

106TH CONGRESS
2D SESSION

H. R. 4141

To amend the Elementary and Secondary Education Act of 1965, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2000

Mr. GOODLING (for himself, Mr. CASTLE, Mr. MCKEON, Mr. BALLENGER, Mr. PETRI, Mrs. ROUKEMA, Mr. BOEHNER, Mr. BARRETT of Nebraska, Mr. HILLEARY, Mr. GREENWOOD, Mr. DEMINT, Mr. ISAKSON, Mr. FLETCHER, Mr. MCINTOSH, Mr. NORWOOD, Mr. UPTON, and Mr. SAM JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Elementary and Secondary Education Act of 1965, 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 “Education Opportuni-
5 ties To Protect and Invest In Our Nation’s Students
6 (Education OPTIONS) Act”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

TITLE I—TRANSFERABILITY

- Sec. 101. Short title.
- Sec. 102. Purpose.
- Sec. 103. Transferability.

TITLE II—DRUG AND VIOLENCE PREVENTION AND EDUCATION

- Sec. 201. DRUG AND VIOLENCE PREVENTION AND EDUCATION

TITLE III—TECH FOR SUCCESS

- Sec. 301. Tech for success.

TITLE IV—INNOVATIVE EDUCATION PROGRAMS

- Sec. 401. Innovative education program strategies.

TITLE V—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—FUND FOR THE IMPROVEMENT OF EDUCATION

- Sec. 501. Fund for the improvement of education.

PART B—ARTS EDUCATION

- Sec. 511. Arts education.

PART C—PUBLIC CHARTER SCHOOLS

- Sec. 521. Public charter schools.

PART D—CIVIC EDUCATION

- Sec. 531. Civic education.

TITLE VI—GENERAL PROVISIONS

- Sec. 601. General provisions.
- Sec. 602. Repeals.
- Sec. 603. Effective date.

1 **SEC. 3. PURPOSE.**

2 The purpose of this Act is to provide States and local
3 school districts with—

4 (1) resources to provide safe learning environ-
5 ments for all students;

6 (2) flexibility in managing Federal elementary
7 and secondary education programs and the option to

1 transfer certain education funds between formula
2 programs to more effectively serve their students;

3 (3) technologies to enhance academic
4 coursework and prepare for the challenges of the
5 21st century; and

6 (4) less bureaucracy and paperwork and more
7 dollars to the classroom for principals, teachers, and
8 students.

9 **TITLE I—TRANSFERABILITY**

10 **SEC. 101. SHORT TITLE.**

11 This title may be cited as the “State and Local
12 Transferability Act”.

13 **SEC. 102. PURPOSE.**

14 The purpose of this title is to grant flexibility to
15 States and school districts to target—

16 (1) Federal funds to Federal programs that
17 most effectively address the unique needs of States
18 and localities; and

19 (2) additional Federal funds to title I programs.

20 **SEC. 103. TRANSFERABILITY.**

21 Part B of title XIV of the Elementary and Secondary
22 Education Act of 1965 (20 U.S.C. 8801 et seq.) is amend-
23 ed by adding at the end the following:

24 **“SEC. 14206. TRANSFERABILITY.**

25 “(a) STATE TRANSFER AUTHORITY.—

1 “(1) IN GENERAL.—A State may transfer up to
2 100 percent of nonadministrative State funds allo-
3 cated to such State which are authorized to be used
4 for State-level activities under any of the following
5 provisions to the allocation of the State under any
6 other of such provisions:

7 “(A) Title II (excluding national activi-
8 ties).

9 “(B) Subpart 2 of part A of title III.

10 “(C) Part A of title IV.

11 “(D) Title VI.

12 “(E) Part C of title VII.

13 “(F) Comprehensive school reform pro-
14 grams as authorized under section 1502 as de-
15 scribed on pages 96–99 of the Joint Statement
16 of the Committee of Conference included in
17 House Report 105–390 (Conference Report on
18 the Departments of Labor, Health and Human
19 Services, and Education, and Related Agencies
20 Appropriations Act, 1998).

21 “(2) SUPPLEMENTAL FUNDS FOR TITLE I.—A
22 State may transfer any funds allocated to the State
23 under a provision listed in paragraph (1) to its allo-
24 cation under title I.

1 “(b) LOCAL EDUCATIONAL AGENCY TRANSFER AU-
2 THORITY.—

3 “(1) TRANSFER OF FUNDS.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graphs (C), (D), and (E), a local educational
6 agency may transfer funds allocated to such
7 agency under any of the provisions listed in
8 paragraph (2).

9 “(B) SUPPLEMENTAL FUNDS FOR TITLE
10 I.—Subject to subparagraphs (C), (D), and (E),
11 a local educational agency may transfer funds
12 allocated to such agency under a provision list-
13 ed in paragraph (2) to its allocation under title
14 I.

15 “(C) UNDER 30 PERCENT.—A transfer
16 under subparagraph (A) or (B) of up to 30 per-
17 cent of the funds allocated to a local edu-
18 cational agency under a provision listed in para-
19 graph (2) in a fiscal year may be made without
20 State approval.

