

105TH CONGRESS
2^D SESSION

H. R. 3248

AN ACT

To provide dollars to the classroom.

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To provide dollars to the classroom.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Dollars to the Class-
3 room Act”.

4 **TITLE I—IMPROVEMENT OF**
5 **CLASSROOM SERVICES AND**
6 **ACTIVITIES**

7 **SEC. 101. GRANTS TO STATES.**

8 The Secretary is authorized to award grants in ac-
9 cordance with this title to States for use by States and
10 local educational agencies to improve classroom services
11 and activities for students.

12 **SEC. 102. GRANT AWARD.**

13 (a) **RESERVATION OF FUNDS.**—From the amount ap-
14 propriated to carry out this title for any fiscal year, the
15 Secretary shall reserve—

16 (1) $\frac{1}{2}$ of 1 percent for the outlying areas, to be
17 distributed among the outlying areas on the basis of
18 their relative need, as determined by the Secretary
19 in accordance with the purposes of this section; and

20 (2) $\frac{1}{2}$ of 1 percent for the Secretary of the In-
21 terior for programs under this title in schools oper-
22 ated or funded by the Bureau of Indian Affairs.

23 (b) **STATE ALLOCATIONS.**—Funds appropriated to
24 carry out this title for any fiscal year, which are not re-
25 served under subsection (a), shall be allocated among the
26 States as follows:

1 (1) HOLD HARMLESS.—If the amount of funds
2 appropriated to carry out this title in any fiscal year
3 equals or exceeds the aggregate amount all States
4 received in fiscal year 1998 under—

5 (A) title III of the Goals 2000: Educate
6 America Act (20 U.S.C. 5881 et seq.);

7 (B) section 1002(g)(2) of the Elementary
8 and Secondary Education Act of 1965 (20
9 U.S.C. 6302(g));

10 (C) section 1502 of the Elementary and
11 Secondary Education Act of 1965 (20 U.S.C.
12 6492);

13 (D) part B of title II of the Elementary
14 and Secondary Education Act of 1965 (20
15 U.S.C. 6641 et seq.);

16 (E) section 3132 of the Elementary and
17 Secondary Education Act of 1965 (20 U.S.C.
18 6842 et seq.);

19 (F) title VI of the Elementary and Second-
20 ary Education Act of 1965 (20 U.S.C. 7311 et
21 seq.); and

22 (G) part B of title VII of the Stewart B.
23 McKinney Homeless Assistance Act (42 U.S.C.
24 11421 et seq.),

1 as such provisions were in effect on the day preced-
2 ing the date of the enactment of this Act, the Sec-
3 retary shall allocate to each State the aggregate
4 amount such State received for fiscal year 1998
5 under such provisions.

6 (2) INSUFFICIENT FUNDS.—If the amount of
7 appropriations to carry out this title for any fiscal
8 year is insufficient to pay the full amounts that all
9 States are eligible to receive under paragraph (1) for
10 such year, the Secretary shall ratably reduce such
11 amounts for such year.

12 (3) REMAINING FUNDS.—If funds remain after
13 meeting the requirements of paragraph (1), such re-
14 maining funds shall be allocated among the States
15 in the following manner:

16 (A) 50 percent of such remaining funds
17 shall be allocated to States in proportion to
18 their grants under part A of title I of the Ele-
19 mentary and Secondary Education Act of 1965
20 for the preceding fiscal year; and

21 (B) 50 percent of such remaining funds
22 shall be allocated to States in proportion to the
23 number of children ages 5 through 17, inclu-
24 sive, according to the most recent available data
25 that are satisfactory to the Secretary.

1 (c) DEFINITION OF STATE.—For purposes of this
2 section, the term “State” includes the 50 States, the Dis-
3 trict of Columbia, and the Commonwealth of Puerto Rico.

4 (d) DEFINITION OF OUTLYING AREA.—For purposes
5 of this section, the term “outlying area” includes Amer-
6 ican Samoa, Guam, the United States Virgin Islands, and
7 the Commonwealth of the Northern Mariana Islands.

