

106TH CONGRESS
1ST SESSION

H. R. 1494

To provide dollars to the classroom.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 1999

Mr. PITTS (for himself, Mr. GOODLING, Mr. HASTERT, Mr. DELAY, Mr. ARMEY, Mr. WATTS of Oklahoma, Mr. ISTOOK, Mr. SALMON, Mr. SMITH of New Jersey, Mr. SCHAFFER, Mr. HAYWORTH, Mr. ROYCE, Mr. HILLEARY, Mr. CHAMBLISS, Mr. SUNUNU, Ms. GRANGER, Mr. COOKSEY, Mr. TALENT, Mrs. EMERSON, Mr. SMITH of Michigan, Mr. BARTLETT of Maryland, Mr. BLILEY, Mr. MCINTOSH, Mr. HUTCHINSON, Mr. HORN, Mr. CHABOT, Mr. HEFLEY, Mr. JENKINS, Mr. PICKERING, Mr. BASS, Mr. DOOLITTLE, Mr. HOEKSTRA, Mr. PETERSON of Pennsylvania, Mr. BURTON of Indiana, Mr. STUMP, Mr. MANZULLO, Mrs. MYRICK, Mr. HANSEN, Mr. DREIER, Mr. BEREUTER, Mr. BOEHNER, Mr. GIBBONS, Mr. METCALF, Mr. CANADY of Florida, Mr. BARR of Georgia, Mr. FORBES, Mr. GUTKNECHT, Mr. LEWIS of Kentucky, Mr. TIAHRT, Mr. MCCREERY, Mr. DUNCAN, Mr. EHRLICH, Mr. KOLBE, Mr. FOSSELLA, Mr. SENSENBRENNER, Mr. THUNE, Mr. ENGLISH, Mr. COBURN, Mr. SHIMKUS, Mrs. CHENOWETH, Mr. LATHAM, Mr. ROGAN, Mr. EWING, Mr. HOSTETTLER, Mr. KASICH, Mr. HASTINGS of Washington, Mr. COLLINS, Mr. CANNON, Mr. WICKER, Mr. HALL of Texas, Mr. GILLMOR, Mr. BURR of North Carolina, Mr. HERGER, Mr. WELDON of Florida, Mr. TANCREDO, Mr. MICA, Mr. SKEEN, Mr. FRANKS of New Jersey, Mr. LARGENT, Mr. BLUNT, Mr. POMBO, Mr. KNOLLENBERG, Mr. DEMINT, Mr. SCARBOROUGH, Mr. GARY MILLER of California, Mr. LOBIONDO, Mr. BRYANT, Mr. SESSIONS, Mr. BARTON of Texas, Mr. HAYES, Mr. SAM JOHNSON of Texas, Mr. RADANOVICH, Mr. SPENCE, Mr. RYUN of Kansas, Mr. DIAZ-BALART, Mrs. CUBIN, Mr. BRADY of Texas, Mr. REGULA, Mr. LUCAS of Oklahoma, Mr. RUSH, Mr. FOLEY, Mrs. ROUKEMA, Mr. CALVERT, Mr. MCCOLLUM, Mr. TOOMEY, Mr. TERRY, Mr. COMBEST, Mr. GOODLATTE, Mr. GREEN of Wisconsin, Mr. SWEENEY, Mr. KUYKENDALL, Mr. FLETCHER, Mr. EVERETT, Mr. TAYLOR of North Carolina, Mr. NUSSLE, Mr. JONES of North Carolina, Mr. GRAHAM, Mrs. BONO, Mr. NORWOOD, Mr. BUYER, Mr. ADERHOLT, Mr. HULSHOF, Mr. DICKEY, Mr. RYAN of Wisconsin, and Mr. MILLER of Florida) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dollars to the Class-
5 room Act”.

