equip parents*
20 *to participate in the education of their children;*

21 *“(13) professional development activities de-*
22 *signed to increase the number of women and other*
23 *underrepresented groups in the administration of*
24 *schools;*

1 “(14) providing training for local education em-
2 ployees in the area of early childhood development in
3 order to ensure that early childhood development serv-
4 ices provided to low-income children below the age of
5 compulsory school attendance comply with the per-
6 formance standards established under section 641A(a)
7 of the Head Start Act or under section 651 of such
8 Act, as such section 651 was in effect on the day pre-
9 ceding the date of enactment of the Human Services
10 Amendments of 1994; and

11 “(15) providing technical assistance to teachers,
12 administrators, parents and related services personnel
13 in the area of early childhood development in order
14 to ensure that early childhood development services
15 provided to low-income children below the age of com-
16 pulsory school attendance comply with the perform-
17 ance standards established under section 641A(a) of
18 the Head Start Act or under section 651 of such Act,
19 as such section 651 was in effect on the day preceding
20 the date of enactment of the Human Services Amend-
21 ments of 1994.

22 **“SEC. 2127. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

23 “(a) *IN GENERAL.*—Each local educational agency
24 that desires a subgrant under this subpart shall submit an
25 application to the State educational agency at such time

1 *as the State educational agency may require, but not less*
2 *frequently than every 3 years.*

3 “(b) CONTENTS.—Each application under this section
4 shall include—

5 “(1) the local educational agency’s plan for pro-
6 fessional development that—

7 “(A) has been developed with the extensive
8 participation of teachers, administrators, staff,
9 and pupil services personnel;

10 “(B) is aligned with the State’s challenging
11 State content standards and challenging State
12 student performance standards;

13 “(C) includes an assessment of local needs
14 for professional development as identified by the
15 local educational agency and school staff;

16 “(D) describes a strategy, tied to challeng-
17 ing State content standards and challenging
18 State student performance standards, for ad-
19 dressing those needs;

20 “(E) includes strong academic content and
21 pedagogical components;

22 “(F) takes into account the need for greater
23 access to and participation in the core academic
24 subjects, especially in mathematics and science,

1 *by students from historically underrepresented*
2 *groups;*

3 “(G) *is of sufficient intensity and duration*
4 *to have a positive and lasting impact on the stu-*
5 *dent’s performance in the classroom; and*

6 “(H) *sets specific outcome performance in-*
7 *dicators;*

8 “(2) *an assurance that the activities conducted*
9 *with the funds such agency received under this sub-*
10 *part will be assessed at least every three years using*
11 *the outcome performance indicators to determine the*
12 *effectiveness of such activities;*

13 “(3) *a description of how the programs funded*
14 *under this subpart will be coordinated, as appro-*
15 *priate, with—*

16 “(A) *services of educational service agencies;*

17 “(B) *services of institutions of higher edu-*
18 *cation;*

19 “(C) *State and local funds;*

20 “(D) *resources provided under part A of*
21 *title I and other provisions of this Act;*

22 “(E) *resources from business, industry, mu-*
23 *seums, libraries, educational television stations,*
24 *and public and private nonprofit organizations*
25 *of demonstrated experience;*

1 “(F) resources provided under parts B and
2 D of the Individuals with Disabilities Education
3 Act; and

4 “(G) funds received from other Federal
5 agencies, such as the National Science Founda-
6 tion, the Department of Energy, the Department
7 of Health and Human Services, the National
8 Endowment for the Arts, the Institute of Museum
9 Services, and the National Endowment for the
10 Humanities;

11 “(4) an identification of the sources of funding
12 that will provide the local educational agency’s con-
13 tribution under section 2128; and

14 “(5) a description of the strategies to be em-
15 ployed to more fully and effectively involve parents in
16 the education of their children.

17 “(c) DURATION OF THE PLAN.—Each local plan de-
18 scribed in subsection (b)(1) shall—

19 “(1) remain in effect for the duration of the local
20 educational agency’s participation under this sub-
21 part; and

22 “(2) be periodically reviewed and revised by the
23 local educational agency, as necessary, to reflect
24 changes in the local educational agency’s strategies
25 and programs under this subpart.

1 ***“SEC. 2128. LOCAL COST-SHARING.***

2 *“(a) IN GENERAL.—Each local educational agency*
3 *shall provide at least 33 percent of the cost of the activities*
4 *assisted under this subpart, excluding the cost of services*
5 *provided to private school teachers.*

6 *“(b) AVAILABLE RESOURCES FOR COST-SHARING.—*

7 *“(1) IN GENERAL.—A local educational agency*
8 *may meet the requirement of subsection (a) through*
9 *one or more of the following:*

10 *“(A) Cash expenditures from non-Federal*
11 *sources directed toward professional development*
12 *activities.*

13 *“(B) Release time for teachers participating*
14 *in professional development assisted under this*
15 *subpart.*

16 *“(C) Funds received under one or more of*
17 *the following programs, so long as such funds are*
18 *used for professional development activities con-*
19 *sistent with this subpart and the statutes under*
20 *which such funds were received, and are used to*
21 *benefit students and teachers in schools that oth-*
22 *erwise would have been served with such funds:*

23 *“(i) Part A of title I.*

24 *“(ii) Parts B and D of the Individuals*
25 *with Disabilities Education Act.*

1 “(iii) *The Safe and Drug-Free Schools*
2 *and Communities program under part A of*
3 *title V.*

4 “(iv) *Bilingual Education Programs*
5 *under part A of title VII.*

6 “(v) *The Women’s Educational Equity*
7 *Act of 1994.*

8 “(vi) *Title III of the Goals 2000: Edu-*
9 *cate America Act.*

10 “(vii) *Programs that are related to the*
11 *purposes of this Act that are administered*
12 *by other Federal agencies, including the Na-*
13 *tional Science Foundation, the National*
14 *Endowment for the Humanities, the Na-*
15 *tional Endowment for the Arts, the Institute*
16 *of Museum Services, and the Department of*
17 *Energy.*

18 “(2) *SPECIAL RULE.—A local educational agency*
19 *may meet the requirement of subsection (a) through*
20 *contributions described in paragraph (1) that are*
21 *provided in cash or in kind, fairly evaluated.*

1 **“SEC. 2129. LOCAL ALLOCATION OF FUNDS AND ALLOW-**
2 **ABLE ACTIVITIES.**

3 “(a) *LOCAL ALLOCATION OF FUNDS.*—Each local edu-
4 cational agency that receives funds under this subpart for
5 any fiscal year—

6 “(1) shall use at least 80 percent of such funds
7 for professional development of teachers, administra-
8 tors, pupil services personnel, parents, and other staff
9 of individual schools in a manner that—

10 “(A) is determined by such teachers and
11 staff;

12 “(B) to the extent practicable, takes place at
13 the individual school site; and

14 “(C) is consistent with the local educational
15 agency’s application under section 2127, any
16 school plan under part A of title I, and any
17 other plan for professional development carried
18 out with Federal, State, or local funds that em-
19 phasizes sustained, ongoing activities; and

20 “(2) may use not more than 20 percent of such
21 funds for school district-level professional development
22 activities, including the participation of administra-
23 tors, policymakers, and parents.

24 “(b) *AUTHORIZED ACTIVITIES.*—Each local edu-
25 cational agency and school that receives funds under this
26 subpart shall use such funds for activities that contribute

1 *to the implementation of the local educational agency's pro-*
2 *fessional development plan described in section 2127(b)(1),*
3 *such as—*

4 “(1) *professional development for teams of teach-*
5 *ers, administrators, pupil services personnel, or other*
6 *staff from individual schools, to support teaching con-*
7 *sistent with challenging State content standards and*
8 *challenging State student performance standards and*
9 *to create a school environment conducive to high*
10 *achievement in the core academic subjects;*

11 “(2) *support and time, which in the case of*
12 *teachers may include release time with pay, for teach-*
13 *ers, pupil services personnel, and other school staff to*
14 *enable such teachers, personnel, and staff to partici-*
15 *pate in professional development in the core academic*
16 *subjects that are offered through professional associa-*
17 *tions, universities, and other providers such as com-*
18 *munity-based organizations, science centers and mu-*
19 *seums;*

20 “(3) *support and time, which in the case of*
21 *teachers may include release time with pay, for teach-*
22 *ers, pupil services personnel and other school staff to*
23 *participate in professional development that goes be-*
24 *yond training and encourages a variety of forms of*
25 *learning that are related to an educator's regular*

1 *work, such as group study and consultation with*
2 *peers and supervisors;*

3 *“(4) support and time for teachers, pupil services*
4 *personnel and other school staff to learn and imple-*
5 *ment effective intervention or collaboration for the in-*
6 *struction of children with disabilities placed into gen-*
7 *eral education settings, consistent with such child’s*
8 *individualized education program;*

9 *“(5) professional development which incorporates*
10 *effective strategies, techniques, methods, and practices*
11 *for meeting the educational needs of diverse groups of*
12 *students, including females, minorities, individuals*
13 *with disabilities, limited-English proficient individ-*
14 *uals and economically disadvantaged individuals;*

15 *“(6) peer training and mentoring programs, in-*
16 *cluding cross-generational mentoring, in the core aca-*
17 *ademic subjects and in the developmental, social, emo-*
18 *tional and mental health needs of children;*

19 *“(7) establishment and maintenance of local pro-*
20 *fessional networks that provide a forum for inter-*
21 *action among teachers and pupil services personnel*
22 *and that allow exchange of information on advances*
23 *in content and pedagogy;*

24 *“(8) activities that provide followup for teachers*
25 *who have participated in professional development ac-*

1 *tivities that are designed to ensure that the knowledge*
2 *and skills learned by the teacher are implemented in*
3 *the classroom;*

4 *“(9) preparing teachers and pupil services per-*
5 *sonnel to work with parents and families on fostering*
6 *student achievement in the core academic subjects;*

7 *“(10) preparing teachers in the effective use of*
8 *educational technology and assistive technology as in-*
9 *structional tools for increasing student understanding*
10 *of the core academic subjects;*

11 *“(11) establishing policies to permit teachers to*
12 *meet pay ladder requirements by demonstrating con-*
13 *tent and pedagogical competence rather than by only*
14 *meeting course requirements;*

15 *“(12) professional development to enable teach-*
16 *ers, pupil services personnel, and other school staff to*
17 *ensure that girls and young women, minorities, lim-*
18 *ited-English proficient students, individuals with dis-*
19 *abilities, and the economically disadvantaged have*
20 *full opportunity to achieve to challenging State con-*
21 *tent standards and challenging State student perform-*
22 *ance standards in the core academic subjects;*

23 *“(13) professional development activities de-*
24 *signed to increase the numbers of minorities, individ-*
25 *uals with disabilities, and other underrepresented*

1 *groups in the teaching force and to increase the num-*
2 *bers of women and members of other underrepresented*
3 *groups who are science and mathematics teachers, for*
4 *example, through career ladder programs that assist*
5 *educational paraprofessionals to obtain teaching cre-*
6 *dentials;*

7 “(14) *professional development activities and*
8 *other support for new teachers as such teachers transi-*
9 *tion into the classroom to provide such teachers with*
10 *practical support and increase retention;*

11 “(15) *professional development for teachers, par-*
12 *ents, early childhood educators, administrators, and*
13 *other staff to support activities and services related to*
14 *the Transition to Success program developed under*
15 *part B of title I;*

16 “(16) *developing incentive strategies for reward-*
17 *ing teachers, administrators, and pupil services per-*
18 *sonnel collectively in schools that sustain high per-*
19 *formance or consistent growth in the number of their*
20 *students who meet the challenging State content*
21 *standards and challenging State student performance*
22 *standards;*

23 “(17) *providing financial or other incentives for*
24 *teachers to become certified by nationally recognized*
25 *professional teacher enhancement programs;*

1 “(18) developing strategies and programs to
2 more effectively involve parents in the education of
3 their children;

4 “(19) professional development activities de-
5 signed to increase the number of women and other
6 underrepresented groups in the administration of
7 schools;

8 “(20) release time with pay for teachers; and

9 “(21) professional development in experiential-
10 based teaching methods such as service learning.

11 **“SEC. 2130. HIGHER EDUCATION ACTIVITIES.**

12 “(a) *IN GENERAL.*—

13 “(1) *IN GENERAL.*—From amounts made avail-
14 able under section 2123(2), the State agency for high-
15 er education, working in conjunction with the State
16 educational agency (if such agencies are separate),
17 shall award grants to, or enter into contracts or coop-
18 erative agreements with, institutions of higher edu-
19 cation or private nonprofit organizations working in
20 conjunction with local educational agencies, for pro-
21 fessional development activities in the core academic
22 subjects that contribute to the State plan for profes-
23 sional development.

1 “(2) *COMPETITIVE BASIS.*—Each grant, contract
2 or cooperative agreement described in paragraph (1)
3 shall be awarded on a competitive basis.

4 “(3) *JOINT EFFORTS.*—Each activity assisted
5 under this section, where applicable, shall involve the
6 joint effort of the institution of higher education’s
7 school or department of education, if any, and the
8 schools or departments in the specific disciplines in
9 which such professional development will be provided.

10 “(b) *ALLOWABLE ACTIVITIES.*—A recipient of funds
11 under this section shall use such funds for—

12 “(1) *sustained and intensive high-quality profes-*
13 *sional development for teams of teachers, or teachers,*
14 *pupil services personnel and administrators from in-*
15 *dividual schools or school districts;*

16 “(2) *preservice training activities; and*

17 “(3) *other sustained and intensive professional*
18 *development activities related to achievement of the*
19 *State plan for professional development.*

20 “(c) *PARTNERSHIPS.*—Each institution of higher edu-
21 cation receiving a grant under this section may also enter
22 into a partnership with a private industry, museum, li-
23 brary, educational television station, or public or private
24 nonprofit organization of demonstrated experience to carry

1 out professional development activities assisted under this
2 section.

3 **“SEC. 2131. CONSORTIUM REQUIREMENT.**

4 “(a) *IN GENERAL.*—Any local educational agency re-
5 ceiving a grant under this part of less than \$10,000 shall
6 form a consortium with another local educational agency
7 or an educational service agency serving another local edu-
8 cational agency to be eligible to participate in programs
9 assisted under this part.

10 “(b) *WAIVER.*—The Chief State School Officer may
11 waive the requirements of subsection (a) if distances or
12 traveling time between schools make formation of the con-
13 sortium more costly or less effective.

14 “(c) *SPECIAL RULE.*—Each consortium shall rely, as
15 much as possible, on technology or other arrangements to
16 deliver staff development tailored to the needs of each school
17 or school district participating in a consortium described
18 in subsection (a).

19 **“Subpart 3—Professional Development Demonstration**
20 **Project**

21 **“SEC. 2141. FINDINGS AND PURPOSE.**

22 “(a) *FINDINGS.*—The Congress finds that—

23 “(1) underlying the standards-driven framework
24 of the Goals 2000: Educate America Act and the high
25 academic standards for eligible students under title I

1 *is a widespread need to prepare teachers to teach to*
2 *higher standards;*

3 *“(2) prospective and current teachers need*
4 *knowledge and skills beyond what such teachers cur-*
5 *rently possess;*

6 *“(3) while both the Goals 2000: Educate America*
7 *Act and titles I and II have extensive references to*
8 *professional development of teachers, there are no pro-*
9 *visions to incorporate ‘on-the-ground’ planning and*
10 *implementation to serve as models for local edu-*
11 *cational agencies across the Nation; and*

12 *“(4) better prepared teachers can lead to im-*
13 *proved student achievement, especially for students*
14 *who are furthest from reaching high standards.*

15 *“(b) PURPOSE.—It is the purpose of this subpart—*

16 *“(1) to address the need for professional develop-*
17 *ment with a primary focus on teachers;*

18 *“(2) to provide both prospective teachers and*
19 *current teachers opportunities to learn both the con-*
20 *tent and the pedagogy needed to teach to high stand-*
21 *ards; and*

22 *“(3) to build models, in a few cities and States,*
23 *that demonstrate new organizational arrangements*
24 *and deep investments in teachers necessary to better*
25 *prepare teachers for new standards and assessments.*

1 **“SEC. 2142. DEMONSTRATION PROGRAM AUTHORIZED.**

2 “(a) *GENERAL AUTHORITY.*—

3 “(1) *IN GENERAL.*—*The Secretary shall carry*
4 *out a demonstration project under which the Sec-*
5 *retary awards grants in accordance with this subpart*
6 *to eligible partnerships to enable such partnerships to*
7 *plan and implement professional development pro-*
8 *grams.*

9 “(2) *PROGRAM REQUIREMENTS.*—*The programs*
10 *described in paragraph (1)—*

11 “(A) *shall focus on increasing teachers’*
12 *knowledge and understanding of content by pro-*
13 *viding teachers opportunities to improve their*
14 *knowledge and to improve their classroom prac-*
15 *tice in order to help students meet high academic*
16 *standards;*

17 “(B) *shall include teachers at all career*
18 *stages, from student teachers or interns through*
19 *senior team leaders or department chairs; and*

20 “(C) *may incorporate professional develop-*
21 *ment for principals, pupil services personnel,*
22 *aides, other school-based staff, and parents.*

23 “(b) *ELIGIBLE PARTNERSHIPS.*—*For the purpose of*
24 *this subpart the term ‘eligible partnership’ means a part-*
25 *nership consisting of—*

1 “(1) a local educational agency, a subunit of
2 such agency, or a consortium of such agencies, in
3 which at least 50 percent of the schools served by such
4 agency, subunit, or consortium are eligible to partici-
5 pate in schoolwide programs under section 1114; or

6 “(2) other partners that—

7 “(A) shall include, at a minimum, a teach-
8 ers’ union (if appropriate), one or more institu-
9 tions of higher education which may include fac-
10 ulty from schools of education and faculty from
11 schools of arts and sciences, and a local parent
12 or community council; and

13 “(B) may include a business partner or a
14 nonprofit organization with a demonstrated
15 record in staff development.

16 **“SEC. 2143. GRANTS.**

17 “(a) AUTHORITY.—

18 “(1) IN GENERAL.—The Secretary shall award
19 grants for planning, and grants for the implementa-
20 tion of, professional development programs under this
21 subpart.

22 “(2) DISTRIBUTION.—The Secretary shall award
23 not less than 75 percent of the funds available for
24 grants under this part to eligible partnerships serving
25 the schools with the greatest number of poor students.

1 *To the extent possible, such grants shall be awarded*
2 *to eligible partnerships serving both rural and urban*
3 *school districts and in a manner that reflects geo-*
4 *graphic and racial diversity.*

5 *“(3) NUMBER OF GRANTS.—In the first year that*
6 *the Secretary awards grants under this subpart, the*
7 *Secretary shall award at least twice as many plan-*
8 *ning grants as implementation grants in order to re-*
9 *ceive well-developed plans for long-term funding*
10 *under this subpart.*

11 *“(b) GRANT REQUIREMENTS.—*

12 *“(1) DURATION.—The Secretary shall award—*

13 *“(A) planning grants under this subpart for*
14 *a period of not less than 6 months and not more*
15 *than 9 months; and*

16 *“(B) implementation grants under this sub-*
17 *part for a period of four fiscal years.*

18 *“(2) AMOUNT.—The Secretary shall award*
19 *grants under this subpart in an amount determined*
20 *on the basis of the size of the program and the level*
21 *of investment the eligible partnership is making in*
22 *teacher development in the area served by the eligible*
23 *partnership, including local, State, and Federal funds*
24 *and existing higher education resources, except that*

1 *no grant under this subpart shall exceed \$500,000 in*
2 *any one fiscal year.*

3 **“SEC. 2144. PLAN.**

4 *“Each eligible partnership desiring assistance under*
5 *this subpart shall develop a plan for the program to be as-*
6 *sisted under this subpart. Such plan shall—*

7 *“(1) identify clearly how such plan will support*
8 *an overall systemic reform strategy giving special at-*
9 *tention to the role of teacher preparation for new*
10 *standards and assessment;*

11 *“(2) describe the eligible partnership’s instruc-*
12 *tional objectives and how the professional development*
13 *activities will support such objectives;*

14 *“(3) specify the organizational arrangements*
15 *and delivery strategies to be used, such as teacher cen-*
16 *ters, professional development schools, teacher net-*
17 *works, academic alliances, as well as the curriculum*
18 *for teachers;*

19 *“(4) specify the commitments the local edu-*
20 *cational agencies, teacher’s union, institutions of*
21 *higher education or any other entity participating in*
22 *such partnership are prepared to make, not only to*
23 *support program activities such as release time, con-*
24 *tractual flexibility, support for interns or student*
25 *teachers if applicable, but also to sustain the central*

1 *aspects of the plan after the expiration of the grant;*
2 *and*

3 “(5) describe how the activities described under
4 *this subpart will lead to districtwide policy and budg-*
5 *et changes.*

6 **“SEC. 2145. TECHNICAL ASSISTANCE.**

7 *“The Secretary is authorized to enter into an arrange-*
8 *ment with an intermediary organization to enable such or-*
9 *ganization to provide technical assistance to eligible part-*
10 *nerships receiving assistance under this subpart.*

11 **“SEC. 2146. MATCHING FUNDS.**

12 *“The Secretary shall give special priority to awarding*
13 *grants under this subpart to eligible partnerships that dem-*
14 *onstrate such partnership’s ability to raise matching funds*
15 *from private sources.*

16 **“Subpart 4—General Provisions**

17 **“SEC. 2151. REPORTING AND ACCOUNTABILITY.**

18 “(a) STATES.—*Each State that receives funds under*
19 *this part shall submit a report to the Secretary every three*
20 *years, beginning with fiscal year 1997, on the State’s*
21 *progress toward the outcome performance indicators identi-*
22 *fied in such State’s State plan, as well as on the effective-*
23 *ness of State and local activities assisted under this part.*

24 “(b) LOCAL EDUCATIONAL AGENCIES.—*Each local*
25 *educational agency that receives funds under this part shall*

1 *submit a report to the State every three years, beginning*
2 *with fiscal year 1997, regarding the progress of such agency*
3 *toward outcome performance indicators identified in such*
4 *agency's local plan, as well as on the effectiveness of such*
5 *agency's activities under this part.*

6 “(c) *FEDERAL EVALUATION.*—*The Secretary shall re-*
7 *port to the President and the Congress on the effectiveness*
8 *of programs and activities assisted under this part in ac-*
9 *cordance with section 10701.*

10 **“SEC. 2152. DEFINITIONS.**

11 *“As used in this part—*

12 “(1) *the term ‘core academic subjects’ means sub-*
13 *jects such as English, mathematics, science, foreign*
14 *languages, civics and government, economics, arts,*
15 *history, and geography;*

16 “(2) *the term ‘sustained and intensive high-qual-*
17 *ity professional development’ means professional de-*
18 *velopment activities that—*

19 “(A) *are tied to challenging State content*
20 *standards, challenging State student performance*
21 *standards, voluntary national content standards*
22 *or voluntary national student performance*
23 *standards;*

24 “(B) *reflect up-to-date research in teaching*
25 *and learning and include integrated content and*

1 *pedagogical components appropriate for students*
2 *with diverse learning needs;*

3 “(C) *are of sufficient intensity and dura-*
4 *tion to have a positive and lasting impact on the*
5 *teacher’s performance in the classroom or the ad-*
6 *ministrator’s performance on the job; and*

7 “(D) *recognize teachers as an important*
8 *source of knowledge that should inform and help*
9 *shape professional development; and*

10 “(3) *the term ‘outcome performance indicators’*
11 *means measures of specific outcomes that the State or*
12 *local educational agency identify as assessing progress*
13 *toward the goal of ensuring that all teachers have the*
14 *knowledge and skills necessary to assist their students*
15 *to meet challenging State content standards and chal-*
16 *lenging State student performance standards in the*
17 *core academic subjects, such as—*

18 “(A) *the degree to which licensure require-*
19 *ments are tied to challenging State content*
20 *standards and challenging State student per-*
21 *formance standards;*

22 “(B) *specific increases in the number of*
23 *teachers who are certified by the National Board*
24 *for Professional Teaching Standards or other na-*

1 tionally recognized professional teacher enhance-
2 ment organizations;

3 “(C) pass rates on teacher examinations for
4 initial and continuing certification or licensure;

5 “(D) specific increases in the number of ele-
6 mentary and secondary teachers with strong con-
7 tent backgrounds in the core academic subjects;
8 and

9 “(E) specific increases in the number of
10 teachers licensed in each core academic subject.

11 **“PART B—NATIONAL WRITING PROJECT**

12 **“SEC. 2201. SHORT TITLE.**

13 “This part may be cited as the ‘National Writing
14 Project Act’.

15 **“SEC. 2202. FINDINGS.**

16 “The Congress finds that—

17 “(1) the United States faces a crisis in writing
18 in schools and in the workplace;

19 “(2) the writing problem has been magnified by
20 the rapidly changing student populations in the Na-
21 tion’s schools and the growing number of students
22 who are at risk because of limited English pro-
23 ficiency;

24 “(3) over the past 2 decades, universities and
25 colleges across the country have reported increasing

1 *numbers of entering freshmen who are unable to write*
2 *at a level equal to the demands of college work;*

3 *“(4) American businesses and corporations are*
4 *concerned about the limited writing skills of entry-*
5 *level workers, and a growing number of executives are*
6 *reporting that advancement was denied to such execu-*
7 *tives due to inadequate writing abilities;*

8 *“(5) writing and reading are both fundamental*
9 *to learning, yet writing has been historically neglected*
10 *in the schools and colleges, and most teachers in the*
11 *United States elementary schools, secondary schools,*
12 *and colleges have not been trained to teach writing;*

13 *“(6) since 1973, the only national program to*
14 *address the writing problem in the Nation’s schools*
15 *has been the National Writing Project, a network of*
16 *collaborative university-school programs whose goal is*
17 *to improve the quality of student writing and the*
18 *teaching of writing at all grade levels and to extend*
19 *the uses of writing as a learning process through all*
20 *disciplines;*

21 *“(7) the National Writing Project offers summer*
22 *and school year inservice teacher training programs*
23 *and a dissemination network to inform and teach*
24 *teachers of developments in the field of writing;*

1 “(8) the National Writing Project is a nationally
2 recognized and honored nonprofit organization that
3 recognizes that there are teachers in every region of
4 the United States who have developed successful meth-
5 ods for teaching writing and that such teachers can
6 be trained and encouraged to train other teachers;

7 “(9) the National Writing Project has become a
8 model for programs to improve teaching in such other
9 fields as mathematics, science, history, literature, per-
10 forming arts, and foreign languages;

11 “(10) the National Writing Project teacher-teach-
12 ing-teachers program identifies and promotes what is
13 working in the classrooms of the Nation’s best teach-
14 ers;

15 “(11) the National Writing Project teacher-teach-
16 ing-teachers project is a positive program that cele-
17 brates good teaching practices and good teachers and
18 through its work with schools increases the Nation’s
19 corps of successful classroom teachers;

20 “(12) evaluations of the National Writing
21 Project document the positive impact the project has
22 had on improving the teaching of writing, student
23 performance, and student thinking and learning abil-
24 ity;

1 “(13) the National Writing Project programs
2 offer career-long education to teachers, and teachers
3 participating in the National Writing Project receive
4 graduate academic credit;

5 “(14) each year over 100,000 teachers volun-
6 tarily seek training in National Writing Project in-
7 tensive summer institutes and workshops and school-
8 year inservice programs through one of the 154 re-
9 gional sites located in 45 States, the Commonwealth
10 of Puerto Rico, and in four sites that serve United
11 States teachers teaching in United States dependent
12 and independent schools;

13 “(15) 250 National Writing Project sites are
14 needed to establish regional sites to serve all teachers;

15 “(16) private foundation resources, although gen-
16 erous in the past, are inadequate to fund all of the
17 National Writing Project sites needed and the future
18 of the program is in jeopardy without secure finan-
19 cial support;

20 “(17) independent evaluation studies have found
21 the National Writing Project to be highly cost-effective
22 compared to other professional development programs
23 for teachers; and

24 “(18) during 1991, the first year of Federal sup-
25 port for the National Writing Project, the National

1 *Writing Project matched the \$1,951,975 in Federal*
2 *support with \$9,485,504 in matching funds from*
3 *State, local, and other sources.*

4 ***“SEC. 2203. NATIONAL WRITING PROJECT.***

5 *“(a) AUTHORIZATION.—The Secretary is authorized to*
6 *make a grant to the National Writing Project (hereafter in*
7 *this section referred to as the ‘grantee’), a nonprofit edu-*
8 *cational organization which has as its primary purpose the*
9 *improvement of the quality of student writing and learning,*
10 *and the teaching of writing as a learning process in the*
11 *Nation’s classrooms—*

12 *“(1) to support and promote the establishment of*
13 *teacher training programs, including the dissemina-*
14 *tion of effective practices and research findings re-*
15 *garding the teaching of writing and administrative*
16 *activities;*

17 *“(2) to support classroom research on effective*
18 *teaching practice and to document student perform-*
19 *ance;*

20 *“(3) to coordinate activities assisted under this*
21 *section with activities assisted under part A; and*

22 *“(4) to pay the Federal share of the cost of such*
23 *programs.*

24 *“(b) REQUIREMENTS OF GRANT.—The grant shall pro-*
25 *vide that—*

1 “(1) the grantee will enter into contracts with
2 institutions of higher education or other nonprofit
3 educational providers (hereafter in this section re-
4 ferred to as ‘contractors’) under which the contractors
5 will agree to establish, operate, and provide the non-
6 Federal share of the cost of teacher training programs
7 in effective approaches and processes for the teaching
8 of writing;

9 “(2) funds made available by the Secretary to
10 the grantee pursuant to any contract entered into
11 under this section will be used to pay the Federal
12 share of the cost of establishing and operating teacher
13 training programs as provided in paragraph (1); and

14 “(3) the grantee will meet such other conditions
15 and standards as the Secretary determines to be nec-
16 essary to assure compliance with the provisions of
17 this section and will provide such technical assistance
18 as may be necessary to carry out the provisions of
19 this section.

20 “(c) *TEACHER TRAINING PROGRAMS.*—The teacher
21 training programs authorized in subsection (a) shall—

22 “(1) be conducted during the school year and
23 during the summer months;

24 “(2) train teachers who teach grades kinder-
25 garten through college;

1 “(3) *select teachers to become members of a Na-*
2 *tional Writing Project teacher network whose mem-*
3 *bers will conduct writing workshops for other teachers*
4 *in the area served by each National Writing Project*
5 *site; and*

6 “(4) *encourage teachers from all disciplines to*
7 *participate in such teacher training programs.*

8 “(d) *FEDERAL SHARE.—*

9 “(1) *IN GENERAL.—Except as provided in para-*
10 *graph (2) or (3) and for purposes of subsection (a),*
11 *the term ‘Federal share’ means, with respect to the*
12 *costs of teacher training programs authorized in sub-*
13 *section (a), 50 percent of such costs to the contractor.*

14 “(2) *WAIVER.—The Secretary may waive the*
15 *provisions of paragraph (1) on a case-by-case basis if*
16 *the National Advisory Board described in subsection*
17 *(f) determines, on the basis of financial need, that*
18 *such waiver is necessary.*

19 “(3) *MAXIMUM.—The Federal share of the costs*
20 *of teacher training programs conducted pursuant to*
21 *subsection (a) may not exceed \$40,000 for any one*
22 *contractor, or \$200,000 for a statewide program ad-*
23 *ministered by any one contractor in at least five sites*
24 *throughout the State.*

25 “(e) *CLASSROOM TEACHER GRANTS.—*

1 “(1) *IN GENERAL.*—*The National Writing*
2 *Project may reserve an amount not to exceed 5 per-*
3 *cent of the amount appropriated pursuant to the au-*
4 *thority of this section to make grants, on a competi-*
5 *tive basis, to elementary and secondary school teach-*
6 *ers to enable such teachers to—*

7 “(A) *conduct classroom research;*

8 “(B) *publish models of student writing;*

9 “(C) *conduct research regarding effective*
10 *practices to improve the teaching of writing; and*

11 “(D) *conduct other activities to improve the*
12 *teaching and uses of writing.*

13 “(2) *SUPPLEMENT AND NOT SUPPLANT.*—*Grants*
14 *awarded pursuant to paragraph (1) shall be used to*
15 *supplement and not supplant State and local funds*
16 *available for the purposes set forth in paragraph (1).*

17 “(3) *MAXIMUM GRANT AMOUNT.*—*Each grant*
18 *awarded pursuant to this subsection shall not exceed*
19 *\$2,000.*

20 “(f) *NATIONAL ADVISORY BOARD.*—

21 “(1) *ESTABLISHMENT.*—*The National Writing*
22 *Project shall establish and operate a National Advi-*
23 *sory Board.*

1 “(2) *COMPOSITION.*—*The National Advisory*
2 *Board established pursuant to paragraph (1) shall*
3 *consist of—*

4 “(A) *national educational leaders;*

5 “(B) *leaders in the field of writing; and*

6 “(C) *such other individuals as the National*
7 *Writing Project deems necessary.*

8 “(3) *DUTIES.*—*The National Advisory Board es-*
9 *tablished pursuant to paragraph (1) shall—*

10 “(A) *advise the National Writing Project on*
11 *national issues related to student writing and*
12 *the teaching of writing;*

13 “(B) *review the activities and programs of*
14 *the National Writing Project; and*

15 “(C) *support the continued development of*
16 *the National Writing Project.*

17 “(g) *EVALUATION.*—*The Secretary shall conduct an*
18 *independent evaluation by grant or contract of the teacher*
19 *training programs administered pursuant to this Act in ac-*
20 *cordance with section 10701. Such evaluation shall specify*
21 *the amount of funds expended by the National Writing*
22 *Project and each contractor receiving assistance under this*
23 *section for administrative costs. The results of such evalua-*
24 *tion shall be made available to the appropriate committees*
25 *of the Congress.*

1 *under this Act to provide such students with opportu-*
2 *nities to learn to challenging State content standards*
3 *and challenging State student performance standards;*

4 *“(4) current technical assistance efforts are frag-*
5 *mented and categorical in nature, and thus fail to ad-*
6 *dress adequately the needs of States and local edu-*
7 *cational agencies for help in integrating into a coher-*
8 *ent strategy for improving teaching and learning the*
9 *various programs under this Act with State and local*
10 *programs and other education reform efforts;*

11 *“(5) too little creative use is made of technology*
12 *as a means of providing information and assistance*
13 *in a cost-effective way;*

14 *“(6) comprehensive technical assistance can help*
15 *schools and school systems focus on improving oppor-*
16 *tunities for all children to meet challenging State con-*
17 *tent standards and challenging State student perform-*
18 *ance standards, as such schools and systems imple-*
19 *ment programs under this Act;*

20 *“(7) comprehensive technical assistance will pro-*
21 *vide one-stop shopping to help States, local edu-*
22 *cational agencies, participating colleges and univer-*
23 *sities, and schools integrate Federal, State, local edu-*
24 *cation and pupil services programs in ways that con-*

1 *tribute to improving schools and entire school sys-*
2 *tems; and*

3 “(8) *technical assistance in support of programs*
4 *assisted under this Act should be coordinated with the*
5 *Department’s regional offices, the regional educational*
6 *laboratories, and other technical assistance efforts*
7 *supported by the Department.*

8 **“SEC. 2302. PURPOSE.**

9 *“The purpose of this part is to make available to*
10 *States, local educational agencies, schools, and other recipi-*
11 *ents of funds under this Act technical assistance in—*

12 “(1) *administering and implementing programs*
13 *authorized by this Act;*

14 “(2) *implementing school reform programs; and*

15 “(3) *coordinating such programs with other Fed-*
16 *eral, State, and local education activities, so that all*
17 *students are provided opportunities to meet challeng-*
18 *ing State content standards and challenging State*
19 *student performance standards.*

20 **“SEC. 2303. PROGRAM AUTHORIZED.**

21 “(a) *COMPREHENSIVE REGIONAL CENTERS.*—*The Sec-*
22 *retary is authorized to establish one center in each of the*
23 *Department’s ten regions, and one center at the Pacific Re-*
24 *gional Education Laboratory in Honolulu, Hawaii, and*
25 *may establish field offices for each such center, in order to*

1 *provide comprehensive technical assistance to States, local*
2 *educational agencies, schools, and other recipients of funds*
3 *under this Act in the administration and implementation*
4 *of programs authorized by this Act. In allocating resources*
5 *among the centers, the Secretary shall consider the geo-*
6 *graphic distribution of students with special needs.*

7 “(b) *TECHNOLOGY-BASED TECHNICAL ASSISTANCE.—*
8 *The Secretary is authorized to provide a technology-based*
9 *technical assistance service that will—*

10 “(1) *support the administration and implemen-*
11 *tation of programs authorized by this Act by provid-*
12 *ing information, including legal and regulatory infor-*
13 *mation, and technical guidance and information*
14 *about best practices; and*

15 “(2) *be accessible to all States, local educational*
16 *agencies, schools, community-based organizations, and*
17 *others who are recipients of funds under this Act.*

18 **“SEC. 2304. ELIGIBLE ENTITIES.**

19 *“The Secretary may carry out this part directly or*
20 *through grants to, or contracts or cooperative agreements*
21 *with, public or private agencies or organizations or consor-*
22 *tia of such agencies and organizations.*

23 **“SEC. 2305. COMPREHENSIVE REGIONAL CENTERS.**

24 *“Each comprehensive regional center established under*
25 *section 2303(a) shall—*

1 “(1) maintain staff expertise in at least all of the
2 following areas:

3 “(A) instruction, curriculum improvement,
4 school reform, pupil services, and other aspects of
5 title I;

6 “(B) meeting the needs of children served
7 under this Act, including children in high-pov-
8 erty areas, migratory children, children with
9 limited-English proficiency, neglected or delin-
10 quent children, homeless children and youth, In-
11 dian children, and children with disabilities;

12 “(C) professional development for teachers,
13 pupil services personnel, other school staff, and
14 administrators to help students meet challenging
15 State content standards and challenging State
16 student performance standards;

17 “(D) bilingual education, including pro-
18 grams that emphasize English and native lan-
19 guage proficiency, and promote multicultural
20 understanding;

21 “(E) safe and drug-free schools;

22 “(F) educational applications of technology;

23 “(G) parent involvement and participation;

24 “(H) the reform of schools and school sys-
25 tems;

1 “(I) the special needs of students living in
2 rural areas and the special needs of local edu-
3 cational agencies serving rural areas; and

4 “(J) program evaluation;

5 “(2) ensure that technical assistance staff have
6 sufficient training, knowledge, and expertise in how
7 to integrate and coordinate programs assisted under
8 this Act, as well as integrating and coordinating pro-
9 grams assisted under this Act with other Federal,
10 State, and local programs and reforms;

11 “(3) work collaboratively with the Department’s
12 regional offices;

13 “(4) provide technical assistance using the high-
14 est quality and most cost-effective strategies possible;

15 “(5) provide information and assistance regard-
16 ing exemplary and promising practices;

17 “(6) work collaboratively, and coordinate the
18 services such center provides, with the general reform
19 assistance provided by the regional educational lab-
20 oratories and the National Diffusion Network State
21 Facilitators supported by the Office of Educational
22 Research and Improvement; and

23 “(7) consult with representatives of State edu-
24 cational agencies, local educational agencies, and
25 populations served under this Act.

1 **“SEC. 2306. INFORMATION COLLECTION AND EVALUATION.**

2 *“The Secretary shall evaluate activities assisted under*
3 *this part, and shall report to the President and the Congress*
4 *on the effectiveness of such activities by January 1, 1998.*

5 **“SEC. 2307. TRANSITION.**

6 *“(a) IN GENERAL.—The Secretary shall use funds ap-*
7 *propriated to carry out this part for at least fiscal years*
8 *1995 and 1996 in order to ensure an orderly transition and*
9 *phase-in of the comprehensive regional centers assisted*
10 *under this subpart.*

11 *“(b) EXTENSION OF PREVIOUS CENTERS.—In accord-*
12 *ance with subsection (a), and notwithstanding any other*
13 *provisions of law, the Secretary shall use funds appro-*
14 *priated to carry out this part to draw on the expertise of*
15 *staff and services from existing categorical assistance cen-*
16 *ters assisted under this Act (as such Act was in existence*
17 *on the day preceding the date of enactment of the Improving*
18 *America’s Schools Act of 1994) and, where appropriate and*
19 *feasible, to continue to support, through grants or the exten-*
20 *sion of awards, such centers in order to ensure that services*
21 *will not be interrupted, curtailed, or substantially dimin-*
22 *ished.*

23 **“SEC. 2308. AUTHORIZATION OF APPROPRIATIONS.**

24 *“For the purpose of carrying out this subpart, there*
25 *are authorized to be appropriated \$70,000,000 for fiscal*

1 year 1995 and such sums as may be necessary for each of
2 the 4 succeeding fiscal years.