8 (e) PAYMENTS.—Funds awarded to a State under
9 this section shall be paid to the individual or entity in the
10 State that is responsible for the State administration of
11 Federal education funds pursuant to State law.

12 (f) USE OF STATE AWARDS.—

13 (1) IN GENERAL.—From the amount made
14 available to a State under subsection (b) for a fiscal
15 year, the State—

16 (A) shall use not more than 5 percent of
17 the total amount to support programs or activi-
18 ties, for children ages 5 through 17, that the
19 State determines appropriate, of which the
20 State shall distribute 20 percent of the 5 per-
21 cent to local educational agencies in the State
22 to pay the administrative expenses of the local
23 educational agencies that are associated with
24 the activities and services assisted under this
25 section; and

1 (B) shall distribute, pursuant to section
2 103(a), not less than 95 percent of the amount
3 to local educational agencies in the State for
4 the fiscal year to enable the local educational
5 agencies to pay the costs of activities or services
6 provided in the classroom, for children ages 5
7 through 17, that the local educational agencies
8 determine appropriate subject to the require-
9 ments of section 103(b).

10 (2) ADMINISTRATIVE EXPENSES.—For the pur-
11 pose of paragraph (1)(B), the costs of activities and
12 services provided in the classroom exclude the ad-
13 ministrative expenses associated with the activities
14 and services.

15 (g) SUPPLEMENT NOT SUPPLANT.—A State or local
16 educational agency shall use funds received under this title
17 only to supplement the amount of funds that would, in
18 the absence of such Federal funds, be made available from
19 non-Federal sources for the education of pupils participat-
20 ing in programs assisted under this title, and not to sup-
21 plant such funds.

22 (h) ANNUAL REPORTS.—

23 (1) IN GENERAL.—Each State receiving assist-
24 ance under this part shall issue a report on an an-
25 nual basis, not later than April 1 of each year begin-

1 ning the year after the date of the enactment of this
2 Act, to the Secretary, the Committee on Education
3 and the Workforce of the House of Representatives,
4 the Committee on Labor and Human Resources of
5 the Senate, and the Committees on Appropriations
6 of the Senate and the House of Representatives that
7 describes how funds under this title have been used
8 to improve student performance in that State.

9 (2) CERTIFICATION.—The report must also in-
10 clude a certification by the State that 95 percent of
11 funding provided under this title during the preced-
12 ing fiscal year has been expended by local edu-
13 cational agencies within that State for classroom ac-
14 tivities and services pursuant to subsection
15 (f)(1)(B).

16 (3) MEASURES OF PERFORMANCE.—In deter-
17 mining student academic performance within the
18 State, the State shall use such measures of student
19 academic performance as it deems appropriate. The
20 State may disaggregate data by poverty, subject
21 area, race, gender, geographic location, or other cri-
22 teria as the State deems appropriate.

23 (4) AVAILABILITY OF REPORT.—Each State
24 shall make the report described in this subsection

1 available to parents and members of the public
2 throughout that State.

3 **SEC. 103. LOCAL AWARDS.**

4 (a) DETERMINATION OF AMOUNT OF FUNDS.—

5 (1) IN GENERAL.—The individual or entity in
6 the State that is responsible for the State adminis-
7 tration of Federal education funds pursuant to State
8 law of each State receiving assistance under this
9 title, in consultation with the Governor of such
10 State, the chief State school officer of such State,
11 representatives from the State legislature, and rep-
12 resentatives from local educational agencies within
13 such State, shall develop a formula for the allocation
14 of funds described in section 102, to local edu-
15 cational agencies, taking into consideration—

16 (A) poverty rates within each local edu-
17 cational agency;

18 (B) children living in sparsely populated
19 areas;

20 (C) an equitable distribution of funds
21 among urban, rural, and suburban areas;

22 (D) children whose education imposes a
23 higher than average cost per child; and

24 (E) such other factors as considered appro-
25 priate.