21 “(D) OVER 30 PERCENT.—Subject to para-
22 graph (3), a transfer under subparagraph (A)
23 or (B) in a fiscal year of funds allocated to a
24 local educational agency under a provision listed
25 in paragraph (2) in a fiscal year the amount of

1 which, when added to the amount of other
2 transfers by the agency of such funds in such
3 fiscal year, is more than 30 percent of such
4 funds may be made only with the approval of
5 the State.

6 “(E) TITLE II TRANSFERS.—If a local edu-
7 cational agency provides assurances that the
8 amount of funds expended for professional de-
9 velopment in mathematics and science under
10 title II in a fiscal year will equal or exceed the
11 amount of funds expended for the year pre-
12 ceding the date of enactment of the Education
13 OPTIONS Act such agency may transfer funds
14 allocated to it under title II.

15 “(2) APPLICABLE PROVISIONS.—The provisions
16 from which a local educational agency may transfer
17 funds under this subsection are as follows:

18 “(A) Title II (excluding national activi-
19 ties).

20 “(B) Subpart 2 of part A of title III.

21 “(C) Part A of title IV.

22 “(D) Title VI.

23 “(E) Part C of title VII.

24 “(F) Section 310 of the Department of
25 Education Act, 2000, included in the Depart-

1 ments of Labor, Health and Human Services,
2 and Education, and Related Agencies Appro-
3 priations Act, 2000 (as enacted into law by sec-
4 tion 1004(a)(4) of Public Law 106–113).

5 “(3) SPECIAL APPROVAL.—If a local edu-
6 cational agency submits to its State a written re-
7 quest to make a transfer under this subsection that
8 requires State approval, such transfer shall be
9 deemed approved by the State unless the State,
10 within 60 days after receipt of such transfer request,
11 disapproves such request or promptly notifies the
12 agency in writing of such revisions as may be nec-
13 essary before the State will approve the transfer.

14 “(c) LIMITATION.—A State or a local educational
15 agency may not transfer any funds allocated to it under
16 title I to any other program under this Act.

17 “(d) STATE PLAN AND APPLICATION MODIFICATION;
18 PRENOTIFICATION.—Each State transferring funds under
19 this section shall—

20 “(1) modify any plan or application of the State
21 that is applicable to such funds to account for such
22 transfer and submit, within 30 days after the date
23 of such transfer, a copy of such modified plan or ap-
24 plication to the Department of Education; and

1 “(2) notify the Department of Education no
2 less than 30 days before the effective date of such
3 transfer.

4 “(e) LOCAL PLAN AND APPLICATION MODIFICATION;
5 PRENOTIFICATION.—Each local educational agency trans-
6 ferring funds under this section shall—

7 “(1) modify any plan or application of the
8 agency that is applicable to such funds to account
9 for such transfer and submit, within 30 days after
10 the date of such transfer, a copy of such modified
11 plan or application to the State; and

12 “(2) notify the State no less than 30 days be-
13 fore the effective date of such transfer.

14 “(f) APPLICABLE RULES.—Except as otherwise pro-
15 vided in this subsection, when funds are transferred to an
16 allocation under this section, they become funds of the al-
17 location to which they are transferred and subject to all
18 the requirements that are applicable to that allocation.”.

19 **TITLE II—DRUG AND VIOLENCE**
20 **PREVENTION AND EDUCATION**

21 **SEC. 201. DRUG AND VIOLENCE PREVENTION AND EDU-**
22 **CATION.**

23 Title IV of the Elementary and Secondary Education
24 Act of 1965 (20 U.S.C. 7101 et seq.) is amended to read
25 as follows:

1 **“TITLE IV—SUPPORTING DRUG**
2 **AND VIOLENCE PREVENTION**
3 **AND EDUCATION FOR STU-**
4 **DENTS AND COMMUNITIES**

5 **“SEC. 4001. SHORT TITLE.**

6 “This title may be cited as the ‘Supporting Drug and
7 Violence Prevention and Education for Students and Com-
8 munities Act of 2000’.

9 **“SEC. 4002. FINDINGS.**

10 “Congress finds as follows:

11 “(1) Students need drug-free and safe schools
12 and communities in order to maximize their aca-
13 demic performance and their future opportunities.

14 “(2) Drug use among children ages 12 through
15 17 doubled from the historic low year of 1992, when
16 5.3 percent of youth in that age group were current
17 users, as compared to 11.4 percent in 1997. While
18 youth use of some drugs, including hallucinogens,
19 has slightly dropped since 1997, use of other drugs,
20 such as ecstasy, has increased in 1999 (up 1.1 per-
21 cent in use among 10th graders).

22 “(3) Drug use by youth increases the likelihood
23 that a child will be delinquent, engage in high-risk
24 sexual activity, not finish high school, and commit
25 theft, violence, and vandalism.

1 “(4) Drug use among rural youth is higher
2 than that of youth in large urban centers, and these
3 rural youth abuse quite serious drugs, including
4 methamphetamine and cocaine. Many rural commu-
5 nities have few resources for helping youth avoid
6 drug use.