6 **TITLE I—IMPROVEMENT OF**
7 **CLASSROOM SERVICES AND**
8 **ACTIVITIES**

9 **SEC. 101. GRANTS TO STATES.**

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

14 **SEC. 102. GRANT AWARD.**

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

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

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

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

8 (1) HOLD HARMLESS.—If the amount of funds
9 appropriated to carry out this title in any fiscal year
10 equals or exceeds the aggregate amount all States
11 received in fiscal year 1999 under the following pro-
12 visions, as such provisions were in effect on the day
13 preceding the date of the enactment of this Act—

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

16 (B) section 1002(g)(2) of the Elementary
17 and Secondary Education Act of 1965 (20
18 U.S.C. 6302(g));

19 (C) section 1502 of the Elementary and
20 Secondary Education Act of 1965 (20 U.S.C.
21 6492);

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

1 (E) section 3132 of the Elementary and
2 Secondary Education Act of 1965 (20 U.S.C.
3 6842 et seq.);

4 (F) title VI of the Elementary and Sec-
5 ondary Education Act of 1965 (20 U.S.C. 7311
6 et seq.) (excluding amounts appropriated under
7 section 307 of the Department of Education
8 Appropriations Act of 1999); and

9 (G) part B of title VII of the Stewart B.
10 McKinney Homeless Assistance Act (42 U.S.C.
11 11421 et seq.),

12 the Secretary shall allocate to each State the aggre-
13 gate amount such State received for fiscal year 1999
14 under such provisions.

15 (2) INSUFFICIENT FUNDS.—If the amount of
16 appropriations to carry out this title for any fiscal
17 year is insufficient to pay the full amounts that all
18 States are eligible to receive under paragraph (1) for
19 such year, the Secretary shall ratably reduce such
20 amounts for such year.

21 (3) REMAINING FUNDS.—If funds remain after
22 meeting the requirements of paragraph (1), such re-
23 maining funds shall be allocated among the States
24 in the following manner:

1 (A) 50 percent of such remaining funds
2 shall be allocated to States in proportion to
3 their grants under part A of title I of the Ele-
4 mentary and Secondary Education Act of 1965
5 for the preceding fiscal year; and

6 (B) 50 percent of such remaining funds
7 shall be allocated to States in proportion to the
8 number of children ages 5 through 17, inclu-
9 sive, according to the most recent available data
10 that are satisfactory to the Secretary.

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

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

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

22 (f) USE OF STATE AWARDS.—

23 (1) IN GENERAL.—From the amount made
24 available to a State under subsection (b) for a fiscal
25 year, the State—

1 (A) shall use not more than 5 percent of
2 the total amount to support programs or activi-
3 ties, for children ages 5 through 17, that the
4 State determines appropriate, of which the
5 State shall distribute 20 percent of the 5 per-
6 cent to local educational agencies in the State
7 to pay the administrative expenses of the local
8 educational agencies that are associated with
9 the activities and services assisted under this
10 section; and

11 (B) shall distribute, pursuant to section
12 103(a), not less than 95 percent of the amount
13 to local educational agencies in the State for
14 the fiscal year to enable the local educational
15 agencies to pay the costs of activities or services
16 provided in the classroom, for children ages 5
17 through 17, that the local educational agencies
18 determine appropriate subject to the require-
19 ments of section 103(b).

20 (2) ADMINISTRATIVE EXPENSES.—For the pur-
21 pose of paragraph (1)(B), the costs of activities and
22 services provided in the classroom exclude the ad-
23 ministrative expenses associated with the activities
24 and services.

1 (g) SUPPLEMENT NOT SUPPLANT.—A State or local
2 educational agency shall use funds received under this title
3 only to supplement the amount of funds that would, in
4 the absence of such Federal funds, be made available from
5 non-Federal sources for the education of pupils partici-
6 pating in programs assisted under this title, and not to
7 supplant such funds.

8 (h) ANNUAL REPORTS.—

9 (1) IN GENERAL.—Each State receiving assist-
10 ance under this part shall issue a report on an an-
11 nual basis, not later than April 1 of each year begin-
12 ning the year after the date of the enactment of this
13 Act, to the Secretary, the Committee on Education
14 and the Workforce of the House of Representatives,
15 the Committee on Labor and Human Resources of
16 the Senate, and the Committees on Appropriations
17 of the Senate and the House of Representatives that
18 describes how funds under this title have been used
19 to improve student performance in that State.

20 (2) CERTIFICATION.—The report must also in-
21 clude a certification by the State that 95 percent of
22 funding provided under this title during the pre-
23 ceding fiscal year has been expended by local edu-
24 cational agencies within that State for classroom ac-

1 activities and services pursuant to subsection
2 (f)(1)(B).