3 **“Subpart 2—National Diffusion Network**

4 **“SEC. 2311. PROGRAM AUTHORIZED.**

5 “(a) *IN GENERAL.*—In order to increase the effective-
6 ness of the comprehensive regional centers established under
7 subpart 1 and to promote school reform, the Secretary shall
8 carry out a State-based outreach, consultation, and dissemi-
9 nation program through the National Diffusion Network
10 and its State Facilitators. To carry out such program, the
11 Secretary shall make one or more awards in each State to
12 public educational agencies or public or private nonprofit
13 educational organizations or institutions to assist State
14 and local educational agencies, schools, and other appro-
15 priate educational entities in that State to identify and im-
16 plement exemplary or promising educational programs and
17 practices.

18 “(b) *STATE FACILITATOR ACTIVITIES.*—The National
19 Diffusion Network State Facilitators for each State shall—

20 “(1) identify educational programs and practices
21 for possible dissemination throughout the State and
22 Nation;

23 “(2) identify needs for assistance throughout the
24 State, including educational technology needs;

1 “(3) provide professional development and tech-
2 nical assistance services;

3 “(4) promote and facilitate teacher networks
4 throughout the State; and

5 “(5) provide such other outreach, coordination,
6 and dissemination services as may be necessary to
7 achieve the purposes of this subpart.

8 “(c) COORDINATION AND ADMINISTRATION.—

9 “(1) COORDINATION.—The National Diffusion
10 Network State Facilitators shall work in close co-
11 operation, and coordinate their activities, with the
12 comprehensive regional centers established under sub-
13 part 1.

14 “(2) ADMINISTRATION.—The National Diffusion
15 Network State Facilitators program shall be adminis-
16 tered by the Office of Reform Assistance and Dissemi-
17 nation established under section 941(b) of the Edu-
18 cational Research, Development, Dissemination, and
19 Improvement Act of 1994.

20 “(d) NATIONAL DIFFUSION NETWORK EFFECTIVE
21 PROGRAMS AND PROMISING PRACTICES SYSTEM.—The Sec-
22 retary shall develop a system of validating effective pro-
23 grams and promising practices for dissemination through
24 the National Diffusion Network. Such system may include
25 exemplary programs funded through any office of the De-

1 *partment, the National Science Foundation, or other Fed-*
2 *eral agencies. Such system shall be coordinated, aligned*
3 *with, and administered by the Office of Reform Assistance*
4 *and Dissemination established under section 941(b) of the*
5 *Educational Research, Development, Dissemination, and*
6 *Improvement Act of 1994. The Secretary shall give priority*
7 *to identifying, validating, and disseminating effective*
8 *schoolwide projects, programs addressing the needs of high*
9 *poverty schools, and programs with the capacity to offer*
10 *high-quality, sustained technical assistance. The Office of*
11 *Educational Research and Improvement Office of Reform*
12 *Assistance and Dissemination shall also administer a grant*
13 *program for the purpose of dissemination and the provision*
14 *of technical assistance regarding such system.*

15 **“SEC. 2312. AUTHORIZATION OF APPROPRIATIONS.**

16 *“For the purpose of carrying out this subpart, there*
17 *are authorized to be appropriated \$25,000,000 for fiscal*
18 *year 1995 and such sums as may be necessary for each of*
19 *the 4 succeeding fiscal years.*

20 **“Subpart 3—Eisenhower Regional Mathematics and**
21 **Science Education Consortiums**

22 **“SEC. 2321. PROGRAM ESTABLISHED.**

23 *“(a) IN GENERAL.—*

24 *“(1) GRANTS AUTHORIZED.—The Secretary, in*
25 *consultation with the Director of the National Science*

1 *Foundation, is authorized to award grants or con-*
2 *tracts to eligible entities to enable such entities to es-*
3 *tablish and operate regional mathematics and science*
4 *education consortia for the purpose of—*

5 *“(A) disseminating exemplary mathematics*
6 *and science education instructional materials;*
7 *and*

8 *“(B) providing technical assistance for the*
9 *implementation of teaching methods and assess-*
10 *ment tools for use by elementary and secondary*
11 *school students, teachers and administrators.*

12 *“(2) NUMBER.—The Secretary shall, in accord-*
13 *ance with the provisions of this section, award at*
14 *least 1 grant or contract to an eligible entity in each*
15 *region.*

16 *“(3) SPECIAL RULE.—In any fiscal year, if the*
17 *amount made available pursuant to section 2328 is*
18 *less than \$4,500,000, then the Secretary may waive*
19 *the provisions of paragraph (2) and award grants or*
20 *contracts of sufficient size, scope and quality to carry*
21 *out this section.*

22 *“(4) DESIGNATION.—Each regional consortium*
23 *assisted under this section shall be known as an ‘Ei-*
24 *senhower regional consortium’.*

1 “(b) *GRANT TERM AND REVIEW.*—Grants or contracts
2 under this subpart shall be awarded for a period of not
3 more than 5 years and shall be reviewed before the end of
4 the 30-month period beginning on the date the grant or con-
5 tract is awarded. Grants or contracts under this subpart
6 shall be awarded before the end of the 12-month period be-
7 ginning on the date of the enactment of an Act making ap-
8 propriations to carry out the provisions of this subpart.

9 “(c) *AMOUNT.*—In awarding grants or contracts under
10 this subpart, the Secretary shall assure that there is a rel-
11 atively equal distribution of the funds made available
12 among the regions, but the Secretary may award additional
13 funds to a regional consortium on the basis of population
14 and geographical conditions of the region being served.

15 **“SEC. 2322. USE OF FUNDS.**

16 “Funds provided under this subpart may be used by
17 a regional consortium, under the direction of a regional
18 board established pursuant to section 2324, to—

19 “(1) work cooperatively with the other regional
20 consortiums and the Eisenhower National Clearing-
21 house for Science and Mathematics Education estab-
22 lished under section 2123 to more effectively accom-
23 plish the activities described in this section;

24 “(2) assist, train and provide technical assist-
25 ance to classroom teachers, administrators, and other

1 *educators to identify, implement, assess or adapt the*
2 *instructional materials, teaching methods and assess-*
3 *ment tools described in paragraph (1);*

4 *“(3) provide for the training of classroom teach-*
5 *ers to enable such teachers to instruct other teachers,*
6 *administrators, and educators in the use of the in-*
7 *structional materials, teaching methods and assess-*
8 *ment tools described in paragraph (1) in the class-*
9 *room;*

10 *“(4) when necessary, provide financial assistance*
11 *to enable teachers and other educators to attend and*
12 *participate in the activities of the regional Consor-*
13 *tium;*

14 *“(5) implement programs and activities designed*
15 *to meet the needs of groups that are underrepresented*
16 *in, and underserved by, mathematics and science edu-*
17 *cation;*

18 *“(6) assist State and local educational agencies*
19 *in identifying science equipment needs and help such*
20 *agencies or consortia thereof assess the need for and*
21 *desirability of regional mathematics and science*
22 *academies;*

23 *“(7) develop and disseminate early childhood*
24 *education mathematics and science instructional ma-*
25 *terials;*

1 “(8) disseminate information regarding informal
2 *mathematics and science education activities and pro-*
3 *grams offered by Federal agencies and private or pub-*
4 *lic agencies and institutions within the region;*

5 “(9) collect data on activities assisted under this
6 *subpart in order to evaluate the effectiveness of the ac-*
7 *tivities of the regional consortiums;*

8 “(10) identify exemplary teaching practices and
9 *materials from within the region and communicate*
10 *such practices and materials to the Eisenhower Na-*
11 *tional Clearinghouse for Mathematics and Science*
12 *Education;*

13 “(11) communicate, on a regular basis, with en-
14 *tities within the region who are delivering services to*
15 *students and teachers of mathematics and science;*

16 “(12) assist in the development and evaluation of
17 *State and regional plans and activities that hold*
18 *promise of bringing about systemic reform in student*
19 *performance in mathematics and science; and*

20 “(13) increase the use of informal education enti-
21 *ties (such as science technology centers, museums, li-*
22 *braries, Saturday academies, and 4H programs) for*
23 *educational purposes to expand student knowledge*
24 *and understanding.*

1 **“SEC. 2323. APPLICATION AND REVIEW.**

2 “(a) *IN GENERAL.*—Each eligible entity desiring a
3 grant or contract under this subpart shall submit an appli-
4 cation to the Secretary at such time, in such manner, and
5 accompanied by such additional information as the Sec-
6 retary may reasonably require. Each such application
7 shall—

8 “(1) demonstrate that the eligible entity has
9 demonstrated expertise in the fields of mathematics
10 and science education;

11 “(2) demonstrate that the eligible entity shall
12 implement and disseminate mathematics and science
13 education instructional materials, teaching methods,
14 and assessment tools through a consortium of the re-
15 gion’s mathematics and science education organiza-
16 tions and agencies;

17 “(3) demonstrate that the eligible entity shall
18 carry out the functions of the regional consortium;

19 “(4) demonstrate that emphasis will be given to
20 programs and activities designed to meet the needs of
21 groups that are underrepresented in, and underserved
22 by, mathematics and science education;

23 “(5) demonstrate that the business community in
24 the region served by the regional consortium will play
25 an integral role in designing and supporting the re-
26 gional consortium’s work;

1 “(6) demonstrate that the eligible entity will con-
2 sider the resources of existing Star Schools consortia
3 established pursuant to the Star Schools Program As-
4 sistance Act in carrying out the provisions of this
5 subpart, where appropriate; and

6 “(7) assure that the entity will conduct its ac-
7 tivities and supervise its personnel in a manner that
8 effectively ensures compliance with the copyright laws
9 of the United States under title 17, United States
10 Code.

11 “(b) APPROVAL OF APPLICATION.—

12 “(1) IN GENERAL.—The Secretary shall approve
13 or disapprove applications submitted pursuant to
14 subsection (a) in accordance with the criteria and
15 procedures established under paragraph (2).

16 “(2) PROCEDURES AND CRITERIA.—The Sec-
17 retary shall develop procedures and criteria designed
18 to ensure that grants or contracts are awarded on the
19 basis of merit as determined by the competitive peer
20 review process described in paragraph (3).

21 “(3) NATIONAL PANEL.—(A) The Secretary, in
22 consultation with the Director, shall establish a na-
23 tional panel, or to the extent necessary, panels, to
24 submit to the Secretary recommendations for awards
25 of grants or contracts under this subpart. The Sec-

1 2323 the Federal share of the cost of the activities described
2 in the application.

3 “(b) *FEDERAL SHARE*.—For the purpose of subsection
4 (a), the Federal share shall be 80 percent.

5 “(c) *NON-FEDERAL SHARE*.—The non-Federal share of
6 the cost of activities described in the application submitted
7 pursuant to this section may be in cash or in kind, fairly
8 evaluated. At least 10 percent of such non-Federal share
9 shall be from sources other than the Federal Government
10 or State or local government.

11 **“SEC. 2326. EVALUATION.**

12 “(a) *EVALUATION REQUIRED*.—The Secretary,
13 through the Office of Educational Research and Improve-
14 ment and in accordance with section 10701, shall collect
15 sufficient data on, and evaluate the effectiveness of, the ac-
16 tivities of each regional consortium.

17 “(b) *ASSESSMENT*.—The evaluations described in
18 paragraph (1) shall include an assessment of the effective-
19 ness of the regional consortium in meeting the needs of the
20 schools, teachers, administrators and students in the region.

21 “(c) *REPORT*.—At the end of each grant or contract
22 period, the Secretary shall submit to the Congress a report
23 on the effectiveness of the programs conducted at each re-
24 gional consortium.

1 **“SEC. 2327. DEFINITIONS.**

2 *“For purposes of this subpart:*

3 *“(1) The term ‘eligible entity’ means—*

4 *“(A) a private nonprofit organization of*
5 *demonstrated effectiveness;*

6 *“(B) an institution of higher education;*

7 *“(C) an elementary or secondary school;*

8 *“(D) a State or local educational agency;*

9 *“(E) a regional educational laboratory in*
10 *consortium with the research and development*
11 *center established under section 931(c)(1)(B)(i)*
12 *of the Educational Research, Development, Dis-*
13 *semination, and Improvement Act of 1994; or*

14 *“(F) any combination of the entities de-*
15 *scribed in subparagraphs (A) through (E),*
16 *with demonstrated expertise in mathematics and*
17 *science education.*

18 *“(2) The terms ‘mathematics’ and ‘science’ in-*
19 *clude the technology education associated with such*
20 *mathematics and science, respectively.*

21 *“(3) The term ‘region’ means a region of the*
22 *United States served by a regional education labora-*
23 *tory that is supported by the Secretary pursuant to*
24 *section 405(d)(4)(A)(i) of the General Education Pro-*
25 *visions Act (as such section was in existence on the*

1 *day preceding the date of enactment of the Goals*
2 *2000: Educate America Act.*

3 “(4) The term ‘regional consortium’ means each
4 *regional mathematics and science education consor-*
5 *tium established pursuant to section 2311.*

6 “(5) The term ‘State agency for higher edu-
7 *cation’ means the State board of higher education or*
8 *other agency or officer primarily responsible for the*
9 *State supervision of higher education, or, if there is*
10 *no such officer or agency, an officer or agency des-*
11 *ignated for the purpose of this title by the Governor*
12 *or by State law.*

13 **“SEC. 2328. AUTHORIZATION OF APPROPRIATIONS.**

14 *“There are authorized to be appropriated \$23,000,000*
15 *for fiscal year 1995, and such sums as may be necessary*
16 *for each of the 4 succeeding fiscal years, to carry out this*
17 *subpart.*

18 **“PART D—TERRITORIAL TEACHER TRAINING**

19 **PROGRAM**

20 **“SEC. 2401. TERRITORIAL TEACHER TRAINING PROGRAM.**

21 *“There are authorized to be appropriated \$2,000,000*
22 *for fiscal year 1995, and such sums as may be necessary*
23 *for each of the 4 succeeding fiscal years, for the purpose*
24 *of assisting teacher training programs in Guam, American*
25 *Samoa, the Virgin Islands, the Commonwealth of the North-*

1 *ern Mariana Islands, the Republic of the Marshall Islands,*
2 *the Federated States of Micronesia, and Palau. From the*
3 *sums appropriated pursuant to this section the Secretary*
4 *shall make grants and enter into contracts for the purpose*
5 *of providing training to teachers in schools in Guam, Amer-*
6 *ican Samoa, the Virgin Islands, the Commonwealth of the*
7 *Northern Mariana Islands, the Republic of the Marshall Is-*
8 *lands, the Federated States of Micronesia, and Palau. The*
9 *Secretary may make grants to or contracts with any orga-*
10 *nization considered qualified to provide training for teach-*
11 *ers in such schools and shall allot such sums among such*
12 *territories on the basis of the need for such training.*

13 **“PART E—TELECOMMUNICATIONS**

14 **DEMONSTRATION PROJECT FOR MATHEMATICS**

15 **“SEC. 2501. PROJECT AUTHORIZED.**

16 *“The Secretary is authorized to make grants to a non-*
17 *profit telecommunications entity, or partnership of such en-*
18 *tities, for the purpose of carrying out a national tele-*
19 *communications-based demonstration project to improve the*
20 *teaching of mathematics. The demonstration project author-*
21 *ized by this part shall be designed to assist elementary and*
22 *secondary school teachers in preparing all students for*
23 *achieving State content standards.*

1 **“SEC. 2502. APPLICATION REQUIRED.**

2 “(a) *IN GENERAL.*—Each nonprofit telecommuni-
3 cations entity, or partnership of such entities, desiring a
4 grant under this part shall submit an application to the
5 Secretary. Each such application shall—

6 “(1) demonstrate that the applicant will use the
7 existing publicly funded telecommunications infra-
8 structure to deliver video, voice and data in an inte-
9 grated service to train teachers in the use of new
10 standards-based curricula materials and learning
11 technologies;

12 “(2) assure that the project for which assistance
13 is sought will be conducted in cooperation with ap-
14 propriate State educational agencies, local edu-
15 cational agencies, State or local nonprofit public tele-
16 communications entities, and a national mathematics
17 education professional association that has developed
18 content standards;

19 “(3) assure that a significant portion of the ben-
20 efits available for elementary and secondary schools
21 from the project for which assistance is sought will be
22 available to schools of local educational agencies
23 which have a high percentage of children counted for
24 the purpose of part A of title I; and

25 “(4) contain such additional assurances as the
26 Secretary may reasonably require.

1 “(2) creative uses of technology can reshape our
2 Nation’s outdated method of providing education and
3 empower teachers to create an environment where stu-
4 dents can be challenged through rigorous, rich class-
5 room instruction at a pace that suits the learning
6 style of each student;

7 “(3) the acquisition and use of technology in
8 education throughout the United States has been in-
9 hibited by—

10 “(A) the limited exposure of students and
11 teachers to the power of technology as a cost-ef-
12 fective tool to improve student learning and
13 achievement;

14 “(B) the inability of many State and local
15 educational agencies to invest in and support
16 needed technologies;

17 “(C) the lack of appropriate electrical and
18 telephone connections in the classroom; and

19 “(D) the limited availability of technology-
20 enhanced curriculum, professional development
21 and administrative support resources and serv-
22 ices in the educational marketplace;

23 “(4) advancements in technology offer new op-
24 portunities to promote partnerships among teachers,
25 administrators, students, parents, communities, and

1 *industry in the quest for knowledge and the process*
2 *of learning;*

3 *“(5) technology, when used as an essential tool*
4 *in the learning process, will help cultivate and main-*
5 *tain a technologically literate citizenry and inter-*
6 *nationally competitive work force;*

7 *“(6) the Department of Education, consistent*
8 *with the overall national technology policy established*
9 *by the President, must assume a vital leadership and*
10 *coordinating role in developing the national vision*
11 *and strategy to infuse advanced technology through-*
12 *out all educational programs;*

13 *“(7) Federal support can ease the burden at the*
14 *State and local levels by enabling the acquisition of*
15 *advanced technology and initiating the development*
16 *of teacher training and support as well as new edu-*
17 *cational products;*

18 *“(8) leadership at the Federal level should con-*
19 *sider guidelines to ensure that educational technology*
20 *is accessible to all users with maximum interoper-*
21 *ability nationwide;*

22 *“(9) policies at the Federal, State, and local lev-*
23 *els concerning technology in education must address*
24 *disparities in the availability of technology to dif-*

1 *ferent groups of students and make it a priority to*
2 *serve those students in greatest need;*

3 *“(10) continuing professional development for*
4 *teachers and administrators requires ongoing expo-*
5 *sure to advancements in technology in order to keep*
6 *such teachers and administrators excited and knowl-*
7 *edgeable about the unfolding opportunities for the*
8 *classroom; and*

9 *“(11) the increasing use of new technologies and*
10 *telecommunications systems in business has increased*
11 *the gap between schooling and work force preparation,*
12 *and underscores the need for technology policies at the*
13 *Federal, State, tribal, and local levels that address*
14 *preparation for school-to-work transitions.*

15 **“SEC. 3112. STATEMENT OF PURPOSE.**

16 *“It is the purpose of this part—*

17 *“(1) to promote equal access for all students to*
18 *educational opportunities through advances in tech-*
19 *nology, including the information infrastructure, in*
20 *order to achieve the National Education Goals by the*
21 *year 2000;*

22 *“(2) to provide funding that will assist activities*
23 *undertaken by the State and local school districts to*
24 *promote and provide equipment, teacher training,*
25 *and technical support;*

1 “(3) to support technical assistance, professional
2 development, information and resource dissemination,
3 in order to help States, local school districts, and
4 teachers successfully integrate technology into kinder-
5 garten through 12th grade classrooms;

6 “(4) to support the development of educational
7 and instructional programming in core subject areas,
8 which programming shall address the National Edu-
9 cation Goals;

10 “(5) to offer opportunities for creative partner-
11 ships within the marketplace in order to develop
12 state-of-the-art educational technology products that
13 promote the use of advanced technologies in the class-
14 room;

15 “(6) to avoid duplication and the development of
16 incompatible systems by strengthening and building
17 upon existing telecommunications infrastructures
18 dedicated to educational purposes; and

19 “(7) to ensure that uses of educational technology
20 are consistent with the overall national technology
21 policy established by the President.

22 **“SEC. 3113. DEFINITIONS.**

23 “For the purpose of this part—

24 “(1) the term ‘all students’ means students from
25 a broad range of backgrounds and circumstances, in-

1 *cluding disadvantaged students, students with diverse*
2 *racial, ethnic, and cultural backgrounds, students*
3 *with disabilities, students with limited-English pro-*
4 *ficiency, students who have dropped out of school, and*
5 *academically talented students;*

6 “(2) the term ‘information infrastructure’ means
7 *a network of communication systems designed to ex-*
8 *change information among all citizens and residents*
9 *of the United States;*

10 “(3) the term ‘instructional programming’
11 *means the full range of audio and video data, text,*
12 *graphics, or additional state-of-the-art communica-*
13 *tions, including multimedia based resources distrib-*
14 *uted through interactive, command and control, or*
15 *passive methods for the purpose of education and in-*
16 *struction;*

17 “(4) the terms ‘interoperable’ and ‘interoper-
18 *ability’ refer to the ability to easily exchange data*
19 *with, and connect to, other hardware and software in*
20 *order to provide the greatest accessibility for all stu-*
21 *dents;*

22 “(5) the term ‘local educational agency’ includes
23 *an elementary or secondary school funded by the Bu-*
24 *reau of Indian Affairs, except that such schools shall*
25 *not be subject to the jurisdiction of any State edu-*

1 “(1) to provide leadership at the Federal level,
2 through the Department, by developing a national vi-
3 sion and strategy—

4 “(A) to infuse technology and technology
5 planning into all educational programs and
6 training functions carried out within school sys-
7 tems at the State, tribal, and local levels;

8 “(B) to coordinate educational technology
9 activities among the related Federal and State
10 departments or agencies, industry leaders, and
11 interested educational and parental organiza-
12 tions;

13 “(C) to establish working guidelines to en-
14 sure maximum interoperability nationwide and
15 ease of access for the emerging technologies so
16 that no school system will be excluded from the
17 technological revolution; and

18 “(D) to ensure that Federal technology-re-
19 lated policies and programs facilitate the use of
20 technology in education;

21 “(2) to promote awareness of the potential of
22 technology for improving teaching and learning;

23 “(3) to support State and local efforts to increase
24 the effective use of technology for education;

1 “(4) to demonstrate ways in which technology
2 can be used to improve teaching and learning, and to
3 help ensure that all students have an equal oppor-
4 tunity to meet challenging State education standards;

5 “(5) to ensure the availability and dissemination
6 of knowledge (drawn from research and experience)
7 that can form the basis for sound State and local de-
8 cisions about investment in, and effective uses of, edu-
9 cational technology;

10 “(6) to promote high-quality professional devel-
11 opment opportunities for teachers, pupil-services per-
12 sonnel and administrators regarding the integration
13 of technology into instruction and administration;

14 “(7) to support development, production, and
15 distribution of technology enhanced curriculum, and
16 instruction and administrative support resources and
17 services;

18 “(8) to promote the effective uses of technology in
19 existing Federal education programs, such as part A
20 of title I and vocational education programs; and

21 “(9) to monitor, and disseminate information re-
22 garding, advancements in technology to encourage the
23 development of effective educational uses of technology.

24 **“SEC. 3122. FEDERAL LEADERSHIP.**

25 “(a) *ACTIVITIES AUTHORIZED.*—

1 “(1) *IN GENERAL.*—*In order to provide Federal*
2 *leadership that promotes higher student achievement*
3 *through the use of technology in education and to*
4 *achieve the purposes of this subpart, the Secretary, in*
5 *consultation with the Office of Science and Tech-*
6 *nology Policy, the National Science Foundation, the*
7 *United States National Commission on Libraries and*
8 *Information Sciences, the Department of Commerce,*
9 *the Department of Energy, the National Aeronautics*
10 *and Space Administration, the Bureau of Indian Af-*
11 *airs, and other appropriate Federal departments or*
12 *agencies, may carry out activities designed to achieve*
13 *the purposes of this subpart.*

14 “(2) *TRANSFER OF FUNDS.*—*For the purpose of*
15 *carrying out coordinated or joint activities to achieve*
16 *the purposes of this subpart, the Secretary may accept*
17 *funds from, or transfer funds to, other Federal depart-*
18 *ments or agencies.*

19 “(b) *NATIONAL LONG-RANGE TECHNOLOGY PLAN.*—

20 “(1) *IN GENERAL.*—*The Secretary shall develop*
21 *and publish within 12 months of the date of enact-*
22 *ment of the Improving America’s Schools Act of 1994,*
23 *and update when the Secretary determines appro-*
24 *prate, a national long-range plan that supports the*

1 *overall national technology policy and carries out the*
2 *purposes of this subpart.*

3 “(2) *PLAN REQUIREMENTS.*—*The Secretary*
4 *shall—*

5 “(A) *develop the national long-range plan*
6 *in consultation with other Federal departments*
7 *or agencies, State and local education practition-*
8 *ers and policymakers, experts in technology and*
9 *the educational applications of technology, rep-*
10 *resentatives of distance learning consortia, rep-*
11 *resentatives of telecommunications partnerships*
12 *receiving assistance under the Star Schools Act,*
13 *and providers of technology services and prod-*
14 *ucts;*

15 “(B) *transmit such plan to the President*
16 *and to the appropriate committees of the Con-*
17 *gress; and*

18 “(C) *publish such plan in a form that is*
19 *readily accessible to the public.*

20 “(3) *CONTENTS OF THE PLAN.*—*The national*
21 *long-range plan shall describe the Secretary’s activi-*
22 *ties to promote the purposes of this subpart, includ-*
23 *ing—*

24 “(A) *how the Secretary will encourage the*
25 *effective use of technology to provide all students*

1 *the opportunity to achieve State content stand-*
2 *ards and State student performance standards,*
3 *especially through programs administered by the*
4 *Department;*

5 *“(B) joint activities in support of the over-*
6 *all national technology policy with other Federal*
7 *departments or agencies, such as the Office of*
8 *Science and Technology Policy, the National En-*
9 *dowment for the Humanities, the National En-*
10 *dowment for the Arts, the National Aeronautics*
11 *and Space Administration, the National Science*
12 *Foundation, the Bureau of Indian Affairs, and*
13 *the Departments of Commerce, Energy, Health*
14 *and Human Services, and Labor—*

15 *“(i) to promote the use of technology in*
16 *education, and training and lifelong learn-*
17 *ing, including plans for the educational*
18 *uses of a national information infrastruc-*
19 *ture; and*

20 *“(ii) to ensure that the policies and*
21 *programs of such departments or agencies*
22 *facilitate the use of technology for edu-*
23 *cational purposes, to the extent feasible;*

24 *“(C) how the Secretary will work with edu-*
25 *cators, State and local educational agencies, and*

1 *appropriate representatives of the private sector*
2 *to facilitate the effective use of technology in edu-*
3 *cation;*

4 “(D) *how the Secretary will promote—*

5 “(i) *higher achievement of all students*
6 *through the integration of technology into*
7 *the curriculum;*

8 “(ii) *increased access to the benefits of*
9 *technology for teaching and learning for*
10 *schools with a high number or percentage of*
11 *children from low-income families;*

12 “(iii) *the use of technology to assist in*
13 *the implementation of State systemic reform*
14 *strategies;*

15 “(iv) *the application of technological*
16 *advances to use in education; and*

17 “(v) *increased opportunities for the*
18 *professional development of teachers in the*
19 *use of new technologies;*

20 “(E) *how the Secretary will determine, in*
21 *consultation with appropriate individuals, orga-*
22 *nizations, industries, and agencies, the feasibility*
23 *and desirability of establishing guidelines to fa-*
24 *cilitate an easy exchange of data and effective*
25 *use of technology in education;*

1 “(F) how the Secretary will promote the ex-
2 change of information among States, local edu-
3 cational agencies, schools, consortia, and other
4 entities concerning the effective use of technology
5 in education;

6 “(G) how the Secretary will utilize the out-
7 comes of the evaluation undertaken pursuant to
8 section 3206(c)(2) to promote the purposes of this
9 subpart; and

10 “(H) the Secretary’s long-range measurable
11 goals and objectives relating to the purposes of
12 this subpart.

13 “(c) ASSISTANCE.—The Secretary shall provide assist-
14 ance to the States to enable such States to plan effectively
15 for the use of technology in all schools throughout the State
16 in accordance with the purpose and requirements of section
17 317 of the Goals 2000: Educate America Act.

18 “(d) USES OF FUNDS.—

19 “(1) IN GENERAL.—The Secretary shall use
20 funds made available to carry out this section for ac-
21 tivities designed to carry out the purpose of this sub-
22 part, including—

23 “(A) providing assistance to technical as-
24 sistance providers to enable such providers to im-
25 prove substantially the services such providers

1 *offer to educators regarding the educational uses*
2 *of technology, including professional develop-*
3 *ment;*

4 “(B) *consulting with representatives of in-*
5 *dustry, elementary and secondary education,*
6 *higher education, and appropriate experts in*
7 *technology and the educational applications of*
8 *technology, in carrying out the activities assisted*
9 *under this subpart;*

10 “(C) *research on, and the development of,*
11 *guidelines to facilitate maximum interoper-*
12 *ability, efficiency and easy exchange of data for*
13 *effective use of technology in education;*

14 “(D) *research on, and the development of,*
15 *educational applications of the most advanced*
16 *and newly emerging technologies;*

17 “(E) *the development, demonstration, and*
18 *evaluation of applications of existing technology*
19 *in preschool education, elementary and second-*
20 *ary education, training and lifelong learning,*
21 *and professional development of educational per-*
22 *sonnel;*

23 “(F) *the development and evaluation of soft-*
24 *ware and other products, including multimedia*
25 *television programming, that incorporate ad-*

1 *vances in technology and help achieve the Na-*
2 *tional Education Goals, State content standards*
3 *and State student performance standards;*

4 “(G) *the development, demonstration, and*
5 *evaluation of model strategies for preparing*
6 *teachers and other personnel to use technology ef-*
7 *fectively to improve teaching and learning;*

8 “(H) *the development of model programs*
9 *that demonstrate the educational effectiveness of*
10 *technology in urban and rural areas and eco-*
11 *nomically distressed communities;*

12 “(I) *research on, and the evaluation of, the*
13 *effectiveness and benefits of technology in edu-*
14 *cation, giving priority to research on, and eval-*
15 *uation of, such effectiveness and benefits in ele-*
16 *mentary and secondary schools;*

17 “(J) *a biennial assessment of, and report to*
18 *the public regarding, the uses of technology in el-*
19 *ementary and secondary education throughout*
20 *the United States upon which private businesses*
21 *and Federal, State, tribal, and local governments*
22 *may rely for decisionmaking about the need for,*
23 *and provision of, appropriate technologies in*
24 *schools, which assessment and report shall use, to*

1 *the extent possible, existing information and re-*
2 *sources;*

3 “(K) *conferences on, and dissemination of*
4 *information regarding, the uses of technology in*
5 *education;*

6 “(L) *the development of model strategies to*
7 *promote gender equity in the use of technology;*

8 “(M) *encouraging collaboration between the*
9 *Department and other Federal agencies in the*
10 *development, implementation, evaluation and*
11 *funding of applications of technology for edu-*
12 *cation, as appropriate; and*

13 “(N) *such other activities as the Secretary*
14 *determines will meet the purposes of this sub-*
15 *part.*

16 “(2) *SPECIAL RULES.—*

17 “(A) *The Secretary shall carry out the ac-*
18 *tivities described in paragraph (1) directly or by*
19 *grant or contract.*

20 “(B) *Each grant or contract under this sec-*
21 *tion shall be awarded—*

22 “(i) *on a competitive basis; and*

23 “(ii) *pursuant to a peer review process.*

24 “(e) *NON-FEDERAL SHARE.—*

1 “(1) *AUTHORITY.*—The Secretary, through the
2 *Office of Educational Technology, shall make grants,*
3 *on a competitive basis, to regional educational tech-*
4 *nology assistance consortia in accordance with the*
5 *provisions of this section. In awarding grants under*
6 *this section, the Secretary shall ensure that each geo-*
7 *graphic region of the United States shall be served by*
8 *such a consortium.*

9 “(2) *REQUIREMENTS.*—Each consortium receiv-
10 *ing a grant under this section shall—*

11 “(A) *be composed of State educational agen-*
12 *cies, institutions of higher education, nonprofit*
13 *organizations, or a combination thereof;*

14 “(B) *in cooperation with State and local*
15 *educational agencies, develop a regional program*
16 *that addresses professional development, tech-*
17 *nical assistance, and information resource dis-*
18 *semination, with special emphasis on meeting*
19 *the documented needs of educators and learners*
20 *in the region; and*

21 “(C) *foster regional cooperation and re-*
22 *source and coursework sharing.*

23 “(3) *SPECIAL RULE.*—Each consortium receiving
24 *a grant under this section shall use not less than 80*

1 *percent of the grant funds to carry out paragraph (2)*
2 *of subsection (b).*

3 “(b) *FUNCTIONS.*—

4 “(1) *TECHNICAL ASSISTANCE.*—*Each consortium*
5 *receiving a grant under this section shall—*

6 “(A) *collaborate with State educational*
7 *agencies and local educational agencies request-*
8 *ing collaboration, particularly in the develop-*
9 *ment of strategies for assisting those schools with*
10 *the highest numbers or percentages of disadvan-*
11 *tagged students with little or no access to tech-*
12 *nology in the classroom;*

13 “(B) *provide information, in coordination*
14 *with information available from the Secretary,*
15 *to State educational agencies, local educational*
16 *agencies, and schools on the types and features of*
17 *various educational technology equipment and*
18 *software available, evaluate and make rec-*
19 *ommendations on equipment and software that*
20 *support the National Education Goals and are*
21 *suited for a school’s particular needs, and com-*
22 *pile and share information regarding creative*
23 *and effective applications of technology in the*
24 *classroom in order to support the purposes of*
25 *this subpart;*

1 “(C) collaborate with such State educational
2 agencies, local educational agencies, or schools
3 requesting to participate in the tailoring of soft-
4 ware programs and other supporting materials
5 to meet State content standards or State student
6 performance standards that may be developed;
7 and

8 “(D) provide technical assistance to facili-
9 tate use of the electronic dissemination networks
10 by State and local educational agencies and
11 schools throughout the region.

12 “(2) PROFESSIONAL DEVELOPMENT.—Each con-
13 sortium receiving a grant under this section shall—

14 “(A) develop and implement, in collabora-
15 tion with State educational agencies and institu-
16 tions of higher education, technology-specific, on-
17 going professional development, such as—

18 “(i) intensive school year and summer
19 workshops that use teachers to train other
20 teachers; and

21 “(ii) distance educational professional
22 development, including—

23 “(I) interactive training
24 telecourses using researchers, educators,
25 and telecommunications personnel who

1 *have experience in developing, imple-*
2 *menting, or operating educational and*
3 *instructional technology as a learning*
4 *tool;*

5 “(II) onsite courses teaching
6 *teachers to use educational and in-*
7 *structional technology and to develop*
8 *their own instructional materials for*
9 *effectively incorporating technology*
10 *and programming in their own class-*
11 *rooms;*

12 “(III) methods for successful inte-
13 *gration of instructional technology into*
14 *the curriculum in order to improve*
15 *student learning and achievement;*

16 “(IV) video conferences and semi-
17 *nars which offer professional develop-*
18 *ment through peer interaction with ex-*
19 *perts as well as other teachers using*
20 *technologies in their classrooms; and*

21 “(V) mobile education technology
22 *and training resources;*

23 “(B) develop training resources that—

24 “(i) are relevant to the needs of the re-
25 *gion and schools within the region;*

1 “(ii) are relevant to the needs of adult
2 literacy staff and volunteers, including on-
3 site courses on how to—

4 “(I) use instructional technology;
5 and

6 “(II) develop instructional mate-
7 rials for adult learning; and

8 “(iii) are aligned with the needs of
9 teachers and administrators in the region;

10 “(C) establish a repository of professional
11 development and technical assistance resources;

12 “(D) identify and link technical assistance
13 providers to State and local educational agen-
14 cies, as needed;

15 “(E) provide followup to ensure that train-
16 ing, professional development, and technical as-
17 sistance meet the needs of educators, parents and
18 students served by the region;

19 “(F) assist colleges and universities within
20 the region to develop and implement preservice
21 training programs for students enrolled in teach-
22 er education programs; and

23 “(G) assist local educational agencies and
24 schools in working with community members
25 and parents to develop support from commu-

1 *nities and parents for educational technology*
2 *programs and projects.*

3 *“(3) INFORMATION AND RESOURCE DISSEMINA-*
4 *TION.—Each consortium receiving a grant under this*
5 *section shall—*

6 *“(A) assist State and local educational*
7 *agencies in the identification and procurement of*
8 *financial, technological and human resources*
9 *needed to implement technology plans;*

10 *“(B) provide outreach and, at the request of*
11 *a State or local educational agency, work with*
12 *such agency to assist in the development and val-*
13 *idation of instructionally based technology edu-*
14 *cation resources; and*

15 *“(C) coordinate activities and establish*
16 *partnerships with organizations and institutions*
17 *of higher education that represent the interests of*
18 *the region as such interests pertain to the appli-*
19 *cation of technology in teaching, learning, in-*
20 *structional management, dissemination, collec-*
21 *tion and distribution of educational statistics,*
22 *and the transfer of student information.*

23 *“(4) COORDINATION.—Each consortium receiving*
24 *a grant under this section shall work collaboratively,*
25 *and coordinate the services the consortium provides,*

1 *with appropriate entities assisted in whole or in part*
2 *by the Department.*

3 “(5) *AUTHORIZATION OF APPROPRIATIONS.—*
4 *There are authorized to be appropriated \$50,000,000*
5 *for the fiscal year 1995, and such sums as may be*
6 *necessary for each of the 4 succeeding fiscal years, to*
7 *carry out this section.*

8 **“SEC. 3124. EDUCATIONAL TECHNOLOGY PRODUCT DEVEL-**
9 **OPMENT.**

10 “(a) *PURPOSE.—It is the purpose of this section to—*

11 “(1) *support development of curriculum-based*
12 *learning resources using state-of-the-art technologies*
13 *and techniques designed to improve student learning;*
14 *and*

15 “(2) *support development of long-term com-*
16 *prehensive instructional programming and associated*
17 *support resources that ensure maximum access by all*
18 *educational institutions.*

19 “(b) *FEDERAL ASSISTANCE AUTHORIZED.—*

20 “(1) *AUTHORITY.—The Secretary, through the*
21 *Office of Educational Technology, shall award grants,*
22 *on a competitive basis, to eligible consortia to pay the*
23 *Federal share of the cost of developing, producing,*
24 *and distributing products consisting of curriculum-*
25 *based learning resources, services, and instructional*

1 *programming for teachers and students, which incor-*
2 *porate state-of-the-art applications of advanced tech-*
3 *nology, including educational radio and television.*

4 “(2) *ELIGIBLE CONSORTIUM.*—*For the purpose*
5 *of this subsection the term ‘eligible consortium’ means*
6 *a consortium—*

7 “(A) *that shall include—*

8 “(i) *a State or local educational agen-*
9 *cy; and*

10 “(ii) *a business, industry or tele-*
11 *communications entity; and*

12 “(B) *that may include—*

13 “(i) *a public or private nonprofit orga-*
14 *nization; or*

15 “(ii) *a postsecondary institution.*

16 “(3) *PRIORITY.*—*In awarding grants under this*
17 *section, the Secretary shall give priority to applica-*
18 *tions describing products that are developed—*

19 “(A) *so that the product may be adapted*
20 *and applied nationally at a reasonable cost over*
21 *a broad technology platform;*

22 “(B) *to raise the achievement levels of all*
23 *students, particularly students who are not real-*
24 *izing their potential;*

1 “(C) in consultation with classroom teach-
2 ers;

3 “(D) through consultation and collaboration
4 with appropriate education entities in designing
5 the product to ensure relevance to the voluntary
6 national content standards, the voluntary na-
7 tional student performance standards and State
8 curriculum frameworks; and

9 “(E) so that the product can be adapted for
10 use by adults in need of literacy services, includ-
11 ing English as a second language and prepara-
12 tion for a secondary school diploma or its recog-
13 nized equivalent.

14 “(4) *MATCHING REQUIREMENT.*—The Secretary
15 may require any recipient of a grant or contract
16 under this subpart to share in the cost of the activities
17 assisted under such grant or contract, which non-Fed-
18 eral share shall be announced through a notice in the
19 Federal Register and may be in the form of cash or
20 in-kind contributions, fairly valued.