7 “(5) Drug and violence prevention programs
8 and activities need to include efforts to prevent un-
9 derage use of tobacco and alcohol, and are more
10 likely to succeed when such efforts are included.
11 Drug and violence prevention research calls for ag-
12 gressive activities to prevent the use of these gate-
13 way drugs.

14 “(6) Students continue to face physical harm
15 while at school. From 1993 to 1997, between 7 to
16 8 percent of students in grades 9 through 12 were
17 threatened or injured with a weapon on school prop-
18 erty over a 12-month period. Roughly 12 percent of
19 students in grades 9 through 12 reported being in
20 a physical fight on school property during a 12-
21 month period between 1993 and 1997.

22 “(7) While schools statistically are one of the
23 safest places for youth, students report an increase
24 in their perception that they risk harm while at

1 school, perhaps partly due to the recent instances of
2 extreme violence in schools.

3 “(8) Drug and violence prevention programs
4 that incorporate ‘protective factors’ tend to reduce
5 drug use and violence. Protective factors include a
6 student feeling connected to parents and family,
7 practicing religion and prayer, having parents
8 present at key times of the day, having high edu-
9 cational expectations, feeling part of the school, and
10 having high self-esteem.

11 “(9) After school programs, because they keep
12 youth in supervised settings, prevent drug use and
13 violence at least during the time of those programs.
14 Research indicates that the juvenile crime rate tri-
15 ples between the hours of 3 p.m. and 6 p.m., and
16 children in particular are most likely to be victims
17 of a violent crime committed by a non-family mem-
18 ber between 2 p.m. and 6 p.m.

19 **“SEC. 4003. PURPOSE.**

20 “The purpose of this title is to support programs that
21 prevent the use of drugs, that prevent violence, that in-
22 volve parents and communities, and that are coordinated
23 with related Federal, State, and community efforts and
24 resources to foster a learning environment in which stu-

1 dents increase their academic achievement, through the
2 provision of Federal assistance to—

3 “(1) States for grants to local educational agen-
4 cies and consortia of such agencies to establish, op-
5 erate, and improve local programs of drug and vio-
6 lence prevention in elementary and secondary
7 schools;

8 “(2) States for grants to, and contracts with,
9 community-based organizations and other public and
10 private nonprofit agencies and organizations for pro-
11 grams of drug and violence prevention and edu-
12 cation;

13 “(3) States for grants to local educational agen-
14 cies and community-based organizations for before
15 and after school programs for youth and continuing
16 educational opportunities for individuals of all ages;
17 and

18 “(4) public and private nonprofit and for-profit
19 organizations to conduct training, demonstrations,
20 and evaluations, and to provide supplementary serv-
21 ices for drug and violence prevention.

22 **“SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.**

23 “There are authorized to be appropriated—

24 “(1) \$1,033,377,000 for fiscal year 2000, and
25 such sums as may be necessary for each of the five

1 succeeding fiscal years, for State grants under part
2 A; and

3 “(2) \$20,000,000 for fiscal year 2000, and for
4 each of the five succeeding fiscal years, for national
5 programs under part B.—

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

8 **“SEC. 4111. RESERVATIONS AND ALLOTMENTS.**

9 “(a) RESERVATIONS.—From the amount made avail-
10 able under section 4004(1) to carry out this part for each
11 fiscal year, the Secretary—

12 “(1) shall reserve 0.5 percent (or \$5,166,885,
13 whichever is greater) of such amount for grants
14 under this subpart to Guam, American Samoa, the
15 United States Virgin Islands, and the Common-
16 wealth of the Northern Mariana Islands, to be allot-
17 ted in accordance with the Secretary’s determination
18 of their respective needs; and

19 “(2) shall reserve 0.5 (or \$5,166,885, whichever
20 is greater) of such amount for the Secretary of the
21 Interior to carry out programs under this part for
22 Indian youth.

23 “(b) STATE ALLOTMENTS.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), the Secretary shall, for each fiscal year,
3 allocate among the States—

4 “(A) one-half of the remainder not re-
5 served under subsection (a) according to the
6 ratio between the school-aged population of
7 each State and the school-aged population of all
8 the States; and

9 “(B) one-half of such remainder according
10 to the ratio between the amount each State re-
11 ceived under part A of title I for the preceding
12 year and the sum of such amounts received by
13 all the States.

14 “(2) MINIMUM.—For any fiscal year, no State
15 shall be allotted under this subsection an amount
16 that is less than one-half of 1 percent of the total
17 amount allotted to all the States under this sub-
18 section.

19 “(c) REALLOTMENT OF UNUSED FUNDS.—If any
20 State does not apply for an allotment under this subpart
21 for a fiscal year, the Secretary shall reallocate the amount
22 of the State’s allotment to the remaining States in accord-
23 ance with this section.

24 **“SEC. 4112. WITHIN-STATE DISTRIBUTION.**

25 “(a) GOVERNOR’S ALLOCATION.—

1 “(1) IN GENERAL.—The chief executive officer
2 of a State may reserve not more than 10 percent of
3 the total amount allocated to a State under section
4 4111 for each fiscal year for drug and violence pre-
5 vention programs and activities in accordance with
6 section 4115.