3 (3) MEASURES OF PERFORMANCE.—In deter-
4 mining student academic performance within the
5 State, the State shall use such measures of student
6 academic performance as it deems appropriate. The
7 State may disaggregate data by poverty, subject
8 area, race, gender, geographic location, or other cri-
9 teria as the State deems appropriate.

10 (4) AVAILABILITY OF REPORT.—Each State
11 shall make the report described in this subsection
12 available to parents and members of the public
13 throughout that State.

14 **SEC. 103. LOCAL AWARDS.**

15 (a) DETERMINATION OF AMOUNT OF FUNDS.—

16 (1) IN GENERAL.—The individual or entity in
17 the State that is responsible for the State adminis-
18 tration of Federal education funds pursuant to State
19 law of each State receiving assistance under this
20 title, in consultation with the Governor of such
21 State, the chief State school officer of such State,
22 representatives from the State legislature, and rep-
23 resentatives from local educational agencies within
24 such State, shall develop a formula for the allocation

1 of funds described in section 102, to local edu-
2 cational agencies, taking into consideration—

3 (A) poverty rates within each local edu-
4 cational agency;

5 (B) children living in sparsely populated
6 areas;

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

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

11 (E) such other factors as considered appro-
12 priate.

13 (2) HOLD HARMLESS.—No local educational
14 agency shall receive an award under this subsection
15 for any fiscal year in an amount that is less than
16 the amount the local educational agency received to
17 carry out programs or activities for fiscal year 1999
18 for title III of the Goals 2000: Educate America Act
19 (20 U.S.C. 5881 et seq.), part B of title II of the
20 Elementary and Secondary Education Act of 1965
21 (20 U.S.C. 6641 et seq.), section 3132 of the Ele-
22 mentary and Secondary Education Act of 1965 (20
23 U.S.C. 6842 et seq.), title VI of the Elementary and
24 Secondary Education Act of 1965 (20 U.S.C. 7311
25 et seq.) (excluding amounts appropriated under sec-

1 tion 307 of the Department of Education Appropria-
2 tions Act of 1999), and part B of title VII of the
3 Stewart B. McKinney Homeless Assistance Act (42
4 U.S.C. 11421 et seq.) as in effect on the day pre-
5 ceding the date of the enactment of this Act plus
6 amounts the local educational agency is eligible to
7 receive during fiscal years 1999 through 2003 pur-
8 suant to all multiyear awards made prior to the date
9 of enactment of this Act under any program that is
10 repealed by section 107 that is not listed in this sen-
11 tence.

12 (3) INSUFFICIENT FUNDS.—If the amount allo-
13 cated to a State to carry out this title for any fiscal
14 year is insufficient to pay the full amounts that all
15 local educational agencies in such State are eligible
16 to receive under paragraph (2) for such year, the
17 State shall ratably reduce such amounts for such
18 year.

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

22 (1) Programs for the acquisition and use of in-
23 structional and educational materials, including li-
24 brary services and materials (including media mate-
25 rials), assessments, reference materials, and other

1 curricular materials which are tied to high academic
2 standards and which will be used to improve student
3 achievement and which are part of an overall edu-
4 cation reform program.

5 (2) Professional development for instructional
6 staff.

7 (3) Programs to improve the higher order
8 thinking skills of disadvantaged elementary and sec-
9 ondary school students and to prevent students from
10 dropping out of school.

11 (4) Efforts to lengthen the school day or the
12 school year.

13 (5) Programs to combat illiteracy in the student
14 population.

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

17 (7) Promising education reform projects that
18 are tied to State student content and performance
19 standards.

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

22 (9) Programs for homeless children and youth.

23 (10) Programs that are built upon partnerships
24 between local educational agencies and institutions
25 of higher education, educational service agencies, li-

1 braries, businesses, regional educational laboratories,
2 or other educational entities, for the purpose of pro-
3 viding educational services consistent with this sec-
4 tion.

5 (11) The acquisition of books, materials and
6 equipment, payment of compensation of instructional
7 staff, and instructional activities that are necessary
8 for the conduct of programs in magnet schools.

9 (12) Programs to promote academic achieve-
10 ment among women and girls.