21 “(5) *REQUIREMENTS FOR FEDERAL ASSIST-*
22 *ANCE.*—Each eligible consortium desiring Federal as-
23 sistance under this section shall submit an applica-
24 tion to the Secretary at such time and in such man-

1 *ner as the Secretary may prescribe. Each application*
2 *shall include—*

3 *“(A) a description of how the product will*
4 *improve the achievement levels of students;*

5 *“(B) a description of how the activities as-*
6 *sisted under this section will promote profes-*
7 *sional development of teachers and administra-*
8 *tors in the uses and applications of the product,*
9 *including the development of training materials;*

10 *“(C) a description of design, development,*
11 *field testing, evaluation, and distribution of*
12 *products, where appropriate;*

13 *“(D) an assurance that the product shall ef-*
14 *fectively serve a significant number or percent-*
15 *age of economically disadvantaged students;*

16 *“(E) plans for dissemination of products to*
17 *a wide audience of learners;*

18 *“(F) provisions for closed captioning or de-*
19 *scriptive video, where appropriate;*

20 *“(G) a description of how ownership and*
21 *rights to the use and marketing of any product*
22 *developed by the consortium, including intellec-*
23 *tual property rights, will be allocated among*
24 *consortium participants; and*

1 “(H) a description of the contributions, in-
2 cluding services and funds, to be made by each
3 member of the consortium, and how any revenues
4 derived from the sale of any product developed
5 by the consortium shall be distributed.

6 “(c) *CONSUMER REPORT.*—The Secretary shall dis-
7 seminate information about products developed pursuant to
8 provisions of this section to State and local educational
9 agencies, and other organizations or individuals that the
10 Secretary determines to be appropriate, through print and
11 electronic media that are accessible to the education commu-
12 nity at large.

13 “(d) *PROCEEDS.*—The Secretary shall not prohibit an
14 eligible consortium or any of the members of such consor-
15 tium from receiving financial benefits from the distribution
16 of any products resulting from the assistance received under
17 this section. Notwithstanding any other provision of law,
18 any profits or royalties received by a State educational
19 agency, local educational agency, or other nonprofit mem-
20 ber of an eligible consortium receiving assistance under this
21 section shall be used to support further development of cur-
22 riculum-based learning resources, services, and program-
23 ming or to provide access to such products for a wider audi-
24 ence.

1 “(e) *AUTHORIZATION OF FUNDS.*—There are author-
2 ized to be appropriated \$50,000,000 for the fiscal year 1995,
3 and such sums as may be necessary for each of the 4 suc-
4 ceeding fiscal years, to carry out this section.

5 “**SEC. 3125. RESEARCH ON EDUCATIONAL APPLICATIONS OF**
6 **ADVANCED TECHNOLOGIES.**

7 “(a) *PURPOSE.*—It is the purpose of this section to—

8 “(1) provide direction and support for the con-
9 duct of research on advanced educational technologies;
10 and

11 “(2) provide support for long-term, comprehen-
12 sive educational applications of advanced high per-
13 formance computer and communication technologies
14 and video technologies in support of the core subjects
15 of the National Education Goals.

16 “(b) *GENERAL AUTHORITY.*—The Secretary, consistent
17 with the overall national technology policy established by
18 the President, and in cooperation with other Federal de-
19 partments and agencies, is authorized to support research
20 on educational applications of advanced learning tech-
21 nologies.

22 “(c) *GRANTS AUTHORIZED.*—The Secretary, through
23 the Office of Educational Technology, shall award grants
24 to or enter into contracts for research projects intended to
25 develop educational applications of advanced technologies.

1 “(d) *APPLICATION.*—Each entity desiring assistance
2 under this section shall submit to the Secretary an applica-
3 tion at such time, in such manner and accompanied by
4 such information as the Secretary may reasonably require.
5 Each such application shall—

6 “(1) define clearly the scope and content of the
7 subject matter of the research and the relevance of the
8 advanced technology to such content;

9 “(2) describe the potential market for both the
10 hardware and software developed under this section;
11 and

12 “(3) assess the applications of the advanced tech-
13 nology in a way that will validate the technology’s
14 impact on student learning and achievement.

15 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—There are
16 authorized to be appropriated \$20,000,000 for fiscal year
17 1995, and such sums as may be necessary for each of the
18 4 succeeding fiscal years, to carry out this section.

19 **“SEC. 3126. HIGH PERFORMANCE EDUCATIONAL COMPUT-**
20 **ING AND TELECOMMUNICATIONS NETWORKS.**

21 “(a) *PURPOSE.*—It is the purpose of this section to
22 support the development, demonstration, and evaluation of
23 the educational aspects of high performance computing and
24 communication technologies and of the national informa-
25 tion infrastructure, including the use of high performance

1 *computing and communication and the national informa-*
2 *tion infrastructure in—*

3 “(1) *providing professional development for*
4 *teachers and other educators, as appropriate;*

5 “(2) *enhancing academic curricula for elemen-*
6 *tary and secondary school students in order to pro-*
7 *vide such students with opportunities to meet chal-*
8 *lenging State student performance standards;*

9 “(3) *facilitating communications among schools,*
10 *local educational agencies, parents of students, and*
11 *local communities;*

12 “(4) *facilitating an effective transition from sec-*
13 *ondary school to employment; and*

14 “(5) *other such areas of education as the Sec-*
15 *retary deems appropriate.*

16 “(b) *AUTHORITY.—*

17 “(1) *IN GENERAL.—(A) The Secretary, consistent*
18 *with the overall national technology policy established*
19 *by the President, and in cooperation with other Fed-*
20 *eral departments and agencies, shall support the de-*
21 *velopment of an electronic network program for the*
22 *dissemination of educational information throughout*
23 *the United States, including information about effec-*
24 *tive technology-enhanced programs, resources and*
25 *services.*

1 “(B) In carrying out subparagraph (A) the Sec-
2 retary shall—

3 “(i) to the extent possible, coordinate activi-
4 ties assisted under this section with other dis-
5 semination activities assisted by the Department
6 in order to—

7 “(I) avoid duplication; and

8 “(II) utilize the existing resources of
9 the Department;

10 “(ii) consult with educators, State and local
11 educational agencies, telecommunications provid-
12 ers, and other appropriate education entities
13 throughout the United States to determine infor-
14 mation requirements and policies for the effective
15 dissemination of information;

16 “(iii) provide access to the existing Depart-
17 ment of Energy FEDIX/MOLIS Information
18 System regarding information about excess
19 equipment (computers and supporting materials)
20 within the Federal Government that are avail-
21 able for transfer to elementary and secondary
22 schools; and

23 “(iv) make use of existing networks or devel-
24 oping networks, to the extent possible.

1 “(2) *REQUIREMENTS; SPECIFICATIONS; AND PRO-*
2 *TOTYPE OPERATIONS.—The Secretary is authorized*
3 *to—*

4 “(A) *identify educational high performance*
5 *computing and telecommunications network re-*
6 *quirements;*

7 “(B) *develop specifications for the imple-*
8 *mentation of such requirements within any na-*
9 *tional telecommunications network;*

10 “(C) *establish prototype operations on exist-*
11 *ing networks to validate and further develop the*
12 *educational specifications which will facilitate*
13 *the use of such networks by kindergarten through*
14 *12th grade students, teachers, librarians, admin-*
15 *istrators, and parents;*

16 “(D) *represent the needs and interests of ele-*
17 *mentary and secondary schools in the Federal*
18 *planning and development of a national infor-*
19 *mation infrastructure; and*

20 “(E) *identify policy issues, such as commu-*
21 *nication rate structures and intellectual property*
22 *rights, that affect the ability of the public schools*
23 *to make effective use of the emerging information*
24 *highways, and make recommendations to the*
25 *Congress regarding such issues.*

1 “(c) *TYPES OF GRANTS.*—The Secretary, through the
2 *Office of Educational Technology, shall award the following*
3 *types of grants:*

4 “(1) *REQUIREMENTS GRANTS.*—The Secretary
5 *shall solicit proposals for and award grants to 1 or*
6 *more entities for the identification of educational high*
7 *performance computing and telecommunications net-*
8 *work requirements. The solicitation shall request pro-*
9 *posals to—*

10 “(A) *identify and describe existing and*
11 *planned educational high performance comput-*
12 *ing and telecommunications network efforts;*

13 “(B) *identify potential uses of such net-*
14 *works in kindergarten through 12th grade edu-*
15 *cation by schools throughout the United States;*

16 “(C) *assess impediments to the development*
17 *of such networks in kindergarten through 12th*
18 *grade education, such as—*

19 “(i) *technological impediments;*

20 “(ii) *availability of technology-en-*
21 *hanced curriculum, instruction, and admin-*
22 *istrative support resources and services in*
23 *schools; and*

1 “(iii) parent, student, teacher and ad-
2 ministrators attitudes toward technology-en-
3 hanced education;

4 “(D) assess the anticipated costs and bene-
5 fits to be derived from such network access in
6 kindergarten through 12th grade education and
7 recommend priorities for development of such
8 network; and

9 “(E) identify the range of possible edu-
10 cational applications of, and potential sources of
11 funding for, both networks and information re-
12 sources and databases that exist or are being de-
13 veloped by other Federal departments or agen-
14 cies.

15 “(2) SPECIFICATIONS GRANTS.—The Secretary
16 shall solicit proposals for and award grants to 1 or
17 more entities for the design and development of edu-
18 cational specifications which may be used to ensure
19 educational access to any national educational high
20 performance computing and telecommunications net-
21 work. The solicitation shall request proposals to—

22 “(A) incorporate—

23 “(i) the findings of the grant recipients
24 under paragraph (1); and

1 “(ii) the priorities recommended for
2 such networks by the Secretary consistent
3 with the overall national technology policy
4 established by the President;

5 “(B) provide for design alternatives and
6 specifications that address—

7 “(i) linkage of schools and commu-
8 nities with each other, with central resource
9 centers, and with Federal and State agen-
10 cies over existing or planned telecommuni-
11 cations networks;

12 “(ii) uses of alternative connectivity
13 modes, such as fiber optics, satellites, and
14 land-based broadcasting;

15 “(iii) integrated uses of two-way inter-
16 active voice, video, and data communica-
17 tions;

18 “(iv) uses of interactive multimedia;

19 “(v) system capacity, such as maxi-
20 mum telecommunications traffic in a vari-
21 ety of use modes;

22 “(vi) availability of needed tech-
23 nologies;

24 “(vii) availability of support services;
25 and

1 “(viii) assessment of the impact of pro-
2 posed educational access specifications on
3 existing or planned telecommunications net-
4 works; and

5 “(C) provide comprehensive specifications
6 which will ensure educational access to any na-
7 tional educational high performance computing
8 and telecommunications network as the primary
9 deliverable product of the specifications grants
10 described in this paragraph.

11 “(3) *PROTOTYPE DEVELOPMENT GRANTS.*—The
12 Secretary shall solicit proposals for and award grants
13 to 1 or more entities for prototype operations on ex-
14 isting networks in order to validate and further de-
15 velop the educational specifications which will facili-
16 tate use of existing or planned educational high per-
17 formance computing and telecommunications net-
18 works by kindergarten through 12th grade students,
19 teachers, librarians, administrators, and parents. The
20 solicitation shall request proposals to—

21 “(A) incorporate the design limits of the
22 comprehensive educational high performance
23 computing and telecommunications network
24 specifications developed by grant recipients
25 under paragraph (2);

1 “(B) support prototype operations for at
2 least 1 year in a minimum of 5 test sites which
3 are selected to represent a variety of economic,
4 social, urban and rural settings;

5 “(C) provide for inservice training and
6 technical assistance during the period of proto-
7 type operations;

8 “(D) provide provisions for the identifica-
9 tion and correction of operational problems dur-
10 ing the period of prototype operations (including
11 design flaws);

12 “(E) include a comprehensive evaluation of
13 all aspects of the prototype, including—

14 “(i) design flaws;

15 “(ii) training requirements, including
16 resources and strategies for initial and on-
17 going training;

18 “(iii) technical support requirements;

19 “(iv) financing constraints;

20 “(v) availability and utility of infor-
21 mation resources and services accessed dur-
22 ing the prototype operations period;

23 “(vi) factors which enhanced or im-
24 peded prototype operations; and

1 “(vii) *an overall assessment of the im-*
2 *act of such technology on the educational*
3 *process; and*

4 “(F) *provide recommended revisions of the*
5 *Secretary’s educational high performance com-*
6 *puting and telecommunications network speci-*
7 *fications based on findings of the comprehensive*
8 *evaluation of prototype operations.*

9 “(d) *TIMELINE.—The Secretary, through the Office of*
10 *Educational Technology, shall award grants under this sec-*
11 *tion as follows:*

12 “(1) *REQUIREMENT GRANTS.—The Secretary*
13 *shall award requirement grants under subsection*
14 *(c)(1) within 6 months of the date of enactment of the*
15 *Improving America’s Schools Act of 1994.*

16 “(2) *DEVELOPMENT OF DESIGN SPECIFICA-*
17 *TIONS.—The Secretary shall award grants under sub-*
18 *section (c)(2) within 18 months of the date of enact-*
19 *ment of the Improving America’s Schools Act of 1994.*

20 “(3) *PROTOTYPE OPERATIONS.—The Secretary*
21 *shall award grants under subsection (c)(3) within 30*
22 *months of the date of enactment of the Improving*
23 *America’s Schools Act of 1994.*

24 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There are*
25 *authorized to be appropriated \$7,500,000 for fiscal year*

1 1995, and such sums as may be necessary for each of the
2 4 succeeding fiscal years, to carry out this section.

3 **“SEC. 3127. STUDY, EVALUATION AND REPORT OF FUNDING**
4 **ALTERNATIVES.**

5 *“The Secretary, through the Office of Educational*
6 *Technology, shall conduct a study to evaluate, and report*
7 *to the Congress on, the feasibility of several alternative mod-*
8 *els for providing sustained and adequate funding for schools*
9 *throughout the United States so that such schools are able*
10 *to acquire and maintain technology-enhanced curriculum,*
11 *instruction, and administrative support resources and serv-*
12 *ices. Such report shall be submitted to the Congress not later*
13 *than 1 year after the date of enactment of the Improving*
14 *America’s Schools Act of 1994.*

15 **“Subpart 2—State and Local Programs for School**
16 **Technology Resources, Technical Support, and**
17 **Professional Development**

18 **“SEC. 3131. STATEMENT OF PURPOSE.**

19 *“It is the purpose of this subpart to provide Federal*
20 *assistance in the form of grants to support—*

21 *“(1) the acquisition of equipment and support-*
22 *ing resources, training, and maintenance of tech-*
23 *nology; and*

24 *“(2) regional consortia to enable such consortia*
25 *to provide professional development and technical as-*

1 *sistance that fosters integration of technology into the*
2 *kindergarten through 12th grade classrooms, libraries,*
3 *and school library media centers.*

4 ***“SEC. 3132. SCHOOL TECHNOLOGY RESOURCE GRANTS.***

5 “(a) *GRANTS AUTHORIZED.*—

6 “(1) *AUTHORITY.*—*The Secretary, through the*
7 *Office of Educational Technology, shall award grants*
8 *to State educational agencies having a systemic state-*
9 *wide plan that meets such criteria as the Secretary*
10 *may establish in order to enable such agencies to pro-*
11 *vide assistance to local educational agencies that have*
12 *the highest numbers or percentages of children in pov-*
13 *erty and demonstrate the greatest need for technology,*
14 *in order to enable such local educational agencies, for*
15 *the benefit of school sites served by such local edu-*
16 *cational agencies, to—*

17 “(A) *purchase quality technology resources;*

18 “(B) *install various linkages necessary to*
19 *acquire connectivity;*

20 “(C) *integrate technology into the curricu-*
21 *lum in order to improve student learning and*
22 *achievement;*

23 “(D) *provide teachers and library media*
24 *personnel with training or access to training;*

1 “(E) provide administrative and technical
2 support and services that improve student learn-
3 ing through enriched technology-enhanced re-
4 sources, including library media resources;

5 “(F) promote the sharing, distribution, and
6 application of educational technologies that are
7 determined to be effective in individual schools;

8 “(G) assist schools in promoting parent in-
9 volvement; and

10 “(H) assist the community in providing lit-
11 eracy-related services.

12 “(2) AMOUNT.—(A) Except as provided in sub-
13 paragraphs (B) and (C), the Secretary shall award
14 grants under this section to each State educational
15 agency for a fiscal year in an amount which bears the
16 same relationship to the amount appropriated pursu-
17 ant to the authority of subsection (b) for such year as
18 the amount such State received under part A of title
19 I for such year bears to the amount received for such
20 year under such part by all States.

21 “(B) No State educational agency shall receive a
22 grant pursuant to subparagraph (A) in any fiscal
23 year in an amount which is less than one-half of 1
24 percent of the amount appropriated pursuant to the
25 authority of subsection (b) for such year.

1 “(C) If the sum of the amounts appropriated
2 pursuant to the authority of section 3132(c) is equal
3 to or less than \$50,000,000 for any fiscal year, then
4 the Secretary shall award grants under this section
5 for such year on a competitive basis to local edu-
6 cational agencies, either separately or in cooperation
7 with a local educational agency or a State edu-
8 cational agency, which submit to the Secretary an ap-
9 plication, containing the information described in
10 paragraphs (1) through (3) of subsection (e), that the
11 Secretary approves. In awarding such grants, the
12 Secretary shall give priority to applications from
13 local educational agencies with the highest number or
14 percentage of disadvantaged students or the greatest
15 need for educational technology.

16 “(3) IDENTIFICATION OF LOCAL EDUCATIONAL
17 AGENCIES; TECHNICAL ASSISTANCE.—Each State edu-
18 cational agency receiving a grant under this section
19 shall—

20 “(A) identify the local educational agencies
21 served by the State educational agency that—

22 “(i) have the highest number or per-
23 centage of children in poverty; and

24 “(ii) demonstrate to such State edu-
25 cational agency the greatest need for tech-

1 *nical assistance in developing the applica-*
2 *tion described in subsection (d); and*

3 *“(B) offer such technical assistance to such*
4 *local educational agencies.*

5 *“(4) LIMITATION ON STATE COSTS.—Not more*
6 *than 5 percent of grant funds awarded to a State*
7 *educational agency under this section for any fiscal*
8 *year may be used by the State or State educational*
9 *agency for administrative costs or technical assist-*
10 *ance.*

11 *“(b) SELECTION OF GRANTS.—Each State educational*
12 *agency, in awarding grants under this section, shall—*

13 *“(1) ensure that each grant such agency awards*
14 *to a local educational agency shall be of sufficient du-*
15 *ration, and of sufficient size, scope, and quality, to*
16 *carry out the purposes of this title effectively; and*

17 *“(2) award grants to local educational agencies*
18 *on a competitive basis.*

19 *“(c) AUTHORIZATION OF APPROPRIATIONS.—There are*
20 *authorized to be appropriated \$200,000,000 for fiscal year*
21 *1995, and such sums as may be necessary for each of the*
22 *4 succeeding fiscal years, to carry out this section.*

23 *“(d) LOCAL USES OF GRANT FUNDS.—Each local edu-*
24 *cational agency receiving assistance under this section may*
25 *use such assistance—*

1 “(1) to acquire connectivity linkages, resources,
2 and services, including the acquisition of hardware
3 and software, for use by teachers, students and library
4 media personnel in the classroom or in school library
5 media centers, in order to improve student learning
6 by supporting the instructional program offered by
7 such agency to ensure that students in schools will
8 have meaningful access on a regular basis to such
9 linkages, resources and services;

10 “(2) for ongoing professional development in the
11 integration of quality educational technologies into
12 school curriculum and long-term planning for imple-
13 menting educational technologies; and

14 “(3) to acquire connectivity with wide area net-
15 works for purposes of accessing information and edu-
16 cational programming sources.

17 “(e) LOCAL APPLICATIONS.—Each local educational
18 agency desiring assistance from a State educational agency
19 under this section shall submit an application consistent
20 with the objectives of the systemic statewide plan to such
21 agency at such time and in such manner as such agency
22 may prescribe. Such application, at a minimum, shall—

23 “(1) include a strategic, long-range (3- to 5-
24 year), plan that includes—

1 “(A) a description of the type of tech-
2 nologies to be acquired, including specific provi-
3 sions for interoperability among components of
4 such technologies and, to the extent practicable,
5 with existing technologies;

6 “(B) an explanation of how the acquired
7 technologies will be integrated into the curricu-
8 lum to help the local educational agency enhance
9 teaching, training, and student achievement;

10 “(C) an explanation of how programs will
11 be developed in collaboration with existing adult
12 literacy services providers to maximize the use of
13 such technologies at times other than the regular
14 school day;

15 “(D)(i) a description of how the local edu-
16 cational agency will ensure ongoing, sustained
17 professional development for teachers, adminis-
18 trators, and school library media personnel
19 served by the local educational agency to further
20 the use of technology in the classroom or library
21 media center; and

22 “(ii) a list of the source or sources of ongo-
23 ing training and technical assistance available
24 to schools, teachers and administrators served by
25 the local educational agency, such as State tech-

1 *nology offices, intermediate educational support*
2 *units, regional educational laboratories or insti-*
3 *tutions of higher education;*

4 *“(E) a description of the supporting re-*
5 *sources, such as services, software and print re-*
6 *sources, which will be acquired to ensure success-*
7 *ful and effective use of technologies acquired*
8 *under this section;*

9 *“(F) the projected timetable for implement-*
10 *ing such plan in schools;*

11 *“(G) the projected cost of technologies to be*
12 *acquired and related expenses needed to imple-*
13 *ment such plan; and*

14 *“(H) a description of how the local edu-*
15 *cational agency will coordinate the technology*
16 *provided pursuant to this subpart with other*
17 *grant funds available for technology from State*
18 *and local sources;*

19 *“(2) describe how the local educational agency*
20 *will involve parents, public libraries, business leaders*
21 *and community leaders in the development of such*
22 *plan;*

23 *“(3) describe how the acquired instructionally*
24 *based technologies will help the local educational*
25 *agency—*

1 “(A) promote equity in education in order
2 to support State content standards and State
3 student performance standards that may be de-
4 veloped; and

5 “(B) provide access for teachers, parents
6 and students to the best teaching practices and
7 curriculum resources through technology; and

8 “(4) describe a process for the ongoing evaluation
9 of how technologies acquired under this section—

10 “(A) will be integrated into the school cur-
11 rriculum; and

12 “(B) will affect student achievement and
13 progress toward meeting the National Education
14 Goals and any State content standards and
15 State student performance standards that may
16 be developed.

17 “(f) COORDINATION OF APPLICATION REQUIRE-
18 MENTS.—If a local educational agency submitting an ap-
19 plication for assistance under this section has developed a
20 comprehensive education improvement plan, in conjunction
21 with requirements under this Act or the Goals 2000: Edu-
22 cate America Act, the State educational agency may ap-
23 prove such plan, or a component of such plan, notwith-
24 standing the requirements of subsection (e) if the State edu-

1 *cational agency determines that such approval would fur-*
2 *ther the purposes of this section.*

3 **“Subpart 3—Special Rule Applicable to**
4 **Appropriations**

5 **“SEC. 3141. SPECIAL RULE.**

6 “(a) *APPROPRIATION OF LESS THAN \$50,000,000.—*
7 *Notwithstanding any other provision of law, for any fiscal*
8 *year for which the sum of the amounts appropriated pursu-*
9 *ant to the authority of sections 3122(f), 3123(b)(5), 3124(e),*
10 *3125(e), 3126(e), and 3132(c) is less than \$50,000,000, the*
11 *Secretary shall aggregate such amounts and make avail-*
12 *able—*

13 “(1) *50 percent of such aggregate amount to*
14 *carry out subpart 1 for such year; and*

15 “(2) *50 percent of such aggregate amount to*
16 *carry out subpart 2 for such year.*

17 “(b) *APPROPRIATION EQUAL TO OR GREATER THAN*
18 *\$50,000,000.—Notwithstanding any other provision of law,*
19 *for any fiscal year for which the sum of the amounts appro-*
20 *priated pursuant to the authority of sections 3122(f),*
21 *3123(b)(5), 3124(e), 3125(e), 3126(e), and 3132(c) is equal*
22 *to or greater than \$50,000,000, the Secretary shall aggre-*
23 *gate such amounts and make available—*

1 “(1) the sum of \$25,000,000 plus 35 percent of
2 such aggregate amount in excess of \$50,000,000 to
3 carry out subpart 1 for such year; and

4 “(2) the sum of \$25,000,000 plus 65 percent of
5 such aggregate amount in excess of \$50,000,000 to
6 carry out subpart 2 for such year.

7 **“PART B—STAR SCHOOLS PROGRAM**

8 **“SEC. 3201. SHORT TITLE.**

9 *“This part may be cited as the ‘Star Schools Act’.*

10 **“SEC. 3202. PURPOSE.**

11 *“It is the purpose of this part to encourage improved*
12 *instruction in mathematics, science, and foreign languages*
13 *as well as other subjects, such as literacy skills and voca-*
14 *tional education, and to serve underserved populations, in-*
15 *cluding the disadvantaged, illiterate, limited-English pro-*
16 *ficient, and disabled, through a star schools program under*
17 *which grants are made to eligible telecommunication part-*
18 *nerships to enable such partnerships to—*

19 *“(1) develop, construct, acquire, maintain and*
20 *operate telecommunications audio and visual facili-*
21 *ties and equipment;*

22 *“(2) develop and acquire educational and in-*
23 *structional programming; and*

24 *“(3) obtain technical assistance for the use of*
25 *such facilities and instructional programming.*

1 **“SEC. 3203. GRANTS AUTHORIZED.**

2 “(a) *AUTHORITY.*—*The Secretary, through the Office*
3 *of Educational Technology, is authorized to make grants,*
4 *in accordance with the provisions of this part, to eligible*
5 *telecommunications partnerships to pay the Federal share*
6 *of the cost of—*

7 “(1) *the development, construction, acquisition,*
8 *maintenance and operation of telecommunications fa-*
9 *cilities and equipment;*

10 “(2) *the development and acquisition of live,*
11 *interactive instructional programming;*

12 “(3) *the development and acquisition of*
13 *preservice and inservice teacher training programs*
14 *based on established research regarding teacher-to-*
15 *teacher mentoring, effective skill transfer, and ongo-*
16 *ing, in-class instruction;*

17 “(4) *the establishment of teleconferencing facili-*
18 *ties and resources for broadcasting interactive train-*
19 *ing to teachers;*

20 “(5) *obtaining technical assistance; and*

21 “(6) *the coordination of the design and*
22 *connectivity of telecommunications networks to reach*
23 *the greatest number of schools.*

24 “(b) *DURATION.*—

1 “(1) *IN GENERAL.*—*The Secretary shall award*
2 *grants pursuant to subsection (a) for a period of 5*
3 *years.*

4 “(2) *RENEWAL.*—*Grants awarded pursuant to*
5 *subsection (a) may be renewed for 1 additional 5-year*
6 *period.*

7 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—

8 “(1) *IN GENERAL.*—*There are authorized to be*
9 *appropriated \$35,000,000 for fiscal year 1995, and*
10 *such sums as may be necessary for each of the 4 suc-*
11 *ceeding fiscal years, to carry out this part.*

12 “(2) *AVAILABILITY.*—*Funds appropriated pursu-*
13 *ant to the authority of subsection (a) shall remain*
14 *available until expended.*

15 “(d) *LIMITATIONS.*—

16 “(1) *AMOUNT.*—*A grant made to an eligible tele-*
17 *communications partnership under this part shall not*
18 *exceed \$5,000,000 in any 1 fiscal year.*

19 “(2) *RESERVATIONS.*—

20 “(A) *INSTRUCTIONAL PROGRAMMING.*—*Not*
21 *less than 25 percent of the funds available to the*
22 *Secretary in any fiscal year under this part*
23 *shall be used for the cost of instructional pro-*
24 *gramming.*

1 “(B) *FACILITIES AND EQUIPMENT.*—Not less
2 than 25 percent of the funds available to the Sec-
3 retary in any fiscal year under this part shall
4 be used for telecommunications facilities and
5 equipment.

6 “(3) *SPECIAL RULE.*—Not less than 50 percent of
7 the funds available in any fiscal year under this part
8 shall be used for the cost of facilities, equipment,
9 teacher training or retraining, technical assistance, or
10 programming, for local educational agencies which
11 are eligible to receive assistance under part A of title
12 I of the Elementary and Secondary Education Act of
13 1965.

14 “(e) *FEDERAL SHARE.*—

15 “(1) *IN GENERAL.*—The Federal share for any
16 fiscal year shall be not more than 75 percent.

17 “(2) *WAIVER.*—The Secretary may reduce or
18 waive the requirements of the non-Federal share re-
19 quired under paragraph (1) for good cause, as deter-
20 mined by the Secretary.

21 “(f) *COORDINATION.*—The Department, the National
22 Science Foundation, the Department of Agriculture, and
23 any other Federal department or agency operating a tele-
24 communications network for educational purposes, shall co-
25 ordinate the activities assisted under this part with the ac-

1 *tivities of such department or agency relating to a tele-*
2 *communications network for educational purposes.*

3 “(g) *CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.*—
4 *Each entity receiving funds under this part is encouraged*
5 *to provide—*

6 “(1) *closed captioning of the verbal content of*
7 *such program, where appropriate, to be broadcast by*
8 *way of line 21 of the vertical blanking interval, or by*
9 *way of comparable successor technologies; and*

10 “(2) *descriptive video of the visual content of*
11 *such program, as appropriate.*

12 **“SEC. 3204. ELIGIBLE TELECOMMUNICATIONS PARTNER-**
13 **SHIPS.**

14 “(a) *IN GENERAL.*—*In order to be eligible for a grant*
15 *under this part, an eligible telecommunications partnership*
16 *shall consist of—*

17 “(1) *a public agency or corporation established*
18 *for the purposes of developing and operating tele-*
19 *communications services to enhance educational op-*
20 *portunities provided by educational institutions,*
21 *teacher training centers, and other entities, except*
22 *that any such agency or corporation shall represent*
23 *the interest of elementary and secondary schools*
24 *which are eligible for assistance under part A of title*
25 *I; or*

1 “(2) a partnership that will provide tele-
2 communications services and which includes 3 or
3 more of the following entities, at least 1 of which shall
4 be an agency described in subparagraph (A) or (B):

5 “(A) a local educational agency serving a
6 significant number of elementary and secondary
7 schools that are eligible for assistance under part
8 A of title I or elementary and secondary schools
9 operated for Indian children by the Department
10 of the Interior under section 1121(c);

11 “(B) a State educational agency;

12 “(C) an institution of higher education or a
13 State higher education agency;

14 “(D) a teacher training center or academy
15 which—

16 “(i) provides teacher preservice and in-
17 service training; and

18 “(ii) receives Federal financial assist-
19 ance or has been approved by a State agen-
20 cy;

21 “(E)(i) a public or private entity with ex-
22 perience and expertise in the planning and oper-
23 ation of a telecommunications service, including
24 entities involved in telecommunications through
25 satellite, cable, telephone or computers; or

1 “(ii) a public broadcasting entity with such
2 experience; or

3 “(F) a public or private elementary or sec-
4 ondary school.

5 “(b) *SPECIAL RULE.*—An eligible telecommunications
6 partnership shall be organized on a statewide or multistate
7 basis.

8 **“SEC. 3205. APPLICATIONS.**

9 “(a) *APPLICATIONS REQUIRED.*—Each eligible tele-
10 communications partnership which desires to receive a
11 grant under section 3203 shall submit an application to
12 the Secretary, at such time, in such manner, and contain-
13 ing or accompanied by such information as the Secretary
14 may reasonably require.

15 “(b) *CONTENTS OF THE APPLICATION.*—Each applica-
16 tion submitted pursuant to subsection (a) shall—

17 “(1) describe the telecommunications facilities
18 and equipment and technical assistance for which as-
19 sistance is sought, which may include—

20 “(A) the design, development, construction,
21 acquisition, maintenance and operation of State
22 or multistate educational telecommunications
23 networks and technology resource centers;

1 “(B) microwave, fiber optics, cable, and sat-
2 ellite transmission equipment or any combina-
3 tion thereof;

4 “(C) reception facilities;

5 “(D) satellite time;

6 “(E) production facilities;

7 “(F) other telecommunications equipment
8 capable of serving a wide geographic area;

9 “(G) the provision of training services to
10 instructors who will be using the facilities and
11 equipment for which assistance is sought, includ-
12 ing training in using such facilities and equip-
13 ment and training in integrating programs into
14 the classroom curriculum; and

15 “(H) the development of educational pro-
16 gramming for use on a telecommunications net-
17 work;

18 “(2) in the case of an application for assistance
19 for instructional programming, describe the types of
20 programming which will be developed to enhance in-
21 struction and training and provide assurances that
22 such programming will be designed in consultation
23 with professionals (including classroom teachers) who
24 are experts in the applicable subject matter and grade
25 level;

1 “(3) demonstrate that the eligible telecommuni-
2 cations partnership has engaged in sufficient survey
3 and analysis of the area to be served to ensure that
4 the services offered by the eligible telecommunications
5 partnership will increase the availability of courses of
6 instruction in mathematics, science, and foreign lan-
7 guages, as well as other subjects to be offered;

8 “(4) describe the training policies for teachers
9 and other school personnel to be implemented to en-
10 sure the effective use of telecommunications facilities
11 and equipment for which assistance is sought;

12 “(5) provide assurances that the financial inter-
13 est of the United States in the telecommunications fa-
14 cilities and equipment will be protected for the useful
15 life of such facilities and equipment;

16 “(6) provide assurances that a significant por-
17 tion of any facilities and equipment, technical assist-
18 ance, and programming for which assistance is sought
19 for elementary and secondary schools will be made
20 available to schools or local educational agencies that
21 have a high number or percentage of children eligible
22 to be counted under part A of title I;

23 “(7) describe the manner in which traditionally
24 underserved students, such as students who are dis-
25 advantaged, limited-English proficient, disabled, or

1 *illiterate, will participate in the benefits of the tele-*
2 *communications facilities, equipment, technical as-*
3 *stance, and programming assisted under this part;*

4 *“(8) provide assurances that the applicant will*
5 *use the funds provided under this part to supplement*
6 *and not supplant funds otherwise available for the*
7 *purposes of this part;*

8 *“(9) if any member of the consortia is receiving*
9 *assistance under section 3122, describe how funds re-*
10 *ceived under this part will be coordinated with funds*
11 *received for educational technology in the classroom*
12 *under such section;*

13 *“(10) describe the activities or services for which*
14 *assistance is sought, including activities and services*
15 *such as—*

16 *“(A) providing facilities, equipment, train-*
17 *ing, services, and technical assistance described*
18 *in paragraphs (1), (2), (4) and (7);*

19 *“(B) making programs accessible to indi-*
20 *viduals with disabilities through mechanisms*
21 *such as closed captioning and descriptive video*
22 *services;*

23 *“(C) linking networks together, for example,*
24 *around an issue of national importance, such as*
25 *national elections;*

1 “(D) sharing curriculum resources between
2 networks and development of program guides
3 which demonstrate cooperative, cross-network
4 listing of programs for specific curriculum areas;

5 “(E) providing teacher and student support
6 services including classroom and training sup-
7 port materials which permit student and teacher
8 involvement in the live interactive distance
9 learning telecasts;

10 “(F) incorporating community resources,
11 such as libraries and museums, into instruc-
12 tional programs;

13 “(G) providing teacher training to early
14 childhood development and Head Start teachers
15 and staff;

16 “(H) providing teacher training to voca-
17 tional education teachers and staff;

18 “(I) providing teacher training on proposed
19 or established voluntary national content stand-
20 ards in mathematics and science and other dis-
21 ciplines as such standards are developed;

22 “(J) providing programs for adults at times
23 other than the regular school day in order to
24 maximize the use of telecommunications facilities
25 and equipment; and

1 “(K) providing parent education programs
2 during and after the regular school day which
3 reinforce the student’s course of study and ac-
4 tively involve parents in the learning process;
5 and

6 “(11) include such additional assurances as the
7 Secretary may reasonably require.

8 “(c) APPROVAL OF APPLICATION; PRIORITY.—The Sec-
9 retary, in approving applications under this part, shall
10 give priority to applications which demonstrate that—

11 “(1) a concentration and quality of mathematics,
12 science, and foreign languages resources which, by
13 their distribution through the eligible telecommuni-
14 cations partnership, will offer significant new edu-
15 cational opportunities to network participants, par-
16 ticularly to traditionally underserved populations
17 and areas with scarce resources and limited access to
18 courses in mathematics, science, and foreign lan-
19 guages;

20 “(2) the eligible telecommunications partnership
21 has secured the direct cooperation and involvement of
22 public and private educational institutions, State and
23 local government, and industry in planning the net-
24 work;

1 “(3) the eligible telecommunications partnership
2 will serve the broadest range of institutions, including
3 in the case of elementary and secondary schools, those
4 elementary and secondary schools having a signifi-
5 cant number of students eligible to be counted under
6 part A of title I, programs providing instruction out-
7 side of the school setting, institutions of higher edu-
8 cation, teacher training centers, research institutes,
9 and private industry;

10 “(4) a significant number of educational institu-
11 tions have agreed to participate or will participate in
12 the use of the telecommunications system for which
13 assistance is sought;

14 “(5) the eligible telecommunications partnership
15 will have substantial academic and teaching capabili-
16 ties, including the capability of training, retraining,
17 and inservice upgrading of teaching skills and the ca-
18 pability to provide professional development leading
19 to comprehensive effective instructional strategies,
20 outcomes-based curriculum and parenting practices;

21 “(6) the eligible telecommunications partnership
22 will—

23 “(A) provide a comprehensive range of
24 courses for educators to teach instructional strat-
25 egies for students with different skill levels;

1 “(B) provide training to participating edu-
2 cators in ways to integrate telecommunications
3 courses into existing school curriculum; and

4 “(C) provide instruction for students, teach-
5 ers, and parents;

6 “(7) the eligible telecommunications partnership
7 will serve a multistate area;

8 “(8) the eligible telecommunications partnership
9 will give priority to the provision of equipment and
10 linkages to isolated areas;

11 “(9) a telecommunications entity (such as a sat-
12 ellite, cable, telephone, computer, or public or private
13 television stations) will participate in the partnership
14 and will donate equipment or in kind services for
15 telecommunications linkages; and

16 “(10) the eligible telecommunications partner-
17 ship will, in providing services with assistance under
18 this part, meet the needs of groups of individuals tra-
19 ditionally excluded from careers in mathematics and
20 science because of discrimination, inaccessibility, or
21 economically disadvantaged backgrounds.

22 “(d) GEOGRAPHIC DISTRIBUTION.—In approving ap-
23 plications under this part, the Secretary shall assure an
24 equitable geographic distribution of grants under this part.

1 **“SEC. 3206. LEADERSHIP AND EVALUATION ACTIVITIES.**

2 “(a) *RESERVATION.*—From the amount appropriated
3 pursuant to the authority of section 3203(c)(1) in each fis-
4 cal year, the Secretary may reserve not more than 5 percent
5 of such amount for national leadership, evaluation, and
6 peer review activities.

7 “(b) *METHOD OF FUNDING.*—The Secretary may fund
8 the activities described in subsection (a) directly or through
9 grants, contracts, and cooperative agreements.

10 “(c) *USES OF FUNDS.*—

11 “(1) *LEADERSHIP.*—Funds reserved for leader-
12 ship activities under subsection (a) may be used for—

13 “(A) disseminating information, including
14 lists and descriptions of services available from
15 recipients; and

16 “(B) other activities designed to enhance the
17 quality of distance learning activities nation-
18 wide.

19 “(2) *EVALUATION.*—Funds reserved for evalua-
20 tion activities under subsection (a) may be used to
21 conduct independent evaluations of the activities as-
22 sisted under this part and of distance learning in
23 general, including—

24 “(A) analyses of distance learning efforts,
25 including such efforts that are assisted under

1 *this part and such efforts that are not assisted*
2 *under this part; and*

3 “(B) *comparisons of the effects, including*
4 *student outcomes, of different technologies in dis-*
5 *tance learning efforts.*

6 “(3) *PEER REVIEW.—Funds reserved for peer re-*
7 *view activities under subsection (a) may be used for*
8 *peer review of—*

9 “(A) *applications for grants under this*
10 *part; and*

11 “(B) *activities assisted under this part.*

12 **“SEC. 3207. ADMINISTRATIVE PROVISIONS.**

13 “(a) *CONTINUING ELIGIBILITY.—*

14 “(1) *IN GENERAL.—In order to be eligible to re-*
15 *ceive a grant under this part for a second 5-year*
16 *grant period an eligible telecommunications partner-*
17 *ship shall demonstrate in the application submitted*
18 *pursuant to section 3205 that such partnership will—*

19 “(A) *continue to provide services in the sub-*
20 *ject areas and geographic areas assisted with*
21 *funds received under this part for the previous 5-*
22 *year grant period; and*

23 “(B) *use all grant funds received under this*
24 *part for the second 5-year grant period to pro-*
25 *vide expanded services by—*

1 “(i) increasing the number of students,
2 schools or school districts served by the
3 courses of instruction assisted under this
4 part in the previous fiscal year;

5 “(ii) providing new courses of instruc-
6 tion; and

7 “(iii) serving new populations of un-
8 derserved individuals, such as children or
9 adults who are disadvantaged, have limited-
10 English proficiency, are disabled, are illit-
11 erate, or lack secondary school diplomas or
12 their recognized equivalent.

13 “(2) *SPECIAL RULES.*—Grant funds received
14 pursuant to the application of paragraph (1) shall be
15 used to supplement and not supplant services pro-
16 vided by the recipient under this part in the previous
17 fiscal year.