7 “(2) LAW ENFORCEMENT EDUCATION PART-
8 NERSHIPS.—The chief executive officer of a State
9 shall use not less than 10 percent and not more than
10 20 percent of the amount described in paragraph (1)
11 for each fiscal year for law enforcement education
12 partnerships in accordance with section 4115(b)(3).

13 “(3) ADMINISTRATIVE COSTS.—The chief execu-
14 tive officer of a State may use not more than 3
15 percent of the amount described in paragraph (1)
16 for the administrative costs incurred in carrying out
17 the duties of such officer under this section.

18 “(4) GRANT AWARDS.—The chief executive offi-
19 cer of a State shall use the remainder of funds not
20 reserved under paragraphs (2) and (3) to award
21 competitive grants and contracts for programs or ac-
22 tivities that improve comprehensive community-wide
23 prevention efforts or provide direct services to youth
24 at the local level. Such officer shall award grants
25 based on—

1 “(A) the quality of the activity or program
2 proposed; and

3 “(B) how closely the program or activity is
4 aligned with the appropriate principles of effec-
5 tiveness described in section 4115(a).

6 “(b) STATE FUNDS.—

7 “(1) IN GENERAL.—An amount equal to the
8 total amount reserved to a State under section 4111,
9 less the amount reserved under subsection (a) and
10 paragraphs (2) and (3) of this subsection, for each
11 fiscal year shall be made available to the State and
12 its local educational agencies for drug and violence
13 prevention activities in accordance with section
14 4115.

15 “(2) STATE ACTIVITIES.—A State shall use not
16 more than 2 percent of the amount available under
17 subsection (1) for State activities described in
18 4115(c).

19 “(3) STATE ADMINISTRATION.—A State may
20 use not more than 2 percent of the amount reserved
21 under paragraph (1) for the administrative costs of
22 carrying out its responsibilities under this part.

23 “(c) DISTRIBUTION TO LOCAL EDUCATIONAL AGEN-
24 CY.—

1 “(1) IN GENERAL.—A State shall distribute not
2 less than 96 percent of the amount made available
3 under subsection (b)(1) for each fiscal year to local
4 educational agencies in accordance with this sub-
5 section.

6 “(2) DISTRIBUTION.—(A) Of the amount made
7 available to a State under subsection (b)(1) and not
8 reserved under paragraphs (2) and (3), a State shall
9 distribute—

10 “(i) 70 percent of such amount to local
11 educational agencies, based on the relative en-
12 rollments in public and private nonprofit ele-
13 mentary and secondary schools within the
14 boundaries of such agencies; and

15 “(ii) 30 percent of such amount to local
16 educational agencies that the State determines
17 have the greatest need for additional funds to
18 carry out drug and violence prevention pro-
19 grams.

20 “(B) Of the amount received under (1), a local
21 educational agency may use not more than 2 percent
22 for the administrative costs of carrying out its re-
23 sponsibilities under this part.

1 “(C) In determining which local educational
2 agencies have the greatest need for additional funds,
3 a State shall consider objective data such as—

4 “(i) high rates of drug use among youth;

5 “(ii) high rates of victimization of youth by
6 violence and crime;

7 “(iii) high rates of arrests and convictions
8 of youth for violent or drug related crime;

9 “(iv) high incidence of illegal gang activity;

10 “(v) high rates of referrals of youths to
11 drug abuse treatment and rehabilitation pro-
12 grams;

13 “(vi) high rates of referrals of youths to
14 juvenile court;

15 “(vii) high rates of expulsions and suspen-
16 sions of students from schools;

17 “(viii) high rates of reported cases of child
18 abuse and domestic violence;

19 “(ix) local fiscal capacity to fund drug and
20 violence prevention activities and programs
21 without Federal assistance;

22 “(x) high rates of drug related emergencies
23 or deaths;

24 “(xi) high degree of geographically rural
25 isolation; and

1 “(xii) local fiscal capacity to fund before
2 and after school activities for youth without
3 Federal assistance.

4 “(D) The distribution of funds shall reflect the
5 geographical diversity of local educational agencies
6 in the State.

7 “(3) RETURN OF FUNDS TO STATE; REALLOCA-
8 TION.—

9 “(A) RETURN.—Except as provided in
10 subparagraph (B), upon the expiration of the 1-
11 year period beginning on the date that a local
12 educational agency receives its allocation—

13 “(i) such agency shall return to the
14 State any funds from such allocation that
15 remain unobligated; and

16 “(ii) the State shall reallocate any
17 such amount to local educational agencies
18 that have plans for using such amount for
19 programs or activities on a timely basis.

20 “(B) CARRYOVER.—In any fiscal year, a
21 local educational agency, may retain for obliga-
22 tion in the succeeding fiscal year—

23 “(i) an amount equal to not more
24 than 25 percent of the allocation it receives
25 under this title for such fiscal year; or

1 “(ii) upon a demonstration of good
2 cause by such agency or consortium, a
3 greater amount approved by the State.