1 (2) HOLD HARMLESS.—No local educational
2 agency shall receive an award under this subsection
3 for any fiscal year in an amount that is less than
4 the amount the local educational agency received to
5 carry out programs or activities for fiscal year 1998
6 for title III of the Goals 2000: Educate America Act
7 (20 U.S.C. 5881 et seq.), part B of title II of the
8 Elementary and Secondary Education Act of 1965
9 (20 U.S.C. 6641 et seq.), section 3132 of the Ele-
10 mentary and Secondary Education Act of 1965 (20
11 U.S.C. 6842 et seq.), title VI of the Elementary and
12 Secondary Education Act of 1965 (20 U.S.C. 7311
13 et seq.), and part B of title VII of the Stewart B.
14 McKinney Homeless Assistance Act (42 U.S.C.
15 11421 et seq.) as in effect on the day preceding the
16 date of the enactment of this Act plus amounts the
17 local educational agency is eligible to receive during
18 fiscal years 1999 through 2003 pursuant to all
19 multiyear awards made prior to the date of enact-
20 ment of this Act under any program that is repealed
21 by section 107 that is not listed in this sentence.

22 (3) INSUFFICIENT FUNDS.—If the amount allo-
23 cated to a State to carry out this title for any fiscal
24 year is insufficient to pay the full amounts that all
25 local educational agencies in such State are eligible

1 to receive under paragraph (2) for such year, the
2 State shall ratably reduce such amounts for such
3 year.

4 (b) LOCAL USES OF FUNDS.—Funds made available
5 under this section to a local educational agency shall be
6 used for the following classroom services and activities:

7 (1) Programs for the acquisition and use of in-
8 structional and educational materials, including li-
9 brary services and materials (including media mate-
10 rials), assessments, reference materials, and other
11 curricular materials which are tied to high academic
12 standards and which will be used to improve student
13 achievement and which are part of an overall edu-
14 cation reform program.

15 (2) Professional development for instructional
16 staff.

17 (3) Programs to improve the higher order
18 thinking skills of disadvantaged elementary and sec-
19 ondary school students and to prevent students from
20 dropping out of school.

21 (4) Efforts to lengthen the school day or the
22 school year.

23 (5) Programs to combat illiteracy in the student
24 population.

1 (6) Programs to provide for the educational
2 needs of gifted and talented children.

3 (7) Promising education reform projects that
4 are tied to State student content and performance
5 standards.

6 (8) Carrying out comprehensive school reform
7 programs that are based on reliable research.

8 (9) Programs for homeless children and youth.

9 (10) Programs that are built upon partnerships
10 between local educational agencies and institutions
11 of higher education, educational service agencies, li-
12 braries, businesses, regional educational laboratories,
13 or other educational entities, for the purpose of pro-
14 viding educational services consistent with this sec-
15 tion.

16 (11) The acquisition of books, materials and
17 equipment, payment of compensation of instructional
18 staff, and instructional activities that are necessary
19 for the conduct of programs in magnet schools.

20 (12) Programs to promote academic achieve-
21 ment among women and girls.

22 (13) Programs to provide for the educational
23 needs of children with limited English proficiency or
24 who are American Indian, Alaska Native, or Native
25 Hawaiian.

1 (14) Activities to provide the academic support,
2 enrichment, and motivation to enable all students to
3 reach high State standards.

4 (15) Efforts to reduce the pupil-teacher ratio.

5 (16) Projects and programs which assure the
6 participation in mainstream settings in arts and
7 education programs of individuals with disabilities.

8 (17) Projects and programs to integrate arts
9 education into the regular elementary and secondary
10 school curriculum.

11 (18) Programs designed to educate students
12 about the history and principles of the Constitution
13 of the United States, including the Bill of Rights,
14 and to foster civic competence and responsibility.

15 (19) Mathematics and science education in-
16 structional materials.

