

106TH CONGRESS
2D SESSION

H. R. 3873

To assist local educational agencies in financing and establishing alternative education systems, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2000

Mr. KILDEE (for himself, Mr. SCOTT, and Mrs. MCCARTHY of New York) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To assist local educational agencies in financing and establishing alternative education systems, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Alternative Education
5 for Safe Schools and Safe Communities Act of 2000”.

1 **TITLE I—ALTERNATIVE**
2 **EDUCATION PROGRAM**

3 Title IV of the Elementary and Secondary Education
4 Act of 1965 (20 U.S.C. 7101 et seq.) is amended by add-
5 ing at the end the following new part:

6 **“PART B—ALTERNATIVE EDUCATION FINANCING**
7 **AND ESTABLISHMENT GRANTS**

8 **“SEC. 4201. PURPOSE.**

9 “The purpose of this part is to assist local edu-
10 cational agencies to implement, establish, develop, or
11 improve—

12 “(1) sound and equitable policies that ensure a
13 safe, orderly, and drug-free learning environment for
14 all children, while reducing the need to suspend or
15 expel students and the number of such suspensions
16 and expulsions; and

17 “(2) educational supports, services, and pro-
18 grams, using trained and qualified staff, for children
19 aged 5 through 21 who have been suspended or ex-
20 pelled so such children make continuing progress to-
21 ward meeting the State’s challenging academic
22 standards.

1 **“SEC. 4202. RESERVATION AND ALLOTMENTS.**

2 “(a) RESERVATION.—From the amount made avail-
3 able under section 4214 to carry out this part for each
4 fiscal year, the Secretary—

5 “(1) shall reserve 0.5 percent of such amount
6 for grants to Guam, American Samoa, the United
7 States Virgin Islands, the Commonwealth of the
8 Northern Mariana Islands, and until October 1,
9 2001, the Republic of Palau, the Marshall Islands,
10 and the Federated States of Micronesia;

11 “(2) shall reserve 1 percent of such amount for
12 the Secretary of Interior to carry out programs
13 under this part for Indian children; and

14 “(3) may reserve not more than the lesser of 5
15 percent or \$5,000,000 for evaluation and national
16 activities under section 4212.

17 “(b) STATE EDUCATIONAL AGENCY ALLOTMENTS.—

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), and after making the reservations in sub-
20 section (a), the Secretary shall, for each fiscal year,
21 allocate among the States the remainder according
22 to the ratio between the amount each State received
23 under part A of title I for the preceding year and
24 the sum of such amounts received by all the States.

25 “(2) MINIMUM.—For any fiscal year, the Sec-
26 retary shall not allot to a State an amount under

1 this subsection that is less than one-quarter of 1
2 percent of the total amount allotted to all the States
3 under this subsection.

4 “(3) REALLOTMENT.—The Secretary may
5 reallocate any amount of any allotment to a State if the
6 Secretary determines that the State will be unable to
7 use such amount within two years of such allotment.
8 Such reallocations shall be made on the same basis
9 as allotments are made under paragraph (1).

10 “(c) WITHIN-STATE DISTRIBUTION OF FUNDS.—
11 Each State educational agency having an approved appli-
12 cation pursuant to section 4203 and receiving an alloca-
13 tion under subsection (b), shall allocate—

14 “(1) not less than 95 percent of such allocation
15 to local educational agencies pursuant to section
16 4207(a) or 4207(b); and

17 “(2) not more than 5 percent for State level ac-
18 tivities and evaluation, of which not more than 40
19 percent may be used for administration.