18 “(b) *FEDERAL ACTIVITIES.*—The Secretary may assist
19 grant recipients under this part in acquiring satellite time,
20 where appropriate, as economically as possible.

21 “**SEC. 3208. OTHER ASSISTANCE.**

22 “(a) *SPECIAL STATEWIDE NETWORK.*—

23 “(1) *IN GENERAL.*—The Secretary, through the
24 Office of Educational Technology, may provide assist-

1 *ance to a statewide telecommunications network*
2 *under this subsection if such network—*

3 *“(A) provides 2-way full motion interactive*
4 *video and audio communications;*

5 *“(B) links together public colleges and uni-*
6 *versities and secondary schools throughout the*
7 *State; and*

8 *“(C) meets any other requirements deter-*
9 *mined appropriate by the Secretary.*

10 *“(2) STATE CONTRIBUTION.—A statewide tele-*
11 *communications network assisted under paragraph*
12 *(1) shall contribute, either directly or through private*
13 *contributions, non-Federal funds equal to not less*
14 *than 50 percent of the cost of such network.*

15 *“(b) SPECIAL LOCAL NETWORK.—*

16 *“(1) IN GENERAL.—The Secretary may provide*
17 *assistance, on a competitive basis, to a local edu-*
18 *cational agency or consortium thereof to enable such*
19 *agency or consortium to establish a high technology*
20 *demonstration program.*

21 *“(2) PROGRAM REQUIREMENTS.—A high tech-*
22 *nology demonstration program assisted under para-*
23 *graph (1) shall—*

24 *“(A) include 2-way full motion interactive*
25 *video, audio and text communications;*

1 “(B) link together elementary and second-
2 ary schools, colleges, and universities;

3 “(C) provide parent participation and fam-
4 ily programs;

5 “(D) include a staff development program;
6 and

7 “(E) have a significant contribution and
8 participation from business and industry.

9 “(3) *SPECIAL RULE.*—Each high technology dem-
10 onstration program assisted under paragraph (1)
11 shall be of sufficient size and scope to have an effect
12 on meeting the National Education Goals.

13 “(4) *MATCHING REQUIREMENT.*—A local edu-
14 cational agency or consortium receiving a grant
15 under paragraph (1) shall provide, either directly or
16 through private contributions, non-Federal matching
17 funds equal to not less than 50 percent of the amount
18 of the grant.

19 **“SEC. 3209. DEFINITIONS.**

20 “As used in this part—

21 “(1) the term ‘educational institution’ means an
22 institution of higher education, a local educational
23 agency, or a State educational agency;

24 “(2) the term ‘instructional programming’
25 means courses of instruction, training courses, and

1 *resources used in such instruction and training,*
2 *which have been prepared in audio and visual form*
3 *on tape, disc, film, live, and presented by means of*
4 *telecommunications devices;*

5 “(3) the term ‘public broadcasting entity’ has the
6 same meaning given that term by section 397 of the
7 Communications Act of 1934; and

8 “(4) the term ‘State’ means each of the several
9 States, the District of Columbia, the Commonwealth
10 of Puerto Rico, Guam, American Samoa, the Virgin
11 Islands, the Republic of the Marshall Islands, the Fed-
12 erated States of Micronesia, the Republic of Palau,
13 and the Commonwealth of the Northern Mariana Is-
14 lands.

15 **“PART C—READY-TO-LEARN TELEVISION**

16 **“SEC. 3301. READY-TO-LEARN.**

17 “(a) *IN GENERAL.*—The Secretary is authorized to
18 enter into contracts, cooperative agreements, or grants with
19 entities described in section 3302(b) to develop, produce,
20 and distribute educational and instructional video pro-
21 gramming for preschool and elementary school children and
22 their parents in order to facilitate the achievement of the
23 National Education Goals.

24 “(b) *AVAILABILITY.*—In making such contracts, coop-
25 erative agreements, or grants, the Secretary shall ensure

1 *that recipients make programming widely available with*
2 *support materials as appropriate to young children, their*
3 *parents, child care workers, and Head Start providers to*
4 *increase the effective use of such programming.*

5 **“SEC. 3302. EDUCATIONAL PROGRAMMING.**

6 “(a) AWARDS.—*The Secretary shall award contracts,*
7 *cooperative agreements, or grants to eligible entities to—*

8 “(1) *facilitate the development directly or*
9 *through contracts with producers of children and fam-*
10 *ily educational television programming, educational*
11 *programming for preschool and elementary school*
12 *children, and accompanying support materials and*
13 *services that promote the effective use of such pro-*
14 *gramming; and*

15 “(2) *contract with entities (such as public broad-*
16 *casting entities and those funded under the Star*
17 *Schools Act) in order that programs developed under*
18 *this section are disseminated and distributed to the*
19 *widest possible audience appropriate to be served by*
20 *the programming by the most appropriate distribu-*
21 *tion technologies.*

22 “(b) ELIGIBLE ENTITIES.—*To be eligible to receive a*
23 *contract, cooperative agreement, or grant under subsection*
24 *(a), an entity shall be—*

1 “(1) a nonprofit entity (including a public tele-
2 communications entity) able to demonstrate a capaci-
3 ty for the development and distribution of edu-
4 cational and instructional television programming of
5 high quality for preschool and elementary school chil-
6 dren; and

7 “(2) able to demonstrate a capacity to contract
8 with the producers of children’s television program-
9 ming for the purpose of developing educational tele-
10 vision programming of high quality for preschool and
11 elementary school children.

12 “(c) *CULTURAL EXPERIENCES.*—Programming devel-
13 oped under this section shall reflect the recognition of di-
14 verse cultural experiences and the needs and experiences of
15 both boys and girls in engaging and preparing young chil-
16 dren for schooling.

17 **“SEC. 3303. DUTIES OF SECRETARY.**

18 “The Secretary is authorized—

19 “(1) to establish and administer a *Special*
20 *Projects of National Significance* program to award
21 contracts, cooperative agreements, or grants to public
22 and nonprofit private entities, or local public tele-
23 vision stations or such public television stations that
24 are part of a consortium with one or more State edu-
25 cational agencies, local educational agencies, local

1 *schools, institutions of higher education, or commu-*
2 *nity-based organizations of demonstrated effectiveness,*
3 *for the purpose of—*

4 *“(A) addressing the learning needs of young*
5 *children in limited-English proficient households,*
6 *and developing appropriate educational and in-*
7 *structional television programming to foster the*
8 *school readiness of such children;*

9 *“(B) developing programming and support*
10 *materials to increase family literacy skills*
11 *among parents to assist parents in teaching their*
12 *children and utilizing educational television pro-*
13 *gramming to promote school readiness; and*

14 *“(C) identifying, supporting, and enhanc-*
15 *ing the effective use and outreach of innovative*
16 *programs that promote school readiness;*

17 *“(2) to establish within the Department a clear-*
18 *inghouse to compile and provide information, refer-*
19 *als and model program materials and programming*
20 *obtained or developed under this part to parents,*
21 *child care providers, and other appropriate individ-*
22 *uals or entities to assist such individuals and entities*
23 *in accessing programs and projects under this part;*
24 *and*

1 “(3) to develop and disseminate training mate-
2 rials, including—

3 “(A) interactive programs and programs
4 adaptable to distance learning technologies that
5 are designed to enhance knowledge of children’s
6 social and cognitive skill development and posi-
7 tive adult-child interactions; and

8 “(B) support materials to promote the effec-
9 tive use of materials developed under paragraph
10 (2);

11 among parents, Head Start providers, in-home and
12 center based day care providers, early childhood devel-
13 opment personnel, and elementary school teachers,
14 public libraries, and after school program personnel
15 caring for preschool and elementary school children;

16 “(4) coordinate activities with the Secretary of
17 Health and Human Services in order to—

18 “(A) maximize the utilization of quality
19 educational programming by preschool and ele-
20 mentary school children, and make such pro-
21 gramming widely available to federally funded
22 programs serving such populations; and

23 “(B) provide information to recipients of
24 funds under Federal programs that have major
25 training components for early childhood develop-

1 *ment, including Head Start, Even Start, and*
2 *State training activities funded under the Child*
3 *Care Development Block Grant Act of 1990 re-*
4 *garding the availability and utilization of mate-*
5 *rials developed under paragraph (3) to enhance*
6 *parent and child care provider skills in early*
7 *childhood development and education.*

8 ***“SEC. 3304. APPLICATIONS.***

9 *“Each eligible entity desiring a contract, cooperative*
10 *agreement, or grant under section 3301 or 3303 shall sub-*
11 *mit an application to the Secretary at such time, in such*
12 *manner, and accompanied by such information as the Sec-*
13 *retary may reasonably require.*

14 ***“SEC. 3305. REPORTS AND EVALUATION.***

15 *“(a) ANNUAL REPORT TO SECRETARY.—An entity re-*
16 *ceiving funds under section 3301 shall prepare and submit*
17 *to the Secretary an annual report which contains such in-*
18 *formation as the Secretary may require. At a minimum,*
19 *the report shall describe the program activities undertaken*
20 *with funds received under this section, including—*

21 *“(1) the programming that has been developed*
22 *directly or indirectly by the entity, and the target*
23 *population of the programs developed;*

24 *“(2) the support materials that have been devel-*
25 *oped to accompany the programming, and the method*

1 *by which such materials are distributed to consumers*
2 *and users of the programming;*

3 *“(3) the means by which programming developed*
4 *under this section has been distributed, including the*
5 *distance learning technologies that have been utilized*
6 *to make programming available and the geographic*
7 *distribution achieved through such technologies; and*

8 *“(4) the initiatives undertaken by the entity to*
9 *develop public-private partnerships to secure non-Fed-*
10 *eral support for the development and distribution and*
11 *broadcast of educational and instructional program-*
12 *ming.*

13 *“(b) REPORT TO CONGRESS.—The Secretary shall pre-*
14 *pare and submit to the relevant committees of Congress a*
15 *biannual report which includes—*

16 *“(1) a summary of the information made avail-*
17 *able under section 3302(a); and*

18 *“(2) a description of the training materials*
19 *made available under section 3303(3), the manner in*
20 *which outreach has been conducted to inform parents*
21 *and child care providers of the availability of such*
22 *materials, and the manner in which such materials*
23 *have been distributed in accordance with such section.*

1 **“SEC. 3306. ADMINISTRATIVE COSTS.**

2 *“With respect to the implementation of section 3302,*
3 *entities receiving a contract, cooperative agreement, or*
4 *grant from the Secretary may use not more than 5 percent*
5 *of the amounts received under such section for the normal*
6 *and customary expenses of administering the contract, co-*
7 *operative agreement, or grant.*

8 **“SEC. 3307. DEFINITION.**

9 *“For the purposes of this part, the term ‘distance*
10 *learning’ means the transmission of educational or instruc-*
11 *tional programming to geographically dispersed individ-*
12 *uals and groups via telecommunications.*

13 **“SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.**

14 *“(a) IN GENERAL.—There are authorized to be appro-*
15 *priated to carry out this part, \$30,000,000 for fiscal year*
16 *1995, and such sums as may be necessary for each of the*
17 *4 succeeding fiscal years. Not less than 60 percent of the*
18 *amounts appropriated under this subsection for each fiscal*
19 *year shall be used to carry out section 3302.*

20 *“(b) SPECIAL PROJECTS.—Of the amount appro-*
21 *priated under subsection (1) for each fiscal year, at least*
22 *10 percent of such amount shall be utilized in each such*
23 *fiscal year for activities under section 3303(1)(C).*

1 **“PART D—ELEMENTARY MATHEMATICS AND**
2 **SCIENCE EQUIPMENT PROGRAM**

3 **“SEC. 3401. SHORT TITLE.**

4 *“This part may be cited as the ‘Elementary Mathe-*
5 *matics and Science Equipment Act’.*

6 **“SEC. 3402. STATEMENT OF PURPOSE.**

7 *“It is the purpose of this part to raise the quality of*
8 *instruction in mathematics and science in the Nation’s ele-*
9 *mentary schools by providing equipment and materials nec-*
10 *essary for hands-on instruction through assistance to State*
11 *and local educational agencies.*

12 **“SEC. 3403. PROGRAM AUTHORIZED.**

13 *“The Secretary is authorized to make allotments to*
14 *State educational agencies under section 3404 to enable*
15 *such agencies to award grants to local educational agencies*
16 *for the purpose of providing equipment and materials to*
17 *elementary schools to improve mathematics and science edu-*
18 *cation in such schools.*

19 **“SEC. 3404. ALLOTMENTS OF FUNDS.**

20 *“(a) IN GENERAL.—From the amount appropriated*
21 *under section 3410 for any fiscal year, the Secretary shall*
22 *reserve—*

23 *“(1) not more than one-half of 1 percent for al-*
24 *lotment among Guam, American Samoa, the Virgin*
25 *Islands, the Northern Mariana Islands, the Republic*
26 *of the Marshall Islands, the Federated States of Mi-*

1 *cronesia, and Palau according to their respective*
2 *needs for assistance under this part; and*

3 *“(2) one-half of 1 percent for programs for In-*
4 *dian students served by schools funded by the Sec-*
5 *retary of the Interior which are consistent with the*
6 *purposes of this part.*

7 *“(b) ALLOTMENT.—*

8 *“(1) IN GENERAL.—The remainder of the*
9 *amount so appropriated (after meeting requirements*
10 *in subsection (a)) shall be allotted among State edu-*
11 *cational agencies so that—*

12 *“(A) one-half of such remainder shall be*
13 *distributed by allotting to each State educational*
14 *agency an amount which bears the same ratio to*
15 *such one-half of such remainder as the number of*
16 *children aged 5 to 17, inclusive, in the State*
17 *bears to the number of such children in all*
18 *States; and*

19 *“(B) one-half of such remainder shall be*
20 *distributed according to each State’s share of al-*
21 *locations under part A of title I.*

22 *“(2) MINIMUM.—Except as provided in para-*
23 *graph (3), no State educational agency shall receive*
24 *an allotment under this subsection for any fiscal year*
25 *in an amount that is—*

1 “(A) less than one-half of 1 percent of the
2 amount made available under this subsection for
3 such fiscal year; or

4 “(B) less than the amount allotted to such
5 State for fiscal year 1988 under title II of the
6 Education for Economic Security Act.

7 “(3) *RATABLE REDUCTIONS.*—(A) If the sums
8 made available under this part for any fiscal year are
9 insufficient to pay the full amounts that all State
10 educational agencies are eligible to receive under
11 paragraph (2)(B) for such year, the Secretary shall
12 ratably reduce the allotment to such agencies for such
13 year.

14 “(B) If additional funds become available for
15 making payments under paragraph (2)(B) for such
16 fiscal year, allotments that were reduced under sub-
17 paragraph (A) shall be increased on the same basis as
18 such allotments were reduced.

19 “(c) *REALLOTMENT OF UNUSED FUNDS.*—The amount
20 of any State educational agency’s allotment under sub-
21 section (b) for any fiscal year to carry out this part which
22 the Secretary determines will not be required for that fiscal
23 year to carry out this part shall be available for reallocation
24 from time to time, on such dates during that year as the
25 Secretary may determine, to other State educational agen-

1 *cies in proportion to the original allotments to those State*
2 *educational agencies under subsection (b) for that year but*
3 *with such proportionate amount for any of those other State*
4 *educational agencies being reduced to the extent it exceeds*
5 *the sum the Secretary estimates that the State educational*
6 *agency needs and will be able to use for that year, and the*
7 *total of those reductions shall be similarly reallocated among*
8 *the State educational agencies whose proportionate amounts*
9 *were not so reduced. Any amounts reallocated to a State edu-*
10 *cational agency under this subsection during a year shall*
11 *be deemed a part of the State educational agency's allot-*
12 *ment under subsection (b) for that year.*

13 “(d) *DEFINITION.*—*For the purposes of this part the*
14 *term ‘State’ means each of the 50 States, the District of*
15 *Columbia, and the Commonwealth of Puerto Rico.*

16 “(e) *DATA.*—*The number of children aged 5 to 17, in-*
17 *clusive, in the State and in all States shall be determined*
18 *by the Secretary on the basis of the most recent satisfactory*
19 *data available to the Secretary.*

20 “**SEC. 3405. STATE APPLICATION.**

21 “(a) *APPLICATION.*—*Each State educational agency*
22 *desiring to receive an allotment under this part shall file*
23 *an application with the Secretary which covers a period*
24 *of 5 fiscal years. Such application shall be filed at such*

1 *time, in such manner, and containing or accompanied by*
2 *such information as the Secretary may reasonably require.*

3 “(b) *CONTENTS OF APPLICATION.—Each application*
4 *described in subsection (a) shall—*

5 “(1) *provide assurances that—*

6 “(A) *the State educational agency shall use*
7 *the allotment provided under this part to award*
8 *grants to local educational agencies within the*
9 *State to enable such local educational agencies to*
10 *provide assistance to schools served by such agen-*
11 *cy to carry out the purpose of this part;*

12 “(B) *the State educational agency will pro-*
13 *vide such fiscal control and funds accounting as*
14 *the Secretary may require;*

15 “(C) *every public elementary school in the*
16 *State is eligible to receive assistance under this*
17 *part once over the 5-year duration of the pro-*
18 *gram assisted under this part;*

19 “(D) *funds provided under this part will*
20 *supplement, not supplant, State and local funds*
21 *made available for activities authorized under*
22 *this part;*

23 “(E) *during the 5-year period described in*
24 *the application, the State educational agency*
25 *will evaluate its standards and programs for*

1 *teacher preparation and inservice professional*
2 *development for elementary mathematics and*
3 *science;*

4 “(F) the State educational agency will take
5 *into account the needs for greater access to and*
6 *participation in mathematics and science by stu-*
7 *dents and teachers from historically*
8 *underrepresented groups, including females, mi-*
9 *norities, individuals with limited-English pro-*
10 *ficiency, the economically disadvantaged, and in-*
11 *dividuals with disabilities; and*

12 “(G) that the needs of teachers and students
13 *in areas with high concentrations of low-income*
14 *students and sparsely populated areas will be*
15 *given priority in awarding assistance under this*
16 *part;*

17 “(2) provide, if appropriate, a description of
18 *how funds paid under this part will be coordinated*
19 *with State and local funds and other Federal re-*
20 *sources, particularly with respect to programs for the*
21 *professional development and inservice training of el-*
22 *ementary school teachers in science and mathematics;*
23 *and*

24 “(3) describe procedures—

1 “(A) for submitting applications for pro-
2 grams described in section 3406 for distribution
3 of assistance under this part within the State;
4 and

5 “(B) for approval of applications by the
6 State educational agency, including appropriate
7 procedures to assure that such agency will not
8 disapprove an application without notice and
9 opportunity for a hearing.

10 “(c) STATE ADMINISTRATION.—Not more than 5 per-
11 cent of the funds allotted to each State educational agency
12 under this part shall be used for the administrative costs
13 of such agency associated with carrying out the program
14 assisted under this part.

15 **“SEC. 3406. LOCAL APPLICATION.**

16 “(a) APPLICATION.—A local educational agency that
17 desires to receive a grant under this part shall submit an
18 application to the State educational agency. Each such ap-
19 plication shall contain assurances that each school served
20 by the local educational agency shall be eligible for assist-
21 ance under this part only once.

22 “(b) CONTENTS OF APPLICATION.—Each application
23 described in subsection (a) shall—

24 “(1) describe how the local educational agency
25 plans to set priorities on the use and distribution

1 *among schools of grant funds received under this part*
2 *to meet the purpose of this part;*

3 “(2) *include assurances that the local edu-*
4 *cational agency has made every effort to match on a*
5 *dollar-for-dollar basis from private or public sources*
6 *the funds received under this part, except that no such*
7 *application shall be penalized or denied assistance*
8 *under this part based on failure to provide such*
9 *matching funds;*

10 “(3) *describe, if applicable, how funds under this*
11 *part will be coordinated with State, local, and other*
12 *Federal resources, especially with respect to programs*
13 *for the professional development and inservice train-*
14 *ing of elementary school teachers in science and math-*
15 *ematics; and*

16 “(4) *describe the process which will be used to*
17 *determine different levels of assistance to be awarded*
18 *to schools with different needs.*

19 “(c) *PRIORITY.—In awarding grants under this part,*
20 *the State educational agency shall give priority to applica-*
21 *tions that—*

22 “(1) *assign highest priority to providing assist-*
23 *ance to schools which—*

24 “(A) *are most seriously underequipped; or*

1 “(B) serve large numbers or percentages of
2 economically disadvantaged students;

3 “(2) are attentive to the needs of
4 underrepresented groups in science and mathematics;

5 “(3) demonstrate how science and mathematics
6 equipment will be part of a comprehensive plan of
7 curriculum planning or implementation and teacher
8 training supporting hands-on laboratory activities;
9 and

10 “(4) assign priority to providing equipment and
11 materials for students in grades 1 through 6.

12 **“SEC. 3407. PROGRAM REQUIREMENTS.**

13 “(a) COORDINATION.—Each State educational agency
14 receiving an allotment under this part shall—

15 “(1) disseminate information to school districts
16 and schools, including private nonprofit elementary
17 schools, regarding the program assisted under this
18 part;

19 “(2) evaluate applications of local educational
20 agencies;

21 “(3) award grants to local educational agencies
22 based on the priorities described in section 3406(c);
23 and

1 “(4) evaluate local educational agencies’ end-of-
2 year summaries and submit such evaluation to the
3 Secretary.

4 “(b) LIMITATIONS ON USE OF FUNDS.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), grant funds and matching funds under
7 this part only shall be used to purchase science equip-
8 ment, science materials, or mathematical manipula-
9 tive materials and shall not be used for computers,
10 computer peripherals, software, textbooks, or staff de-
11 velopment costs.

12 “(2) CAPITAL IMPROVEMENTS.—Grant funds
13 under this part may not be used for capital improve-
14 ments. Not more than 50 percent of any matching
15 funds provided by the local educational agency may
16 be used for capital improvements of classroom science
17 facilities to support the hands-on instruction that this
18 part is intended to support, such as the installation
19 of electrical outlets, plumbing, lab tables or counters,
20 or ventilation mechanisms.

21 **“SEC. 3408. FEDERAL ADMINISTRATION.**

22 “(a) TECHNICAL ASSISTANCE AND EVALUATION PRO-
23 CEDURES.—The Secretary shall provide technical assist-
24 ance and, in consultation with State and local representa-
25 tives of the program assisted under this part, shall develop

1 *procedures for State and local evaluations of the programs*
2 *assisted under this part.*

3 “(b) *REPORT.*—*The Secretary shall report to the Con-*
4 *gress each year on the program assisted under this part in*
5 *accordance with section 10701.*

6 **“SEC. 3409. AUTHORIZATION OF APPROPRIATIONS.**

7 “*There are authorized to be appropriated \$30,000,000*
8 *for fiscal year 1995, and such sums as may be necessary*
9 *for each of the 4 succeeding fiscal years, to carry out this*
10 *part.*

11 **“PART E—ELEMENTARY AND SECONDARY**

12 **SCHOOL LIBRARY MEDIA RESOURCES PROGRAM**

13 **“SEC. 3501. PROGRAM AUTHORIZED.**

14 “*The Secretary shall award grants or make allocations*
15 *for the acquisition of school library media resources for the*
16 *use of students, library media specialists, and teachers in*
17 *elementary and secondary schools in accordance with this*
18 *part.*

19 **“SEC. 3502. FUNDING REQUIREMENTS.**

20 “(a) *IN GENERAL.*—*From the amount appropriated to*
21 *carry out part A in each fiscal year, the Secretary shall*
22 *make available at least 10 percent but not more than 20*
23 *percent of such amount to make awards in accordance with*
24 *subsection (b) to States having a plan approved under sec-*
25 *tion 3503.*

1 “(b) *SPECIAL RULE.*—

2 “(1) *AMOUNTS BELOW \$50,000,000.*—If the
3 amount made available under subsection (a) for a fis-
4 cal year is less than \$50,000,000, then the Secretary
5 shall award grants to States, on a competitive basis,
6 taking into account such factors as age and condition
7 of existing school library media collections and the
8 relative economic need of the students to be served.

9 “(2) *AMOUNTS EQUAL TO OR EXCEEDING*
10 *\$50,000,000.*—If the amount made available under sub-
11 section (a) for a fiscal year equals or exceeds
12 \$50,000,000, then the Secretary shall allocate to each
13 State an amount which bears the same relationship to
14 such amount as the amount such State received under
15 title II for such year bears to the amount all States
16 received under such title for such year.

17 **“SEC. 3503. STATE PLANS.**

18 *“In order for a State to receive a grant or an alloca-*
19 *tion of funds under this part for any fiscal year, such State*
20 *shall have in effect for such fiscal year a State plan. Such*
21 *plan shall—*

22 “(1) *designate the State educational agency as*
23 *the State agency responsible for the administration of*
24 *the program assisted under this part;*

1 “(2) set forth a program under which funds paid
2 to the State in accordance with section 3502 will be
3 expended solely for—

4 “(A) acquisition of school library media re-
5 sources, including books and foreign language re-
6 sources, for the use of students, school library
7 media specialists, and teachers in elementary
8 and secondary schools in the United States; and

9 “(B) administration of the State plan, in-
10 cluding development and revision of standards,
11 relating to school library media resources, except
12 that the amount used for administration of the
13 State plan in any fiscal year shall not exceed 3
14 percent of the amount available to such State
15 under section 3502 for such fiscal year; and

16 “(3) set forth criteria to be used in allotting
17 funds for school library media resources among the
18 local educational agencies of the State, which allot-
19 ment shall take into consideration the relative need of
20 the students, school media specialists, and teachers to
21 be served.

22 **“SEC. 3504. DISTRIBUTION OF ALLOCATION TO LOCAL EDU-**
23 **CATIONAL AGENCIES.**

24 “From the funds made available under section 3502
25 to a State in each fiscal year, such State shall distribute

1 *not less than 97 percent of such funds for such year to local*
2 *educational agencies within such State on the same basis*
3 *as allocations are made available to States under section*
4 *2122.*

5 ***“PART F—BUDDY SYSTEM COMPUTER***
6 ***EDUCATION***

7 ***“SEC. 3601. SHORT TITLE.***

8 *“This part may be cited as the ‘Buddy System Com-*
9 *puter Education Act’.*

10 ***“SEC. 3602. PURPOSE.***

11 *“It is the purpose of this part to award demonstration*
12 *grants to develop and expand public-private partnership*
13 *programs which extend the learning experience, via comput-*
14 *ers, beyond the classroom environment in order to—*

15 *“(1) enhance learning by providing students*
16 *with the technological tools and guidance necessary to*
17 *develop skills critical to educational growth and suc-*
18 *cess in the workplace, including—*

19 *“(A) mastery of fundamental computer*
20 *technology and applications;*

21 *“(B) improved written and visual commu-*
22 *nication skills;*

23 *“(C) improved critical thinking and prob-*
24 *lem solving abilities; and*

1 “(D) improved ability to work in a collabo-
2 rative, teamwork-driven environment;

3 “(2) encourage parental involvement in edu-
4 cation and total family use and understanding of
5 computers and telecommunications through at-home
6 applications; and

7 “(3) establish foundations for lifelong learning
8 through improvement in education skills and student
9 motivation and attitudes.

10 **“SEC. 3603. GRANT AUTHORIZATION.**

11 “(a) GRANT PROGRAM.—

12 “(1) IN GENERAL.—The Secretary shall conduct
13 a program of awarding a grant to each of 3 States
14 to enable such States to create a computer-based edu-
15 cation project for children in grades 4 through 6 in
16 accordance with the requirements of section 3604.

17 “(2) AWARD BASIS.—The Secretary shall award
18 grants under this part on a competitive basis.

19 “(3) PREFERENCE.—In awarding grants under
20 this part, the Secretary shall give preference to appli-
21 cations—

22 “(A) from States that have a demonstrated
23 ability or commitment to computer-based tech-
24 nology education; and

1 “(B) describing projects that serve school
2 districts which serve a large number or percent-
3 age of economically disadvantaged students.

4 “(b) *SITE SELECTION AND PROJECT IMPLEMENTA-*
5 *TION.*—Site selection and implementation of the computer-
6 based education projects assisted under this part shall take
7 place not later than 9 months after funds are appropriated
8 to carry out this part pursuant to the authority of section
9 3608.

10 **“SEC. 3604. PROGRAM REQUIREMENTS.**

11 “Each State receiving a grant to conduct a computer-
12 based education project under this part shall—

13 “(1) provide a continuous 3-year computer-based
14 education project to 2 consecutive groups of 4th, 5th,
15 and 6th grade elementary school students during the
16 period commencing with each such group’s entry into
17 4th grade and ending the summer following each such
18 group’s completion of 6th grade;

19 “(2) ensure that each student in each of the
20 classes participating in the project shall participate
21 in the project;

22 “(3) conduct such project in not more than 7
23 public elementary schools within the State; and

24 “(4) ensure that each student participating in
25 the project shall have access to a computer—

1 “(A) at school during the school year; and

2 “(B) at home during the school year and

3 summer.

4 **“SEC. 3605. APPLICATIONS.**

5 “(a) *APPLICATION REQUIRED.*—In order to receive a
6 grant under this part, the State educational agency shall
7 submit an application to the Secretary in such form and
8 containing such information as the Secretary may reason-
9 ably require. Such application shall include an assurance
10 from the State educational agency that the State edu-
11 cational agency has made every effort to match on a dollar-
12 for-dollar basis from private or public sources the funds re-
13 ceived under this part, except that no such application shall
14 be penalized or denied assistance under this part on the
15 basis of the failure to provide such matching funds.

16 “(b) *APPLICATION PERIOD.*—States shall be eligible to
17 submit applications for assistance under this part during
18 a 3-month period determined by the Secretary.

19 **“SEC. 3606. USE OF FUNDS.**

20 “Grant funds under this part shall be used to provide
21 hardware and software components to all sites, and train-
22 ing for classroom teachers as well as parents, administra-
23 tors and technical personnel.

1 **“SEC. 3607. EVALUATION.**

2 *“The Secretary shall evaluate the demonstration pro-*
3 *gram assisted under this part and shall report to the Con-*
4 *gress regarding the overall effectiveness of such program.*

5 **“SEC. 3608. AUTHORIZATION OF APPROPRIATIONS.**

6 *“There are authorized to be appropriated \$5,000,000*
7 *for fiscal year 1995, and such sums as may be necessary*
8 *for each of the 4 succeeding fiscal years, to carry out this*
9 *part.*

10 **“TITLE IV—MAGNET SCHOOLS**
11 **ASSISTANCE**

12 **“SEC. 4101. FINDINGS.**

13 *“The Congress finds that—*

14 *“(1) magnet schools are a significant part of our*
15 *Nation’s effort to achieve voluntary desegregation in*
16 *our Nation’s schools;*

17 *“(2) the use of magnet schools has increased dra-*
18 *matically since the date of enactment of the Magnet*
19 *Schools Assistance program, with approximately*
20 *1,400,000 students nationwide now attending such*
21 *schools, of which more than 60 percent of the students*
22 *are nonwhite;*

23 *“(3) magnet schools offer a wide range of distinc-*
24 *tive programs that have served as models for school*
25 *improvement efforts;*

1 “(4) in administering the Magnet Schools Assist-
2 ance program, the Federal Government has learned
3 that—

4 “(A) where magnet programs are imple-
5 mented for only a portion of a school’s student
6 body, special efforts must be made to discourage
7 the isolation of—

8 “(i) magnet students from other stu-
9 dents in the school; and

10 “(ii) students by racial characteristics;

11 “(B) school districts can maximize their ef-
12 fectiveness in achieving the purposes of the Mag-
13 net Schools Assistance program if such districts
14 have more flexibility in the administration of
15 such program in order to serve students attend-
16 ing a school who are not enrolled in the magnet
17 school program;

18 “(C) school districts must be creative in de-
19 signing magnet schools for students at all aca-
20 demic levels, so that school districts do not skim
21 off only the highest achieving students to attend
22 the magnet schools;

23 “(D) consistent with desegregation guide-
24 lines, school districts must seek to enable partici-
25 pation in magnet school programs by students

1 *who reside in the neighborhoods where the pro-*
2 *grams operate; and*

3 “(E) *in order to ensure that magnet schools*
4 *are sustained after Federal funding ends, the*
5 *Federal Government must assist school districts*
6 *to improve their capacity to continue to operate*
7 *magnet schools at a high level of performance;*

8 “(5) *it is in the best interest of the Federal Gov-*
9 *ernment to—*

10 “(A) *continue the Federal Government’s*
11 *support of school districts implementing court-*
12 *ordered desegregation plans and school districts*
13 *seeking to foster meaningful interaction among*
14 *students of different racial and ethnic back-*
15 *grounds, beginning at the earliest stage of such*
16 *students’ education;*

17 “(B) *ensure that all students have equitable*
18 *access to quality education that will prepare*
19 *such students 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 districts*
23 *to plan, develop, implement and continue effec-*
24 *tive and innovative magnet schools that contrib-*
25 *ute to State and local systemic reform.*

1 **“SEC. 4102. STATEMENT OF PURPOSE.**

2 *“The purpose of this title is to assist in the desegrega-*
3 *tion of school districts by providing financial assistance to*
4 *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 State content standards and challenging State*
14 *student performance standards;*

15 *“(3) the development and design of innovative*
16 *educational methods and practices; and*

17 *“(4) courses of instruction within magnet schools*
18 *that will substantially strengthen the knowledge of*
19 *academic subjects and the grasp of tangible and mar-*
20 *ketable vocational skills of students attending such*
21 *schools.*

22 **“SEC. 4103. PROGRAM AUTHORIZED.**

23 *“The Secretary, in accordance with this title, is au-*
24 *thorized to make grants to local educational agencies, and*
25 *consortia of such agencies where appropriate, to carry out*
26 *the purpose of this title for magnet schools that are—*

1 “(1) part of an approved desegregation plan;
2 and

3 “(2) designed to bring students from different so-
4 cial, economic, ethnic, and racial backgrounds to-
5 gether.

6 **“SEC. 4104. DEFINITION.**

7 “*For the purpose of this title, the term ‘magnet school’*
8 *means a public school or public education center that offers*
9 *a special curriculum capable of attracting substantial num-*
10 *bers of students of different racial backgrounds.*

11 **“SEC. 4105. ELIGIBILITY.**

12 “*A local educational agency, or consortium of such*
13 *agencies where appropriate, is eligible to receive assistance*
14 *under this title to carry out the purposes of this title if*
15 *such agency or consortium—*

16 “(1) *is implementing a plan undertaken pursu-*
17 *ant to a final order issued by a court of the United*
18 *States, or a court of any State, or any other State*
19 *agency or official of competent jurisdiction, and that*
20 *requires the desegregation of minority-group-seg-*
21 *regated children or faculty in the elementary and sec-*
22 *ondary schools of such agency; or*

23 “(2) *without having been required to do so, has*
24 *adopted and is implementing, or will, if assistance is*
25 *made available to such local educational agency or*

1 *consortium of such agencies under this part, adopt*
2 *and implement a plan that has been approved by the*
3 *Secretary as adequate under title VI of the Civil*
4 *Rights Act of 1964 for the desegregation of minority-*
5 *group-segregated children or faculty in such schools.*

6 ***“SEC. 4106. APPLICATIONS AND REQUIREMENTS.***

7 *“(a) APPLICATIONS.—An eligible local educational*
8 *agency or consortium of such agencies desiring to receive*
9 *assistance under this title shall submit an application to*
10 *the Secretary at such time, in such manner, and containing*
11 *such information and assurances as the Secretary may re-*
12 *quire.*

13 *“(b) INFORMATION AND ASSURANCES.—Each such ap-*
14 *plication shall include—*

15 *“(1) a description of—*

16 *“(A) how assistance made available under*
17 *this title will be used to promote desegregation,*
18 *including how the proposed magnet school project*
19 *will increase interaction among students of dif-*
20 *ferent social, economic, ethnic, and racial back-*
21 *grounds;*

22 *“(B) the manner and extent to which the*
23 *magnet school project seeks to increase student*
24 *achievement in the instructional area or areas*
25 *offered by the school;*

1 “(C) how an applicant will continue the
2 magnet school project after assistance under this
3 title may no longer be available, including, if
4 applicable, an explanation of why magnet
5 schools established or supported by the applicant
6 with funds under this title cannot be continued
7 without the use of funds under this part;

8 “(D) how funds under this title will be used
9 to implement services and activities that are con-
10 sistent with—

11 “(i) the State plan described in section
12 1111; and

13 “(ii) the local educational agency’s
14 plan described in section 1112; and

15 “(E) the criteria to be used in selecting stu-
16 dents to attend the proposed magnet school
17 projects; and

18 “(2) assurances that the applicant will—

19 “(A) use funds under this title for the pur-
20 poses specified in section 4102;

21 “(B) employ State certified or licensed
22 teachers in the courses of instruction assisted
23 under this title to teach or supervise others who
24 are teaching the subject matter of the courses of
25 instruction;

1 “(C) not engage in discrimination based on
2 race, religion, color, national origin, sex, or dis-
3 ability in—

4 “(i) the hiring, promotion, or assign-
5 ment of employees of the agency or other
6 personnel for whom the agency has any ad-
7 ministrative responsibility;

8 “(ii) the assignment of students to
9 schools, or to courses of instruction within
10 the school, of such agency, except to carry
11 out the approved plan; and

12 “(iii) designing or operating extra-
13 curricular activities for students;

14 “(D) carry out a high-quality education
15 program that will encourage greater parental de-
16 cisionmaking and involvement; and

17 “(E) give students residing in the local at-
18 tendance area of the proposed magnet school
19 projects equitable consideration for places in
20 those projects.

21 “(c) *SPECIAL RULE.*—No application may be ap-
22 proved under this section unless the Assistant Secretary of
23 Education for Civil Rights determines that the assurances
24 described in subsection (b)(2)(C) will be met.

1 **“SEC. 4107. PRIORITY.**

2 *“In approving applications under this title, the Sec-*
3 *retary shall give priority to applicants that—*

4 *“(1) demonstrate the greatest need for assistance,*
5 *based on the expense or difficulty of effectively carry-*
6 *ing out an approved desegregation plan and the*
7 *projects for which assistance is sought;*

8 *“(2) propose to carry out new magnet school*
9 *projects, or significantly revise existing magnet school*
10 *projects, which include revisions to enable a magnet*
11 *school to implement effective educational approaches*
12 *that are consistent with the State’s and the local edu-*
13 *cational agency’s State or local improvement plans, if*
14 *any;*

15 *“(3) propose to select students to attend magnet*
16 *school projects on the basis of multiple criteria which*
17 *may include a lottery, rather than solely academic ex-*
18 *amination; and*

19 *“(4) propose to draw on comprehensive commu-*
20 *nity involvement plans.*

21 **“SEC. 4108. USE OF FUNDS.**

22 *“(a) IN GENERAL.—Grant funds made available under*
23 *this title may be used by an eligible local educational agen-*
24 *cy or consortium of such agencies—*

25 *“(1) for planning and promotional activities di-*
26 *rectly related to the development, expansion, continu-*

1 *ation, or enhancement of academic programs and*
2 *services offered at magnet schools;*

3 *“(2) for the acquisition of books, materials, and*
4 *equipment, including computers and the maintenance*
5 *and operation thereof, necessary for the conduct of*
6 *programs in magnet schools;*

7 *“(3) for the payment of, or subsidization of the*
8 *compensation of, elementary and secondary school*
9 *teachers who are certified or licensed by the State,*
10 *and instructional staff, where applicable, and who are*
11 *necessary for the conduct of programs in magnet*
12 *schools; and*

13 *“(4) with respect to a magnet school program of-*
14 *fered to less than the entire student population of a*
15 *school, for instructional activities that—*

16 *“(A) are designed to make available the spe-*
17 *cial curriculum that is offered by the magnet*
18 *school project to students who are enrolled in the*
19 *school but who are not enrolled in the magnet*
20 *school program; and*

21 *“(B) further the purposes of this title.*

22 *“(b) SPECIAL RULE.—Grant funds under this title*
23 *may be used in accordance with paragraphs (2) and (3)*
24 *of subsection (a), only if the activities described in such*
25 *paragraphs are directly related to improving the students’*

1 *reading skills or knowledge of mathematics, science, history,*
2 *geography, English, foreign languages, art, or music, or to*
3 *improving vocational skills.*

4 **“SEC. 4109. PROHIBITIONS.**

5 *“Grants under this title may not be used for transpor-*
6 *tation, or for any activity that does not augment academic*
7 *improvement.*

8 **“SEC. 4110. LIMITATION ON PAYMENTS.**

9 *“(a) DURATION OF AWARDS.—A grant under this title*
10 *shall be awarded for a period that shall not exceed four fis-*
11 *cal years.*

12 *“(b) LIMITATION ON PLANNING FUNDS.—*

13 *“(1) IN GENERAL.—A local educational agency*
14 *may expend for planning not more than 50 percent*
15 *of the funds received under this title for the first year*
16 *of the project, 25 percent of such funds for the second*
17 *such year, and 10 percent of such funds for the third*
18 *such year.*

19 *“(2) SPECIAL RULE.—A local educational agency*
20 *shall not expend funds under this title for planning*
21 *after the third year of a project assisted under this*
22 *title.*

23 *“(c) FEDERAL SHARE.—*

24 *“(1) IN GENERAL.—The Federal share of the cost*
25 *of any project assisted under this title shall not exceed*

1 100 percent for the first and second years of the
2 project, 90 percent for the third such year, and 70
3 percent for the fourth or any subsequent such year in-
4 cluding any year for which a grant is renewed pursu-
5 ant to a new grant competition under this title.