4 **“SEC. 4113. STATE APPLICATION.**

5 “(a) IN GENERAL.—In order to receive an allotment
6 under section 4111 for any fiscal year, a State shall sub-
7 mit to the Secretary, at such time as the Secretary may
8 require, an application that—

9 “(1) describes how funds under this subpart
10 will be coordinated with programs under this Act,
11 and other drug and violence prevention programs, as
12 appropriate, in accordance with the provisions of
13 section 14306;

14 “(2) contains the results of the State’s needs
15 assessment for drug and violence prevention pro-
16 grams, which shall be based on the results of on-
17 going State evaluation activities, including data on
18 the incidence and prevalence of drug use and vio-
19 lence by youth in schools and communities;

20 “(3) contains assurances that the sections of
21 the application concerning the funds provided to the
22 chief executive officer and the State were developed
23 in consultation and coordination with appropriate
24 State officials and others, including the chief execu-
25 tive officer, the chief State school officer, the head

1 of the State alcohol and drug abuse agency, the
2 heads of the State health and mental health agen-
3 cies, the head of the State criminal justice planning
4 agency, the head of the State child welfare agency,
5 the head of the State board of education, or their
6 designees, and representatives of parents, students,
7 and community-based organizations, including reli-
8 gious organizations;

9 “(4) contains an assurance that the State will
10 cooperate with, and assist, the Secretary in con-
11 ducting data collection as required by section 4116;

12 “(5) contains an assurance that the chief execu-
13 tive officer of the State and the chief State school
14 officer will coordinate program administration and
15 activities under this part and will coordinate with
16 drug and violence prevention efforts established by
17 other State agencies; and

18 “(6) contains an assurance that the local edu-
19 cational agencies in the State will comply with the
20 provisions of section 14503 pertaining to the partici-
21 pation of private school children and teachers in the
22 programs and activities under this part.

23 “(b) GOVERNOR’S APPLICATION.—An application
24 submitted under this section shall also contain a com-

1 prehensive plan for the use of funds under section 4115(b)
2 by the chief executive officer that includes—

3 “(1) a statement of the chief executive officer’s
4 performance measures for drug and violence preven-
5 tion. The chief executive officer’s performance meas-
6 ures shall consist of—

7 “(A) performance indicators for drug and
8 violence prevention, and;

9 “(B) levels of performance for each per-
10 formance indicator;

11 “(2) a description of the procedures to be used
12 for assessing and publicly reporting progress toward
13 meeting such performance measures;

14 “(3) a description of how the chief executive of-
15 ficer will coordinate such officer’s activities under
16 this part with the chief State school officer and with
17 State agencies and organizations involved with drug
18 and violence prevention efforts;

19 “(4) a description of how funds allocated under
20 section 4112(a) will be used—

21 “(A) to ensure no duplication of efforts
22 with other State agencies and local educational
23 agencies with regard to the provision of school-
24 based drug and violence prevention efforts and
25 services; and

1 “(B) to serve populations not normally
2 served by the State educational agency, such as
3 school dropouts and youth in detention centers;

4 “(5) a description of how the chief executive of-
5 ficer will award funds under section 4115(b) in
6 order to support activities and programs that meet
7 the principles of effectiveness and a plan for moni-
8 toring the performance of, and providing technical
9 assistance to, recipients of such funds;

10 “(6) a description of the special outreach activi-
11 ties that will be carried out to maximize the partici-
12 pation of community-based organizations, including
13 religious organizations; and

14 “(7) a description of how funds will be used to
15 support community-wide comprehensive drug and vi-
16 olence prevention planning, implementation strate-
17 gies, and programs, including before and after school
18 and continuing education programs.

19 “(c) STATE APPLICATION.—The State shall include
20 in its application a comprehensive plan for the use of
21 funds under section 4115(c), including the following:

22 “(1) A statement of the State’s performance
23 measures for drug and violence prevention that shall
24 be developed in consultation between the State and
25 local officials and that consist of—

1 “(A) performance indicators for drug and
2 violence prevention; and

3 “(B) levels of performance for each per-
4 formance indicator.

5 “(2) A description of the procedures the State
6 will use for assessing and publicly reporting progress
7 toward meeting those performance measures;

8 “(3) A plan for monitoring the implementation
9 of, and providing technical assistance regarding, the
10 drug and violence prevention programs conducted by
11 local educational agencies in accordance with section
12 4115(d); and

13 “(4) A description of how the State educational
14 agency will coordinate such agency’s activities under
15 this part with the chief executive officer’s drug and
16 violence prevention programs and with the drug and
17 violence prevention efforts of other State agencies.

18 “(d) GENERAL APPROVAL.—A State application sub-
19 mitted to the Secretary under this title shall be deemed
20 to be approved by the Secretary unless the Secretary
21 makes a written determination, prior to the expiration of
22 the 90-day period beginning on the date that the Secretary
23 receives the application, that the application is in violation
24 of this title.