20 **“SEC. 4203. STATE EDUCATIONAL AGENCY APPLICATIONS.**

21 “Each State educational agency seeking a grant
22 under this part shall submit an application in such form,
23 and containing such information, as the Secretary may
24 reasonably require. At a minimum, the application shall
25 include—

1 “(1) a description of the competitive process the
2 State educational agency will use to award grants to
3 local educational agencies if the total amount appro-
4 priated under this part is less than \$350,000,000 in
5 any given fiscal year;

6 “(2) a description of the performance indicators
7 the State educational agency will establish, con-
8 sistent with section 4206 that will be used to evalu-
9 ate local educational agency programs funded under
10 this part;

11 “(3) an assurance that State educational agen-
12 cy programs funded under this part shall be based
13 on scientifically based research or contain elements
14 of scientifically based research, to the extent such
15 research is available and can be feasibly used;

16 “(4) a description of the research-base of pro-
17 grams funded under this part that are not based on
18 scientifically based research and a schedule regard-
19 ing when the State educational agency will imple-
20 ment programs based on scientifically based re-
21 search;

22 “(5) a description of the professional develop-
23 ment necessary for teachers, other educators, and
24 pupil services personnel to implement alternative

1 education supports, services, and programs based on
2 scientifically based research;

3 “(6) a description of how the State will ensure
4 a reduction in the number of suspensions and expul-
5 sions, including reductions among groups of minor-
6 ity, low-income, and disabled children;

7 “(7) a description of the programs and activi-
8 ties the State will carry out under section 4205;

9 “(8) an assurance that the State educational
10 agency will make awards to local educational agen-
11 cies under section 4207(a) based on the quality of
12 their programs and their need for assistance under
13 this part;

14 “(9) a description of how the State will ensure
15 the implementation of disciplinary policies that are
16 fair and equitable;

17 “(10) a description of how the State will ensure
18 that supports, services, and programs funded under
19 this part will enable children to meet challenging
20 State academic standards;

21 “(11) a description of how the State will ensure
22 that programs funded under this part include ade-
23 quate support services for students and their fami-
24 lies, including counseling, and will coordinate with

1 and use services available through juvenile justice,
2 mental health, and social services agencies; and

3 “(12) an assurance that the State and local
4 educational agencies which receive funds under this
5 part will use such funds to provide educational serv-
6 ices to children who have been suspended or expelled
7 from school;

8 “(13) a description of how the State will ensure
9 the programs funded under this part provide ade-
10 quate support for students to return to a regular
11 education setting, if appropriate.

12 **“SEC. 4204. STATE APPLICATION APPROVAL.**

13 “The Secretary shall review the application of a State
14 educational agency for assistance under this part and shall
15 approve the application, unless the Secretary makes a de-
16 termination in writing that such application does not meet
17 the specific requirements of this part or is of insufficient
18 quality to meet the goals and purposes of this part.

19 **“SEC. 4205. STATE EDUCATIONAL AGENCY ACTIVITIES.**

20 “(a) **REQUIRED USES OF FUNDS.**—A State edu-
21 cational agency shall use funds made available under sec-
22 tion 4202(c)(2) for the following activities:

23 “(1) **IDENTIFICATION.**—Identification and dis-
24 semination of effective supports, services, and pro-
25 grams that are consistent with the purposes of this

1 part, based on scientifically based research, to local
2 educational agencies within the State.

3 “(2) ASSISTANCE.—Technical assistance de-
4 signed to improve the performance of supports, serv-
5 ices, and programs funded under this part.

6 “(3) EVALUATION.—Evaluation of programs
7 funded under this part, and dissemination of the
8 findings of the evaluations.

9 “(b) PERMISSIVE USES OF FUNDS.—A State edu-
10 cational agency may use funds made available under sec-
11 tion 4202(c)(2) for the following activities:

12 “(1) DEVELOPMENT.—Development of effective
13 supports, services, and programs consistent with the
14 purposes of this part.

15 “(2) PROFESSIONAL DEVELOPMENT.—Profes-
16 sional development designed to provide teachers,
17 pupil services personnel, and other related instruc-
18 tional personnel with skills necessary to integrate be-
19 havior intervention techniques and methodology into
20 the academic curriculum used by the State and local
21 educational agencies to maintain effective discipline
22 and an environment conducive to learning that re-
23 duces the need to suspend or expel students.