6 “(2) *NON-FEDERAL SHARE.*—The non-Federal
7 share of the cost of any project assisted under this
8 title may be in cash or in kind, including planned
9 equipment or services, fairly valued, and may include
10 other Federal education funds.

11 “(d) *LIMITATION ON GRANTS.*—No local educational
12 agency or consortium receiving a grant under this section
13 shall receive more than \$4,000,000 under this part in any
14 one fiscal year.

15 “(e) *AWARD REQUIREMENT.*—To the extent prac-
16 ticable, for any fiscal year, the Secretary shall award grants
17 to local educational agencies or consortia under this title
18 not later than June 30 of the applicable fiscal year.

19 **“SEC. 4111. INNOVATIVE PROGRAMS.**

20 “(a) *IN GENERAL.*—From amounts reserved under sec-
21 tion 4112(d) for each fiscal year, the Secretary shall award
22 grants to local educational agencies described in section
23 4105 to enable such agencies to conduct innovative pro-
24 grams that—

25 “(1) carry out the purpose of this part; and

1 *grants to local educational agencies or consortia that did*
2 *not receive a grant under this part in the preceding fiscal*
3 *year.*

4 “(c) *EVALUATIONS.*—

5 “(1) *IN GENERAL.*—*The Secretary may reserve*
6 *not more than two percent of the funds appropriated*
7 *under subsection (a) for any fiscal year to carry out*
8 *evaluations of projects assisted under this part.*

9 “(2) *CONTENTS.*—*Each evaluation described in*
10 *paragraph (1), at a minimum, shall address—*

11 “(A) *how and the extent to which magnet*
12 *school programs lead to educational quality and*
13 *improvement;*

14 “(B) *the extent to which magnet school pro-*
15 *grams enhance student access to quality edu-*
16 *cation;*

17 “(C) *the extent to which magnet school pro-*
18 *grams lead to the elimination, reduction, or pre-*
19 *vention of minority group isolation in elemen-*
20 *tary and secondary schools with substantial pro-*
21 *portions of minority students; and*

22 “(D) *the extent to which magnet school pro-*
23 *grams differ from other school programs in terms*
24 *of the organizational characteristics and resource*
25 *allocations of such magnet school programs.*

1 “(d) *INNOVATIVE PROGRAMS.*—The Secretary shall re-
2 serve not more than 5 percent of the funds appropriated
3 under subsection (a) for each fiscal year to award grants
4 under section 4111.

5 **“TITLE V—BETTER SCHOOLS**
6 **FOR AMERICA**

7 **“PART A—SAFE AND DRUG-FREE SCHOOLS AND**
8 **COMMUNITIES**

9 **“SEC. 5101. FINDINGS.**

10 *“The Congress finds as follows:*

11 *“(1) The seventh National Education Goal pro-*
12 *vides that by the year 2000, all schools in America*
13 *will be free of drugs and violence and the unauthor-*
14 *ized presence of firearms and alcohol, and offer a dis-*
15 *ciplined environment that is conducive to learning.*

16 *“(2) The widespread use of alcohol and other*
17 *drugs among the Nation’s secondary school students,*
18 *and increasingly by students in elementary schools as*
19 *well, constitutes a grave threat to the physical and*
20 *mental well-being of such students, and significantly*
21 *impedes the learning process. For example, data show*
22 *that students who drink tend to receive lower grades*
23 *and are more likely to miss school because of illness*
24 *than students who do not drink.*

1 “(3) Our Nation’s schools and communities are
2 increasingly plagued by violence and crime. Approxi-
3 mately 3,000,000 thefts and violent crimes occur in or
4 near our Nation’s schools every year, the equivalent of
5 more than 16,000 incidents per school day.

6 “(4) Violence that is linked to prejudice and in-
7 tolerance victimizes entire communities leading to
8 more violence and discrimination.

9 “(5) Violence and drug abuse have numerous
10 personal and societal roots, and character education
11 is an important component of any comprehensive
12 strategy to address the serious problems of violence
13 and drug abuse.

14 “(6) The tragic consequences of violence and the
15 illegal use of alcohol and other drugs by students are
16 felt not only by students and their families, but by
17 such students’ communities and the Nation, which
18 can ill afford to lose such students’ skills, talents, and
19 vitality.

20 “(7) Alcohol and tobacco are the most widely
21 used drugs among young people. Both of these drugs
22 can, and do, have adverse consequences for users, their
23 families, communities, schools, and colleges. Drug pre-
24 vention programs for youth that address only con-
25 trolled drugs send an erroneous message that alcohol

1 *and tobacco do not present significant problems, or*
2 *that society is willing to overlook their use. To be*
3 *credible, messages opposing illegal drug use by youth*
4 *should address all drugs.*

5 *“(8) Every day approximately 3,000 children*
6 *start smoking. Thirty percent of all secondary school*
7 *seniors are smokers. Half of all new smokers begin*
8 *smoking before the age of 14, 90 percent of such smok-*
9 *ers begin before the age of 21, and the average age of*
10 *the first use of smokeless tobacco is under the age of*
11 *10. Use of tobacco products has been linked to serious*
12 *health problems. However, because the nicotine in to-*
13 *bacco is addictive, many tobacco users find it difficult*
14 *to stop using tobacco once such users have started.*
15 *Drug education and prevention programs that include*
16 *tobacco have been effective in reducing teenage use of*
17 *tobacco.*

18 *“(9) Drug and violence prevention programs are*
19 *essential components of a comprehensive strategy to*
20 *promote school safety and to reduce the demand for*
21 *and use of drugs throughout the Nation. Schools and*
22 *local organizations in communities throughout the*
23 *Nation have a special responsibility to work together*
24 *to combat the growing epidemic of violence and illegal*

1 *drug use and should measure the success of their pro-*
2 *grams against clearly defined goals and objectives.*

3 *“(10) Students must take greater responsibility*
4 *for their own well-being, health, and safety if schools*
5 *and communities are to achieve the goals of providing*
6 *a safe, disciplined, and drug-free learning environ-*
7 *ment.*

8 **“SEC. 5102. PURPOSE.**

9 *“The purpose of this title is to support programs to*
10 *meet the seventh National Educational Goal by preventing*
11 *violence in and around schools and by strengthening pro-*
12 *grams that prevent the illegal use of alcohol, tobacco, and*
13 *other drugs, involve parents, and are coordinated with re-*
14 *lated Federal, State, and community efforts and resources,*
15 *through the provision of Federal assistance to—*

16 *“(1) States for grants to local and intermediate*
17 *educational agencies and consortia to establish, oper-*
18 *ate, and improve local programs of school drug and*
19 *violence prevention, early intervention, rehabilitation*
20 *referral, and education in elementary and secondary*
21 *schools (including intermediate and junior high*
22 *schools);*

23 *“(2) States for grants to, and contracts with,*
24 *community-based organizations and other public and*
25 *private nonprofit agencies and organizations for pro-*

1 *grams of drug and violence prevention, early inter-*
2 *vention, rehabilitation referral, and education for*
3 *school dropouts and other high-risk youth;*

4 *“(3) States for development, training, technical*
5 *assistance, and coordination activities;*

6 *“(4) institutions of higher education to establish,*
7 *operate, expand, and improve programs of school*
8 *drug and violence prevention, education, and reha-*
9 *bilitation referral for students enrolled in colleges and*
10 *universities; and*

11 *“(5) public and private nonprofit organizations*
12 *to conduct training, demonstrations, research, and*
13 *evaluation, and to provide supplementary services for*
14 *the prevention of drug use and violence among stu-*
15 *dents and youth.*

16 **“SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.**

17 *“There are authorized to be appropriated \$660,000,000*
18 *for fiscal year 1995, and such sums as may be necessary*
19 *for each of the 4 succeeding fiscal years, to carry out this*
20 *part, of which not more than 10 percent shall be available*
21 *in each fiscal year to carry out subpart 2.*

1 **“Subpart 1—State Grants for Drug and Violence**
2 **Prevention Programs**

3 **“SEC. 5111. RESERVATIONS AND ALLOTMENTS.**

4 “(a) *RESERVATIONS.*—*From the amount made avail-*
5 *able to carry out this subpart for each fiscal year under*
6 *section 5103, the Secretary—*

7 “(1) *shall reserve 1 percent of such amount for*
8 *grants under this subpart to Guam, American*
9 *Samoa, the Virgin Islands, the Commonwealth of the*
10 *Northern Mariana Islands, the Republic of the Mar-*
11 *shall Islands, the Federated States of Micronesia, and*
12 *Palau, to be allotted in accordance with the Sec-*
13 *retary’s determination of their respective needs;*

14 “(2) *shall reserve 1 percent of such amount for*
15 *the Secretary of the Interior to carry out programs*
16 *under this part for Indian youth;*

17 “(3) *shall reserve 0.2 percent of such amount for*
18 *programs for Native Hawaiians under section 5119;*
19 *and*

20 “(4) *may reserve not more than \$1,000,000 for*
21 *the national impact evaluation required by section*
22 *5118(a).*

23 “(b) *STATE ALLOTMENTS.*—

24 “(1) *IN GENERAL.*—*Except as provided in para-*
25 *graph (2), the Secretary shall, for each fiscal year, al-*
26 *locate among the States—*

1 “(A) *one-half of the remainder not reserved*
2 *under subsection (a) according to the ratio be-*
3 *tween the school-aged population of each State*
4 *and the school-aged population of all the States;*
5 *and*

6 “(B) *one-half of such remainder according*
7 *to the ratio between the amount each State re-*
8 *ceived under section 1122 for the preceding year*
9 *(or, for fiscal year 1995 only, sections 1005 and*
10 *1006 of this Act as such sections were in exist-*
11 *ence on the day preceding the date of enactment*
12 *of the Improving America’s Schools Act of 1994)*
13 *and the sum of such amounts received by all the*
14 *States.*

15 “(2) *MINIMUM.—For any fiscal year, no State*
16 *shall be allotted under this subsection an amount that*
17 *is less than one-half of 1 percent of the total amount*
18 *allotted to all the States under this subsection.*

19 “(3) *REALLOTMENT.—The Secretary may reallocate*
20 *any amount of any allotment to a State if the Sec-*
21 *retary determines that the State will be unable to use*
22 *such amount within two years of such allotment.*
23 *Such reallocations may be made by the Secretary in*
24 *the same manner as allotments are made under para-*
25 *graph (1).*

1 “(4) *DEFINITION.*—For the purpose of this sub-
2 section, the term ‘State’ means each of the 50 States,
3 the District of Columbia, and the Commonwealth of
4 Puerto Rico.

5 **“SEC. 5112. STATE APPLICATIONS.**

6 “(a) *IN GENERAL.*—In order to receive an allotment
7 under section 5111 for any fiscal year, a State shall submit
8 to the Secretary, at such time as the Secretary may require,
9 an application that—

10 “(1) contains the results of the State’s needs as-
11 sessment for drug and violence prevention programs,
12 which shall be based on the results of on-going State
13 evaluation activities, including data on the prevalence
14 of drug use and violence by youth in schools and com-
15 munities;

16 “(2) contains assurances that the application
17 was developed in consultation and coordination with
18 appropriate State officials and others, including the
19 chief State school officer, the head of the State alcohol
20 and drug abuse agency, the heads of the State health
21 and mental health agencies, the head of the State
22 criminal justice planning agency, the head of the
23 State child welfare agency, the head of the State
24 board of education, or their designees, and representa-

1 *tives of parents, students, and community-based orga-*
2 *nizations; and*

3 *“(3) contains a description of the procedures the*
4 *State educational agency will use to review applica-*
5 *tions from local educational agencies under section*
6 *5115.*

7 *“(b) STATE EDUCATIONAL AGENCY FUNDS.—A State’s*
8 *application under this section shall also contain a com-*
9 *prehensive plan for the use of funds under section 5113(a)*
10 *by the State educational agency that includes—*

11 *“(1) a statement of the State educational agen-*
12 *cy’s measurable goals and objectives for drug and*
13 *violence prevention and a description of the proce-*
14 *dures such agency will use for assessing and publicly*
15 *reporting progress toward meeting those goals and ob-*
16 *jectives;*

17 *“(2) a plan for monitoring the implementation*
18 *of, and providing technical assistance regarding, the*
19 *drug and violence prevention programs conducted by*
20 *local educational agencies in accordance with section*
21 *5116;*

22 *“(3) a description of how the State educational*
23 *agency will use funds such agency reserves under sec-*
24 *tion 5113(b);*

1 “(4) a description of how the State educational
2 agency will coordinate such agency’s activities under
3 this subpart with the chief executive officer’s drug and
4 violence prevention programs under this subpart and
5 with the prevention efforts of other State agencies;
6 and

7 “(5) an explanation of the criteria the State edu-
8 cational agency will use to identify which local edu-
9 cational agencies receive supplemental funds under
10 section 5113(d)(2)(A)(ii) and how the supplemental
11 funds will be allocated among those local educational
12 agencies.

13 “(c) *GOVERNOR’S FUNDS.*—A State’s application
14 under this section shall also contain a comprehensive plan
15 for the use of funds under section 5114(a) by the chief execu-
16 tive officer that includes—

17 “(1) a statement of the chief executive officer’s
18 measurable goals and objectives for drug and violence
19 prevention and a description of the procedures to be
20 used for assessing and publicly reporting progress to-
21 ward meeting those goals and objectives;

22 “(2) a description of how the chief executive offi-
23 cer will coordinate such officer’s activities under this
24 part with the State educational agency and other

1 *State agencies and organizations involved with drug*
2 *and violence prevention efforts;*

3 “(3) a description of how funds reserved under
4 *section 5114(a) will be used so as not to duplicate the*
5 *efforts of the State educational agency and local edu-*
6 *cational agencies with regard to the provision of*
7 *school-based prevention efforts and services and how*
8 *those funds will be used to serve populations not nor-*
9 *mally served by the State educational agency, such as*
10 *school dropouts and youth in detention centers;*

11 “(4) a description of how the chief executive offi-
12 *cer will award funds under section 5114(a) and a*
13 *plan for monitoring the performance of, and provid-*
14 *ing technical assistance to, recipients of such funds;*
15 *and*

16 “(5) a description of how funds will be used to
17 *support community-wide comprehensive drug and*
18 *violence prevention planning.*

19 “(d) *PEER REVIEW.—The Secretary shall use a peer*
20 *review process in reviewing State applications under this*
21 *section.*

22 “(e) *INTERIM APPLICATION.—Notwithstanding any*
23 *other provisions of this section, a State may submit for fis-*
24 *cal year 1995 a one-year interim application and plan for*
25 *the use of funds under this subpart that are consistent with*

1 *the requirements of this section and contain such informa-*
2 *tion as the Secretary may specify in regulations. The pur-*
3 *pose of such interim application and plan shall be to afford*
4 *the State the opportunity to fully develop and review such*
5 *State's application and comprehensive plan otherwise re-*
6 *quired by this section. A State may not receive a grant*
7 *under this subpart for a fiscal year subsequent to fiscal year*
8 *1995 unless the Secretary has approved such State's appli-*
9 *cation and comprehensive plan in accordance with this sub-*
10 *part.*

11 **“SEC. 5113. STATE AND LOCAL EDUCATIONAL AGENCY PRO-**
12 **GRAMS.**

13 *“(a) USE OF FUNDS.—An amount equal to 80 percent*
14 *of the total amount allocated to a State under section 5111*
15 *for each fiscal year shall be used by the State educational*
16 *agency and its local educational agencies for drug and vio-*
17 *lence prevention activities in accordance with this section.*

18 *“(b) STATE LEVEL PROGRAMS.—*

19 *“(1) IN GENERAL.—A State educational agency*
20 *shall use not more than 5 percent of the amount*
21 *available under subsection (a) for activities such as—*

22 *“(A) training and technical assistance con-*
23 *cerning drug and violence prevention for local*
24 *and intermediate educational agencies, including*
25 *teachers, administrators, coaches and athletic di-*

1 *rectors, other staff, parents, students, community*
2 *leaders, health service providers, local law en-*
3 *forcement officials, and judicial officials;*

4 “(B) *the development, identification, dis-*
5 *semination and evaluation of the most readily*
6 *available, accurate, and up-to-date curriculum*
7 *materials, for consideration by local educational*
8 *agencies;*

9 “(C) *making available to local educational*
10 *agencies cost effective programs for youth vio-*
11 *lence and drug abuse prevention;*

12 “(D) *demonstration projects in drug and vi-*
13 *olence prevention;*

14 “(E) *training, technical assistance, and*
15 *demonstration projects to address violence associ-*
16 *ated with prejudice and intolerance;*

17 “(F) *financial assistance to enhance re-*
18 *sources available for drug and violence preven-*
19 *tion in areas serving large numbers of economi-*
20 *cally disadvantaged children or sparsely popu-*
21 *lated areas, or to meet other special needs con-*
22 *sistent with the purposes of this subpart; and*

23 “(G) *evaluation activities required by this*
24 *subpart.*

1 “(2) *SPECIAL RULE.*—A State educational agen-
2 cy may carry out activities under this subsection di-
3 rectly, or through grants or contracts.

4 “(c) *STATE ADMINISTRATION.*—A State educational
5 agency may use not more than 5 percent of the amount
6 made available under subsection (a) for the administrative
7 costs of carrying out such agency’s responsibilities under
8 this subpart.

9 “(d) *LOCAL EDUCATIONAL AGENCY PROGRAMS.*—

10 “(1) *IN GENERAL.*—A State educational agency
11 shall distribute not less than 90 percent of the amount
12 made available under subsection (a) for each fiscal
13 year to local educational agencies in accordance with
14 this subsection.

15 “(2) *DISTRIBUTION.*—(A) Of the amount distrib-
16 uted under subsection (d)(1), a State educational
17 agency shall distribute—

18 “(i) 70 percent of such amount to local edu-
19 cational agencies, based on the relative enroll-
20 ments in public and private nonprofit elemen-
21 tary and secondary schools within the bound-
22 aries of such agencies; and

23 “(ii) 30 percent of such amount to local
24 educational agencies that the State educational
25 agency determines have the greatest need for ad-

1 *ditional funds to carry out drug and violence*
2 *prevention programs authorized by this subpart.*

3 “(B)(i) *A State educational agency shall distrib-*
4 *ute funds under subparagraph (A)(ii) to not more*
5 *than 10 percent of the local educational agencies in*
6 *the State, or five such agencies, whichever is greater.*

7 “(ii) *In determining which local educational*
8 *agencies have the greatest need for additional funds,*
9 *the State educational agency shall consider factors*
10 *such as—*

11 “(I) *high rates of alcohol or other drug use*
12 *among youth;*

13 “(II) *high rates of victimization of youth by*
14 *violence and crime;*

15 “(III) *high rates of arrests and convictions*
16 *of youth for violent or drug- or alcohol-related*
17 *crime;*

18 “(IV) *the extent of illegal gang activity;*

19 “(V) *high incidence of violence associated*
20 *with prejudice and intolerance;*

21 “(VI) *high rates of referrals of youths to*
22 *drug and alcohol abuse treatment and rehabilita-*
23 *tion programs;*

24 “(VII) *high rates of referrals of youths to ju-*
25 *venile court;*

1 “(VIII) high rates of expulsions and suspen-
2 sions of students from schools; and

3 “(IX) high rates of reported cases of child
4 abuse and domestic violence.

5 “(e) REALLOCATION OF FUNDS.—If a local edu-
6 cational agency chooses not to apply to receive the amount
7 allocated to such agency under subsection (d), or if such
8 agency’s application under section 5115 is disapproved by
9 the State educational agency, the State educational agency
10 shall reallocate such amount to one or more of the local edu-
11 cational agencies determined by the State educational agen-
12 cy under subsection (d)(2)(B) to have the greatest need for
13 additional funds.

14 **“SEC. 5114. GOVERNOR’S PROGRAMS.**

15 “(a) USE OF FUNDS.—

16 “(1) IN GENERAL.—An amount equal to 20 per-
17 cent of the total amount allocated to a State under
18 section 5111 for each fiscal year shall be used by the
19 chief executive officer of such State for drug and vio-
20 lence prevention programs and activities in accord-
21 ance with this section.

22 “(2) ADMINISTRATIVE COSTS.—A chief executive
23 officer may use not more than 5 percent of the
24 amount reserved under subsection (a)(1) for the ad-

1 *ministrative costs incurred in carrying out the duties*
2 *of such officer under this section.*

3 *“(b) PROGRAMS AUTHORIZED.—*

4 *“(1) IN GENERAL.—A chief executive officer shall*
5 *use funds made available under subsection (a)(1) for*
6 *grants to or contracts with parent groups, community*
7 *action and job training agencies, community-based*
8 *organizations, and other public entities and private*
9 *nonprofit organizations and consortia thereof. In*
10 *making such grants and contracts, a chief executive*
11 *officer shall give priority to programs and activities*
12 *described in subsection (c) for—*

13 *“(A) children and youth who are not nor-*
14 *mally served by State or local educational agen-*
15 *cies; or*

16 *“(B) populations that need special services*
17 *or additional resources (such as preschoolers,*
18 *youth in juvenile detention facilities, runaway or*
19 *homeless children and youth, pregnant and*
20 *parenting teenagers, and school dropouts).*

21 *“(2) PEER REVIEW.—Grants or contracts award-*
22 *ed under this subsection shall be subject to a peer re-*
23 *view process.*

1 “(c) *AUTHORIZED ACTIVITIES.*—*Grants and contracts*
2 *under subsection (b) shall be used for programs and activi-*
3 *ties such as—*

4 “(1) *disseminating information about drug and*
5 *violence prevention;*

6 “(2) *training parents, law enforcement officials,*
7 *judicial officials, social service providers, health serv-*
8 *ice providers and community leaders about drug and*
9 *violence prevention, comprehensive health education,*
10 *early intervention, pupil services, or rehabilitation re-*
11 *ferral;*

12 “(3) *developing and implementing comprehen-*
13 *sive, community-based drug and violence prevention*
14 *programs that link community resources with schools*
15 *and integrate services involving education, vocational*
16 *and job skills training and placement, law enforce-*
17 *ment, health, mental health, community service,*
18 *mentoring, and other appropriate services;*

19 “(4) *planning and implementing drug and vio-*
20 *lence prevention activities that coordinate the efforts*
21 *of State agencies with efforts of the State educational*
22 *agency and its local educational agencies;*

23 “(5) *activities to protect students traveling to*
24 *and from school;*

1 “(6) before-and-after school recreational, instruc-
2 tional, cultural, and artistic programs that encourage
3 drug- and violence-free lifestyles;

4 “(7) professional development workshops for
5 teachers and curricula that promote the awareness of
6 and sensitivity to alternatives to violence through
7 courses of study that include related issues of intoler-
8 ance and hatred in history;

9 “(8) developing and implementing activities to
10 prevent and reduce violence associated with prejudice
11 and intolerance;

12 “(9) developing and implementing strategies to
13 prevent illegal gang activity;

14 “(10) coordinating and conducting community-
15 wide violence and safety assessments and surveys;

16 “(11) age appropriate programs to prevent child
17 abuse;

18 “(12) activities such as community service and
19 service-learning projects; and

20 “(13) evaluating programs and activities as-
21 sisted under this section.

22 **“SEC. 5115. LOCAL APPLICATIONS.**

23 “(a) APPLICATION REQUIRED.—

24 “(1) IN GENERAL.—In order to be eligible to re-
25 ceive a distribution under section 5113(d) for any fis-

1 *cal year, a local educational agency shall submit, at*
2 *such time as the State educational agency requires,*
3 *an application to the State educational agency for*
4 *approval. Such an application shall be amended, as*
5 *necessary, to reflect changes in the local educational*
6 *agency's program.*

7 *“(2) DEVELOPMENT.—(A) A local educational*
8 *agency shall develop its application under subsection*
9 *(a)(1) in consultation with a local or substate re-*
10 *gional advisory council that includes, to the extent*
11 *possible, representatives of local government, business,*
12 *parents, students, teachers, pupil services personnel,*
13 *appropriate State agencies, private schools, the medi-*
14 *cal profession, law enforcement, community-based or-*
15 *ganizations, and other groups with interest and ex-*
16 *pertise in drug and violence prevention.*

17 *“(B) In addition to assisting the local edu-*
18 *cational agency to develop an application under this*
19 *section, the advisory council established or designated*
20 *under paragraph (2)(A) shall, on an ongoing basis—*

21 *“(i) disseminate information about drug*
22 *and violence prevention programs, projects, and*
23 *activities conducted within the boundaries of the*
24 *local educational agency;*

1 “(ii) advise the local educational agency on
2 how best to coordinate such agency’s activities
3 under this subpart with other related programs,
4 projects, and activities and the agencies that ad-
5 minister such programs, projects, and activities;
6 and

7 “(iii) review program evaluations and other
8 relevant material and make recommendations to
9 the local educational agency on how to improve
10 such agency’s drug and violence prevention pro-
11 grams.

12 “(b) CONTENTS OF APPLICATIONS.—An application
13 under this section shall contain—

14 “(1) a description of the current alcohol, tobacco,
15 and other drug problems as well as the violence, safe-
16 ty, prejudice, and discipline problems among students
17 who attend the schools of the applicant (including
18 private school students who participate in the appli-
19 cant’s drug and violence prevention program);

20 “(2) a detailed explanation of the local edu-
21 cational agency’s comprehensive plan for drug and vi-
22 olence prevention, which shall include a description
23 of—

1 “(A) how that plan is consistent with, and
2 promotes the goals in, the State’s application
3 under section 5112;

4 “(B) the local educational agency’s measur-
5 able goals for drug and violence prevention, and
6 a description of how such agency will assess and
7 publicly report progress toward attaining these
8 goals;

9 “(C) how the local educational agency will
10 use its distribution under this subpart;

11 “(D) how the local educational agency will
12 coordinate such agency’s programs and projects
13 with community-wide efforts to achieve such
14 agency’s goals for drug and violence prevention;
15 and

16 “(E) how the local educational agency will
17 coordinate such agency’s programs and projects
18 with other Federal, State, and local programs for
19 drug-abuse prevention, including health pro-
20 grams; and

21 “(3) such other information and assurances as
22 the State educational agency may reasonably require.

23 “(c) REVIEW OF APPLICATION.—

1 “(1) *IN GENERAL.*—A State educational agency
2 shall use a peer review process in reviewing local ap-
3 plications under this section.

4 “(2) *CONSIDERATIONS.*—(A) In determining
5 whether to approve the application of a local edu-
6 cational agency under this section, a State edu-
7 cational agency shall consider the quality of the local
8 educational agency’s comprehensive plan under sub-
9 section (b)(2) and the extent to which such plan is
10 consistent with, and supports, the State’s application
11 under section 5112 and the State’s plan under section
12 1111.

13 “(B) A State educational agency may dis-
14 approve a local educational agency application under
15 this section in whole or in part and may withhold,
16 limit, or place restrictions on the use of funds distrib-
17 uted to such a local educational agency in a manner
18 the State educational agency determines will best pro-
19 mote the purposes of this part or the State’s plan
20 under section 1111.

21 **“SEC. 5116. LOCAL DRUG AND VIOLENCE PREVENTION PRO-**
22 **GRAMS.**

23 “(a) *PROGRAM REQUIREMENTS.*—A local educational
24 agency shall use funds received under this subpart to adopt

1 *and carry out a comprehensive drug and violence preven-*
2 *tion program which shall—*

3 *“(1) be designed, for all students and employees,*
4 *to—*

5 *“(A) prevent the use, possession, and dis-*
6 *tribution of tobacco, alcohol and illegal drugs by*
7 *students and to prevent the illegal use, posses-*
8 *sion, and distribution of such substances by em-*
9 *ployees;*

10 *“(B) prevent violence and promote school*
11 *safety; and*

12 *“(C) create a disciplined environment con-*
13 *ducive to learning; and*

14 *“(2) include activities to promote the involve-*
15 *ment of parents and coordination with community*
16 *groups and agencies, including the distribution of in-*
17 *formation about the local educational agency’s needs,*
18 *goals, and programs under this subpart.*

19 *“(b) AUTHORIZED ACTIVITIES.—A comprehensive*
20 *drug and violence prevention program carried out under*
21 *this subpart may include—*

22 *“(1) age-appropriate, developmentally based*
23 *drug prevention and education programs for all stu-*
24 *dents, from the preschool level through grade 12, that*
25 *address the legal, social, personal and health con-*

1 *sequences of the use of illegal drugs, promote a sense*
2 *of individual responsibility, and provide information*
3 *about effective techniques for resisting peer pressure to*
4 *use illegal drugs;*

5 *“(2) programs of drug prevention, comprehensive*
6 *health education, early intervention, pupil services,*
7 *mentoring, or rehabilitation referral, which emphasize*
8 *students’ sense of individual responsibility and which*
9 *may include—*

10 *“(A) the dissemination of information about*
11 *drug prevention;*

12 *“(B) the professional development of school*
13 *personnel, parents, students, law enforcement of-*
14 *ficials, judicial officials, health service providers*
15 *and community leaders in prevention, education,*
16 *early intervention, pupil services or rehabilita-*
17 *tion referral; and*

18 *“(C) the implementation of strategies, in-*
19 *cluding strategies to integrate the delivery of*
20 *services from a variety of providers, to combat il-*
21 *legal alcohol, tobacco and other drug use, such*
22 *as—*

23 *“(i) family counseling;*

24 *“(ii) early intervention activities that*
25 *prevent family dysfunction, enhance school*

1 *performance, and boost attachment to school*
2 *and family; and*

3 “(iii) *activities, such as community*
4 *service and service-learning projects, that*
5 *are designed to increase students’ sense of*
6 *community;*

7 “(3) *age-appropriate, developmentally based vio-*
8 *lence prevention and education programs for all stu-*
9 *dents, from the preschool level through grade 12, that*
10 *address the legal, health, personal, and social con-*
11 *sequences of violent and disruptive behavior, includ-*
12 *ing sexual harassment and abuse, and victimization*
13 *associated with prejudice and intolerance, and that*
14 *include activities designed to help students develop a*
15 *sense of individual responsibility and respect for the*
16 *rights of others, and to resolve conflicts without vio-*
17 *lence;*

18 “(4) *violence prevention programs for school-aged*
19 *youth, which emphasize students’ sense of individual*
20 *responsibility and may include—*

21 “(A) *the dissemination of information about*
22 *school safety and discipline;*

23 “(B) *the professional development of school*
24 *personnel, parents, students, law enforcement of-*
25 *ficials, judicial officials, and community leaders*

1 *in designing and implementing strategies to pre-*
2 *vent school violence;*

3 “(C) *the implementation of strategies, such*
4 *as conflict resolution and peer mediation, and*
5 *the use of mentoring programs, to combat school*
6 *violence and other forms of disruptive behavior,*
7 *such as sexual harassment and abuse;*

8 “(D) *the development and implementation*
9 *of character education programs that are tai-*
10 *lored by communities, parents and schools, and*
11 *based on the tenets of democracy, self discipline,*
12 *and personal and civic responsibility, and guid-*
13 *ed by the principles of community and national*
14 *laws, in order to reduce the problems of violence*
15 *and drug abuse; and*

16 “(E) *comprehensive, community-wide strat-*
17 *egies to prevent or reduce illegal gang activities;*

18 “(5) *supporting ‘safe zones of passage’ for stu-*
19 *dents between home and school through such measures*
20 *as Drug- and Weapon-Free School Zones, enhanced*
21 *law enforcement, and neighborhood patrols;*

22 “(6) *acquiring and installing metal detectors*
23 *and hiring security personnel;*

1 “(7) reimbursing law enforcement authorities for
2 their personnel who participate in school violence pre-
3 vention activities;

4 “(8) professional development workshops for
5 teachers and other staff and curricula that promote
6 the awareness of and sensitivity to alternatives to vio-
7 lence through courses of study that include related is-
8 sues of intolerance and hatred in history;

9 “(9) the promotion of before-and-after school rec-
10 reational, instructional, cultural, and artistic pro-
11 grams in supervised community settings;

12 “(10) drug abuse resistance education programs,
13 designed to teach students to recognize and resist
14 pressures to use alcohol or other drugs, which may in-
15 clude activities such as classroom instruction by uni-
16 formed law enforcement officers, resistance techniques,
17 resistance to peer pressure and gang pressure, and
18 provision for parental involvement; and

19 “(11) the evaluation of any of the activities au-
20 thorized under this subsection.

21 “(c) LIMITATIONS.—

22 “(1) IN GENERAL.—Not more than 10 percent of
23 the funds made available to a local educational agen-
24 cy under this subpart may be used to carry out the

1 *activities described in paragraphs (5), (6), and (7) of*
2 *subsection (b).*

3 *“(2) SPECIAL RULE.—A local educational agency*
4 *shall only be able to use funds received under this*
5 *subpart for activities described in paragraphs (5),*
6 *(6), and (7), of subsection (b) if funding for such ac-*
7 *tivities is not received from other Federal agencies.*

8 **“SEC. 5117. EVALUATION AND REPORTING.**

9 *“(a) NATIONAL IMPACT EVALUATION.—The Secretary,*
10 *in consultation with the Secretary of Health and Human*
11 *Services, the Director of the Office of National Drug Control*
12 *Policy, and the Attorney General, shall conduct an inde-*
13 *pendent biennial evaluation of the national impact of pro-*
14 *grams assisted under this subpart and submit a report of*
15 *the findings of such evaluation to the President and the*
16 *Congress.*

17 *“(b) STATE REPORT.—*

18 *“(1) IN GENERAL.—By October 1, 1997, and*
19 *every third year thereafter, the chief executive officer*
20 *of the State, in cooperation with the State educational*
21 *agency, shall submit to the Secretary a report—*

22 *“(A) on the implementation and outcomes*
23 *of State programs under section 5114 and sec-*
24 *tion 5113(b) and local programs under section*

1 5113(d), as well as an assessment of their effec-
2 tiveness; and

3 “(B) on the State’s progress toward attain-
4 ing its goals for drug and violence prevention
5 under subsections (b)(1) and (c)(1) of section
6 5112.

7 “(2) *SPECIAL RULE.*—The report required by
8 this subsection shall be—

9 “(A) in the form specified by the Secretary;

10 “(B) based on the State’s on-going evalua-
11 tion activities, and shall include data on the
12 prevalence of drug use and violence by youth in
13 schools and communities; and

14 “(C) made readily available to the public.

15 “(c) *LOCAL EDUCATIONAL AGENCY REPORT.*—Each
16 local educational agency receiving funds under this subpart
17 shall submit to the State educational agency whatever infor-
18 mation, and at whatever intervals, the State requires to
19 complete the State report required by subsection (b), includ-
20 ing information on the prevalence of drug use and violence
21 by youth in the schools and the community. Such informa-
22 tion shall be made readily available to the public.

23 **“SEC. 5118. PROGRAMS FOR HAWAIIAN NATIVES.**

24 “(a) *GENERAL AUTHORITY.*—From the funds made
25 available pursuant to section 5111(a)(3) to carry out this

1 *section, the Secretary shall make grants to or enter into*
2 *cooperative agreements or contracts with organizations pri-*
3 *marily serving and representing Hawaiian natives which*
4 *are recognized by the Governor of the State of Hawaii to*
5 *plan, conduct, and administer programs, or portions there-*
6 *of, which are authorized by and consistent with the provi-*
7 *sions of this title for the benefit of Hawaiian natives.*

8 “(b) *DEFINITION OF ‘HAWAIIAN NATIVE’.*—For the
9 *purposes of this section, the term ‘Hawaiian native’ means*
10 *any individual any of whose ancestors were natives, prior*
11 *to 1778, of the area which now comprises the State of Ha-*
12 *waii.*

13 **“Subpart 2—National Programs**

14 **“SEC. 5121. FEDERAL ACTIVITIES.**

15 “(a) *PROGRAM AUTHORIZED.*—From funds made
16 *available to carry out this subpart under section 5103, the*
17 *Secretary, in consultation with the Secretary of Health and*
18 *Human Services, the Director of the Office of National*
19 *Drug Control Policy, and the Attorney General, shall carry*
20 *out programs to prevent the illegal use of drugs and violence*
21 *among, and promote safety and discipline for, students at*
22 *all educational levels, prekindergarten through postsecond-*
23 *ary. The Secretary shall carry out such programs directly,*
24 *or through grants, contracts, or cooperative agreements with*
25 *public and private nonprofit organizations and individ-*

1 uals, or through agreements with other Federal agencies,
2 and shall coordinate such programs with other appropriate
3 Federal activities. Such programs may include—

4 “(1) the development and demonstration of inno-
5 vative strategies for training school personnel, par-
6 ents, and members of the community, including the
7 demonstration of model preservice training programs
8 for prospective school personnel;

9 “(2) demonstrations and rigorous evaluations of
10 innovative approaches to drug and violence preven-
11 tion;

12 “(3) drug and violence prevention research that
13 is coordinated with other Federal agencies and is di-
14 rected toward improving programs and activities
15 under this part;

16 “(4) program evaluations in accordance with
17 section 10701 that address issues not addressed under
18 section 5117(a);

19 “(5) direct services to schools and school systems
20 afflicted with especially severe drug and violence
21 problems;

22 “(6) activities in communities designated as
23 empowerment zones or enterprise communities that
24 will connect schools to community-wide efforts to re-
25 duce drug and violence problems;

1 *by preventing violent behavior and the illegal use of alcohol*
 2 *and other drugs by such students.*

3 “(b) *APPLICATIONS.*—An institution of higher edu-
 4 *cation, or consortium of such institutions, that desires to*
 5 *receive an award under this section shall submit an appli-*
 6 *cation to the Secretary at such time, in such manner, and*
 7 *containing such information as the Secretary may reason-*
 8 *ably require. The Secretary shall use a peer review process*
 9 *for reviewing applications for funds under this section.*

10 “(c) *EQUITABLE PARTICIPATION.*—The Secretary shall
 11 *make every reasonable effort to ensure the equitable partici-*
 12 *pation in the activities assisted under this section of private*
 13 *and public institutions of higher education (including com-*
 14 *munity and junior colleges), institutions of limited enroll-*
 15 *ment, and institutions in different geographic regions.*

16 **“Subpart 3—General Provisions**

17 **“SEC. 5131. DEFINITIONS.**

18 *“For the purposes of this part, the following terms have*
 19 *the following meanings:*

20 “(1) The term ‘drug and violence prevention’
 21 *means—*

22 “(A) *with respect to drugs, prevention, early*
 23 *intervention, rehabilitation referral, or education*
 24 *related to the illegal use of alcohol, the use of to-*
 25 *bacco and the use of controlled, illegal, addictive,*

1 *or harmful substances, including inhalants and*
2 *anabolic steroids; and*

3 “(B) *with respect to violence, the promotion*
4 *of school safety, such that students and school*
5 *personnel are free from violent and disruptive*
6 *acts, including sexual harassment and abuse,*
7 *and victimization associated with prejudice and*
8 *intolerance, on school premises, going to and*
9 *from school, and at school-sponsored activities,*
10 *through the creation and maintenance of a school*
11 *environment that is free of weapons and fosters*
12 *individual responsibility and respect for the*
13 *rights of others.*

14 “(2) *The term ‘hate crime’ means a crime as de-*
15 *scribed in section 1(b) of the Hate Crime Statistics*
16 *Act of 1990.*

17 “(3) *The term ‘nonprofit’, as applied to a school,*
18 *agency, organization, or institution means a school,*
19 *agency, organization, or institution owned and oper-*
20 *ated by one or more nonprofit corporations or asso-*
21 *ciations, no part of the net earnings of which inures,*
22 *or may lawfully inure, to the benefit of any private*
23 *shareholder or individual.*

24 “(4) *The term ‘school-aged population’ means the*
25 *population aged five through 17, as determined by the*

1 *Secretary on the basis of the most recent satisfactory*
2 *data available from the Department of Commerce.*

3 “(5) *The term ‘school personnel’ includes teach-*
4 *ers, administrators, guidance counselors, social work-*
5 *ers, psychologists, nurses, librarians, and other sup-*
6 *port staff who are employed by a school or who per-*
7 *form services for the school on a contractual basis.*

8 **“SEC. 5132. MATERIALS.**

9 “(a) *‘WRONG AND HARMFUL’ MESSAGE.—Drug pre-*
10 *vention programs supported under this part shall convey*
11 *a clear and consistent message that the illegal use of alcohol*
12 *and other drugs is wrong and harmful.*

13 “(b) *CURRICULUM.—The Secretary shall not prescribe*
14 *the use of specific curricula for programs supported under*
15 *this part, but may evaluate the effectiveness of such curric-*
16 *ula and other strategies in drug and violence prevention.*

17 **“SEC. 5133. PROHIBITED USES OF FUNDS.**

18 *“No funds under this part may be used for—*

19 “(1) *construction (except for minor remodeling*
20 *needed to accomplish the purposes of this part); and*

21 “(2) *medical services, except for pupil services or*
22 *referral to treatment for students who are victims of*
23 *or witnesses to crime or who use alcohol, tobacco, or*
24 *other drugs.*

1 **“PART B—ASSISTANCE TO ADDRESS SCHOOL**
2 **DROPOUT PROBLEMS**

3 **“SEC. 5201. SHORT TITLE.**

4 *“This part may be cited as the ‘School Dropout Assist-*
5 *ance Act’.*

6 **“SEC. 5202. PURPOSE.**

7 *“The purpose of this part is to reduce the number of*
8 *children who do not complete their elementary and second-*
9 *ary education by providing grants to local educational*
10 *agencies to establish—*

11 *“(1) effective programs to identify potential stu-*
12 *dent dropouts, including pregnant and parenting*
13 *teenagers, and prevent such students from dropping*
14 *out of school;*

15 *“(2) effective programs to identify and encourage*
16 *children who have already dropped out to reenter*
17 *school and complete their elementary and secondary*
18 *education;*

19 *“(3) effective early intervention programs de-*
20 *signed to identify at-risk students in elementary and*
21 *secondary schools; and*

22 *“(4) model systems for collecting and reporting*
23 *information to local school officials on the number,*
24 *ages, sex, race or ethnicity, and grade levels of the*
25 *children not completing their elementary and second-*

1 ary education and the reasons why such children have
2 dropped out of school.