1 “(e) DISAPPROVAL.—The Secretary shall not finally
2 disapprove a State application, except after giving the
3 State notice and opportunity for a hearing.

4 **“SEC. 4114. LOCAL EDUCATIONAL AGENCY APPLICATION.**

5 “(a) IN GENERAL.—In order to be eligible to receive
6 a distribution under section 4112(c) for any fiscal year,
7 a local educational agency shall submit, at such time as
8 the State requires, an application to the State. Such an
9 application shall be amended, as necessary, to reflect
10 changes in the activities and programs of the local edu-
11 cational agency.

12 “(b) DEVELOPMENT.—(1) A local educational agency
13 shall develop its application through timely and meaning-
14 ful consultation with a local or substate regional advisory
15 council, as described in subsection (c).

16 “(2) To ensure timely and meaningful consultation,
17 a local educational agency shall, in accordance with sub-
18 section (c), establish and consult with a local or substate
19 regional advisory council on issues regarding the design
20 and development of the program or activity, including ef-
21 forts to meet the principles of effectiveness described in
22 section 4115(a). Such meetings with the advisory council
23 shall occur beginning at the initial stages of design and
24 development of the program or activity.

1 “(c) ADVISORY COUNCIL.—(1) In establishing a local
2 or substate regional advisory council, the local educational
3 agency shall include, to the extent possible, representatives
4 of local government, business, parents, students, teachers,
5 pupil services personnel, appropriate State agencies, pri-
6 vate schools, the medical profession, law enforcement,
7 community-based organizations, religious organizations,
8 and other groups with interest and expertise in drug and
9 violence prevention, including before and after school and
10 continuing education programs.

11 “(2) In addition to assisting the local educational
12 agency to develop an application under this section, the
13 advisory council shall, on an ongoing basis—

14 “(A) disseminate information about drug and
15 violence prevention programs and activities con-
16 ducted within the boundaries of the local educational
17 agency;

18 “(B) advise the local educational agency
19 regarding—

20 “(i) how best to coordinate such agency’s
21 activities under this part with other related
22 drug and violence prevention strategies, pro-
23 grams, and activities; and

24 “(ii) the agencies that administer such pro-
25 grams, projects, and activities; and

1 “(C) review program and activity evaluations
2 and other relevant material and make recommenda-
3 tions to the local educational agency on how to im-
4 prove such agency’s drug and violence prevention
5 programs and activities.

6 “(d) CONTENTS OF APPLICATIONS.—An application
7 submitted by a local educational agency under this section
8 shall contain—

9 “(1) a detailed explanation of the local edu-
10 cational agency’s comprehensive plan for drug and
11 violence prevention, which shall include a description
12 of—

13 “(A) how the plan will be coordinated with
14 programs under this Act, and other Acts deal-
15 ing with drug and violence prevention, as ap-
16 propriate, in accordance with the provisions of
17 section 14306;

18 “(B) the local educational agency’s per-
19 formance measures for drug and violence pre-
20 vention, that shall consist of—

21 “(i) performance indicators for drug
22 and violence prevention; and

23 “(ii) levels of performance for each
24 performance indicator;

1 “(C) how such agency will assess and pub-
2 licly report progress toward attaining its per-
3 formance measures;

4 “(D) the drug and violence prevention ac-
5 tivity or program (including before and after
6 school programs and continuing education ac-
7 tivities) to be funded, including how the activity
8 or program will meet the principles of effective-
9 ness described in section 4115(a), and the
10 means of evaluating such activity or program;

11 “(E) how the local educational agency will
12 coordinate such agency’s activities and pro-
13 grams with community-wide efforts to achieve
14 such agency’s performance measures for drug
15 and violence prevention;

16 “(F) how the local educational agency will
17 coordinate such agency’s activities and pro-
18 grams with other Federal, State, and local pro-
19 grams for youth drug and violence prevention,
20 including before and after school programs and
21 continuing education activities;

22 “(2) an assurance that drug prevention pro-
23 grams supported under this Act conveys a clear and
24 consistent message that the use of drugs is wrong
25 and harmful; and

1 “(3) such other information and assurances as
2 the State may reasonably require.

3 “(e) PEER REVIEW.—

4 “(1) IN GENERAL.—In reviewing local applica-
5 tions under this section, a State shall use a peer re-
6 view process or other methods of assuring the qual-
7 ity of such applications.

8 “(2) CONSIDERATIONS.—(A) In determining
9 whether to approve the application of a local edu-
10 cational agency under this section, a State shall con-
11 sider the quality of the local educational agency’s
12 comprehensive plan, including the degree to which
13 the principles of effectiveness described in section
14 4115(a) are met.

15 “(B) GENERAL APPROVAL.—A local educational
16 agency’s application submitted to the State under
17 this title shall be deemed to be approved by the
18 State unless the State makes a written determina-
19 tion, prior to the expiration of the 90-day period be-
20 ginning on the date that the State receives the appli-
21 cation, that the application is in violation of this
22 title.

23 “(C) DISAPPROVAL.—The State shall not fi-
24 nally disapprove a local educational agency applica-

1 tion, except after giving such agency notice and op-
2 portunity for a hearing.