24 “(3) OTHER ACTIVITIES.—Any other activities
25 consistent with the purposes of this part.

1 **“SEC. 4206. STATE PERFORMANCE MEASURES.**

2 “Each State educational agency shall establish per-
3 formance indicators and acceptable goals of progress to
4 evaluate the effectiveness of programs funded under this
5 part. Such performance indicators shall include, at a min-
6 imum:

7 “(1) reduction in the number of incidents of
8 disruptive and violent behavior;

9 “(2) reduction in the number of suspensions
10 and expulsions;

11 “(3) reduction in the total amount of time stu-
12 dents are out of school as a result of being sus-
13 pended or expelled;

14 “(4) attainment of challenging State academic
15 standards by students in programs funded under
16 this part;

17 “(5) reduction in dropout rate; and

18 “(6) an increase in the number of students re-
19 turning successfully to a regular education program,
20 as appropriate.

21 **“SEC. 4207. LOCAL EDUCATIONAL AGENCY DISTRIBUTION**
22 **OF FUNDS.**

23 “(a) **COMPETITIVE GRANTS.**—In any fiscal year in
24 which the total amount provided under section 4214 is less
25 than \$350,000,000, the State educational agency shall
26 distribute funds under section 4202(c)(1) on a competitive

1 basis to local educational agencies that have an approved
2 application under section 4208 and can demonstrate a sig-
3 nificant number of incidents of children aged 5 through
4 21 who have been suspended or expelled from public
5 school. Such competitive grant process shall—

6 “(1) give priority to local educational agencies
7 in which more than 30 percent of the children are
8 from low-income families as determined under part
9 A of title I;

10 “(2) ensure that each grant shall be of suffi-
11 cient size and scope so as to be effective;

12 “(3) ensure, to the extent practicable, distribu-
13 tion of grants on an equitable geographic basis, in-
14 cluding selecting agencies that serve urban, subur-
15 ban, and rural populations; and

16 “(4) utilize a peer review process to approve ap-
17 plications.

18 “(b) FORMULA GRANTS.—

19 “(1) IN GENERAL.—In any fiscal year in which
20 the total amount provided under section 4214 is
21 more than \$350,000,000, the State educational
22 agency shall distribute funds under section
23 4202(e)(1) on the following basis:

24 “(A) 80 percent of such amount shall be
25 allocated to such local educational agencies in

1 proportion to the number of children, aged 5
2 through 17, who reside in the school district
3 served by the local educational agency from
4 families with incomes below the poverty line (as
5 defined by the Office of Management and
6 Budget and revised annually in accordance with
7 section 673(2) of the Community Services
8 Block Grant Act (42 U.S.C. 9902(2)) applica-
9 ble to a family of the size involved for the most
10 recent fiscal year for which satisfactory data
11 are available compared to the number of such
12 individuals who reside in the school districts
13 served by all the local educational agencies in
14 the State for that fiscal year.

15 “(B) 20 percent of such amount to local
16 educational agencies, based on the relative en-
17 rollments in public and private nonprofit ele-
18 mentary and secondary schools within the
19 boundaries of such agencies.

20 “(2) REALLOCATION.—If a local educational
21 agency chooses not to apply to receive the amount
22 allocated to such agency under paragraph (1), or if
23 such agency’s application is disapproved by the State
24 educational agency pursuant to section 4209, the
25 State educational agency shall reallocate such

1 amount to other local educational agencies on the
2 same basis as allocations are made under paragraph
3 (1).

4 “(c) FEDERAL SHARE.—The Federal share of pro-
5 grams funded under this part shall be 65 percent for local
6 educational agencies with poverty levels above 30 percent,
7 and 35 percent for local educational agencies with poverty
8 levels below 30 percent as such poverty levels are deter-
9 mined under part A of title I. Local educational agencies
10 may satisfy the non-Federal share funding requirements
11 of this section with in-kind contributions and may use
12 Federal funds, other than those provided under this part,
13 that may be used to carry out the purposes of this part.