3 **“SEC. 5203. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

4 “(a) ALLOTMENT TO CATEGORIES OF LOCAL EDU-
5 CATIONAL AGENCIES.—From the amount appropriated
6 under section 5208 for any fiscal year, the Secretary shall
7 first reserve not more than \$2,000,000 for the purposes of
8 evaluating programs carried out with assistance under this
9 part in accordance with section 10701. From the remaining
10 amount, the Secretary shall allot the following percentages
11 to each of the following categories of local educational agen-
12 cies:

13 “(1) Local educational agencies administering
14 schools with a total enrollment of 100,000 or more ele-
15 mentary and secondary school students shall be allot-
16 ted 25 percent of such remaining amount.

17 “(2) Local educational agencies administering
18 schools with a total enrollment of at least 20,000 but
19 less than 100,000 elementary and secondary school
20 students shall be allotted 40 percent of such remain-
21 ing amount.

22 “(3) Local educational agencies administering
23 schools with a total enrollment of less than 20,000 ele-
24 mentary and secondary school students shall be allot-
25 ted 30 percent of such remaining amount. Grants

1 *may be made under this paragraph to educational*
2 *service agencies and consortia of not more than 5*
3 *local educational agencies in any case in which the*
4 *total enrollment of the largest such local educational*
5 *agency is less than 20,000 elementary and secondary*
6 *students. Such agencies and consortia may also apply*
7 *in conjunction with the State educational agency. Not*
8 *less than 20 percent of funds available under this*
9 *paragraph shall be awarded to local educational*
10 *agencies administering schools with a total enrollment*
11 *of less than 2,000 elementary and secondary school*
12 *students.*

13 *“(4) Community-based organizations shall be al-*
14 *lotted 5 percent of such remaining amount. Grants*
15 *under this category shall be made after consultation*
16 *between the community-based organization and the*
17 *local educational agency that is to benefit from such*
18 *a grant.*

19 *“(b) SPECIAL CONSIDERATION.—*

20 *“(1) IN GENERAL.—The Secretary shall give spe-*
21 *cial consideration to awarding funds available for*
22 *each category described in paragraphs (1), (2), and*
23 *(3) of subsection (a) to local educational agencies par-*
24 *ticipating in an educational partnership.*

1 “(2) *EDUCATIONAL PARTNERSHIPS.*—*Edu-*
2 *cational partnerships under this subsection shall in-*
3 *clude—*

4 “(A) *a local educational agency; and*

5 “(B) *a business concern or business organi-*
6 *zation, community-based organization, nonprofit*
7 *private organization, institution of higher edu-*
8 *cation, State educational agency, State or local*
9 *public agency, private industry council (estab-*
10 *lished under the Job Training Partnership Act),*
11 *museum, library, or educational television or*
12 *broadcasting station.*

13 “(c) *AWARD OF GRANT.*—*From the amount allotted for*
14 *any fiscal year to a category of local educational agencies*
15 *under subsection (a), the Secretary shall award as many*
16 *grants as practicable within each such category to local edu-*
17 *cational agencies and educational partnerships whose ap-*
18 *plications have been approved by the Secretary for such fis-*
19 *cal year under section 5204 and whose applications propose*
20 *a program of sufficient size, scope, and quality to be effec-*
21 *tive. Any local educational agency, educational partner-*
22 *ship, or community-based organization that has received a*
23 *grant under this part shall be eligible for additional funds*
24 *subject to the requirements under this part. The grants shall*

1 *be made under such terms and conditions as the Secretary*
2 *shall prescribe consistent with the provisions of this part.*

3 *“(d) USE OF FUNDS WHEN NOT FULLY ALLOTTED TO*
4 *CATEGORIES UNDER SUBSECTION (a).—*

5 *“(1) IN GENERAL.—Whenever the Secretary de-*
6 *termines that the full amount of the sums allotted*
7 *under any category set forth under subsection (a) will*
8 *not be required for applications of the local edu-*
9 *cational agencies in the case of categories described in*
10 *paragraphs (1) through (3) of subsection (a), the Sec-*
11 *retary shall make the amount not so required avail-*
12 *able to another category under subsection (a). In car-*
13 *rying out the provisions of this subsection, the Sec-*
14 *retary shall assure that the transfer of amounts from*
15 *one category to another is made to a category in*
16 *which there is the greatest need for funds.*

17 *“(2) PEER REVIEW.—In order to transfer funds*
18 *under this subsection, the Secretary shall use a peer*
19 *review process to determine that such excess funds are*
20 *not needed to fund projects in particular categories*
21 *and shall prepare a list of the categories in which*
22 *funds were not fully expended and the reasons there-*
23 *for, and make such list available to local educational*
24 *agencies and educational partnerships, upon request.*
25 *The Secretary may use the peer review process to de-*

1 *termine grant recipients of funds transferred in ac-*
2 *cordance with this subsection.*

3 *“(e) FEDERAL SHARE.—*

4 *“(1) FEDERAL SHARE.—The Federal share of a*
5 *grant under this part may not exceed—*

6 *“(A) 90 percent of the total cost of a project*
7 *for the first year for which the project receives*
8 *assistance under this part; and*

9 *“(B) 75 percent of such cost in each such*
10 *succeeding fiscal year.*

11 *“(2) REMAINING COSTS.—The remaining cost of*
12 *a project that receives assistance under this part may*
13 *be paid from any source other than funds made avail-*
14 *able under this part, except that not more than 10*
15 *percent of the remaining cost in any fiscal year may*
16 *be provided from Federal sources other than this part.*

17 *“(3) NON-FEDERAL SHARE.—The share of pay-*
18 *ments from sources other than funds made available*
19 *under this part may be in cash or in kind fairly eval-*
20 *uated, including plant, equipment or services.*

21 **“SEC. 5204. APPLICATION.**

22 *“(a) APPLICATION REQUIRED.—*

23 *“(1) IN GENERAL.—A grant under this part may*
24 *be made only to a local educational agency or an edu-*
25 *cational partnership which submits an application to*

1 *the Secretary containing such information as may be*
2 *required by the Secretary by regulation.*

3 “(2) *DURATION.*—*Each such application shall be*
4 *for a 3-year period.*

5 “(b) *CONTENTS.*—*Each such application shall—*

6 “(1) *provide documentation of—*

7 “(A) *the number of children who were en-*
8 *rolled in the schools of the applicant for the 5*
9 *academic years prior to the date application is*
10 *made who have not completed their elementary*
11 *or secondary education and who are classified as*
12 *school dropouts; and*

13 “(B) *the percentage that such number of*
14 *children is of the total school-age population in*
15 *the applicant’s schools;*

16 “(2) *include a plan for the development and im-*
17 *plementation of a school dropout information collec-*
18 *tion and reporting system for documenting the extent*
19 *and nature of the dropout problem, which system*
20 *shall collect and cross tabulate data, where feasible, by*
21 *sex according to race or ethnicity and socioeconomic*
22 *status;*

23 “(3) *include a plan for coordinated activities in-*
24 *volving at least 1 secondary school and its feeder jun-*

1 *ior high or middle schools and elementary schools for*
2 *local educational agencies that have feeder systems;*

3 *“(4) when applicable, describe how programs as-*
4 *sisted under this part will be coordinated with, and*
5 *not duplicate, programs assisted under title I;*

6 *“(5) include a description of how the program*
7 *assisted under this part is consistent with the second*
8 *National Education Goal and other Federal programs*
9 *as appropriate; and*

10 *“(6) contain such other information as the Sec-*
11 *retary considers necessary to determine the nature of*
12 *the local needs, the quality of the proposed project,*
13 *and the capability of the applicant to carry out the*
14 *project.*

15 *“(c) PRIORITY.—The Secretary shall, in approving ap-*
16 *plications under this section, give priority to applications*
17 *which both show the replication of successful programs con-*
18 *ducted in other local educational agencies or the expansion*
19 *of successful programs within a local educational agency*
20 *and reflect very high numbers or very high percentages of*
21 *school dropouts in the schools of the applicant in each cat-*
22 *egory described in section 5203(a).*

23 *“(d) SPECIAL CONSIDERATION.—The Secretary shall*
24 *give additional special consideration to applications that*
25 *include—*

1 “(1) provisions which emphasize early interven-
2 tion services designed to identify at-risk students in
3 elementary or early secondary schools; and

4 “(2) provisions for significant parental involve-
5 ment.

6 “(e) *GRANTS FOR NEW GRANTEES.*—In awarding
7 grants under this part the Secretary shall utilize only those
8 priorities and special considerations described in sub-
9 sections (c) and (d).

10 **“SEC. 5205. AUTHORIZED ACTIVITIES.**

11 “Grants under this part shall be used to carry out
12 plans set forth in applications approved under section 5204.
13 In addition, grants may be used for educational, occupa-
14 tional, and basic skills testing services and activities, in-
15 cluding, but not limited to—

16 “(1) the establishment of systemwide or school-
17 level policies, procedures, and plans for dropout pre-
18 vention and school reentry;

19 “(2) the development and implementation of ac-
20 tivities, including extended day or summer programs,
21 designed to address poor achievement, basic skills de-
22 ficiencies, language deficiencies, or course failures, in
23 order to assist students at risk of dropping out of
24 school and students reentering school;

1 “(3) the establishment or expansion of work-
2 study, apprentice, or internship programs;

3 “(4) the use of resources of the community, in-
4 cluding contracting with public or private entities or
5 community-based organizations of demonstrated per-
6 formance, to provide services to the grant recipient or
7 the target population;

8 “(5) the evaluation and revision of program
9 placement of students at risk;

10 “(6) the evaluation of program effectiveness of
11 dropout programs;

12 “(7) the development and implementation of pro-
13 grams for traditionally underserved groups of stu-
14 dents;

15 “(8) the implementation of activities which will
16 improve student motivation and the school learning
17 environment;

18 “(9) the provision of training for school person-
19 nel on strategies and techniques designed to—

20 “(A) identify children at risk of dropping
21 out;

22 “(B) intervene in the instructional program
23 with support and remedial services;

24 “(C) develop realistic expectations for stu-
25 dent performance; and

1 “(D) improve student-staff interactions;

2 “(10) the study of the relationship between drugs
3 and dropouts and between youth gangs and dropouts,
4 and the coordination of dropout prevention and re-
5 entry programs with appropriate drug prevention
6 and community organizations for the prevention of
7 youth gangs;

8 “(11) the study of the relationship between dis-
9 abling conditions and student dropouts;

10 “(12) the study of the relationship between the
11 dropout rate for gifted and talented students com-
12 pared to the dropout rate for the general student en-
13 rollment;

14 “(13) the use of educational telecommunications
15 and broadcasting technologies and educational mate-
16 rials designed to extend, motivate, and reinforce
17 school, community, and home dropout prevention and
18 reentry activities;

19 “(14) the development and implementation of ef-
20 forts to identify and address factors in a student’s de-
21 cision to drop out of school that are related to gender
22 and family roles;

23 “(15) the provision of other educational, occupa-
24 tional and testing services and activities which di-
25 rectly relate to the purpose of this part;

1 “(16) activities which offer jobs and college ad-
2 missions for successful completion of the program for
3 which assistance is sought;

4 “(17) summer employment programs;

5 “(18) occupational training programs;

6 “(19) career opportunity and skills counseling;

7 “(20) job placement services;

8 “(21) the development of skill employment com-
9 petency testing programs;

10 “(22) special school staff training projects; and

11 “(23) mentoring programs.

12 **“SEC. 5206. DISTRIBUTION OF ASSISTANCE; LIMITATION**
13 **ON COSTS.**

14 “(a) *DISTRIBUTION OF ASSISTANCE.*—The Secretary
15 shall ensure that, to the extent practicable, in approving
16 grant applications under this part—

17 “(1) grants are equitably distributed on a geo-
18 graphic basis within each category set forth in section
19 5203(a);

20 “(2) the amount of a grant to a local educational
21 agency for a fiscal year is proportionate to the extent
22 and severity of the local school dropout problem;

23 “(3) not less than 30 percent of the amount
24 available for grants in each fiscal year is used for ac-
25 tivities relating to school dropout prevention; and

1 “(4) not less than 30 percent of the amount
2 available for grants in each fiscal year is used for ac-
3 tivities relating to persuading school dropouts to re-
4 turn to school and assisting former school dropouts
5 with specialized services once school dropouts return
6 to school.

7 “(b) ADMINISTRATIVE COSTS.—Not more than 5 per-
8 cent of any grant made under this part may be used for
9 administrative costs.

10 **“SEC. 5207. REPORTS.**

11 “(a) ANNUAL REPORTS.—The Secretary shall submit
12 to the Congress a report by January 1 of each year, begin-
13 ning on January 1, 1995, which sets forth the progress of
14 the Commissioner of Education Statistics, established under
15 section 14003(b), to implement a definition and data collec-
16 tion process for school dropouts in elementary and second-
17 ary schools, including statistical information for the num-
18 ber and percentage of elementary and secondary school stu-
19 dents by race and ethnic origin who drop out of school each
20 year including dropouts—

21 “(1) throughout the Nation by rural and urban
22 location as defined by the Secretary; and

23 “(2) in each of the individual States and the
24 District of Columbia.

1 “(b) *RECOMMENDATIONS.*—The report under sub-
2 section (a) shall also contain recommendations on ways in
3 which the Federal Government, States and localities can
4 further support the implementation of an effective methodol-
5 ogy to accurately measure dropout and retention rates on
6 the national, State, and local levels.

7 “**SEC. 5208. AUTHORIZATION OF APPROPRIATIONS.**

8 “*There are authorized to be appropriated \$50,000,000*
9 *for fiscal year 1995, and such sums as may be necessary*
10 *for each of the 4 succeeding fiscal years, to carry out this*
11 *part.*

12 “**TITLE VII—LANGUAGE EN-**
13 **HANCEMENT AND ACQUI-**
14 **SITION PROGRAMS**

15 “**PART A—BILINGUAL EDUCATION PROGRAMS**

16 “**SEC. 7101. SHORT TITLE.**

17 “*This part may be cited as the ‘Bilingual Education*
18 *Act’.*

19 “**SEC. 7102. FINDINGS.**

20 “*The Congress finds that—*

21 “(1) *there are large and growing numbers of*
22 *children and youth of limited-English proficiency,*
23 *many of whom have a cultural heritage that differs*
24 *from that of their English proficient peers;*

1 “(2) *limited-English proficient children and*
2 *youth face a number of challenges in receiving an*
3 *education that will enable such children and youth to*
4 *participate fully in American society, including—*

5 “(A) *segregated education programs;*

6 “(B) *disproportionate and improper place-*
7 *ment in special education and other special pro-*
8 *grams due to the use of inappropriate evaluation*
9 *procedures;*

10 “(C) *the limited-English proficiency of their*
11 *own parents, which hinders the parents’ ability*
12 *to fully participate in the education of their chil-*
13 *dren; and*

14 “(D) *a shortage of teachers and other staff*
15 *who are professionally trained and qualified to*
16 *serve such children and youth;*

17 “(3) *the Federal Government, as exemplified by*
18 *title VI of the Civil Rights Act of 1964 and section*
19 *204(f) of the Equal Education Opportunities Act of*
20 *1974, has a special and continuing obligation to en-*
21 *sure that States and local school districts take appro-*
22 *priate action to provide equal educational opportuni-*
23 *ties to children and youth of limited-English pro-*
24 *iciency;*

1 “(4) the Federal Government also, as exemplified
2 by the Federal Government’s efforts under this title,
3 has a special and continuing obligation to assist
4 States and local school districts in developing the ca-
5 pacity to provide programs of instruction that offer
6 limited-English proficient children and youth an
7 equal educational opportunity;

8 “(5) in carrying out the Federal Government’s
9 responsibilities with respect to ensuring equal edu-
10 cational opportunity for children and youth of lim-
11 ited-English proficiency, the Federal Government has
12 learned that—

13 “(A) large numbers of such children and
14 youth have needs that must be met by a program
15 of instruction designed specifically for such chil-
16 dren and youth;

17 “(B) a primary purpose of such programs
18 must be developing the English language skills of
19 such children and youth;

20 “(C) the use of a child or youth’s native
21 language and culture in classroom instruction
22 can—

23 “(i) promote self-esteem and contribute
24 to academic achievement and learning Eng-

1 lish by limited-English proficient children
2 and youth;

3 “(ii) benefit English proficient children
4 and youth who also participate in such pro-
5 grams; and

6 “(iii) develop our Nation’s national
7 language resources, thus promoting our Na-
8 tion’s competitiveness in the global econ-
9 omy;

10 “(D) parent and community participation
11 in bilingual education programs contributes to
12 program effectiveness; and

13 “(E) research, evaluation, and data-collec-
14 tion capabilities in the field of bilingual edu-
15 cation need to be strengthened so that educators
16 and other staff can better identify and promote
17 those programs, program implementation strate-
18 gies, and instructional practices that result in ef-
19 fective education; and

20 “(6) Native Americans and Native American
21 languages (as such terms are defined in section 103
22 of the Native American Languages Act) have a unique
23 status under Federal law that requires special policies
24 within the broad purposes of this Act to serve the edu-

1 *cation needs of language minority students in the*
2 *United States.*

3 **“SEC. 7103. POLICY; AUTHORIZATION OF APPROPRIATIONS.**

4 *“(a) POLICY.—The Congress declares it to be the policy*
5 *of the United States, in order to ensure equal educational*
6 *opportunity for all children and youth and to promote edu-*
7 *cational excellence, to assist State and local educational*
8 *agencies and consortia of local educational agencies, insti-*
9 *tutions of higher education and community based organiza-*
10 *tions to build their capacity to establish, implement, and*
11 *sustain programs of instruction for children and youth of*
12 *limited-English proficiency that—*

13 *“(1) develop the English of such children and*
14 *youth and, to the extent possible, the native language*
15 *skills of such children and youth;*

16 *“(2) educate such children and youth to meet the*
17 *same rigorous standards for academic performance*
18 *expected of all children and youth, including meeting*
19 *challenging State content standards and challenging*
20 *State student performance standards in academic*
21 *areas;*

22 *“(3) develop bilingual skills and multicultural*
23 *understanding; and*

24 *“(4) provide similar assistance to Native Ameri-*
25 *cans with certain modifications relative to the unique*

1 *status of Native American languages under Federal*
2 *law.*

3 “(b) *AUTHORIZATION OF APPROPRIATIONS.*—*For the*
4 *purpose of carrying out this part, there are authorized to*
5 *be appropriated \$215,000,000 for fiscal year 1995 and such*
6 *sums as may be necessary for each of the 4 succeeding fiscal*
7 *years.*

8 **“SEC. 7104. DEFINITIONS.**

9 *“For the purpose of this title:*

10 “(1) *BILINGUAL EDUCATION PROGRAM.*—(A) *The*
11 *term ‘bilingual education program’—*

12 “(i) *means a program of instruction de-*
13 *signed specifically for children and youth of lim-*
14 *ited-English proficiency at any grade level, in-*
15 *cluding the preschool, elementary, or secondary*
16 *school levels, that is intended—*

17 “(I) *to help such children and youth*
18 *develop proficiency in English and, to the*
19 *extent possible, the native language of such*
20 *children and youth; and*

21 “(II) *to achieve to high academic*
22 *standards in all courses of study; and*

23 “(ii) *may include activities to assist the*
24 *parents of such children and youth enrolled in*

1 *bilingual education programs to participate in*
2 *the education of their children.*

3 “(B)(i) *A bilingual education program may be*
4 *conducted in English, the native language, or both*
5 *languages, except that all bilingual education pro-*
6 *grams shall develop proficiency in the English lan-*
7 *guage. The native language may be used in the in-*
8 *structional program to facilitate the acquisition of*
9 *English, to develop overall linguistic competence, and*
10 *to develop competence in the academic curriculum.*

11 “(ii) *A bilingual education program shall, to the*
12 *extent possible, incorporate the cultural heritage of the*
13 *children or youth of limited-English proficiency*
14 *served by the program, as well as the cultural heritage*
15 *of other children in American society.*

16 “(C) *Children and youth proficient in English*
17 *may participate in a bilingual education program to*
18 *enable all children and youth participating in a bi-*
19 *lingual education program to become proficient in*
20 *English and a second language.*

21 “(2) *CHILDREN AND YOUTH.*—*The term ‘children*
22 *and youth’ means individuals aged three through 21.*

23 “(3) *DIRECTOR.*—*The term ‘Director’ means the*
24 *Director of the Office of Bilingual Education and Mi-*
25 *nority Languages Affairs established under section*

1 *210 of the Department of Education Organization*
2 *Act.*

3 “(4) *JURISDICTION WHERE A NATIVE AMERICAN*
4 *LANGUAGE HAS OFFICIAL STATUS.*—*The term ‘juris-*
5 *isdiction where a Native American language has offi-*
6 *cial status’ refers to States, territories, common-*
7 *wealths, cities, counties, reservations, Alaska Native*
8 *villages, school districts, and other jurisdictions simi-*
9 *lar to those described in this paragraph that have le-*
10 *gally recognized a Native American language for con-*
11 *ducting an aspect of their official business.*

12 “(5) *LIMITED-ENGLISH PROFICIENCY AND LIM-*
13 *ITED-ENGLISH PROFICIENT.*—*The terms ‘limited-Eng-*
14 *lish proficiency’ and ‘limited-English proficient’,*
15 *when used with reference to an individual, mean an*
16 *individual—*

17 “(A) *who—*

18 “(i) *was not born in the United States*
19 *or whose native language is a language*
20 *other than English and comes from an envi-*
21 *ronment where a language other than Eng-*
22 *lish is dominant; or*

23 “(ii) *is a Native American or Alaska*
24 *Native and comes from an environment*
25 *where a language other than English has*

1 *had a significant impact on such individ-*
2 *ual's level of English language proficiency;*
3 *or*

4 *“(iii) is migratory and whose native*
5 *language is other than English and comes*
6 *from an environment where a language*
7 *other than English is dominant; and*

8 *“(B) who, by reason thereof, has sufficient*
9 *difficulty speaking, reading, writing, or under-*
10 *standing the English language to deny such indi-*
11 *vidual the opportunity to learn successfully in*
12 *classrooms where the language of instruction is*
13 *English or to participate fully in our society.*

14 *“(6) NATIVE AMERICAN AND NATIVE AMERICAN*
15 *LANGUAGE.—The terms ‘Native American’ and ‘Na-*
16 *tive American language’ shall have the same meaning*
17 *given such terms in section 103 of the Native Amer-*
18 *ican Languages Act of 1990.*

19 *“(7) NATIVE HAWAIIAN OR NATIVE AMERICAN PA-*
20 *CIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL OR-*
21 *GANIZATION.—The term ‘Native Hawaiian or Native*
22 *American Pacific Islander native language edu-*
23 *cational organization’ means a nonprofit organiza-*
24 *tion with a majority of its governing board and em-*
25 *ployees consisting of fluent speakers of the traditional*

1 *Native American languages used in their educational*
2 *programs and with at least five years successful expe-*
3 *rience in providing educational services in tradi-*
4 *tional Native American languages.*

5 “(8) *NATIVE LANGUAGE.*—*The term ‘native lan-*
6 *guage’, when used with reference to an individual of*
7 *limited-English proficiency, means the language nor-*
8 *mally used by such individual, or in the case of a*
9 *child or youth, the language normally used by the*
10 *parents of the child or youth.*

11 “(9) *OTHER PROGRAMS FOR PERSONS OF LIM-*
12 *ITED-ENGLISH PROFICIENCY.*—*The term ‘other pro-*
13 *grams for persons of limited-English proficiency’*
14 *means any programs administered by the Secretary*
15 *that directly involve bilingual education activities*
16 *serving persons of limited-English proficiency.*

17 **“SEC. 7105. NATIVE AMERICAN AND ALASKA NATIVE CHIL-**
18 **DREN IN SCHOOL.**

19 “(a) *ELIGIBLE ENTITIES.*—*For the purpose of carry-*
20 *ing out programs under this part for individuals served by*
21 *elementary and secondary schools operated predominately*
22 *for Native American or Alaska Native children and youth,*
23 *an Indian tribe, a tribally sanctioned educational author-*
24 *ity, a Native Hawaiian or Native American Pacific Is-*
25 *lander native language education organization, or an ele-*

1 *mentary or secondary school that is operated or funded by*
2 *the Bureau of Indian Affairs shall be considered to be a*
3 *local educational agency as such term is used in this part,*
4 *subject to the following qualifications:*

5 “(1) *INDIAN TRIBE.*—*The term ‘Indian tribe’*
6 *means any Indian tribe, band, nation, or other orga-*
7 *nized group or community, including any Alaska Na-*
8 *tive village or regional or village corporation as de-*
9 *fin ed in or established pursuant to the Alaska Native*
10 *Claims Settlement Act (43 U.S.C. 1601 et seq.), that*
11 *is recognized for the special programs and services*
12 *provided by the United States to Indians because of*
13 *their status as Indians.*

14 “(2) *TRIBALLY SANCTIONED EDUCATIONAL AU-*
15 *THORITY.*—*The term ‘tribally sanctioned educational*
16 *authority’ means—*

17 “(A) *any department or division of edu-*
18 *cation operating within the administrative*
19 *structure of the duly constituted governing body*
20 *of an Indian tribe; and*

21 “(B) *any nonprofit institution or organiza-*
22 *tion that is—*

23 “(i) *chartered by the governing body of*
24 *an Indian tribe to operate any such school*
25 *or otherwise to oversee the delivery of edu-*

1 *performance standards expected for all children*
2 *and youth as required by section 1111(b).*

3 “(b) *DEVELOPMENT AND ENHANCEMENT GRANTS.*—

4 “(1) *IN GENERAL.*—*The Secretary is authorized*
5 *to make grants to local educational agencies, or com-*
6 *munity based organizations in consortia with one or*
7 *more local educational agencies and an institution of*
8 *higher education, to—*

9 “(A) *develop new bilingual education pro-*
10 *grams;*

11 “(B) *enhance or expand existing bilingual*
12 *education programs to meet new conditions, such*
13 *as the need to serve additional language groups*
14 *or different age or grade levels; and*

15 “(C) *meet the short-term needs of local edu-*
16 *cational agencies without bilingual education*
17 *programs to serve children and youth of limited-*
18 *English proficiency.*

19 “(2) *DURATION.*—*Grants awarded under this*
20 *subsection shall be for a period of not more than 2*
21 *years, except that grants to carry out paragraph*
22 *(1)(A) shall be awarded for a period of not more than*
23 *3 years.*

24 “(c) *COMPREHENSIVE SCHOOL GRANTS.*—

1 “(1) *IN GENERAL.*—*The Secretary is authorized*
2 *to make grants to local educational agencies for the*
3 *purpose of implementing schoolwide bilingual edu-*
4 *cation programs that serve all (or virtually all) chil-*
5 *dren and youth of limited-English proficiency in*
6 *schools with significant concentrations of such chil-*
7 *dren and youth.*

8 “(2) *DURATION.*—*Grants awarded under this*
9 *subsection shall be for a period of not more than 5*
10 *years, except that the Secretary shall terminate grants*
11 *to local educational agencies if the Secretary deter-*
12 *mines that—*

13 “(A) *the program evaluation required by*
14 *section 7126 indicates that students in the*
15 *schoolwide program are not being taught to and*
16 *achieving challenging State content standards*
17 *and challenging State student performance*
18 *standards; or*

19 “(B) *in the case of a program to promote*
20 *dual language facility, such program is not pro-*
21 *moting such facility.*

22 “(d) *COMPREHENSIVE DISTRICT GRANTS.*—

23 “(1) *IN GENERAL.*—*The Secretary is authorized*
24 *to make grants to local educational agencies for the*
25 *purpose of implementing district-wide bilingual edu-*

1 *cation programs that serve a significant number of*
2 *children and youth of limited-English proficiency in*
3 *districts with significant concentrations of such chil-*
4 *dren and youth.*

5 *“(2) DURATION.—Grants awarded under this*
6 *subsection shall be for a period of not more than 5*
7 *years, except that the Secretary shall terminate grants*
8 *to local educational agencies where the Secretary de-*
9 *termines that—*

10 *“(A) the program evaluation required by*
11 *section 7126 indicates that students in the pro-*
12 *gram are not being taught to and achieving chal-*
13 *lenging State content standards and challenging*
14 *State student performance standards; or*

15 *“(B) in the case of a program to promote*
16 *dual language facility, such program is not pro-*
17 *moting such facility.*

18 *“(e) USE OF FUNDS.—*

19 *“(1) IN GENERAL.—Recipients of grant funds*
20 *under subsections (b), (c), and (d) may use such funds*
21 *for—*

22 *“(A) identification and acquisition of cur-*
23 *ricular materials, educational software, and*
24 *technologies to advance the education of children*
25 *and youth of limited-English proficiency;*

1 “(B) parent outreach and training activi-
2 ties designed to assist parents to become active
3 participants in the education of their children;

4 “(C) salaries of personnel, including teacher
5 aides who have been specifically trained, or are
6 being trained, to provide services to children and
7 youth of limited-English proficiency;

8 “(D) tutorials and academic or career coun-
9 seling for children and youth of limited-English
10 proficiency; and

11 “(E) such other activities, related to the
12 purposes of this part, as the Secretary may ap-
13 prove.

14 “(2) *ADDITIONAL ACTIVITIES.*—Recipients of
15 funds under subsections (c) and (d) may—

16 “(A) use such funds for preservice and in-
17 service professional development of staff partici-
18 pating, or preparing to participate, in the pro-
19 gram, including staff who will not directly par-
20 ticipate in the bilingual instructional program
21 (which in the case of teachers who are partici-
22 pating in the program may include release time
23 with pay), if such activities are directly related
24 to serving children and youth of limited-English

1 *proficiency and will help accomplish the pur-*
2 *poses of this subpart; and*

3 “(B) during the first 12 months of such a
4 grant, engage exclusively in activities pre-
5 paratory to the delivery of services, which may
6 include program design, the development of ma-
7 terials and procedures, and activities to involve
8 parents in the educational program and to en-
9 able parents and family members to assist in the
10 education of children and youth of limited-Eng-
11 lish proficiency.

12 “(f) GEOGRAPHIC DISTRIBUTION OF FUNDS.—To the
13 extent possible, the Secretary shall award grants under this
14 section throughout the Nation in a manner that—

15 “(1) reflects the geographic distribution of chil-
16 dren and youth of limited-English proficiency
17 throughout the Nation;

18 “(2) takes into account significant increases in
19 limited-English proficient children and youth in
20 areas with low concentrations of such children and
21 youth; and

22 “(3) ensures that activities assisted under this
23 part address the full needs of school systems of all
24 sizes and geographic areas, including rural schools.

1 “(g) *CONSTRUCTION.*—*Nothing in this subpart shall be*
2 *construed to prohibit a local educational agency from serv-*
3 *ing limited-English proficient children and youth simulta-*
4 *neously with students with similar educational needs, in*
5 *the same educational settings where appropriate.*

6 “(h) *APPLICATIONS.*—

7 “(1) *IN GENERAL.*—*Any local educational agen-*
8 *cy or community based organization that desires a*
9 *grant under this section shall submit, through its*
10 *State educational agency, an application to the Sec-*
11 *retary, in such form, at such time, and containing*
12 *such information and assurances as the Secretary*
13 *may require.*

14 “(2) *CONTENTS.*—*Each such application shall—*

15 “(A) *describe—*

16 “(i) *the need for the proposed program,*
17 *including data on the number of the chil-*
18 *dren and youth of limited-English pro-*
19 *ficiency in the school or district to be served*
20 *and the characteristics of such children and*
21 *youth, such as language spoken, dropout*
22 *rates, proficiency in English and the native*
23 *language, academic standing in relation to*
24 *English proficient peers, and, where appli-*
25 *cable, the recency of immigration; and*

1 “(ii) the program to be implemented
2 and how such program’s design—

3 “(I) relates to the linguistic and
4 academic needs of the children and
5 youth of limited-English proficiency to
6 be served; and

7 “(II) is consistent with, and pro-
8 motes the goals in, the local edu-
9 cational agency’s improvement plan
10 under section 1112, particularly as
11 such plan relates to the education of
12 children and youth of limited-English
13 proficiency; and

14 “(B) provide an assurance that the appli-
15 cant will not reduce the level of State and local
16 funds that the applicant expends for bilingual
17 education programs if the applicant receives an
18 award under this subpart.

19 “(3) ADDITIONAL INFORMATION.—Each applica-
20 tion for a grant under subsection (c) or (d) shall—

21 “(A) describe—

22 “(i) current services the applicant pro-
23 vides to children and youth of limited-Eng-
24 lish proficiency;

1 “(ii) what services children and youth
2 of limited-English proficiency will receive
3 under the grant that such children or youth
4 will not otherwise receive;

5 “(iii) how funds received under this
6 subpart will be integrated with all other
7 Federal, State, local, and private resources
8 that may be used to serve children and
9 youth of limited-English proficiency; and

10 “(iv) specific achievement and school
11 retention goals for the children and youth to
12 be served by the proposed program and how
13 progress toward achieving such goals will be
14 measured; and

15 “(B) provide assurances that—

16 “(i) the program funded will be inte-
17 grated with the overall educational pro-
18 gram; and

19 “(ii) the application has been devel-
20 oped in consultation with an advisory coun-
21 cil, the majority of whose members are par-
22 ents and other representatives of the chil-
23 dren and youth to be served in such pro-
24 grams.

25 “(i) LIMITATION ON FUNDING.—

1 “(1) *DEVELOPMENT AND ENHANCEMENT*
2 *GRANTS.*—Not more than 25 percent of the total
3 amount of funds that the Secretary awards under
4 subsection (b) for any fiscal year shall be used to pro-
5 vide funding to bilingual education programs that do
6 not use the native language.

7 “(2) *COMPREHENSIVE SCHOOL GRANTS.*—Not
8 more than 25 percent of the total amount of funds
9 that the Secretary awards under subsection (c) for
10 any fiscal year shall be used to provide funding to bi-
11 lingual education programs that do not use the native
12 language.

13 “(3) *SPECIAL RULE.*—Notwithstanding para-
14 graphs (1) and (2), the Secretary is authorized to
15 award grants for bilingual education programs that
16 are not conducted in the native language if an appli-
17 cant has demonstrated that the applicant cannot de-
18 velop and implement a bilingual education program
19 that is conducted in the native language because—

20 “(A) the diversity of limited-English pro-
21 ficient students’ native languages and the small
22 number of students speaking each respective lan-
23 guage make instruction in the native language
24 impractical; or

1 “(B) despite documented efforts, the appli-
2 cant has not been able to hire instructional per-
3 sonnel who are able to communicate in the stu-
4 dents’ native language.

5 “(j) STATE REVIEW OF APPLICATIONS UNDER PART
6 A.—In order for an eligible applicant to apply for funds
7 under this subpart, such applicant shall submit the applica-
8 tion to the State educational agency for review. The State
9 educational agency shall transmit such application to the
10 Secretary along with such agency’s timely comments on the
11 need within the State for the proposed program and whether
12 the proposed program is consistent with the State plan
13 under section 1111.

14 “(k) CAPACITY BUILDING.—

15 “(1) IN GENERAL.—Each recipient of a grant
16 under this section shall use the grant funds in ways
17 that will build such recipient’s capacity to continue
18 to offer high quality bilingual education programs
19 and services to children and youth of limited-English
20 proficiency once Federal assistance is reduced or
21 eliminated.

22 “(2) SPECIAL RULE.—In making awards under
23 this subpart for any fiscal year, the Secretary shall,
24 consistent with the quality of applications and the
25 funds available under this part, increase the amount

1 of funds used to support grants under subsections (c)
2 and (d) over the amount used to support grants under
3 subsection (c) and (d) in the previous fiscal year.

4 “(l) *CONSORTIA*.—A local educational agency that re-
5 ceives a grant under this subpart may collaborate or form
6 a consortium with one or more local education agencies,
7 institutions of higher education, and nonprofit organiza-
8 tions to carry out a program described in an application
9 approved under this subpart.

10 “(m) *SUBGRANTS*.—A local educational agency that
11 receives a grant under this subpart may, with the approval
12 of the Secretary, make a subgrant to, or enter into a con-
13 tract with, an institution of higher education, a nonprofit
14 organization, or a consortium of such entities to carry out
15 a program described in an application approved under this
16 subpart, including a program to serve out-of-school youth.

17 “(n) *PARENTAL NOTIFICATION*.—

18 “(1) *IN GENERAL*.—Parents of a child or youth
19 of limited-English proficiency identified for enroll-
20 ment in bilingual education programs shall be in-
21 formed of the—

22 “(A) benefits and nature of the bilingual
23 educational program and of the instructional al-
24 ternatives; and

1 “(B) reasons for the selection of their child
2 as being in need of bilingual education.

3 “(2) *OPTION TO DECLINE.*—(A) Parents of a
4 child or youth of limited-English proficiency identi-
5 fied for enrollment in bilingual education programs
6 shall be informed that such parents have the option
7 of declining enrollment of their children in such pro-
8 grams and shall be given an opportunity to do so if
9 such parents so choose.

10 “(B) Nothing in this section shall be construed to
11 relieve a local educational agency, community based
12 organization or consortium receiving assistance under
13 this part of any of their obligations under title VI of
14 the Civil Rights Act of 1964 because parents choose
15 not to enroll their children in bilingual education
16 programs.