11 (13) Programs to provide for the educational
12 needs of children with limited English proficiency or
13 who are American Indian, Alaska Native, or Native
14 Hawaiian.

15 (14) Activities to provide the academic support,
16 enrichment, and motivation to enable all students to
17 reach high State standards.

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

19 (16) Projects and programs which assure the
20 participation in mainstream settings in arts and
21 education programs of individuals with disabilities.

22 (17) Projects and programs to integrate arts
23 education into the regular elementary and secondary
24 school curriculum.

1 (18) Programs designed to educate students
2 about the history and principles of the Constitution
3 of the United States, including the Bill of Rights,
4 and to foster civic competence and responsibility.

5 (19) Mathematics and science education in-
6 structional materials.

7 (20) Programs designed to improve the quality
8 of student writing and learning and the teaching of
9 writing as a learning process.

10 (21) Technology related to the implementation
11 of school-based reform programs, including profes-
12 sional development to assist teachers and other
13 school officials regarding how to effectively use such
14 equipment and software.

15 (22) Computer software and hardware for in-
16 structional use.

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

19 (24) Acquiring connectivity linkages, resources,
20 and services, including the acquisition of hardware
21 and software, for use by teachers, students, and
22 school library media personnel in the classroom or in
23 school library media centers, in order to improve
24 student learning.

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

4 (26) Developing, constructing, acquiring, main-
5 taining, operating, and obtaining technical assist-
6 ance in the use of telecommunications audio and vis-
7 ual facilities and equipment for use in the classroom.

8 (27) Developing, acquiring, and obtaining tech-
9 nical assistance in the use of educational and in-
10 structional video programming for use in the class-
11 room.

12 (c) PARENT INVOLVEMENT.—Each local educational
13 agency receiving assistance under this section shall involve
14 parents and members of the public in planning for the use
15 of funds provided under this section.

16 **SEC. 104. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**
17 **VATE SCHOOLS.**

18 Each local educational agency that receives funds
19 under this title shall provide for the participation of chil-
20 dren enrolled in private schools, and their teachers or
21 other educational personnel, in the activities and services
22 assisted under such section in the same manner as private
23 school children, and their teachers or other educational
24 personnel, participate in activities and services under the
25 Elementary and Secondary Education Act of 1965 (20

1 U.S.C. 6301 et seq.) pursuant to sections 14503, 14504,
2 14505, and 14506 of such Act (20 U.S.C. 8893, 8894,
3 8895, and 8896).

4 **SEC. 105. DEFINITIONS.**

5 In this title—

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

10 (2) the term “educational service agency” has
11 the meaning given the term in section 14101 of the
12 Elementary and Secondary Education Act of 1965
13 (20 U.S.C. 8801);

14 (3) the term “Secretary” means the Secretary
15 of Education; and

16 (4) except as otherwise provided, the term
17 “State” means each of the several States of the
18 United States, the District of Columbia, the Com-
19 monwealth of Puerto Rico, Guam, American Samoa,
20 the Commonwealth of the Northern Mariana Is-
21 lands, and the United States Virgin Islands.

22 **SEC. 106. GENERAL PROVISIONS.**

23 (a) **RULE OF CONSTRUCTION.**—Nothing in this title
24 shall be construed to authorize an officer or employee of
25 the Federal Government to require, direct, or control a

1 State, local educational agency or school's specific instruc-
2 tional content of pupil performance standards and assess-
3 ments, curriculum, or program of instruction as a condi-
4 tion of eligibility to receive funds under this title.

5 (b) STATE AND LOCAL DETERMINATION.—

6 (1) IN GENERAL.—The Secretary shall not
7 issue any regulation regarding the type of classroom
8 activities or services that may be assisted under this
9 title.

10 (2) INSTRUCTIONAL METHOD AND SETTING.—

11 No local educational agency shall be required to pro-
12 vide services under this title through a particular in-
13 structional method or in a particular instructional
14 setting in order to receive funding under this title.

15 **SEC. 107. REPEALS.**

16 The following provisions are repealed:

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

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

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

23 (4) Titles II, III, and IV of the School-to-Work
24 Opportunities Act of 1994 (20 U.S.C. 6121 et seq.,
25 6171 et seq., and 6191 et seq.).

1 (5) section 1502 of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 6492).