14 **“SEC. 4208. LOCAL APPLICATION.**

15 “In order to be eligible to receive a grant under sec-
16 tion 4207, for any fiscal year, a local educational agency
17 shall submit an application to the State educational agen-
18 cy, at such time, and containing such information as the
19 State educational agency shall require. Such application
20 shall, at a minimum, include—

21 “(1) an assurance that programs shall serve
22 children aged 5 through 21 who have been sus-
23 pended or expelled from another public school within
24 the local educational agency;

1 “(2) a description of how the local educational
2 agency will provide, in a safe, orderly, and drug-free
3 learning environment with trained and qualified
4 staff, educational supports, services, and programs
5 for students who have been suspended or expelled so
6 such students are able to meet the State’s chal-
7 lenging academic standards;

8 “(3) a description of the plan of the local edu-
9 cational agency for reducing the number of suspen-
10 sions and expulsions and reducing the total amount
11 of time students are out of a regular education set-
12 ting as a result of being suspended or expelled;

13 “(4) a plan for training teachers, pupil services
14 personnel, and other appropriate school staff on ef-
15 fective strategies for dealing with disruptive stu-
16 dents;

17 “(5) a description of how the local educational
18 agency will involve parents in the education of chil-
19 dren who have been suspended or expelled;

20 “(6) an assurance that local educational agen-
21 cies will develop annually increasing program per-
22 formance goals, consistent with the State’s perform-
23 ance indicators under section 4206;

1 “(7) information demonstrating how the appli-
2 cant will continue the programs and activities devel-
3 oped under this part after completion of the grant;

4 “(8) an assurance that the program will provide
5 sufficient support services for children and their
6 families, including counseling, and will coordinate
7 with and utilize services provided through juvenile
8 justice, social service, and mental health agencies;

9 “(9) an assurance that the program will assist
10 participating students in making the transition back
11 to a regular education setting, as appropriate;

12 “(10) provide an assurance that such program
13 will place an emphasis on personal, academic, social,
14 and workplace skills and behavior modification, as
15 appropriate.

16 **“SEC. 4209. LOCAL APPLICATION APPROVAL.**

17 “The State educational agency shall review the appli-
18 cation of a local educational agency for assistance under
19 this part. Such application shall be deemed approved un-
20 less the State makes a determination in writing that such
21 application does not meet the specific requirements of this
22 part or is of insufficient quality to meet the goals and pur-
23 poses of this part.

1 **“SEC. 4210. LOCAL EDUCATIONAL AGENCY USES OF FUNDS.**

2 “Local educational agencies, with an approved appli-
3 cation under section 4209, shall use funds provided under
4 section 4207 for one or more of the following activities,
5 which to the extent practicable, will be based on scientif-
6 ically based research:

7 “(1) The development, establishment, or im-
8 provement of alternative schools, either established
9 within a school or separate and apart from an exist-
10 ing school, that are designed—

11 “(A) to reduce disruptive behavior;

12 “(B) to reduce the need for repeat suspen-
13 sions and expulsions; and

14 “(C) to enable students to meet chal-
15 lenging State academic standards.

16 “(2) The development, establishment, or im-
17 provement of alternative supports, services, pro-
18 grams, and strategies for students served by pro-
19 grams funded under this part.

20 “(3) Professional development for teachers, ad-
21 ministrators, pupil services personnel, and other
22 school staff on the most effective ways of preventing
23 students from disrupting class, and for dealing with
24 those students who disrupt class.

25 “(4) Mentoring, tutoring, and other services for
26 students.

1 “(5) Counseling and mental health services,
2 such as mental health assessment and counseling,
3 counseling on transitioning to work or other edu-
4 cational options, and family counseling.

5 “(6) Programs in such areas as conflict resolu-
6 tion, peer mediation, character education, social
7 skills building, alcohol, drug, and violence preven-
8 tion, and behavior interventions.