17 “(3) *INFORMATION.*—Parents of a child or youth
18 of limited-English proficiency identified for enroll-
19 ment in bilingual education programs shall receive,
20 in a manner and form understandable to such par-
21 ents, including, if necessary and to the extent feasible,
22 in the native language of such parents, the informa-
23 tion required by this subsection. At a minimum, such
24 parents shall receive—

1 “(A) *timely information about projects*
2 *funded under this subpart; and*

3 “(B) *if the parents of participating children*
4 *so desire, notice of opportunities for regular*
5 *meetings for the purpose of formulating and re-*
6 *sponding to recommendations from such parents.*

7 “(o) *PROGRAMS FOR NATIVE AMERICANS AND PUERTO*
8 *RICO.—Programs authorized under this title that serve Na-*
9 *tive American children, and children in the Commonwealth*
10 *of Puerto Rico, notwithstanding any other provision of this*
11 *title, may include programs of instruction, teacher train-*
12 *ing, curriculum development, evaluation, and testing de-*
13 *signed for Native American children and youth learning*
14 *and studying Native American languages and children and*
15 *youth of limited-Spanish proficiency, except that one out-*
16 *come of such programs serving Native American children*
17 *shall be increased English proficiency among such children.*

18 **“Subpart 2—Research and Evaluation**

19 **“SEC. 7121. AUTHORITY.**

20 *“The Secretary is authorized to conduct data collec-*
21 *tion, dissemination, research, and evaluation activities for*
22 *the purpose of improving bilingual education programs for*
23 *children and youth of limited-English proficiency.*

1 **“SEC. 7122. RESEARCH.**

2 “(a) *AWARDS.*—*The Secretary may award grants and*
3 *enter into contracts and cooperative agreements for research*
4 *and evaluation activities related to improving and main-*
5 *taining high quality bilingual educational programs for*
6 *persons of limited-English proficiency.*

7 “(b) *CONSULTATION.*—*The Secretary shall consult*
8 *with agencies and organizations that are engaged in bilin-*
9 *gual education research and practice, or related research,*
10 *and bilingual education researchers and practitioners to*
11 *identify areas of study and activities to be funded under*
12 *this section.*

13 “(c) *RESEARCH AND DISSEMINATION.*—*The Secretary,*
14 *through the Office of Educational Research and Improve-*
15 *ment, if appropriate, shall—*

16 “(1) *conduct research on effective instruction*
17 *practices for multilingual classes, and on effective in-*
18 *struction strategies to be used by teachers and other*
19 *staff who do not know the native language of a lim-*
20 *ited-English proficient child in their classrooms; and*

21 “(2) *disseminate the findings of such research.*

22 **“SEC. 7123. ACADEMIC EXCELLENCE AWARDS.**

23 “(a) *AWARDS.*—*The Secretary may award grants to,*
24 *and enter into contracts and cooperative agreements with,*
25 *State and local educational agencies, nonprofit organiza-*
26 *tions, and institutions of higher education to promote the*

1 *adoption and implementation of bilingual education pro-*
2 *grams that demonstrate great promise of assisting children*
3 *and youth of limited-English proficiency to meet challeng-*
4 *ing State content standards and challenging State student*
5 *performance standards.*

6 “(b) *APPLICATIONS.*—

7 “(1) *IN GENERAL.*—*Each entity desiring an*
8 *award under this section shall submit an application*
9 *to the Secretary in such form, at such time, and con-*
10 *taining such information and assurances as the Sec-*
11 *retary may require.*

12 “(2) *PEER REVIEW.*—*The Secretary shall use a*
13 *peer review process, using effectiveness criteria that*
14 *the Secretary shall establish, to review applications*
15 *under this section.*

16 “(c) *USE OF FUNDS.*—*Funds under this section shall*
17 *be used to enhance the capacity of States and local edu-*
18 *cation agencies to provide high quality academic programs*
19 *for children and youth of limited-English proficiency,*
20 *which may include—*

21 “(1) *completing the development of such pro-*
22 *grams;*

23 “(2) *professional development of staff participat-*
24 *ing in bilingual education programs;*

25 “(3) *sharing strategies and materials; and*

1 “(4) *supporting professional networks.*

2 “(d) *COORDINATION.—Recipients of funds under this*
3 *section shall coordinate the activities assisted under this sec-*
4 *tion with activities carried out by comprehensive regional*
5 *centers assisted under subpart 1 of part C of title II.*

6 **“SEC. 7124. STATE GRANT PROGRAM.**

7 “(a) *STATE GRANT PROGRAM.—The Secretary is au-*
8 *thorized to make an award to a State educational agency*
9 *that demonstrates, to the satisfaction of the Secretary, that*
10 *such agency effectively provides for the education of children*
11 *and youth of limited-English proficiency within the State.*

12 “(b) *PAYMENTS.—The amount paid to a State edu-*
13 *cational agency under subsection (a) shall not exceed 5 per-*
14 *cent of the total amount awarded to local educational agen-*
15 *cies within the State under subpart 1 for the previous fiscal*
16 *year, except that in no case shall the amount paid by the*
17 *Secretary to any State educational agency under this sub-*
18 *section for any fiscal year be less than \$100,000.*

19 “(c) *USE OF FUNDS.—*

20 “(1) *IN GENERAL.—A State educational agency*
21 *may use funds for programs authorized by this sec-*
22 *tion to—*

23 “(A) *assist local educational agencies in the*
24 *State with program design, capacity building,*

1 *assessment of student performance, and program*
2 *evaluation;*

3 “(B) *operate a bilingual education advisory*
4 *panel under subsection (d); and*

5 “(C) *collect data concerning children and*
6 *youth of limited-English proficiency.*

7 “(2) *SPECIAL RULE.—Recipients of awards*
8 *under this section shall not restrict the provision of*
9 *services under this section to federally funded pro-*
10 *grams.*

11 “(d) *STATE BILINGUAL EDUCATION ADVISORY*
12 *PANEL.—Each State educational agency that receives funds*
13 *under this section shall appoint a broad-based bilingual*
14 *education advisory panel, with substantial representation*
15 *from persons knowledgeable about the education of limited-*
16 *English proficient students, to develop and recommend to*
17 *the State educational agency guidelines for reviewing, and*
18 *providing the Secretary with comments regarding, applica-*
19 *tions for funds under subparts 1 and 3 that come from with-*
20 *in the State.*

21 “(e) *APPLICATIONS.—A State educational agency de-*
22 *siring to receive an award under this section shall submit*
23 *an application to the Secretary in such form, at such time,*
24 *containing such information and assurances as the Sec-*
25 *retary may require.*

1 **“SEC. 7125. NATIONAL CLEARINGHOUSE FOR BILINGUAL**
2 **EDUCATION.**

3 “(a) *ESTABLISHMENT.*—*The Secretary shall establish*
4 *and support the operation of a National Clearinghouse for*
5 *Bilingual Education, which shall collect, analyze, syn-*
6 *thesize, and disseminate information about bilingual edu-*
7 *cation and related programs.*

8 “(b) *FUNCTIONS.*—*The National Clearinghouse for Bi-*
9 *lingual Education shall—*

10 “(1) *coordinate its activities with Federal data*
11 *and information clearinghouses and dissemination*
12 *networks and systems; and*

13 “(2) *develop a data base management and mon-*
14 *itoring system for improving the operation and effec-*
15 *tiveness of programs assisted under this part.*

16 **“SEC. 7126. EVALUATIONS.**

17 “(a) *PROGRAM EVALUATIONS UNDER SUBPART 1.—*

18 “(1) *IN GENERAL.*—*Each recipient of funds*
19 *under subpart 1 shall provide the Secretary with an*
20 *evaluation, in the form prescribed by the Secretary, of*
21 *the program assisted under such subpart every 2*
22 *years.*

23 “(2) *USE.*—*Such evaluation shall be used by a*
24 *recipient of funds under subpart 1—*

25 “(A) *to improve such program;*

1 “(B) to further define such program’s goals
2 and objectives; and

3 “(C) to determine program effectiveness.

4 “(3) CONTENTS.—Such evaluation shall in-
5 clude—

6 “(A) student outcome indicators that meas-
7 ure progress toward the challenging State stu-
8 dent performance standards set out in the State
9 plan approved or being developed under section
10 1111, including data comparing children and
11 youth of limited-English proficiency with
12 nonlimited-English proficient children and youth
13 with regard to school retention, academic
14 achievement, and gains in English (and, where
15 applicable, native language) proficiency;

16 “(B) program implementation indicators
17 that provide information for informing and im-
18 proving program management and effectiveness,
19 including data on appropriateness of curriculum
20 in relationship to grade and course requirements,
21 appropriateness of program management, appro-
22 priateness of the professional development of the
23 program staff, and appropriateness of the lan-
24 guage of instruction;

1 “(C) program context indicators that de-
2 scribe the relationship of the activities funded
3 under the grant to the overall school program
4 and other Federal, State, or local programs serv-
5 ing children and youth of limited-English pro-
6 ficiency; and

7 “(D) such other information as the Sec-
8 retary may require.

9 “(b) PROGRAM EVALUATIONS UNDER SUBPART 3.—

10 “(1) IN GENERAL.—Each recipient of funds
11 under subpart 3 shall provide the Secretary with an
12 evaluation of the program assisted under such subpart
13 every 2 years.

14 “(2) DATA.—Such evaluation shall include data
15 on—

16 “(A) post-program placement of persons
17 trained;

18 “(B) how the training relates to the employ-
19 ment of persons served by the program;

20 “(C) program completion; and

21 “(D) such other information as the Sec-
22 retary may require.

1 **“Subpart 3—Professional Development**

2 **“SEC. 7131. PURPOSE.**

3 *“The purpose of this subpart is to improve the quality*
4 *of instruction for children and youth of limited-English*
5 *proficiency—*

6 *“(1) through professional development programs*
7 *designed—*

8 *“(A) for persons preparing to provide serv-*
9 *ices for children and youth of limited-English*
10 *proficiency;*

11 *“(B) to improve the skills of persons provid-*
12 *ing services to children and youth of limited-*
13 *English proficiency; and*

14 *“(C) for other staff in schools serving chil-*
15 *dren and youth of limited-English proficiency;*
16 *and*

17 *“(2) by disseminating information on appro-*
18 *prate instructional practices and activities for chil-*
19 *dren and youth of limited-English proficiency to*
20 *other school personnel, including teachers not serving*
21 *such children and youth.*

22 **“SEC. 7132. PROFESSIONAL DEVELOPMENT GRANTS.**

23 *“(a) GRANTS TO INSTITUTIONS OF HIGHER EDU-*
24 *CATION.—The Secretary is authorized to make grants to in-*
25 *stitutions of higher education for—*

1 “(1) preservice and inservice professional devel-
2 opment for individuals who are either involved in, or
3 preparing to be involved in, the provision of edu-
4 cational services for children and youth of limited-
5 English proficiency, which in the case of teachers who
6 are involved in the provision of such services may in-
7 clude release time with pay; and

8 “(2) national professional development institutes
9 that assist schools or departments of education in in-
10 stitutions of higher education to improve the quality
11 of professional development programs for personnel
12 serving, preparing to serve, or who may serve, chil-
13 dren and youth of limited-English proficiency.

14 “(b) GRANTS TO STATE AND LOCAL EDUCATIONAL
15 AGENCIES.—The Secretary may make grants to State and
16 local educational agencies for inservice professional develop-
17 ment programs that prepare school personnel to provide ef-
18 fective services to limited-English proficient students.

19 “(c) USE OF FUNDS FOR SECOND LANGUAGE COM-
20 PETENCE.—Awards under this section may be used to de-
21 velop a program participant’s competence in a second lan-
22 guage.

23 “(d) APPLICATIONS.—

24 “(1) IN GENERAL.—An institution of higher edu-
25 cation, or a State or local educational agency desir-

1 *ing to receive an award under this section shall sub-*
2 *mit, through its State educational agency, an appli-*
3 *cation to the Secretary, in such form, at such time,*
4 *and containing such information and assurances as*
5 *the Secretary may require.*

6 *“(2) CONSULTATION AND ASSESSMENT.—Each*
7 *such application shall contain a description of how*
8 *the applicant has consulted with, and assessed the*
9 *needs of, public and private schools serving children*
10 *and youth of limited-English proficiency to determine*
11 *such school’s need for, and the design of, the program*
12 *for which funds are sought.*

13 *“(3) SPECIAL RULE.—(A) An application for a*
14 *grant under subsection (a) from an applicant who*
15 *proposes to conduct a masters or doctoral-level pro-*
16 *gram with funds received under this section shall pro-*
17 *vide an assurance that such program will include, as*
18 *a part of the program, a training practicum in a*
19 *local school program serving children and youth of*
20 *limited-English proficiency.*

21 *“(B) A recipient of a grant under subsection (a)*
22 *may waive the requirement of a training practicum*
23 *for a degree candidate with significant experience in*
24 *a local school program serving children and youth of*
25 *limited-English proficiency.*

1 “(4) *REVIEW.*—In order for an institution of
2 higher education or a local educational agency to
3 apply for funds under this section, the State edu-
4 cational agency serving such institution shall review
5 the application and provide the Secretary with timely
6 comments on the need within the State for the pro-
7 posed program and whether the proposed program is
8 consistent with the State plan under section 1111 and
9 section 2125(b)(1).

10 **“SEC. 7133. FELLOWSHIPS.**

11 “(a) *ACADEMIC FELLOWSHIPS.*—The Secretary may
12 award fellowships for masters, doctoral, and post-doctoral
13 study related to instruction of children and youth of lim-
14 ited-English proficiency in such areas as teacher training,
15 program administration, research and evaluation, and cur-
16 riculum development, and for the support of dissertation
17 research related to such study.

18 “(b) *REPAYMENT.*—

19 “(1) *IN GENERAL.*—Any person receiving a fel-
20 lowship under this section shall agree to—

21 “(A) work in an activity related to the area
22 for which the assistance was awarded or in an
23 activity such as those authorized under this part
24 for a period of time equivalent to the period of

1 *and quality of foreign language instruction offered in*
2 *our Nation's elementary and secondary schools is nec-*
3 *essary.*

4 *“(2) All Americans need a global perspective. To*
5 *understand the world around us, we must acquaint*
6 *ourselves with the languages, cultures, and history of*
7 *other nations.*

8 *“(3) Proficiency in two or more languages*
9 *should be promoted for all American students.*
10 *Multilingualism enhances cognitive and social*
11 *growth, competitiveness in the global marketplace, na-*
12 *tional security, and understanding of diverse people*
13 *and cultures.*

14 *“(4) The United States lags behind other devel-*
15 *oped countries in offering foreign language study to*
16 *elementary and secondary school students.*

17 *“(5) Four out of five new jobs in the United*
18 *States are created from foreign trade.*

19 *“(6) The optimum time to begin learning a sec-*
20 *ond language is in elementary school, when children*
21 *have the ability to learn and excel in several foreign*
22 *language acquisition skills, including pronunciation,*
23 *and when children are most open to appreciating and*
24 *valuing a culture other than their own.*

1 “(7) *Foreign language study can increase chil-*
2 *dren’s capacity for critical and creative thinking*
3 *skills and children who study a second language show*
4 *greater cognitive development in areas such as mental*
5 *flexibility, creativity, tolerance, and higher order*
6 *thinking skills.*

7 “(8) *Children who have studied a foreign lan-*
8 *guage in elementary school achieve expected gains and*
9 *score higher on standardized tests of reading, lan-*
10 *guage arts, and mathematics than children who have*
11 *not studied a foreign language.*

12 **“SEC. 7203. PROGRAM AUTHORIZED.**

13 “(a) *PROGRAM AUTHORITY.—*

14 “(1) *IN GENERAL.—The Secretary shall make*
15 *grants, on a competitive basis, to State educational*
16 *agencies or local educational agencies to pay the Fed-*
17 *eral share of the cost of innovative model programs*
18 *providing for the establishment, improvement or ex-*
19 *pansion of foreign language study for elementary and*
20 *secondary school students.*

21 “(2) *DURATION.—Each grant under paragraph*
22 *(1) shall be awarded for a period of 3 years.*

23 “(b) *REQUIREMENTS.—*

24 “(1) *GRANTS TO STATE EDUCATIONAL AGEN-*
25 *CIES.—In awarding a grant under subsection (a) to*

1 *a State educational agency, the Secretary shall sup-*
2 *port programs that promote systemic approaches to*
3 *improving foreign language learning in the State.*

4 “(2) *GRANTS TO LOCAL EDUCATIONAL AGEN-*
5 *CIES.—In awarding a grant under subsection (a) to*
6 *a local educational agency, the Secretary shall sup-*
7 *port programs that—*

8 “(A) *show the promise of being continued*
9 *beyond the grant period;*

10 “(B) *demonstrate approaches that can be*
11 *disseminated and duplicated in other local edu-*
12 *cational agencies; and*

13 “(C) *may include a professional develop-*
14 *ment component.*

15 “(c) *FEDERAL SHARE.—*

16 “(1) *IN GENERAL.—The Federal share for each*
17 *fiscal year shall be 50 percent.*

18 “(2) *WAIVER.—The Secretary may waive the re-*
19 *quirement of paragraph (1) for any local educational*
20 *agency which the Secretary determines does not have*
21 *adequate resources to pay the non-Federal share of the*
22 *cost of the activities assisted under this part.*

23 “(3) *SPECIAL RULE.—Not less than three-fourths*
24 *of the funds appropriated under section 7206 shall be*

1 *used for the expansion of foreign language learning in*
2 *the elementary grades.*

3 “(4) *RESERVATION.*—*The Secretary may reserve*
4 *not more than 5 percent of funds appropriated under*
5 *section 7206 to evaluate the efficacy of programs*
6 *under this part.*

7 **“SEC. 7204. APPLICATIONS.**

8 “(a) *IN GENERAL.*—*Any State educational agency or*
9 *local educational agency desiring a grant under this part*
10 *shall submit an application to the Secretary at such time,*
11 *in such form, and containing such information and assur-*
12 *ances as the Secretary may require.*

13 “(b) *SPECIAL CONSIDERATION.*—*The Secretary shall*
14 *give special consideration to applications describing pro-*
15 *grams that—*

16 “(1) *include intensive summer foreign language*
17 *programs for professional development;*

18 “(2) *link non-native English speakers in the*
19 *community with the schools in order to promote two-*
20 *way language learning; or*

21 “(3) *promote the sequential study of a foreign*
22 *language for students, beginning in elementary*
23 *schools.*

1 **“SEC. 7205. ELEMENTARY SCHOOL FOREIGN LANGUAGE IN-**
2 **CENTIVE PROGRAM.**

3 “(a) *INCENTIVE PAYMENTS.*—From amounts appro-
4 priated under section 7206 the Secretary shall make an in-
5 centive payment for each fiscal year to each public elemen-
6 tary school that provides to students attending such school
7 a program designed to lead to communicative competency
8 in a foreign language.

9 “(b) *AMOUNT.*—The Secretary shall determine the
10 amount of the incentive payment under subsection (a) for
11 each public elementary school for each fiscal year on the
12 basis of the number of students participating in a program
13 described in such subsection at such school for such year
14 compared to the total number of such students at all such
15 schools in the United States for such year.

16 “(c) *REQUIREMENT.*—The Secretary shall consider a
17 program to be designed to lead to communicative com-
18 petency in a foreign language if such program is com-
19 parable to a program that provides at least 45 minutes of
20 instruction in a foreign language at least 4 days per week
21 throughout an academic year.

22 **“SEC. 7206. AUTHORIZATION OF APPROPRIATIONS.**

23 “*There are authorized to be appropriated \$35,000,000*
24 *for the fiscal year 1995, and such sums as may be necessary*
25 *for each of the 4 succeeding fiscal years, to carry out this*

1 *part, of which not more than \$20,000,000 may be used in*
2 *each fiscal year to carry out section 7205.*

3 ***“PART C—ADMINISTRATION***

4 ***“SEC. 7301. COORDINATION WITH RELATED PROGRAMS.***

5 *“In order to maximize the effectiveness of Federal ef-*
6 *forts aimed at serving the educational needs of children and*
7 *youth of limited-English proficiency, the Secretary shall co-*
8 *ordinate and ensure close cooperation with other programs*
9 *administered by the Department, including programs in*
10 *such areas as teacher training, program content, research,*
11 *and curriculum.*

12 ***“SEC. 7302. REPORT ON BILINGUAL EDUCATION.***

13 *“The Secretary shall, within three years of the date*
14 *of enactment of the Improving America’s Schools Act of*
15 *1994, and every third year thereafter, submit to the Con-*
16 *gress a report on the condition of bilingual education. The*
17 *report shall include—*

18 *“(1) information regarding—*

19 *“(A) the grants, contracts, and cooperative*
20 *agreements made pursuant to this title in the*
21 *preceding 3 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 3 fiscal*

1 *years and the extent to which each such activity*
2 *achieves the policy set forth in section 7103(a);*

3 “(D) *an estimate of the number of teachers*
4 *and other school personnel for bilingual edu-*
5 *cation that will be necessary for the 3 succeeding*
6 *fiscal years; and*

7 “(E) *the research activities carried out*
8 *under this title during the preceding 3 fiscal*
9 *years and the major findings of such research ac-*
10 *tivities; and*

11 “(2) *an analysis and synthesis of such informa-*
12 *tion.*

13 **“SEC. 7303. STATE EDUCATIONAL AGENCY RECOMMENDA-**
14 **TIONS; PEER REVIEW.**

15 “(a) *STATE EDUCATIONAL AGENCY RECOMMENDA-*
16 *TIONS.—In making awards under part A, the Secretary*
17 *shall take State educational agency recommendations into*
18 *account.*

19 “(b) *PEER REVIEW.—*

20 “(1) *IN GENERAL.—In making awards under*
21 *part A and in making funding decisions for continu-*
22 *ation grants under such parts, the Secretary may so-*
23 *licit recommendations from peer review panels com-*
24 *posed of individuals experienced in aspects of the edu-*
25 *cation of limited-English proficient students.*

1 “(2) *FUNDING.*—*The Secretary may use not*
2 *more than 0.2 percent of the total amount of funds*
3 *appropriated for each fiscal year for programs au-*
4 *thorized under this title for peer review of applica-*
5 *tions for assistance under such programs.*

6 **“PART D—SPECIAL RULE**

7 **“SEC. 7401. SPECIAL RULE.**

8 *“Notwithstanding any other provision of law, no re-*
9 *cipient of a grant under title VII of this Act (as such title*
10 *was in effect on the day preceding the date of enactment*
11 *of the Improving America’s Schools Act of 1994) shall be*
12 *eligible for fourth- and fifth-year renewals authorized by*
13 *section 7021(d)(1)(C) of such title (as such section was in*
14 *effect on the day preceding the date of enactment of such*
15 *Act).*

16 **“TITLE VIII—PROGRAMS OF**
17 **NATIONAL SIGNIFICANCE**

18 **“PART A—ARTS IN EDUCATION**

19 **“SEC. 8101. SUPPORT FOR ARTS EDUCATION.**

20 “(a) *FINDINGS.*—*The Congress finds that—*

21 “(1) *the arts are forms of understanding and*
22 *ways of knowing that are fundamentally important to*
23 *education;*

24 “(2) *the arts are important to excellent edu-*
25 *cation and to effective school reform;*

1 “(3) *the most significant contribution of the arts*
2 *to education reform is the transformation of teaching*
3 *and learning;*

4 “(4) *such transformation is best realized in the*
5 *context of comprehensive, systemic education reform;*

6 “(5) *demonstrated competency in the arts for*
7 *American students is among the National Education*
8 *Goals;*

9 “(6) *arts education should be an integral part of*
10 *the elementary and secondary school curriculum;*

11 “(7) *participation in performing arts activities*
12 *has proven to be an effective strategy for promoting*
13 *the inclusion of persons with disabilities in main-*
14 *stream settings; and*

15 “(8) *opportunities in the arts have enabled per-*
16 *sons of all ages with disabilities to participate more*
17 *fully in school and community activities.*

18 “(b) *PURPOSE.—The purposes of this part are to—*

19 “(1) *support systemic education reform by*
20 *strengthening arts education as an integral part of*
21 *the elementary and secondary school curriculum;*

22 “(2) *help ensure that all students have the oppor-*
23 *tunity to learn to challenging State content standards*
24 *and challenging State student performance standards*
25 *in the arts; and*

1 “(3) support the national effort to enable all stu-
2 dents to demonstrate competence in the arts in ac-
3 cordance with the National Education Goals.

4 “(c) *ELIGIBLE RECIPIENTS.*—In order to carry out the
5 purposes of this part, the Secretary is authorized to award
6 grants to, or enter into contracts or cooperative agreements
7 with—

8 “(1) State educational agencies;

9 “(2) local educational agencies;

10 “(3) institutions of higher education;

11 “(4) museums and other cultural institutions;

12 and

13 “(5) other public and private agencies, institu-
14 tions, and organizations.

15 “(d) *AUTHORIZED ACTIVITIES.*—Funds under this
16 part may be used for—

17 “(1) research on arts education;

18 “(2) the development of, and dissemination of in-
19 formation about, model arts education programs;

20 “(3) the development of model arts education as-
21 sessments based on high standards;

22 “(4) the development and implementation of cur-
23 riculum frameworks for arts education;

1 “(5) the development of model preservice and in-
2 service professional development programs for arts
3 educators and other instructional staff;

4 “(6) supporting collaborative activities with
5 other Federal agencies or institutions involved in arts
6 education, such as the National Endowment for the
7 Arts, the Institute of Museum Services, the John F.
8 Kennedy Center for the Performing Arts, Very Special
9 Arts, and the National Gallery of Art;

10 “(7) supporting model projects and programs in
11 the performing arts for children and youth through
12 arrangements made with the John F. Kennedy Center
13 for the Performing Arts;

14 “(8) supporting model projects and programs de-
15 veloped by Very Special Arts which assure the par-
16 ticipation in mainstream settings in arts and edu-
17 cation programs of persons of all ages with disabil-
18 ities;

19 “(9) supporting model projects and programs to
20 integrate arts education into the regular elementary
21 and secondary school curriculum; and

22 “(10) other activities that further the purposes of
23 this part.

24 “(e) COORDINATION.—

1 “(1) *IN GENERAL.*—A recipient of funds under
2 this part shall, to the extent possible, coordinate
3 projects assisted under this part with appropriate ac-
4 tivities of public and private cultural agencies, insti-
5 tutions, and organizations, including museums, arts
6 education associations, libraries, and theaters.

7 “(2) *SPECIAL RULE.*—In carrying out this part,
8 the Secretary shall coordinate with the National En-
9 dowment for the Arts, the Institute of Museum Serv-
10 ices, the John F. Kennedy Center for the Performing
11 Arts, Very Special Arts, and the National Gallery of
12 Art.

13 “(f) *AUTHORIZATION.*—

14 “(1) *IN GENERAL.*—For the purpose of carrying
15 out this part, there are authorized to be appropriated
16 \$11,000,000 for fiscal year 1995 and such sums as
17 may be necessary for each of the 4 succeeding fiscal
18 years.

19 “(2) *SPECIAL RULE.*—If the amount appro-
20 priated under paragraph (1) for any fiscal year is
21 \$9,000,000 or less, then such amount shall only be
22 available to carry out the activities described in para-
23 graphs (7) and (8) of subsection (d).

1 **“PART B—INEXPENSIVE BOOK DISTRIBUTION**

2 **PROGRAM**

3 **“SEC. 8151. INEXPENSIVE BOOK DISTRIBUTION PROGRAM**

4 **FOR READING MOTIVATION.**

5 “(a) *AUTHORIZATION.*—*The Secretary is authorized to*
6 *enter into a contract with Reading is Fundamental (RIF)*
7 *(hereafter in this section referred to as ‘the contractor’) to*
8 *support and promote programs, which include the distribu-*
9 *tion of inexpensive books to students, that motivate children*
10 *to read.*

11 “(b) *REQUIREMENTS OF CONTRACT.*—*Any contract*
12 *entered into under subsection (a) shall—*

13 “(1) *provide that the contractor will enter into*
14 *subcontracts with local private nonprofit groups or*
15 *organizations or with public agencies under which*
16 *each subcontractor will agree to establish, operate,*
17 *and provide the non-Federal share of the cost of read-*
18 *ing motivation programs that include the distribution*
19 *of books, by gift, to the extent feasible, or loan, to chil-*
20 *dren from birth through secondary school age;*

21 “(2) *provide that funds made available to sub-*
22 *contractors will be used only to pay the Federal share*
23 *of the cost of such programs;*

24 “(3) *provide that in selecting subcontractors for*
25 *initial funding, the contractor will give priority to*

1 *programs that will serve a substantial number or per-*
2 *centage of children with special needs, such as—*

3 *“(A) low-income children, particularly in*
4 *high-poverty areas;*

5 *“(B) children at risk of school failure;*

6 *“(C) children with disabilities;*

7 *“(D) foster children;*

8 *“(E) homeless children;*

9 *“(F) migrant children;*

10 *“(G) children without access to libraries;*

11 *“(H) institutionalized or incarcerated chil-*
12 *dren; and*

13 *“(I) children whose parents are institu-*
14 *tionalized or incarcerated;*

15 *“(4) provide that the contractor will provide*
16 *such technical assistance to subcontractors as may be*
17 *necessary to carry out the purpose of this section;*

18 *“(5) provide that the contractor will annually*
19 *report to the Secretary the number of, and describe,*
20 *programs funded under paragraph (3); and*

21 *“(6) include such other terms and conditions as*
22 *the Secretary determines to be appropriate to ensure*
23 *the effectiveness of such programs.*

24 *“(c) RESTRICTION ON PAYMENTS.—The Secretary*
25 *shall make no payment of the Federal share of the cost of*

1 *acquiring and distributing books under any contract under*
2 *this section unless the Secretary determines that the con-*
3 *tractor or subcontractor, as the case may be, has made ar-*
4 *rangements with book publishers or distributors to obtain*
5 *books at discounts at least as favorable as discounts that*
6 *are customarily given by such publisher or distributor for*
7 *book purchases made under similar circumstances in the*
8 *absence of Federal assistance.*

9 “(d) *DEFINITION OF ‘FEDERAL SHARE’.*—*For the pur-*
10 *pose of this section, the term ‘Federal share’ means, with*
11 *respect to the cost to a subcontractor of purchasing books*
12 *to be paid under this section, 75 percent of such costs to*
13 *the subcontractor, except that the Federal share for pro-*
14 *grams serving children of migrant or seasonal farmworkers*
15 *shall be 100 percent of such costs to the subcontractor.*

16 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*For the*
17 *purpose of carrying out this section, there are authorized*
18 *to be appropriated \$11,000,000 for fiscal year 1995 and*
19 *such sums as may be necessary for each of the 4 succeeding*
20 *fiscal years.*

21 **“PART C—PUBLIC CHARTER SCHOOLS**

22 **“SEC. 8201. FINDINGS AND PURPOSE.**

23 “(a) *FINDINGS.*—*The Congress finds that—*

24 “(1) *enhancement of parent and student choices*
25 *among public schools can assist in promoting com-*

1 *prehensive educational reform and give more students*
2 *the opportunity to learn to challenging State content*
3 *standards and challenging State student performance*
4 *standards, if sufficiently diverse and high-quality*
5 *choices, and genuine opportunities to take advantage*
6 *of such choices, are available to all students;*

7 *“(2) useful examples of such choices can come*
8 *from States and communities that experiment with*
9 *methods of offering teachers and other educators, par-*
10 *ents, and other members of the public the opportunity*
11 *to design and implement new public schools and to*
12 *transform existing public schools;*

13 *“(3) the new schools developed through such proc-*
14 *ess should be free to test a variety of educational ap-*
15 *proaches and should, therefore, be exempted from re-*
16 *strictive rules and regulations if the leadership of*
17 *such schools commits to attaining specific and ambi-*
18 *tious educational results for students consistent with*
19 *challenging State content standards and challenging*
20 *State student performance standards for all students;*

21 *“(4) charter schools, as such schools have been*
22 *implemented in a few States, can embody the nec-*
23 *essary mixture of enhanced choice, exemption from re-*
24 *strictive regulations, and a focus on learning gains;*

1 “(5) charter schools, including charter schools
2 that are schools-within-schools, can help reduce school
3 size, which reduction can have a significant effect on
4 student achievement; and

5 “(6) the Federal Government should test, evalu-
6 ate, and disseminate information on a variety of
7 charter school models in order to help demonstrate the
8 benefits of this promising educational reform.

9 “(b) *PURPOSE.*—It is the purpose of this part to in-
10 crease national understanding of the charter schools model
11 by—

12 “(1) providing financial assistance for the design
13 and initial implementation of charter schools; and

14 “(2) evaluating the effects of such schools, includ-
15 ing the effects on students, staff, and parents.

16 **“SEC. 8202. PROGRAM AUTHORIZED.**

17 “(a) *IN GENERAL.*—The Secretary may award grants
18 to State educational agencies having applications approved
19 pursuant to section 8203 to enable such agencies to conduct
20 a charter school grant program in accordance with this
21 part.

22 “(b) *SPECIAL RULE.*—If a State educational agency
23 elects not to participate in the program authorized by this
24 part or does not have an application approved under sec-
25 tion 8203, the Secretary may award a grant to an eligible

1 *applicant that serves such State and has an application*
2 *approved pursuant to section 8203(c).*

3 *“(c) PROGRAM PERIODS.—*

4 *“(1) GRANTS TO STATES.—Grants awarded to*
5 *State educational agencies under this part shall be*
6 *awarded for a period of not more than 3 years.*

7 *“(2) GRANTS TO ELIGIBLE APPLICANTS.—Grants*
8 *awarded by the Secretary or by State educational*
9 *agencies to eligible applicants under this part shall be*
10 *awarded for a period of not more than 3 years, of*
11 *which the eligible applicant may use—*

12 *“(A) not more than 18 months for planning*
13 *and program design; and*

14 *“(B) not more than 2 years for the initial*
15 *implementation of a charter school.*

16 *“(d) LIMITATION.—The Secretary and State edu-*
17 *cational agencies shall not award more than one grant*
18 *under this part to support a particular charter school.*

19 *“(e) USE OF GRANTS.—*

20 *“(1) STATE EDUCATIONAL AGENCIES.—Each*
21 *State educational agency receiving a grant under this*
22 *part shall use such grant funds to award grants to*
23 *one or more eligible applicants in the State to enable*
24 *such applicant to plan and implement a charter*
25 *school in accordance with this part.*

1 “(2) *ELIGIBLE APPLICANTS.*—Each eligible ap-
2 plicant receiving a grant from the Secretary or a
3 State educational agency shall use such grant funds
4 to plan and implement a charter school in accordance
5 with this part.

6 “(3) *ADMINISTRATIVE EXPENSES.*—Each State
7 educational agency receiving a grant pursuant to this
8 part may reserve not more than 5 percent of such
9 grant funds for administrative expenses associated
10 with the charter school grant program assisted under
11 this part.

12 “(4) *REVOLVING LOAN FUNDS.*—Each State edu-
13 cational agency receiving a grant pursuant to this
14 part may reserve not more than 20 percent of the
15 grant amount for the establishment of a revolving
16 loan fund. Such fund may be used to make loans to
17 eligible applicants that have received a grant under
18 this part, under such terms as may be determined by
19 the State educational agency, for the initial operation
20 of the charter school grant program of such recipient
21 until such time as the recipient begins receiving ongo-
22 ing operational support from State or local financing
23 sources.

1 **“SEC. 8203. APPLICATIONS.**

2 “(a) *APPLICATIONS FROM STATE AGENCIES.*—Each
3 *State educational agency desiring a grant under this part*
4 *shall submit to the Secretary an application at such time,*
5 *in such manner, and containing or accompanied by such*
6 *information as the Secretary may require.*

7 “(b) *CONTENTS.*—Each application submitted pursu-
8 *ant to subsection (a) shall—*

9 “(1) *describe the objectives of the State edu-*
10 *cational agency’s charter school grant program and a*
11 *description of how such objectives shall be fulfilled, in-*
12 *cluding steps taken by the State educational agency*
13 *to inform teachers, parents, and communities of the*
14 *State educational agency’s charter school grant pro-*
15 *gram and the availability of grants for the establish-*
16 *ment of such schools;*

17 “(2) *contain assurances that the State edu-*
18 *cational agency—*

19 “(A) *has granted, will grant, or will obtain,*
20 *a waiver of all State law applicable to each*
21 *charter school receiving a grant under this sec-*
22 *tion, except that this subparagraph only shall*
23 *apply to a State that has enacted a statute re-*
24 *garding the waiver of State law for charter*
25 *schools to the extent permitted by such statute;*
26 *and*

1 “(B) will assist each eligible applicant in
2 the State in receiving a waiver under section
3 8204(d);

4 “(3) contain assurances that the State edu-
5 cational agency will require each eligible applicant
6 receiving a grant to submit an application to the
7 State educational agency containing—

8 “(A) a description of the educational pro-
9 gram to be implemented by the proposed charter
10 school, including—

11 “(i) how the program will enable all
12 students to meet State student performance
13 standards;

14 “(ii) the grade levels or ages of children
15 to be served; and

16 “(iii) the curriculum and instructional
17 practices to be used;

18 “(B) a description of how the charter school
19 will be managed;

20 “(C) a description of—

21 “(i) the objectives of the charter school;
22 and

23 “(ii) the method by which the charter
24 school will determine its progress toward
25 achieving those objectives;

1 “(D) a description of the administrative re-
2 lationship between the charter school and the au-
3 thorized public chartering agency;

4 “(E) a description of how parents and other
5 members of the community will be involved in
6 the design and implementation of the charter
7 school;

8 “(F) a description of how the authorized
9 public chartering agency will provide for contin-
10 ued operation of the school once the Federal
11 grant has expired if such agency determines that
12 the school has met the objectives described in sub-
13 paragraph (C)(i);

14 “(G) a request and justification for waivers
15 of any Federal or State statutory or regulatory
16 requirements that the applicant believes are nec-
17 essary for the successful operation of the charter
18 school;

19 “(H) a description of how the grant funds
20 will be used, including a description of how
21 grant funds will be used in conjunction with
22 other Federal programs administered by the Sec-
23 retary;

24 “(I) a description of how students in the
25 community will be—

1 “(i) informed about the charter school;
2 and

3 “(ii) given an equal opportunity to at-
4 tend the charter school;

5 “(J) an assurance that the eligible appli-
6 cant will annually provide the Secretary and the
7 State educational agency such information as
8 may be required to determine if the charter
9 school is making satisfactory progress toward
10 achieving the objectives described in subpara-
11 graph (C)(i);

12 “(K) an assurance that the applicant will
13 cooperate with the Secretary and the State edu-
14 cational agency in evaluating the program as-
15 sisted under this part; and

16 “(L) such other information and assurances
17 as the Secretary and the State educa-
18 tional agency may require.

19 “(c) APPLICATIONS FROM ELIGIBLE APPLICANTS.—
20 Each eligible applicant desiring a grant pursuant to section
21 8202(e)(1) or 8202(b) shall submit an application to the
22 State educational agency or Secretary, respectively, at such
23 time, in such manner, and accompanied by such informa-
24 tion as the State educational agency or Secretary, respec-
25 tively, may reasonably require. Each such application shall

1 *contain the information and assurances described in sub-*
2 *paragraphs (A) through (L) of subsection (b)(3), except that*
3 *for purpose of this sentence subparagraphs (J), (K), and*
4 *(L) of such subsection shall be applied by striking “and the*
5 *State educational agency” each place such term appears.*

6 **“SEC. 8204. ADMINISTRATION.**

7 “(a) ADMINISTRATION CRITERIA.—The Secretary shall
8 *select grant recipients under this part on the basis of the*
9 *quality of the applications submitted under section 8203,*
10 *after taking into consideration factors, such as—*

11 “(1) *the contribution that charter school will*
12 *make to achieving State content standards and State*
13 *student performance standards and, in general, a*
14 *State’s education improvement plan;*

15 “(2) *the degree of flexibility afforded by the State*
16 *and local educational agencies in grant waivers and*
17 *otherwise assisting teachers and others in establishing*
18 *charter schools within the State;*

19 “(3) *the quality of the proposed curriculum and*
20 *instructional practices;*

21 “(4) *the degree of flexibility afforded by the State*
22 *educational agency and, if applicable, the local edu-*
23 *cational agency, to the charter school;*

24 “(5) *the extent of community support for the ap-*
25 *plication;*

1 “(6) *the ambitiousness of the objectives for the*
2 *charter school;*

3 “(7) *the quality of the plan for assessing achieve-*
4 *ment of such objectives; and*

5 “(8) *the likelihood that the charter school will*
6 *meet such objectives and improve educational results*
7 *for students.*

8 “(b) *PEER REVIEW.—The Secretary, and each State*
9 *educational agency receiving a grant under this part, shall*
10 *use a peer review process to review applications for grants*
11 *under this part.*

12 “(c) *DIVERSITY OF PROJECTS.—The Secretary and*
13 *each State educational agency receiving a grant under this*
14 *part, shall award grants under this part in a manner that,*
15 *to the extent possible, ensures that such grants—*

16 “(1) *are distributed throughout different areas of*
17 *the Nation and each State, including urban and rural*
18 *areas; and*

19 “(2) *will assist charter schools representing a va-*
20 *riety of educational approaches, such as approaches*
21 *designed to reduce school size.*

22 “(d) *WAIVERS.—The Secretary may waive any statu-*
23 *tory or regulatory requirement over which the Secretary ex-*
24 *ercises administrative authority except any such require-*

1 *ment relating to the elements of a charter school described*
2 *in section 8207(1), if—*

3 *“(1) the waiver is requested in an approved ap-*
4 *plication under this part; and*

5 *“(2) the Secretary determines that granting such*
6 *a waiver will promote the purpose of this part.*

7 ***“SEC. 8205. USES OF FUNDS.***

8 *“A recipient of a grant under this part may use the*
9 *grant funds only for—*

10 *“(1) post-award planning and design of the edu-*
11 *cational program, which may include—*

12 *“(A) refinement of the desired educational*
13 *results and of the methods for measuring*
14 *progress toward achieving those results; and*

15 *“(B) professional development of teachers*
16 *and other staff who will work in the charter*
17 *school; and*

18 *“(2) initial implementation of the charter school,*
19 *which may include—*

20 *“(A) informing the community about the*
21 *school;*

22 *“(B) acquiring necessary equipment and*
23 *educational materials and supplies;*

24 *“(C) acquiring or developing curriculum*
25 *materials;*

1 “(D) minor remodeling or renovation of fa-
2 cilities needed to meet State or local health or
3 safety laws or regulations; and

4 “(E) other initial operational costs that
5 cannot be met from State or local sources.