17 (20) Programs designed to improve the quality
18 of student writing and learning and the teaching of
19 writing as a learning process.

20 (21) Technology related to the implementation
21 of school-based reform programs, including profes-
22 sional development to assist teachers and other
23 school officials regarding how to effectively use such
24 equipment and software.

1 (22) Computer software and hardware for in-
2 structional use.

3 (23) Developing, adapting, or expanding exist-
4 ing and new applications of technology.

5 (24) Acquiring connectivity linkages, resources,
6 and services, including the acquisition of hardware
7 and software, for use by teachers, students, and
8 school library media personnel in the classroom or in
9 school library media centers, in order to improve
10 student learning.

11 (25) After-school programs designed to engage
12 children in a constructive manner and to promote
13 their academic, developmental, and personal growth;

14 (26) Developing, constructing, acquiring, main-
15 taining, operating, and obtaining technical assist-
16 ance in the use of telecommunications audio and vis-
17 ual facilities and equipment for use in the classroom.

18 (27) Developing, acquiring, and obtaining tech-
19 nical assistance in the use of educational and in-
20 structional video programming for use in the class-
21 room.

22 (c) PARENT INVOLVEMENT.—Each local educational
23 agency receiving assistance under this section shall involve
24 parents and members of the public in planning for the use
25 of funds provided under this section.

1 **SEC. 104. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**
2 **VATE SCHOOLS.**

3 Each local educational agency that receives funds
4 under this title shall provide for the participation of chil-
5 dren enrolled in private schools, and their teachers or
6 other educational personnel, in the activities and services
7 assisted under such section in the same manner as private
8 school children, and their teachers or other educational
9 personnel, participate in activities and services under the
10 Elementary and Secondary Education Act of 1965 (20
11 U.S.C. 6301 et seq.) pursuant to sections 14503, 14504,
12 14505, and 14506 of such Act (20 U.S.C. 8893, 8894,
13 8895, and 8896).

14 **SEC. 105. DEFINITIONS.**

15 In this title—

16 (1) the term “local educational agency” has the
17 meaning given the term in section 14101 of the Ele-
18 mentary and Secondary Education Act of 1965 (20
19 U.S.C. 8801);

20 (2) the term “educational service agency” has
21 the meaning given the term in section 14101 of the
22 Elementary and Secondary Education Act of 1965
23 (20 U.S.C. 8801);

24 (3) the term “Secretary” means the Secretary
25 of Education; and

1 (4) except as otherwise provided, the term
2 “State” means each of the several States of the
3 United States, the District of Columbia, the Com-
4 monwealth of Puerto Rico, Guam, American Samoa,
5 the Commonwealth of the Northern Mariana Is-
6 lands, and the United States Virgin Islands.

7 **SEC. 106. GENERAL PROVISIONS.**

8 (a) **RULE OF CONSTRUCTION.**—Nothing in this title
9 shall be construed to authorize an officer or employee of
10 the Federal Government to require, direct, or control a
11 State, local educational agency or school’s specific instruc-
12 tional content of pupil performance standards and assess-
13 ments, curriculum, or program of instruction as a condi-
14 tion of eligibility to receive funds under this title.

15 (b) **STATE AND LOCAL DETERMINATION.**—

16 (1) **IN GENERAL.**—The Secretary shall not
17 issue any regulation regarding the type of classroom
18 activities or services that may be assisted under this
19 title.

20 (2) **INSTRUCTIONAL METHOD AND SETTING.**—
21 No local educational agency shall be required to pro-
22 vide services under this title through a particular in-
23 structional method or in a particular instructional
24 setting in order to receive funding under this title.

1 **SEC. 107. REPEALS.**

2 The following provisions are repealed:

3 (1) Title III of the Goals 2000: Educate Amer-
4 ica Act (20 U.S.C. 5881 et seq.).

5 (2) Title IV of the Goals 2000: Educate Amer-
6 ica Act (20 U.S.C. 5911 et seq.).