3 **“SEC. 4115. AUTHORIZED ACTIVITIES.**

4 “(a) PRINCIPLES OF EFFECTIVENESS.—(1) For a
5 program or activity developed pursuant to this part to
6 meet the principles of effectiveness, such program or activ-
7 ity shall—

8 “(A) be based upon an assessment of objective
9 data—

10 “(i) regarding the drug and violence prob-
11 lems in the elementary and secondary schools
12 and communities to be served, including an ob-
13 jective analysis of the current conditions and
14 consequences regarding drug use and violence,
15 including delinquency and serious discipline
16 problems, among students who attend such
17 schools (including private school students who
18 participate in the drug and violence prevention
19 program) that is based on ongoing local assess-
20 ment or evaluation activities;

21 “(ii) regarding the current drug and vio-
22 lence prevention strategies, programs, and ac-
23 tivities, including before and after school pro-
24 grams and continuing education activities, in
25 such schools and communities; and

1 “(iii) regarding student academic achieve-
2 ment and current programs and activities to in-
3 crease student academic achievement.

4 “(B) be based upon an established set of per-
5 formance measures aimed at ensuring that all ele-
6 mentary and secondary schools and communities
7 served by the local educational agency have a drug-
8 free, safe, and orderly learning environment.

9 “(C) be based upon scientifically based research
10 that provides evidence that the program to be used
11 will prevent or reduce drug use and violence, includ-
12 ing delinquency and serious discipline problems
13 among youth.

14 “(2) The program or activity shall undergo a periodic
15 evaluation to assess its progress toward achieving its goals
16 and objectives. The results shall be used to refine, im-
17 prove, and strengthen the program, and to refine the per-
18 formance measures. The results shall also be made avail-
19 able to the public upon request, with public notice of such
20 availability provided.

21 “(3) WAIVER.—A local educational agency or com-
22 munity-based organization may apply to the State for a
23 waiver of the requirement of paragraph (1)(C) to allow
24 innovative activities or programs that demonstrate sub-

1 stantial likelihood of success in drug and violence preven-
2 tion or in beneficially serving the community.

3 “(b) GOVERNORS’ ACTIVITIES.—

4 “(1) IN GENERAL.—A chief executive officer of
5 a State shall use funds made available under section
6 4112(a) for competitive grants or contracts with
7 local educational agencies, parent groups, commu-
8 nity-based organizations, religious organizations, and
9 other public entities and private organizations and
10 consortia thereof, including community anti-drug
11 coalitions—

12 “(A) to support drug and violence preven-
13 tion strategies, programs, and activities, includ-
14 ing before and after school activities and con-
15 tinuing education programs, that provide com-
16 prehensive community-wide prevention efforts
17 or direct services to prevent drug use and vio-
18 lence in schools and communities; and

19 “(B) to reward drug and violence preven-
20 tion programs of exceptional quality.

21 “(2) CONSIDERATIONS.—In making such
22 grants and contracts, a chief executive officer of a
23 State—

24 “(A) shall require that any program or ac-
25 tivity meet the principles of effectiveness;

1 “(B) shall give priority to programs and
2 activities for populations that need special serv-
3 ices or additional resources (such as youth in
4 juvenile detention facilities, runaway or home-
5 less children and youth, pregnant and parenting
6 teenagers, and school dropouts); and

7 “(C) may require partnerships between
8 local educational agencies and other groups or
9 organizations, including religious organizations,
10 in order to receive funds.

11 “(3) REQUIRED ACTIVITIES.—A chief executive
12 officer of a State shall use funds made available
13 under section 4112(a)(2) to award grants to State,
14 county or local law enforcement agencies (including
15 district attorneys) in consortium with local edu-
16 cational agencies or community-based agencies for
17 the purposes of carrying out drug and violence pre-
18 vention activities, such as—

19 “(A) programs that provide classroom in-
20 struction by uniformed law enforcement officials
21 designed to teach students to recognize and re-
22 sist pressures to experiment with drugs and
23 that meet the principles of effectiveness;

24 “(B) programs in which district attorneys
25 provide classroom instruction in the law and

1 legal system, which emphasizes interactive
2 learning techniques such as mock trial competi-
3 tions; or

4 “(C) partnerships between law enforcement
5 and child guidance professionals, which may in-
6 clude mental health providers.

7 “(c) STATE ACTIVITIES.—

8 “(1) AUTHORIZED ACTIVITIES.—A State shall
9 use the funds described in section 4112(b)(2) to
10 plan, develop, and implement capacity building, tech-
11 nical assistance, accountability, program improve-
12 ment services, and coordination activities for local
13 educational agencies that are designed to support
14 the implementation of drug and violence prevention
15 programs, including before and after school pro-
16 grams and continuing education activities. A State
17 may carry out these activities directly, or through
18 grants and contracts.