3 (6) section 1503 of the Elementary and Sec-
4 ondary Education Act of 1965 (20 U.S.C. 6493).

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

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

10 (9) Part B of title II of the Elementary and
11 Secondary Education Act of 1965 (20 U.S.C. 6641
12 et seq.).

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

15 (11) Part A of title V of the Elementary and
16 Secondary Education Act of 1965 (20 U.S.C. 7201
17 et seq.).

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

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

23 (14) Part B of title IX of the Elementary and
24 Secondary Education Act of 1965 (20 U.S.C. 7901
25 et seq.).

1 (15) Part C of title IX of the Elementary and
2 Secondary Education Act of 1965 (20 U.S.C. 7931
3 et seq.).

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

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

10 (18) Part D of title X of the Elementary and
11 Secondary Education Act of 1965 (20 U.S.C. 8091
12 et seq.).

13 (19) Part F of title X of the Elementary and
14 Secondary Education Act of 1965 (20 U.S.C. 8141
15 et seq.).

16 (20) Part G of title X of the Elementary and
17 Secondary Education Act of 1965 (20 U.S.C. 8161
18 et seq.).

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

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

1 (23) Part K of title X of the Elementary and
2 Secondary Education Act of 1965 (20 U.S.C. 8331
3 et seq.).

4 (24) Part L of title X of the Elementary and
5 Secondary Education Act of 1965 (20 U.S.C. 8351
6 et seq.).

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

10 (26) Part C of title XIII of the Elementary and
11 Secondary Education Act of 1965 (20 U.S.C. 8671
12 et seq.).

13 (27) Subtitle B of title VII of the Stewart B.
14 McKinney Homeless Assistance Act (42 U.S.C.
15 11421 et seq.).

16 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to carry out
18 this title, \$2,870,000,000 for fiscal year 2000,
19 \$2,940,000,000 for fiscal year 2001, \$3,001,000,000 for
20 fiscal year 2002, \$3,074,000,000 for fiscal year 2003; and
21 \$3,149,000,000 for fiscal year 2004.

22 **TITLE II—MISCELLANEOUS**
23 **PROVISIONS**

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

25 (a) WAIVER AUTHORITY.—

1 (1) IN GENERAL.—Except as provided in sub-
2 section (c), the Secretary may waive any statutory
3 or regulatory requirement applicable to any program
4 or Act described in subsection (b) for a State edu-
5 cational agency, local educational agency, or school
6 if—

7 (A) and only to the extent that, the Sec-
8 retary determines that such requirement im-
9 pedes the ability of the State, or of a local edu-
10 cational agency or school in the State, to carry
11 out the State or local improvement plan;

12 (B) the State educational agency has
13 waived, or agrees to waive, similar requirements
14 of State law;

15 (C) in the case of a statewide waiver, the
16 State educational agency—

17 (i) provides all local educational agen-
18 cies and parent organizations in the State
19 with notice and an opportunity to comment
20 on the State educational agency’s proposal
21 to seek a waiver; and

22 (ii) submits the local educational
23 agencies’ comments to the Secretary; and

24 (D) in the case of a local educational agen-
25 cy waiver, the local educational agency provides

1 parents, community groups, and advocacy or
2 civil rights groups with the opportunity to com-
3 ment on the proposed waiver.

4 (2) APPLICATION.—(A)(i) To request a waiver
5 under paragraph (1), a local educational agency or
6 school that receives funds under this title, or a local
7 educational agency or school shall transmit an appli-
8 cation for such a waiver to the State educational
9 agency. The State educational agency then shall sub-
10 mit approved applications for waivers under para-
11 graph (1) to the Secretary.

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

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

17 (i) identify the statutory or regulatory re-
18 quirements that are requested to be waived and
19 the goals that the State educational agency or
20 local educational agency or school intends to
21 achieve;

22 (ii) describe the action that the State edu-
23 cational agency has undertaken to remove State
24 statutory or regulatory barriers identified in the
25 application of local educational agencies;

1 (iii) describe the goals of the waiver and
2 the expected programmatic outcomes if the re-
3 quest is granted;

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

6 (v) describe a timetable for implementing a
7 waiver; and

8 (vi) describe the process the State edu-
9 cational agency will use to monitor, on a bian-
10 nual basis, the progress in implementing a
11 waiver.