7 (3) Title VI of the Goals 2000: Educate Amer-
8 ica Act (20 U.S.C. 5951).

9 (4) Titles II, III, and IV of the School-to-Work
10 Opportunities Act of 1994 (20 U.S.C. 6121 et seq.,
11 6171 et seq., and 6191 et seq.).

12 (5) section 1502 of the Elementary and Second-
13 ary Education Act of 1965 (20 U.S.C. 6492).

14 (6) section 1503 of the Elementary and Second-
15 ary Education Act of 1965 (20 U.S.C. 6493).

16 (7) section 1002(g)(2) of the Elementary and
17 Secondary Education Act of 1965.

18 (8) Part A of title II of the Elementary and
19 Secondary Education Act of 1965 (20 U.S.C. 6621
20 et seq.).

21 (9) Part B of title II of the Elementary and
22 Secondary Education Act of 1965 (20 U.S.C. 6641
23 et seq.).

24 (10) Title III of the Elementary and Secondary
25 Education Act of 1965 (20 U.S.C. 6801 et seq.).

1 (11) Part A of title V of the Elementary and
2 Secondary Education Act of 1965 (20 U.S.C. 7201
3 et seq.).

4 (12) Part B of title V of the Elementary and
5 Secondary Education Act of 1965 (20 U.S.C. 7231
6 et seq.).

7 (13) Title VI of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 7311 et seq.).

9 (14) Part B of title IX of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C. 7901
11 et seq.).

12 (15) Part C of title IX of the Elementary and
13 Secondary Education Act of 1965 (20 U.S.C. 7931
14 et seq.).

15 (16) Part A of title X of the Elementary and
16 Secondary Education Act of 1965 (20 U.S.C. 8001
17 et seq.).

18 (17) Part B of title X of the Elementary and
19 Secondary Education Act of 1965 (20 U.S.C. 8031
20 et seq.).

21 (18) Part D of title X of the Elementary and
22 Secondary Education Act of 1965 (20 U.S.C. 8091
23 et seq.).

1 (19) Part F of title X of the Elementary and
2 Secondary Education Act of 1965 (20 U.S.C. 8141
3 et seq.).

4 (20) Part G of title X of the Elementary and
5 Secondary Education Act of 1965 (20 U.S.C. 8161
6 et seq.).

7 (21) Part I of title X of the Elementary and
8 Secondary Education Act of 1965 (20 U.S.C. 8241
9 et seq.).

10 (22) Part J of title X of the Elementary and
11 Secondary Education Act of 1965 (20 U.S.C. 8271
12 et seq.).

13 (23) Part K of title X of the Elementary and
14 Secondary Education Act of 1965 (20 U.S.C. 8331
15 et seq.).

16 (24) Part L of title X of the Elementary and
17 Secondary Education Act of 1965 (20 U.S.C. 8351
18 et seq.).

19 (25) Part A of title XIII of the Elementary and
20 Secondary Education Act of 1965 (20 U.S.C. 8621
21 et seq.).

22 (26) Part C of title XIII of the Elementary and
23 Secondary Education Act of 1965 (20 U.S.C. 8671
24 et seq.).

1 (27) Subtitle B of title VII of the Stewart B.
2 McKinney Homeless Assistance Act (42 U.S.C.
3 11421 et seq.).

4 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated to carry out
6 this title, \$2,740,000,000 for fiscal year 1999,
7 \$2,800,000,000 for fiscal year 2000, \$2,870,000,000 for
8 fiscal year 2001, \$2,940,000,000 for fiscal year 2002; and
9 \$3,001,000,000 for fiscal year 2003.