6 **“SEC. 8206. NATIONAL ACTIVITIES.**

7 “The Secretary may reserve not more than 10 percent
8 of the funds available to carry out this part for any fiscal
9 year for—

10 “(1) peer review of applications under section
11 8204;

12 “(2) an evaluation of charter schools, including
13 those assisted under this part; and

14 “(3) other activities designed to enhance the suc-
15 cess of the activities assisted under this part, such
16 as—

17 “(A) development and dissemination of
18 model State charter school laws and model con-
19 tracts or other means of authorizing and mon-
20 itoring the performance of charter schools;

21 “(B) collection and dissemination of infor-
22 mation on successful charter schools; and

23 “(C) conferences, publications, and use of
24 telecommunications and other means to share

1 *ideas and information among grant recipients*
2 *and others about charter schools.*

3 ***“SEC. 8207. DEFINITIONS.***

4 *“As used in this part:*

5 *“(1) The term ‘charter school’ means a public*
6 *school that—*

7 *“(A) in accordance with an enabling State*
8 *statute, is exempted from significant State or*
9 *local rules that inhibit the flexible operation and*
10 *management of public schools, but not from any*
11 *rules relating to the other requirements of this*
12 *paragraph;*

13 *“(B) is created by a developer as a public*
14 *school, or is adapted by a developer from an ex-*
15 *isting public school;*

16 *“(C) operates in pursuit of a specific set of*
17 *educational objectives determined by the school’s*
18 *developer and agreed to by the authorized public*
19 *chartering agency;*

20 *“(D) provides a program of elementary or*
21 *secondary education, or both;*

22 *“(E) is nonsectarian in its programs, ad-*
23 *missions policies, employment practices, and all*
24 *other operations, and is not affiliated with a sec-*
25 *tarian school or religious institution;*

1 “(F) does not charge tuition;

2 “(G) complies with the Age Discrimination
3 Act, title VI of the Civil Rights Act of 1964, title
4 IX of the Education Amendments of 1972, sec-
5 tion 504 of the Rehabilitation Act of 1973, and
6 part B of the Individuals with Disabilities Edu-
7 cation Act;

8 “(H) admits students on the basis of a lot-
9 tery, if more students apply for admission than
10 can be accommodated;

11 “(I) agrees to comply with the same Federal
12 and State audit requirements as do other schools
13 in the State, unless such requirements are spe-
14 cifically waived for the purpose of this program;
15 and

16 “(J) meets all applicable Federal, State,
17 and local health and safety requirements.

18 “(2) The term ‘developer’ means an individual
19 or group of individuals (including a public or private
20 nonprofit organization), which may include teachers,
21 administrators and other school staff, parents, or
22 other members of the local community in which a
23 charter school project will be carried out.

24 “(3) The term ‘eligible applicant’ means an au-
25 thorized public chartering agency participating in a

1 *partnership with a developer to establish a charter*
 2 *school in accordance with this part.*

3 “(4) *The term ‘authorized public chartering*
 4 *agency’ means a State educational agency, local edu-*
 5 *cational agency, or other public entity that has the*
 6 *authority pursuant to State law to authorize or ap-*
 7 *prove a charter school.*

8 **“SEC. 8208. AUTHORIZATION OF APPROPRIATIONS.**

9 “*For the purpose of carrying out this part, there are*
 10 *authorized to be appropriated \$15,000,000 for fiscal year*
 11 *1995 and such sums as may be necessary for each of the*
 12 *4 succeeding fiscal years.*

13 **“PART D—CIVIC EDUCATION**

14 **“SEC. 8251. INSTRUCTION ON THE HISTORY AND PRIN-**
 15 **CIPLES OF DEMOCRACY IN THE UNITED**
 16 **STATES.**

17 “(a) *GENERAL AUTHORITY.—*

18 “(1) *PROGRAM ESTABLISHED.—(A) The Sec-*
 19 *retary is authorized to carry out a program to en-*
 20 *hance the attainment of the third and sixth National*
 21 *Education Goals by educating students about the his-*
 22 *tory and principles of the Constitution of the United*
 23 *States, including the Bill of Rights, and to foster civic*
 24 *competence and responsibility.*

1 “(B) *Such program shall be known as ‘We the*
2 *People . . . The Citizen and the Constitution’.*

3 “(2) *EDUCATIONAL ACTIVITIES.—The program*
4 *required by paragraph (1) shall—*

5 “(A) *continue and expand the educational*
6 *activities of the ‘We the People . . . The Citizen*
7 *and the Constitution’ program administered by*
8 *the Center for Civic Education; and*

9 “(B) *enhance student attainment of chal-*
10 *lenging content standards in civics and govern-*
11 *ment.*

12 “(3) *CONTRACT OR GRANT AUTHORIZED.—The*
13 *Secretary is authorized to enter into a contract or*
14 *grant with the Center for Civic Education to carry*
15 *out the program described in paragraph (1).*

16 “(b) *PROGRAM CONTENT.—The education program*
17 *authorized by this section shall provide—*

18 “(1) *a course of instruction on the basic prin-*
19 *ciples of our constitutional democracy and the history*
20 *of the Constitution and the Bill of Rights;*

21 “(2) *at the request of a participating school,*
22 *school and community simulated congressional hear-*
23 *ings following the course of study; and*

1 “(3) *an annual national competition of simu-*
2 *lated congressional hearings for secondary students*
3 *who wish to participate in such program.*

4 “(c) *PROGRAM CONTENT.—The education program au-*
5 *thorized by this section shall be made available to public*
6 *and private elementary and secondary schools in the 435*
7 *congressional districts, the Commonwealth of Puerto Rico,*
8 *the Virgin Islands, Guam, American Samoa, and the Dis-*
9 *trict of Columbia.*

10 “(d) *SPECIAL RULE.—After the provisions of sub-*
11 *section (b) have been implemented, funds provided under*
12 *this section may be used for—*

13 “(1) *advanced training of teachers about the*
14 *United States Constitution and the political system*
15 *the United States created; or*

16 “(2) *a course of instruction at the middle school*
17 *level on the roles of State and local governments in*
18 *the Federal system established by the Constitution,*
19 *which course shall provide for—*

20 “(A) *optional school and community simu-*
21 *lated State legislative hearings;*

22 “(B) *an annual competition of simulated*
23 *legislative hearings at the State legislative dis-*
24 *trict, State, and national levels for middle school*

1 *students who wish to participate in the program;*
2 *and*

3 “(C) *participation by public and private*
4 *middle schools in the 50 States, the District of*
5 *Columbia, Commonwealth of Puerto Rico, Guam,*
6 *American Samoa, the Virgin Islands, the Com-*
7 *monwealth of the Northern Mariana Islands, the*
8 *Republic of the Marshall Islands, the Federated*
9 *States of Micronesia, and Palau.*

10 **“SEC. 8252. INSTRUCTION IN CIVICS, GOVERNMENT, AND**
11 **THE LAW.**

12 “(a) *PROGRAM ESTABLISHED.*—*The Secretary is au-*
13 *thorized to carry out a program of grants and contracts*
14 *to assist State and local educational agencies and other*
15 *public and private nonprofit agencies, organizations and*
16 *institutions to enhance—*

17 “(1) *attainment by students of challenging State*
18 *content standards and challenging State student per-*
19 *formance standards in civics, government, and the*
20 *law; and*

21 “(2) *attainment by the Nation of the third and*
22 *the sixth National Education Goals.*

23 “(b) *AUTHORIZED ACTIVITIES.*—*Assistance under this*
24 *section may support new and ongoing programs in elemen-*
25 *tary and secondary schools that provide for—*

1 “(1) the development and implementation of cur-
2 ricular programs that enhance student understanding
3 of—

4 “(A) the values and principles which under-
5 lie, and the institutions and processes which
6 comprise, our Nation’s system of government;

7 “(B) the role of law in our constitutional
8 democracy, including activities to promote—

9 “(i) legal literacy;

10 “(ii) a dedication by students to the
11 use of nonviolent means of conflict resolu-
12 tion such as arbitration, mediation, nego-
13 tiation, trials, and appellate hearings; and

14 “(iii) respect for cultural diversity and
15 acceptance of cultural differences; and

16 “(C) the rights and responsibilities of citi-
17 zenship;

18 “(2) professional development for teachers, in-
19 cluding preservice and inservice training;

20 “(3) outside-the-classroom learning experiences
21 for students, including community service activities;

22 “(4) the active participation of community lead-
23 ers, from the public and private sectors, in the schools;
24 and

1 “(5) *the provision of technical assistance to State*
2 *and local educational agencies and other institutions*
3 *and organizations working to further the progress of*
4 *the Nation in attaining the third and sixth National*
5 *Education Goals regarding civics and government.*

6 “(c) *APPLICATIONS, PEER REVIEW AND PRIORITY.—*

7 “(1) *SUBMISSION OF APPLICATIONS.—A State or*
8 *local educational agency, other public or private non-*
9 *profit agency, organization, or institution that desires*
10 *to receive a grant or enter into a contract under this*
11 *section shall submit an application to the Secretary*
12 *at such time, in such manner, and containing or ac-*
13 *companied by such information as the Secretary may*
14 *reasonably require.*

15 “(2) *PEER REVIEW.—(A) The Secretary shall*
16 *convene a panel of individuals for purpose of review-*
17 *ing and rating applications submitted under para-*
18 *graph (1).*

19 “(B) *Such individuals shall have experience with*
20 *education programs in civics, government, and the*
21 *law.*

22 “(3) *PRIORITY.—In making grants or awarding*
23 *contracts under this section, the Secretary shall give*
24 *priority consideration to applications which propose*
25 *the operation of statewide programs.*

1 “(d) *DURATION OF GRANTS AND EXCEPTION.*—

2 “(1) *DURATION.*—*Except as provided in para-*
3 *graph (2), the Secretary shall make grants and enter*
4 *into contracts under this section for periods of two or*
5 *three years.*

6 “(2) *EXCEPTION.*—*The Secretary may make a*
7 *grant or enter into a contract under this section for*
8 *a period of less than 2 years if the Secretary deter-*
9 *mines that special circumstances exist which warrant*
10 *a 1-year grant or contract award.*

11 **“SEC. 8253. REPORT; AUTHORIZATION OF APPROPRIA-**
12 **TIONS.**

13 “(a) *REPORT.*—*The Secretary shall report, on a bien-*
14 *ennial basis and in accordance with section 10701, to the*
15 *Committee on Education and Labor of the House of Rep-*
16 *resentatives and to the Committee on Labor and Human*
17 *Resources of the Senate regarding the distribution and use*
18 *of funds authorized under this part.*

19 “(b) *AUTHORIZATION OF APPROPRIATIONS.*—

20 “(1) *IN GENERAL.*—*To carry out this part, there*
21 *are authorized to be appropriated \$20,000,000 for fis-*
22 *cal year 1995 and such sums as necessary for each of*
23 *the 4 succeeding fiscal years.*

1 *suant to this subpart by such students shall be known as*
2 *Allen J. Ellender fellowships.*

3 **“SEC. 8312. APPLICATIONS.**

4 “(a) *APPLICATION REQUIRED.*—No grant under this
5 subpart may be made except upon an application at such
6 time, in such manner, and accompanied by such informa-
7 tion as the Secretary may reasonably require.

8 “(b) *CONTENTS OF APPLICATION.*—Each such applica-
9 tion shall contain provisions to assure—

10 “(1) *that fellowship grants are made to economi-*
11 *cally disadvantaged middle and secondary school stu-*
12 *dents;*

13 “(2) *that every effort will be made to ensure the*
14 *participation of students from rural and small town*
15 *areas, as well as from urban areas, and that in*
16 *awarding fellowships to economically disadvantaged*
17 *students, special consideration will be given to the*
18 *participation of students with special educational*
19 *needs, including students with disabilities, ethnic mi-*
20 *nority students, and gifted and talented students; and*

21 “(3) *the proper disbursement of the funds of the*
22 *United States received under this subpart.*

1 **“Subpart 2—Program for Middle and Secondary**
2 **School Teachers**

3 **“SEC. 8321. ESTABLISHMENT.**

4 “(a) *GENERAL AUTHORITY.*—The Secretary is author-
5 ized to make grants in accordance with the provisions of
6 this subpart to the Close Up Foundation of Washington,
7 District of Columbia, a nonpartisan, nonprofit foundation,
8 for the purpose of assisting the Close Up Foundation in
9 carrying out its programs of teaching skills enhancement
10 for middle and secondary school teachers.

11 “(b) *USE OF FUNDS.*—Grants under this subpart shall
12 be used only for financial assistance to teachers who par-
13 ticipate in the program described in subsection (a). Finan-
14 cial assistance received pursuant to this subpart by such
15 individuals shall be known as Allen J. Ellender fellowships.

16 **“SEC. 8322. APPLICATIONS.**

17 “(a) *APPLICATION REQUIRED.*—No grant under this
18 subpart may be made except upon an application at such
19 time, in such manner, and accompanied by such informa-
20 tion as the Secretary may reasonably require.

21 “(b) *CONTENTS OF APPLICATION.*—Each such applica-
22 tion shall contain provisions to assure—

23 “(1) that fellowship grants are made only to
24 teachers who have worked with at least one student
25 from such teacher’s school who participates in the
26 programs described in section 8311(a);

1 “(2) that not more than one teacher in each
2 school participating in the programs provided for in
3 section 8311(a) may receive a fellowship in any fiscal
4 year; and

5 “(3) the proper disbursement of the funds of the
6 United States received under this subpart.

7 **“Subpart 3—Programs for Recent Immigrants,
8 Students of Migrant Parents and Older Americans**

9 **“SEC. 8331. ESTABLISHMENT.**

10 “(a) GENERAL AUTHORITY.—

11 “(1) IN GENERAL.—The Secretary is authorized
12 to make grants in accordance with the provisions of
13 this subpart to the Close Up Foundation of Washing-
14 ton, District of Columbia, a nonpartisan, nonprofit
15 foundation, for the purpose of assisting the Close Up
16 Foundation in carrying out its programs of increas-
17 ing understanding of the Federal Government among
18 economically disadvantaged older Americans, recent
19 immigrants and students of migrant parents.

20 “(2) DEFINITION.—For the purpose of this sub-
21 part, the term ‘older American’ means an individual
22 who has attained 55 years of age.

23 “(b) USE OF FUNDS.—Grants under this subpart shall
24 be used only for financial assistance to economically dis-
25 advantaged older Americans, recent immigrants and stu-

1 *dents of migrant parents who participate in the program*
2 *described in subsection (a). Financial assistance received*
3 *pursuant to this subpart by such individuals shall be known*
4 *as Allen J. Ellender fellowships.*

5 **“SEC. 8332. APPLICATIONS.**

6 “(a) *APPLICATION REQUIRED.*—No grant under this
7 *subpart may be made except upon application at such time,*
8 *in such manner, and accompanied by such information as*
9 *the Secretary may reasonably require.*

10 “(b) *CONTENTS OF APPLICATION.*—Each such applica-
11 *tion shall contain provisions to assure—*

12 “(1) *that fellowship grants are made to economi-*
13 *cally disadvantaged older Americans, recent immi-*
14 *grants and students of migrant parents;*

15 “(2) *that every effort will be made to ensure the*
16 *participation of older Americans, recent immigrants*
17 *and students of migrant parents from rural and*
18 *small town areas, as well as from urban areas, and*
19 *that in awarding fellowships, special consideration*
20 *will be given to the participation of older Americans,*
21 *recent immigrants and students of migrant parents*
22 *with special needs, including individuals with dis-*
23 *abilities, ethnic minorities, and gifted and talented*
24 *students;*

1 “(3) that activities permitted by subsection (a)
2 are fully described; and

3 “(4) the proper disbursement of the funds of the
4 United States received under this subpart.

5 **“Subpart 4—General Provisions**

6 **“SEC. 8341. ADMINISTRATIVE PROVISIONS.**

7 “(a) *GENERAL RULE.*—Payments under this part may
8 be made in installments, in advance, or by way of reim-
9 bursement, with necessary adjustments on account of
10 underpayment or overpayment.

11 “(b) *AUDIT RULE.*—The Comptroller General of the
12 United States or any of the Comptroller General’s duly au-
13 thorized representatives shall have access for the purpose of
14 audit and examination to any books, documents, papers,
15 and records that are pertinent to any grant under this part.

16 **“SEC. 8342. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) *IN GENERAL.*—There are authorized to be appro-
18 priated to carry out the provisions of subparts 1, 2, and
19 3 of this part \$4,500,000 for fiscal year 1995 and such sums
20 as may be necessary for each of the 4 succeeding fiscal years.

21 “(b) *SPECIAL RULE.*—Of the funds appropriated pur-
22 suant to subsection (a), not more than 30 percent may be
23 used for teachers associated with students participating in
24 the programs described in section 8311(a).

1 **“PART F—GIFTED AND TALENTED CHILDREN**

2 **“SEC. 8401. SHORT TITLE.**

3 *“This part may be cited as the ‘Jacob K. Javits Gifted*
4 *and Talented Students Education Act of 1994’.*

5 **“SEC. 8402. FINDINGS AND PURPOSES.**

6 *“(a) FINDINGS.—The Congress finds and declares*
7 *that—*

8 *“(1) all students can learn to high standards*
9 *and must develop their talents and realize their po-*
10 *tential if the United States is to prosper;*

11 *“(2) gifted and talented students are a national*
12 *resource vital to the future of the Nation and our Na-*
13 *tion’s security and well-being;*

14 *“(3) too often schools fail to challenge students to*
15 *do their best work, and students who are not chal-*
16 *lenged will not learn to challenging State content*
17 *standards and challenging State student performance*
18 *standards, fully develop their talents, and realize*
19 *their potential;*

20 *“(4) unless the special abilities of gifted and tal-*
21 *ented students are recognized and developed during*
22 *their elementary and secondary school years, much of*
23 *their special potential for contributing to the national*
24 *interest is likely to be lost;*

25 *“(5) gifted and talented students from economi-*
26 *cally disadvantaged families and areas, and students*

1 *of limited-English proficiency are at greatest risk of*
2 *being unrecognized and of not being provided ade-*
3 *quate or appropriate educational services;*

4 *“(6) State and local educational agencies and*
5 *private nonprofit schools often lack the necessary spe-*
6 *cialized resources to plan and implement effective*
7 *programs for the early identification of gifted and*
8 *talented students for the provision of educational serv-*
9 *ices and programs appropriate to their special needs;*

10 *“(7) the Federal Government can best carry out*
11 *the limited but essential role of stimulating research*
12 *and development and personnel training and provid-*
13 *ing a national focal point of information and tech-*
14 *nical assistance that is necessary to ensure that the*
15 *Nation’s schools are able to meet the special edu-*
16 *cational needs of gifted and talented students, and*
17 *thereby serve a profound national interest; and*

18 *“(8) the experience and knowledge gained in de-*
19 *veloping and implementing programs for gifted and*
20 *talented students can and should be used as a basis*
21 *to—*

22 *“(A) develop a rich and challenging cur-*
23 *riculum for all students; and*

1 “(B) *provide all students with important*
2 *and challenging subject matter to study and en-*
3 *courage the habits of hard work.*

4 “(b) *STATEMENT OF PURPOSE.—It is the purpose of*
5 *this part—*

6 “(1) *to provide financial assistance to State and*
7 *local educational agencies, institutions of higher edu-*
8 *cation, and other public and private agencies and or-*
9 *ganizations, to initiate a coordinated program of re-*
10 *search, demonstration projects, personnel training,*
11 *and similar activities designed to build a nationwide*
12 *capability in elementary and secondary schools to*
13 *meet the special educational needs of gifted and tal-*
14 *ented students;*

15 “(2) *to encourage the development of rich and*
16 *challenging curricula for all students through the ap-*
17 *propriate application and adaptation of materials*
18 *and instructional methods developed under this part;*
19 *and*

20 “(3) *to supplement and make more effective the*
21 *expenditure of State and local funds, for the edu-*
22 *cation of gifted and talented students.*

23 **“SEC. 8403. DEFINITIONS; CONSTRUCTION.**

24 “(a) *DEFINITIONS.—For purposes of this part, the*
25 *term ‘gifted and talented students’ means children and*

1 youth who give evidence of high performance capability in
2 areas such as intellectual, creative, artistic, or leadership
3 capacity, or in specific academic fields, and who require
4 services or activities not ordinarily provided by the school
5 in order to fully develop such capabilities.

6 “(b) CONSTRUCTION.—Nothing in this part shall be
7 construed to prohibit a recipient of funds under this part
8 from serving gifted and talented students simultaneously
9 with students with similar educational needs, in the same
10 educational settings where appropriate.

11 **“SEC. 8404. AUTHORIZED PROGRAMS.**

12 “(a) ESTABLISHMENT OF PROGRAM.—

13 “(1) IN GENERAL.—From the sums appropriated
14 under section 8407 in any fiscal year the Secretary
15 (after consultation with experts in the field of the edu-
16 cation of gifted and talented students) shall make
17 grants to or enter into contracts with State edu-
18 cational agencies, local educational agencies, institu-
19 tions of higher education, or other public agencies and
20 private agencies and organizations (including Indian
21 tribes and Indian organizations (as such terms are
22 defined by the Indian Self-Determination and Edu-
23 cation Assistance Act) and Hawaiian native organi-
24 zations) to assist such agencies, institutions, and or-
25 ganizations which submit applications in carrying

1 *out programs or projects authorized by this part that*
2 *are designed to meet the educational needs of gifted*
3 *and talented students, including the training of per-*
4 *sonnel in the education of gifted and talented students*
5 *and in the use, where appropriate, of gifted and tal-*
6 *ented services, materials, and methods for all*
7 *students.*

8 *“(2) CONTENTS.—Applications for funds under*
9 *this part shall describe how—*

10 *“(A) the proposed gifted and talented serv-*
11 *ices, materials, and methods can be adapted, if*
12 *appropriate, for use by all students; and*

13 *“(B) how the proposed programs can be*
14 *evaluated.*

15 *“(b) USES OF FUNDS.—Programs and projects as-*
16 *sisted under this section may include—*

17 *“(1) professional development (including fellow-*
18 *ships) for personnel (including leadership personnel)*
19 *involved in the education of gifted and talented*
20 *students;*

21 *“(2) establishment and operation of model*
22 *projects and exemplary programs for serving gifted*
23 *and talented students, including innovative methods*
24 *for identifying and educating students who may not*
25 *be served by traditional gifted and talented programs,*

1 *summer programs, mentoring programs, service*
2 *learning programs, and cooperative programs involv-*
3 *ing business, industry, and education;*

4 “(3) *training of personnel and parents involved*
5 *in gifted and talented programs with respect to the*
6 *impact of gender role-socialization on the educational*
7 *needs of gifted and talented children and in gender*
8 *equitable education methods, techniques and practices;*

9 “(4) *implementing innovative strategies, such as*
10 *cooperative learning, peer tutoring and service learn-*
11 *ing;*

12 “(5) *strengthening the capability of State edu-*
13 *cational agencies and institutions of higher education*
14 *to provide leadership and assistance to local edu-*
15 *cational agencies and nonprofit private schools in the*
16 *planning, operation, and improvement of programs*
17 *for the identification and education of gifted and tal-*
18 *ented students and the appropriate use of gifted and*
19 *talented programs and methods to serve all students;*

20 “(6) *programs of technical assistance and infor-*
21 *mation dissemination, including how gifted and tal-*
22 *ented programs and methods, where appropriate,*
23 *could be adapted for use by all students; and*

24 “(7) *carrying out—*

1 “(A) *research on methods and techniques for*
2 *identifying and teaching gifted and talented stu-*
3 *dents, and for using gifted and talented pro-*
4 *grams and methods to serve all students; and*

5 “(B) *program evaluations, surveys, and the*
6 *collection, analysis, and development of informa-*
7 *tion needed to accomplish the purposes of this*
8 *part.*

9 “(C) *ESTABLISHMENT OF NATIONAL CENTER.—*

10 “(1) *IN GENERAL.—The Secretary (after con-*
11 *sultation with experts in the field of the education of*
12 *gifted and talented students) shall establish a Na-*
13 *tional Center for Research and Development in the*
14 *Education of Gifted and Talented Children and Youth*
15 *through grants to or contracts with one or more insti-*
16 *tutions of higher education or State educational agen-*
17 *cies, or a combination or consortium of such institu-*
18 *tions and agencies, for the purpose of carrying out ac-*
19 *tivities described in paragraph (5) of subsection (b).*

20 “(2) *DIRECTOR.—Such National Center shall*
21 *have a Director. The Secretary may authorize the Di-*
22 *rector to carry out such functions of the National*
23 *Center as may be agreed upon through arrangements*
24 *with other institutions of higher education, State or*

1 *local educational agencies, or other public or private*
2 *agencies and organizations.*

3 “(d) *LIMITATION.*—*Not more than \$1,750,000 of the*
4 *funds available in any fiscal year to carry out the programs*
5 *and projects authorized by this section may be used to con-*
6 *duct activities pursuant to subsection (b)(5) or (c).*

7 “(e) *COORDINATION.*—*Research activities supported*
8 *under this section—*

9 “(1) *shall be carried out in consultation with the*
10 *Office of Educational Research and Improvement to*
11 *ensure that such activities are coordinated with and*
12 *enhance the research and development activities sup-*
13 *ported by the such office; and*

14 “(2) *may include collaborative research activities*
15 *which are jointly funded and carried out with the*
16 *Office of Educational Research and Improvement.*

17 **“SEC. 8405. PROGRAM PRIORITIES.**

18 “(a) *GENERAL PRIORITY.*—*In the administration of*
19 *this part the Secretary shall give highest priority—*

20 “(1) *to the identification of and the provision of*
21 *services to gifted and talented students who may not*
22 *be identified and served through traditional assess-*
23 *ment methods (including economically disadvantaged*
24 *individuals, individuals of limited-English pro-*
25 *ficiency, and individuals with disabilities); and*

1 “(2) to programs and projects designed to de-
2 velop or improve the capability of schools in an entire
3 State or region of the Nation, through cooperative ef-
4 forts and participation of State and local educational
5 agencies, institutions of higher education, and other
6 public and private agencies and organizations (in-
7 cluding business, industry, and labor), to plan, con-
8 duct, and improve programs for the identification of
9 and the provision of services to gifted and talented
10 students.

11 “(b) *SERVICE PRIORITY*.—In approving applications
12 under section 8404(a), the Secretary shall assure that in
13 each fiscal year at least one-half of the applications ap-
14 proved under such section address the priority described in
15 subsection (a)(1).

16 **“SEC. 8406. GENERAL PROVISIONS.**

17 “(a) *PARTICIPATION OF PRIVATE SCHOOL CHILDREN*
18 *AND TEACHERS*.—In making grants and entering into con-
19 tracts under this part, the Secretary shall ensure, where ap-
20 propriate, that provision is made for the equitable partici-
21 pation of students and teachers in private nonprofit elemen-
22 tary and secondary schools, including the participation of
23 teachers and other personnel in professional development
24 programs for serving such children.

1 “(b) *PROGRAM OPERATIONS.*—*The Secretary shall en-*
2 *sure that the programs under this part are administered*
3 *within the Department by a person who has recognized pro-*
4 *fessional qualifications and experience in the field of the*
5 *education of gifted and talented students and who shall*
6 *serve as a focal point of national leadership and informa-*
7 *tion on mechanisms to carry out the purpose of this part.*

8 “(c) *REVIEW, DISSEMINATION, AND EVALUATION.*—
9 *The Secretary shall—*

10 “(1) *use a peer review process in reviewing ap-*
11 *plications under this part;*

12 “(2) *ensure that information on the activities*
13 *and results of programs and projects funded under*
14 *this part is disseminated to appropriate State and*
15 *local agencies and other appropriate organizations,*
16 *including nonprofit private organizations; and*

17 “(3) *evaluate the effectiveness of programs under*
18 *this part in accordance with section 10701, both in*
19 *terms of the impact on students traditionally served*
20 *in separate gifted and talented programs and on*
21 *other students, and submit the results of such evalua-*
22 *tion to Congress not later than January 1, 1998.*

23 **“SEC. 8407. AUTHORIZATION OF APPROPRIATIONS.**

24 “(a) *IN GENERAL.*—*There are authorized to be appro-*
25 *priated \$20,000,000 for fiscal year 1995, and such sums*

1 *as may be necessary for each of the 4 succeeding fiscal years,*
2 *to carry out the provisions of this part.*

3 “(b) *SPECIAL RULE.*—*If the amount appropriated*
4 *under subsection (a) for a fiscal year exceeds \$20,000,000,*
5 *40 percent of such amount in excess of \$20,000,000 shall*
6 *be available for strategies and programs designed for the*
7 *education of gifted and talented students that may be*
8 *adapted and used to improve teaching and learning for all*
9 *students in a school and to help all students in a school*
10 *develop their talents, realize their potential, and meet chal-*
11 *lenging State content standards and challenging State stu-*
12 *dent performance standards, while not diminishing the cur-*
13 *riculum and instruction for students traditionally identi-*
14 *fied as gifted and talented.*

15 **“PART G—WOMEN’S EDUCATIONAL EQUITY**

16 **“SEC. 8451. SHORT TITLE; FINDINGS.**

17 “(a) *SHORT TITLE.*—*This part may be cited as the*
18 *‘Women’s Educational Equity Act of 1994’.*

19 “(b) *FINDINGS.*—*The Congress finds that—*

20 “(1) *since the enactment of title IX of the Edu-*
21 *cation Amendments of 1972, women and girls have*
22 *made strides in educational achievement and in their*
23 *ability to avail themselves of educational opportuni-*
24 *ties;*

1 “(2) because of funding provided under the
2 *Women’s Educational Equity Act, more curricula,*
3 *training and other educational materials concerning*
4 *educational equity for women and girls are available*
5 *for national dissemination;*

6 “(3) significant gender inequities still exist in
7 *teaching and learning practices, for example—*

8 “(A) sexual harassment, particularly that
9 *experienced by girls, undermines the ability of*
10 *schools to provide a safe and equitable learning*
11 *or workplace environment;*

12 “(B) girls may often receive significantly
13 *less attention from classroom teachers than boys,*
14 *and girls of color have less interaction with*
15 *teachers than all other girls;*

16 “(C) classroom textbooks and other edu-
17 *cational materials do not sufficiently reflect the*
18 *experiences, achievements, or concerns of women*
19 *and, in most cases, are not written by women or*
20 *persons of color;*

21 “(D) girls do not take as many mathe-
22 *matics and science courses as boys, girls lose con-*
23 *fidence in their mathematics and science ability*
24 *as girls move through adolescence, there are few*
25 *women role models in the sciences, and women*

1 *continue to be concentrated in low-paying, tradi-*
2 *tionally female jobs that do not require mathe-*
3 *matics and science skills; and*

4 *“(E) pregnant and parenting teenagers are*
5 *at high risk for dropping out of school and exist-*
6 *ing dropout prevention programs do not ade-*
7 *quately address the needs of such population;*

8 *“(4) Federal support should address not only re-*
9 *search and development of innovative model curricula*
10 *and teaching and learning strategies to promote gen-*
11 *der equity, but should, to the extent feasible, also help*
12 *schools and local communities implement and institu-*
13 *tionalize gender equitable practices;*

14 *“(5) Federal assistance for gender equity must be*
15 *tied to systemic reform, involve collaborative efforts to*
16 *implement effective gender practices at the local level,*
17 *and encourage parental participation; and*

18 *“(6) excellence in education, high educational*
19 *achievements and standards, and the full participa-*
20 *tion of women and girls in American society cannot*
21 *be achieved without educational equity for women*
22 *and girls.*

23 **“SEC. 8452. STATEMENT OF PURPOSES.**

24 *“It is the purpose of this part—*

1 “(1) to promote gender equity in education in
2 the United States;

3 “(2) to provide financial assistance to enable
4 educational agencies and institutions to meet the re-
5 quirements of title IX of the Educational Amend-
6 ments of 1972; and

7 “(3) to promote equity in education to women
8 and girls who suffer multiple forms of discrimination
9 based on sex, race, ethnic origin, limited-English pro-
10 ficiency, disability, or age.

11 **“SEC. 8453. PROGRAM AUTHORIZED.**

12 “The Secretary is authorized to make grants to, and
13 enter into contracts and cooperative agreements with, pub-
14 lic agencies, private nonprofit agencies, organizations, in-
15 stitutions, community groups, and individuals, to achieve
16 the purposes of this part by providing support and tech-
17 nical assistance for—

18 “(1) the implementation of effective gender-eq-
19 uity policies and practices at all educational levels,
20 including—

21 “(A) assisting educational agencies and in-
22 stitutions to implement policies and practices to
23 comply with title IX of the Education Amend-
24 ments of 1972;

1 “(B) training for teachers, counselors, ad-
2 ministrators, and other school personnel, espe-
3 cially preschool and elementary school personnel,
4 in gender equitable teaching and learning prac-
5 tices;

6 “(C) leadership training for women and
7 girls to develop professional and marketable
8 skills to compete in the global marketplace, im-
9 prove self-esteem, and benefit from exposure to
10 positive role models;

11 “(D) school-to-work transition programs,
12 other programs to increase opportunities for
13 women and girls to enter a technologically de-
14 manding workplace and, in particular, to enter
15 highly skilled, high paying careers in which
16 women and girls have been underrepresented,
17 and guidance and counseling activities;

18 “(E) enhancing educational and career op-
19 portunities for women and girls who suffer mul-
20 tiple forms of discrimination, based on sex and
21 on race, ethnic origin, limited-English pro-
22 ficiency, disability, socioeconomic status, or age;

23 “(F) assisting pregnant students and stu-
24 dents rearing children to remain in or to return

1 *to secondary school, graduate, and prepare their*
2 *preschool children to start school;*

3 “(G) *evaluating exemplary model programs*
4 *to assess the ability of such programs to advance*
5 *educational equity for women and girls; and*

6 “(H) *introduction into the classroom of*
7 *textbooks, curricula, and other materials de-*
8 *signed to achieve equity for women and girls;*
9 *and*

10 “(2) *research and development, which shall be co-*
11 *ordinated with the Office of Educational Research*
12 *and Improvement’s National Institute on the Edu-*
13 *cation of At-Risk Students to avoid duplication of re-*
14 *search efforts, designed to advance gender equity na-*
15 *tionwide and to help make policies and practices in*
16 *educational agencies and institutions and local com-*
17 *munities gender-equitable, including—*

18 “(A) *research and development designed to*
19 *advance gender equity, including the develop-*
20 *ment of innovative strategies to improve teaching*
21 *and learning practices;*

22 “(B) *the development of high quality and*
23 *challenging assessment instruments that are non-*
24 *discriminatory;*

1 “(C) the development and evaluation of
2 model curricula, textbooks, software, and other
3 educational materials to ensure the absence of
4 gender stereotyping and bias;

5 “(D) the development of instruments and
6 procedures that employ new and innovative
7 strategies to assess whether diverse educational
8 settings are gender equitable;

9 “(E) the development of new dissemination
10 and replication strategies;

11 “(F) updating high quality educational ma-
12 terials previously developed through awards
13 made under this part; and

14 “(G) the implementation of nondiscrim-
15 inatory tests of aptitude and achievement and
16 alternative assessment instruments.

17 **“SEC. 8454. APPLICATIONS.**

18 “(a) APPLICATIONS.—A grant may be made, and a
19 contract or cooperative agreement may be entered into,
20 under this part only upon application to the Secretary, at
21 such time, in such form, and containing or accompanied
22 by such information as the Secretary may prescribe, such
23 as—

24 “(1) setting forth policies and procedures that
25 will ensure a comprehensive evaluation of the activi-

1 *ties carried out under the project, including an eval-*
2 *uation of the practices, policies, and materials used*
3 *by the applicant and an evaluation or estimate of the*
4 *continued significance of the work of the project fol-*
5 *lowing completion of the award period;*

6 *“(2) demonstrating how funds received under*
7 *this part will be used to promote the attainment of*
8 *one or more of the National Education Goals;*

9 *“(3) demonstrating how the applicant will ad-*
10 *dress perceptions of gender roles based on cultural dif-*
11 *ferences or stereotypes;*

12 *“(4) describing how funds under this part will be*
13 *used in a manner that is consistent with the School-*
14 *to-Work Opportunities Act of 1994;*

15 *“(5) for applications for projects under section*
16 *8453(1), demonstrating how the applicant will foster*
17 *partnerships and share resources with State edu-*
18 *cational agencies, local educational agencies, institu-*
19 *tions of higher education, community-based organiza-*
20 *tions, and other recipients of Federal educational*
21 *funding which may include State literacy resource*
22 *centers; and*

23 *“(6) for applications for projects under section*
24 *8453(1), demonstrating how parental involvement in*
25 *the project will be encouraged.*

1 “(b) *SPECIAL RULE.*—*In approving applications*
2 *under this part, the Secretary shall give special consider-*
3 *ation to applications—*

4 “(1) *submitted by applicants that have not re-*
5 *ceived assistance under this part or under part C of*
6 *title IX of this Act (as such part was in effect on Oc-*
7 *tober 1, 1988);*

8 “(2) *for projects that will contribute signifi-*
9 *cantly to directly improving teaching and learning*
10 *practices in the local community; and*

11 “(3) *for projects that will—*

12 “(A) *provide for a comprehensive approach*
13 *to enhancing gender equity in educational insti-*
14 *tutions and agencies;*

15 “(B) *draw on a variety of resources, includ-*
16 *ing local educational agencies, community-based*
17 *organizations, institutions of higher education,*
18 *and private organizations;*

19 “(C) *implement a strategy with long-term*
20 *impact that will continue as a central activity*
21 *of the applicant after the grant has terminated;*
22 *and*

23 “(D) *address issues of national significance*
24 *that can be duplicated.*

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 **“SEC. 8455. CRITERIA AND PRIORITIES.**

5 “The Secretary shall establish separate criteria and
6 priorities for awards under paragraphs (1) and (2) of sec-
7 tion 8453 to ensure that available funds are used for pro-
8 grams that most effectively will achieve the purposes of this
9 part.

10 **“SEC. 8456. REPORT.**

11 “The Secretary, by January 1, 1999, shall submit to
12 the President and the Congress a report on the status of
13 educational equity for girls and women in the Nation.

14 **“SEC. 8457. EVALUATION AND DISSEMINATION.**

15 “(a) *EVALUATION AND DISSEMINATION.*—The Sec-
16 retary shall evaluate in accordance with section 10701, and
17 disseminate, materials and programs developed under this
18 part and shall report to the Congress regarding such evalua-
19 tion materials and programs by January 1, 1998.

20 “(b) *USE OF PROGRAM FUNDS.*—The Secretary is au-
21 thorized to use funds appropriated under section 8458 to
22 gather and disseminate information about emerging issues
23 concerning gender equity and, if necessary, to convene meet-
24 ings for this purpose.

1 *carry out such programs and projects directly or through*
2 *grants to, or contracts with, State and local educational*
3 *agencies, institutions of higher education, and other public*
4 *and private agencies, organizations, and institutions.*

5 *“(b) USES OF FUNDS.—*

6 *“(1) IN GENERAL.—Funds provided under this*
7 *section may be used for—*

8 *“(A) activities that will promote systemic*
9 *education reform at the State and local levels,*
10 *such as—*

11 *“(i) developing and evaluating strate-*
12 *gies for eliminating ability grouping prac-*
13 *tices and developing policies and programs*
14 *that place all students on a college-pre-*
15 *paratory path of study, particularly in aca-*
16 *ademic fields such as mathematics, science,*
17 *English, and social studies, including com-*
18 *prehensive inservice programs for teachers*
19 *and counselors and academic enrichment*
20 *programs that supplement regular courses*
21 *for students;*

22 *“(ii) developing and evaluating pro-*
23 *grams that directly involve parents and*
24 *family members in the academic progress of*
25 *their children;*

1 “(iii) developing and evaluating strate-
2 gies for integrating instruction and assess-
3 ment such that teachers and administrators
4 can focus on what students should know
5 and be able to do at particular grade levels,
6 which instruction shall promote the syn-
7 thesis of knowledge, encourage the develop-
8 ment of problem-solving skills drawing on a
9 vast range of disciplines, and promote the
10 development of higher order thinking by all
11 students;

12 “(iv) developing and evaluating strate-
13 gies for supporting professional development
14 for teachers across all disciplines and for
15 guidance counselors and administrators, in-
16 cluding inservice training that improves the
17 skills of counselors and administrators in
18 working with students from diverse popu-
19 lations;

20 “(v) research and development related
21 to challenging State content standards and
22 challenging State student performance
23 standards for student learning; and

24 “(vi) the development and evaluation
25 of model strategies for assessment of student

1 *learning, professional development for*
2 *teachers and administrators, parent and*
3 *community involvement, and other aspects*
4 *of systemic reform;*

5 “(B) *demonstrations at the State and local*
6 *levels that are designed to yield nationally sig-*
7 *nificant results, including approaches to public*
8 *school choice and school based decisionmaking;*

9 “(C) *joint activities with other Federal*
10 *agencies, such as the National Science Founda-*
11 *tion, the Department of Health and Human*
12 *Services, and the Department of Labor, and with*
13 *institutions of higher education, to assist the ef-*
14 *fort to achieve the National Education Goals, in-*
15 *cluding activities related to improving the tran-*
16 *sition from preschool to school and from school*
17 *to work, as well as activities related to the inte-*
18 *gration of education and health and social serv-*
19 *ices;*

20 “(D) *activities to promote and evaluate*
21 *counseling and mentoring for students, including*
22 *intergenerational mentoring;*

23 “(E) *activities to promote and evaluate co-*
24 *ordinated pupil services programs;*