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

16 (4) DURATION.—Each waiver under paragraph
17 (1) shall be for a period not to exceed 4 years. The
18 Secretary may extend such period if the Secretary
19 determines that the waiver has been effective in ena-
20 bling the State or affected local educational agencies
21 to carry out reform plans.

22 (b) INCLUDED PROGRAMS.—The statutory or regu-
23 latory requirements subject to the waiver authority of this
24 section are any such requirements under the following pro-
25 grams or Acts:

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

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

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

7 (4) Title VIII of the Elementary and Secondary
8 Education Act of 1965.

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

11 (6) The Carl D. Perkins Vocational and Applied
12 Technology Education Act.

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

16 (1) relating to—

17 (A) maintenance of effort;

18 (B) comparability of services;

19 (C) the equitable participation of students
20 and professional staff in private schools;

21 (D) parental participation and involve-
22 ment; and

23 (E) the distribution of funds to States or
24 to local educational agencies; and

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

5 (d) TERMINATION OF WAIVERS.—The Secretary
6 shall periodically review the performance of any State,
7 local educational agency, or school for which the Secretary
8 has granted a waiver under subsection (a)(1) and shall
9 terminate the waiver if the Secretary determines that the
10 performance of the State, the local educational agency, or
11 the school in the area affected by the waiver has been in-
12 adequate to justify a continuation of the waiver.

13 (e) FLEXIBILITY DEMONSTRATION.—

14 (1) SHORT TITLE.—This subsection may be
15 cited as the “Education Flexibility Partnership
16 Demonstration Act”.

17 (2) PROGRAM AUTHORIZED.—

18 (A) IN GENERAL.—The Secretary may
19 carry out an education flexibility demonstration
20 program under which the Secretary authorizes
21 not more than 50 State educational agencies
22 serving eligible States to waive statutory or reg-
23 ulatory requirements applicable to 1 or more
24 programs or Acts described in subsection (b),
25 other than requirements described in subsection

1 (c), for the State educational agency or any
2 local educational agency or school within the
3 State.

4 (B) AWARD RULE.—In carrying out sub-
5 paragraph (A), the Secretary shall select for
6 participation in the demonstration program de-
7 scribed in subparagraph (A) three State edu-
8 cational agencies serving eligible States that
9 each have a population of 3,500,000 or greater
10 and three State educational agencies serving eli-
11 gible States that each have a population of less
12 than 3,500,000, determined in accordance with
13 the most recent decennial census of the popu-
14 lation performed by the Bureau of the Census.

15 (C) DESIGNATION.—Each eligible State
16 participating in the demonstration program de-
17 scribed in subparagraph (A) shall be known as
18 an “Ed-Flex Partnership State”.

19 (3) ELIGIBLE STATE.—For the purpose of this
20 subsection the term “eligible State” means a State
21 that waives State statutory or regulatory require-
22 ments relating to education while holding local edu-
23 cational agencies or schools within the State that are
24 affected by such waivers accountable for the per-

1 formance of the students who are affected by such
2 waivers.

3 (4) STATE APPLICATION.—(A) Each State edu-
4 cational agency desiring to participate in the edu-
5 cation flexibility demonstration program under this
6 subsection shall submit an application to the Sec-
7 retary at such time, in such manner, and containing
8 such information as the Secretary may reasonably
9 require. Each such application shall demonstrate
10 that the eligible State has adopted an educational
11 flexibility plan for the State that includes—

12 (i) a description of the process the State
13 educational agency will use to evaluate applica-
14 tions from local educational agencies or schools
15 requesting waivers of—

16 (I) Federal statutory or regulatory re-
17 quirements described in paragraph (2)(A);
18 and

19 (II) State statutory or regulatory re-
20 quirements relating to education; and

21 (ii) a detailed description of the State stat-
22 utory and regulatory requirements relating to
23 education that the State educational agency will
24 waive.