10 **TITLE II—MISCELLANEOUS**
11 **PROVISIONS**

12 **SEC. 201. EXPANSION OF ED-FLEX DEMONSTRATIONS.**

13 (a) WAIVER AUTHORITY.—

14 (1) IN GENERAL.—Except as provided in sub-
15 section (c), the Secretary may waive any statutory
16 or regulatory requirement applicable to any program
17 or Act described in subsection (b) for a State edu-
18 cational agency, local educational agency, or school
19 if—

20 (A) and only to the extent that, the Sec-
21 retary determines that such requirement im-
22 pedes the ability of the State, or of a local edu-
23 cational agency or school in the State, to carry
24 out the State or local improvement plan;

1 (B) the State educational agency has
2 waived, or agrees to waive, similar requirements
3 of State law;

4 (C) in the case of a statewide waiver, the
5 State educational agency—

6 (i) provides all local educational agen-
7 cies and parent organizations in the State
8 with notice and an opportunity to comment
9 on the State educational agency’s proposal
10 to seek a waiver; and

11 (ii) submits the local educational
12 agencies’ comments to the Secretary; and

13 (D) in the case of a local educational agen-
14 cy waiver, the local educational agency provides
15 parents, community groups, and advocacy or
16 civil rights groups with the opportunity to com-
17 ment on the proposed waiver.

18 (2) APPLICATION.—(A)(i) To request a waiver
19 under paragraph (1), a local educational agency or
20 school that receives funds under this title, or a local
21 educational agency or school shall transmit an appli-
22 cation for such a waiver to the State educational
23 agency. The State educational agency then shall sub-
24 mit approved applications for waivers under para-
25 graph (1) to the Secretary.

1 (ii) A State educational agency may request a
2 waiver under paragraph (1) by submitting an appli-
3 cation for such waiver to the Secretary.

4 (B) Each application submitted to the Sec-
5 retary under subparagraph (A) shall—

6 (i) identify the statutory or regulatory re-
7 quirements that are requested to be waived and
8 the goals that the State educational agency or
9 local educational agency or school intends to
10 achieve;

11 (ii) describe the action that the State edu-
12 cational agency has undertaken to remove State
13 statutory or regulatory barriers identified in the
14 application of local educational agencies;

15 (iii) describe the goals of the waiver and
16 the expected programmatic outcomes if the re-
17 quest is granted;

18 (iv) describe the numbers and types of stu-
19 dents to be impacted by such waiver;

20 (v) describe a timetable for implementing a
21 waiver; and

22 (vi) describe the process the State edu-
23 cational agency will use to monitor, on a bian-
24 nual basis, the progress in implementing a
25 waiver.

1 (3) TIMELINESS.—The Secretary shall act
2 promptly on a request for a waiver under paragraph
3 (1) and shall provide a written statement of the rea-
4 sons for granting or denying such request.

5 (4) DURATION.—Each waiver under paragraph
6 (1) shall be for a period not to exceed 4 years. The
7 Secretary may extend such period if the Secretary
8 determines that the waiver has been effective in ena-
9 bling the State or affected local educational agencies
10 to carry out reform plans.

11 (b) INCLUDED PROGRAMS.—The statutory or regu-
12 latory requirements subject to the waiver authority of this
13 section are any such requirements under the following pro-
14 grams or Acts:

15 (1) Title I of the Elementary and Secondary
16 Education Act of 1965.

17 (2) Part A of title II of the Elementary and
18 Secondary Education Act of 1965.

19 (3) Part A of title V of the Elementary and
20 Secondary Education Act of 1965.

21 (4) Title VIII of the Elementary and Secondary
22 Education Act of 1965.

23 (5) Part B of title IX of the Elementary and
24 Secondary Education Act of 1965.

1 (6) The Carl D. Perkins Vocational and Applied
2 Technology Education Act.

3 (c) WAIVERS NOT AUTHORIZED.—The Secretary
4 may not waive any statutory or regulatory requirement of
5 the programs or Acts described in subsection (b)—

6 (1) relating to—

7 (A) maintenance of effort;

8 (B) comparability of services;

9 (C) the equitable participation of students
10 and professional staff in private schools;

11 (D) parental participation and involve-
12 ment; and

13 (E) the distribution of funds to States or
14 to local educational agencies; and

15 (2) unless the underlying purposes of the statu-
16 tory requirements of each program or Act for which
17 a waiver is granted continue to be met to the satis-
18 faction of the Secretary.