9 “(7) Programs providing sufficient support
10 services for children and their families, including
11 counseling, and coordination with and utilization of
12 services provided through juvenile justice, social
13 service, and mental health agencies.

14 “(8) Activities to assist students in making the
15 transition back to regular school programs, as ap-
16 propriate.

17 “(9) Programs to assist students to meet chal-
18 lenging academic standards.

19 “(10) Other programs and activities consistent
20 with the purposes of this part.

21 **“SEC. 4211. PROGRAM EVALUATION.**

22 “(a) IN GENERAL.—(1) Each State educational
23 agency receiving funds under this part shall evaluate the
24 effectiveness of programs and activities carried out under
25 this part in reducing the need to suspend or expel students

1 and in helping students who have been suspended or ex-
2 pelled to meet the State’s challenging academic standards.

3 “(2) In evaluating local programs, the State edu-
4 cational agency shall, as appropriate, review performance
5 data based on the attainment of the goals established by
6 local educational agencies under section 4208(6),
7 disaggregated, as appropriate, on the basis of gender,
8 race, ethnicity, migrant status, limited English proficiency
9 status, disability, primary versus secondary education, and
10 economic status.

11 “(b) EVALUATION RESULTS, CORRECTIVE ACTION,
12 AND TERMINATION OF FUNDS.—

13 “(1) RESULTS.—Each State shall submit the
14 results of its evaluation to the Secretary in an an-
15 nual report. The Secretary shall submit a summary
16 of the annual reports to both the Committee on
17 Education and the Workforce of the House of Rep-
18 resentatives and the Health, Education, Labor, and
19 Pensions Committee of the Senate.

20 “(2) DISTRIBUTION.—The State shall distribute
21 the results of the evaluation of individual programs
22 to each evaluated program.

23 “(3) INSUFFICIENT PROGRESS.—If the State
24 educational agency determines that a local edu-
25 cational agency’s program did not make sufficient

1 progress toward the performance indicators estab-
2 lished by the State educational agency based on the
3 goals described in section 4208(6), the State edu-
4 cational agency shall provide technical assistance to
5 such program. After two consecutive years of failure
6 by a program to make sufficient progress toward the
7 levels of performance established by the State edu-
8 cational agency, the State educational agency shall
9 take such action as may be necessary, including the
10 withdrawal of funds, in whole or in part, from such
11 program.

12 **“SEC. 4212. NATIONAL ACTIVITIES AND EVALUATION.**

13 “(a) **EVALUATION BY THE SECRETARY.**—The Sec-
14 retary shall evaluate a representative sample of the pro-
15 grams funded under this part, and shall report the find-
16 ings of the evaluation to the Committee on Education and
17 the Workforce of the House of Representatives and the
18 Committee on Health, Education, Labor, and Pensions of
19 the Senate not later than 3 years after the first grants
20 are made under this part.

21 “(b) **RESEARCH.**—The Secretary shall conduct re-
22 search to develop and identify proven alternative education
23 practices. The Secretary shall disseminate such alternative
24 education practices to State educational agencies and local
25 educational agencies receiving funds under this Act.

1 “(c) OTHER NATIONAL ACTIVITIES.—The Secretary
2 may directly, or through grants or contracts, carry out
3 programs and activities consistent with the purposes of
4 this part such as, collection of data, dissemination of infor-
5 mation, and development of model programs and activi-
6 ties.

7 **“SEC. 4213. SPECIAL RULE.**

8 “(a) CONSTRUCTION.—Nothing in this part shall be
9 construed to affect the requirements of the Individuals
10 with Disabilities Education Act or the Gun-Free Schools
11 Act.

12 “(b) SUPPLEMENT.—Funds made available under
13 this part shall be used to supplement, and shall not sup-
14 plant, non-Federal funds expended to carry out programs
15 and activities authorized by this part.

16 **“SEC. 4214. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated to carry out
18 this part \$200,000,000 for fiscal year 2001, and such
19 sums as may be necessary for each of the four succeeding
20 fiscal years.

○