1 (B) The Secretary may approve an application
2 described in subparagraph (A) only if the Secretary
3 determines that such application demonstrates sub-
4 stantial promise of assisting the State educational
5 agency and affected local educational agencies and
6 schools within such State in carrying out com-
7 prehensive educational reform, after considering—

8 (i) the comprehensiveness and quality of
9 the educational flexibility plan described in sub-
10 paragraph (A);

11 (ii) the ability of such plan to ensure ac-
12 countability for the activities and goals de-
13 scribed in such plan;

14 (iii) the significance of the State statutory
15 or regulatory requirements relating to education
16 that will be waived; and

17 (iv) the quality of the State educational
18 agency's process for approving applications for
19 waivers of Federal statutory or regulatory re-
20 quirements described in paragraph (2)(A) and
21 for monitoring and evaluating the results of
22 such waivers.

23 (5) LOCAL APPLICATION.—(A) Each local edu-
24 cational agency or school requesting a waiver of a
25 Federal statutory or regulatory requirement de-

1 scribed in paragraph (2)(A) and any relevant State
2 statutory or regulatory requirement from a State
3 educational agency shall submit an application to
4 the State educational agency at such time, in such
5 manner, and containing such information as the
6 State educational agency may reasonably require.
7 Each such application shall—

8 (i) indicate each Federal program affected
9 and the statutory or regulatory requirement
10 that will be waived;

11 (ii) describe the purposes and overall ex-
12 pected results of waiving each such require-
13 ment;

14 (iii) describe for each school year specific,
15 measurable, educational goals for each local
16 educational agency or school affected by the
17 proposed waiver; and

18 (iv) explain why the waiver will assist the
19 local educational agency or school in reaching
20 such goals.

21 (B) A State educational agency shall evaluate
22 an application submitted under subparagraph (A) in
23 accordance with the State's educational flexibility
24 plan described in paragraph (4)(A).

1 (C) A State educational agency shall not ap-
2 prove an application for a waiver under this para-
3 graph unless—

4 (i) the local educational agency or school
5 requesting such waiver has developed a local re-
6 form plan that is applicable to such agency or
7 school, respectively; and

8 (ii) the waiver of Federal statutory or reg-
9 ulatory requirements described in paragraph
10 (2)(A) will assist the local educational agency
11 or school in reaching its educational goals.

12 (6) MONITORING.—Each State educational
13 agency participating in the demonstration program
14 under this subsection shall annually monitor the ac-
15 tivities of local educational agencies and schools re-
16 ceiving waivers under this subsection and shall sub-
17 mit an annual report regarding such monitoring to
18 the Secretary.

19 (7) DURATION OF FEDERAL WAIVERS.—(A)
20 The Secretary shall not approve the application of a
21 State educational agency under paragraph (4) for a
22 period exceeding 5 years, except that the Secretary
23 may extend such period if the Secretary determines
24 that such agency's authority to grant waivers has
25 been effective in enabling such State or affected

1 local educational agencies or schools to carry out
2 their local reform plans.

3 (B) The Secretary shall periodically review the
4 performance of any State educational agency grant-
5 ing waivers of Federal statutory or regulatory re-
6 quirements described in paragraph (2)(A) and shall
7 terminate such agency's authority to grant such
8 waivers if the Secretary determines, after notice and
9 opportunity for hearing, that such agency's perform-
10 ance has been inadequate to justify continuation of
11 such authority.

12 (f) ACCOUNTABILITY.—In deciding whether to extend
13 a request for a waiver under subsection (a)(1), or a State
14 educational agency's authority to issue waivers under sub-
15 section (e), the Secretary shall review the progress of the
16 State educational agency, local educational agency, or
17 school affected by such waiver or authority to determine
18 if such agency or school has made progress toward achiev-
19 ing the desired results described in the application sub-
20 mitted pursuant to subsection (a)(2)(B)(iii) or
21 (e)(5)(A)(ii).

22 (g) PUBLICATION.—A notice of the Secretary's deci-
23 sion to grant waivers under subsection (a)(1) and to au-
24 thorize State educational agencies to issue waivers under
25 subsection (e) shall be published in the Federal Register

1 and the Secretary shall provide for the dissemination of
2 such notice to State educational agencies, interested par-
3 ties, including educators, parents, students, advocaey and
4 civil rights organizations, other interested parties, and the
5 public.

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

7 Section 1114(a)(1) of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 6314) is amended by
9 striking “if, for the initial year of the schoolwide program”
10 and all that follows through the end and inserting a
11 period.

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