19 (d) TERMINATION OF WAIVERS.—The Secretary
20 shall periodically review the performance of any State,
21 local educational agency, or school for which the Secretary
22 has granted a waiver under subsection (a)(1) and shall
23 terminate the waiver if the Secretary determines that the
24 performance of the State, the local educational agency, or

1 the school in the area affected by the waiver has been in-
2 adequate to justify a continuation of the waiver.

3 (e) FLEXIBILITY DEMONSTRATION.—

4 (1) SHORT TITLE.—This subsection may be
5 cited as the “Education Flexibility Partnership
6 Demonstration Act”.

7 (2) PROGRAM AUTHORIZED.—

8 (A) IN GENERAL.—The Secretary may
9 carry out an education flexibility demonstration
10 program under which the Secretary authorizes
11 not more than 50 State educational agencies
12 serving eligible States to waive statutory or reg-
13 ulatory requirements applicable to 1 or more
14 programs or Acts described in subsection (b),
15 other than requirements described in subsection
16 (c), for the State educational agency or any
17 local educational agency or school within the
18 State.

19 (B) AWARD RULE.—In carrying out sub-
20 paragraph (A), the Secretary shall select for
21 participation in the demonstration program de-
22 scribed in subparagraph (A) three State edu-
23 cational agencies serving eligible States that
24 each have a population of 3,500,000 or greater
25 and three State educational agencies serving eli-

1 gible States that each have a population of less
2 than 3,500,000, determined in accordance with
3 the most recent decennial census of the popu-
4 lation performed by the Bureau of the Census.

5 (C) DESIGNATION.—Each eligible State
6 participating in the demonstration program de-
7 scribed in subparagraph (A) shall be known as
8 an “Ed-Flex Partnership State”.

9 (3) ELIGIBLE STATE.—For the purpose of this
10 subsection the term “eligible State” means a State
11 that waives State statutory or regulatory require-
12 ments relating to education while holding local edu-
13 cational agencies or schools within the State that are
14 affected by such waivers accountable for the per-
15 formance of the students who are affected by such
16 waivers.

17 (4) STATE APPLICATION.—(A) Each State edu-
18 cational agency desiring to participate in the edu-
19 cation flexibility demonstration program under this
20 subsection shall submit an application to the Sec-
21 retary at such time, in such manner, and containing
22 such information as the Secretary may reasonably
23 require. Each such application shall demonstrate
24 that the eligible State has adopted an educational
25 flexibility plan for the State that includes—

1 (i) a description of the process the State
2 educational agency will use to evaluate applica-
3 tions from local educational agencies or schools
4 requesting waivers of—

5 (I) Federal statutory or regulatory re-
6 quirements described in paragraph (2)(A);
7 and

8 (II) State statutory or regulatory re-
9 quirements relating to education; and

10 (ii) a detailed description of the State stat-
11 utory and regulatory requirements relating to
12 education that the State educational agency will
13 waive.

14 (B) The Secretary may approve an application
15 described in subparagraph (A) only if the Secretary
16 determines that such application demonstrates sub-
17 stantial promise of assisting the State educational
18 agency and affected local educational agencies and
19 schools within such State in carrying out com-
20 prehensive educational reform, after considering—

21 (i) the comprehensiveness and quality of
22 the educational flexibility plan described in sub-
23 paragraph (A);

1 (ii) the ability of such plan to ensure ac-
2 countability for the activities and goals de-
3 scribed in such plan;

4 (iii) the significance of the State statutory
5 or regulatory requirements relating to education
6 that will be waived; and

7 (iv) the quality of the State educational
8 agency's process for approving applications for
9 waivers of Federal statutory or regulatory re-
10 quirements described in paragraph (2)(A) and
11 for monitoring and evaluating the results of
12 such waivers.

13 (5) LOCAL APPLICATION.—(A) Each local edu-
14 cational agency or school requesting a waiver of a
15 Federal statutory or regulatory requirement de-
16 scribed in paragraph (2)(A) and any relevant State
17 statutory or regulatory requirement from a State
18 educational agency shall submit an application to
19 the State educational agency at such time, in such
20 manner, and containing such information as the
21 State educational agency may reasonably require.
22 Each such application shall—

23 (i) indicate each Federal program affected
24 and the statutory or regulatory requirement
25 that will be waived;

1 (ii) describe the purposes and overall ex-
2 pected results of waiving each such require-
3 ment;

4 (iii) describe for each school year specific,
5 measurable, educational goals for each local
6 educational agency or school affected by the
7 proposed waiver; and

8 (iv) explain why the waiver will assist the
9 local educational agency or school in reaching
10 such goals.

11 (B) A State educational agency shall evaluate
12 an application submitted under subparagraph (A) in
13 accordance with the State's educational flexibility
14 plan described in paragraph (4)(A).

15 (C) A State educational agency shall not ap-
16 prove an application for a waiver under this para-
17 graph unless—

18 (i) the local educational agency or school
19 requesting such waiver has developed a local re-
20 form plan that is applicable to such agency or
21 school, respectively; and

22 (ii) the waiver of Federal statutory or reg-
23 ulatory requirements described in paragraph
24 (2)(A) will assist the local educational agency
25 or school in reaching its educational goals.

1 (6) MONITORING.—Each State educational
2 agency participating in the demonstration program
3 under this subsection shall annually monitor the ac-
4 tivities of local educational agencies and schools re-
5 ceiving waivers under this subsection and shall sub-
6 mit an annual report regarding such monitoring to
7 the Secretary.

8 (7) DURATION OF FEDERAL WAIVERS.—(A)
9 The Secretary shall not approve the application of a
10 State educational agency under paragraph (4) for a
11 period exceeding 5 years, except that the Secretary
12 may extend such period if the Secretary determines
13 that such agency’s authority to grant waivers has
14 been effective in enabling such State or affected
15 local educational agencies or schools to carry out
16 their local reform plans.

17 (B) The Secretary shall periodically review the
18 performance of any State educational agency grant-
19 ing waivers of Federal statutory or regulatory re-
20 quirements described in paragraph (2)(A) and shall
21 terminate such agency’s authority to grant such
22 waivers if the Secretary determines, after notice and
23 opportunity for hearing, that such agency’s perform-
24 ance has been inadequate to justify continuation of
25 such authority.

1 (f) ACCOUNTABILITY.—In deciding whether to extend
2 a request for a waiver under subsection (a)(1), or a State
3 educational agency’s authority to issue waivers under sub-
4 section (e), the Secretary shall review the progress of the
5 State educational agency, local educational agency, or
6 school affected by such waiver or authority to determine
7 if such agency or school has made progress toward achiev-
8 ing the desired results described in the application submit-
9 ted pursuant to subsection (a)(2)(B)(iii) or (e)(5)(A)(ii).

10 (g) PUBLICATION.—A notice of the Secretary’s deci-
11 sion to grant waivers under subsection (a)(1) and to au-
12 thorize State educational agencies to issue waivers under
13 subsection (e) shall be published in the Federal Register
14 and the Secretary shall provide for the dissemination of
15 such notice to State educational agencies, interested par-
16 ties, including educators, parents, students, advocacy and
17 civil rights organizations, other interested parties, and the
18 public.

19 **SEC. 202. EXPANSION OF SCHOOLWIDE PROGRAMS.**

20 Section 1114(a)(1) of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C. 6314) is amended by
22 striking “if, for the initial year of the schoolwide program”

1 and all that follows through the end and inserting a pe-
2 riod.

Passed the House of Representatives September 18,
1998.

Attest:

Clerk.