19 “(d) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—

20 “(1) PROGRAM REQUIREMENTS.—A local edu-
21 cational agency shall use funds described in section
22 4112(e) to develop, implement, and evaluate a com-
23 prehensive drug and violence prevention program,
24 which is coordinated with other school and commu-
25 nity-based services and programs, that shall—

1 “(A) be consistent with the principles of
2 effectiveness described in subsection (a);

3 “(B) be designed to—

4 “(i) prevent or reduce drug use or vio-
5 lence, including through the prevention of
6 delinquency, serious discipline problems
7 and poor academic performance; and

8 “(ii) create a well disciplined environ-
9 ment conducive to learning, which includes
10 consultation between teachers and school
11 personnel to identify early warning signs of
12 drug use and violence and to provide be-
13 havioral interventions as part of classroom
14 management efforts;

15 “(C) include activities to promote the in-
16 volvement of parents in the activity or program,
17 to promote coordination with community groups
18 and coalitions, including religious organizations,
19 and government agencies, and to distribute in-
20 formation about the local educational agency’s
21 needs, goals, and programs under this part; and

22 “(D) address before and after school ac-
23 tivities and continuing education needs of youth
24 and adults in the community;

1 “(2) AUTHORIZED ACTIVITIES.—Each local
2 educational agency, or consortium of such agencies,
3 that receives a subgrant under section 4112(c) may
4 use such funds to carry out youth drug and violence
5 prevention activities, including before and after
6 school programs and continuing education activities,
7 in the elementary and secondary schools and com-
8 munities, such as—

9 “(A) developmentally appropriate drug and
10 violence prevention programs that serve stu-
11 dents in both elementary and secondary school
12 and that incorporate a variety of prevention
13 strategies and activities, which may include—

14 “(i) teaching students that most peo-
15 ple do not use drugs;

16 “(ii) teaching students to recognize
17 social and peer pressure to use drugs;

18 “(iii) teaching students skills for re-
19 sisting drug use;

20 “(iv) engaging students in the learn-
21 ing process;

22 “(v) using developmentally appro-
23 priate teaching materials;

24 “(vi) incorporating activities in sec-
25 ondary schools that reinforce prevention

1 activities implemented in elementary
2 schools; and

3 “(vii) involving families and commu-
4 nities in setting clear expectations against
5 drug use and enforcing consequences for
6 drug use;

7 “(B) before and after school programs and
8 continuing education opportunities for individ-
9 uals of all ages, such as—

10 “(i) integrated educational, rec-
11 reational, or cultural programs, including
12 curriculum based entrepreneurial education
13 programs, remedial education programs,
14 and extended learning programs;

15 “(ii) literacy education programs (in-
16 cluding family literacy services);

17 “(iii) youth science education pro-
18 grams;

19 “(iv) consumer, economic, and per-
20 sonal finance education programs;

21 “(v) senior citizen and adult education
22 programs (including programs for individ-
23 uals who leave school before graduating
24 from secondary school, regardless of the
25 age of such individual);

1 “(vi) parenting skills education pro-
2 grams;

3 “(vii) educational children’s day care
4 services;

5 “(viii) summer and weekend school
6 programs in conjunction with recreation
7 programs;

8 “(ix) expanded library service hours to
9 serve community needs;

10 “(x) distance learning, technology,
11 and Internet education programs for indi-
12 viduals of all ages;

13 “(xi) educational services for individ-
14 uals with disabilities;

15 “(xii) peer resistance education; and

16 “(xiii) arts and music education.

17 “(C) training and development of school
18 personnel in youth drug and violence preven-
19 tion, including training in early identification,
20 intervention, and prevention of threatening be-
21 havior;

22 “(D) parental involvement and training in
23 youth drug and violence prevention, including
24 early identification of potential youth violence;

1 “(E) community involvement activities per-
2 taining to youth drug and violence prevention;

3 “(F) law enforcement and security activi-
4 ties, including the acquisition and installation of
5 metal detectors and the hiring and training of
6 security personnel, that are related to youth
7 drug and violence prevention;

8 “(G) comprehensive school security assess-
9 ments;

10 “(H) creating and maintaining safe zones
11 of passage to and from school to prevent vio-
12 lence and drug use and trafficking;

13 “(I) counseling, mentoring, and referral
14 services, and other student assistance practices
15 and programs, including training of teachers by
16 school-based mental health service providers in
17 appropriate identification and intervention tech-
18 niques for disciplining and teaching students at
19 risk of violent behavior;

20 “(J) services and activities that reduce the
21 need for suspension and expulsion in maintain-
22 ing classroom order and school discipline;

23 “(K) establishing and implementing a sys-
24 tem for transferring suspension and expulsion
25 records by a local educational agency to any

1 public or private elementary or secondary
2 school;

3 “(L) allowing students attending unsafe
4 public elementary and secondary schools, as de-
5 termined by the State, to attend a safe public
6 school, including a public charter school, in the
7 same State as the unsafe public elementary and
8 secondary school, and allowing payment of rea-
9 sonable transportation costs for such students;

10 “(M) the development and implementation
11 of character education and training programs
12 that reflect the values of parents, teachers, and
13 local communities, and incorporate elements of
14 good character, including honesty, citizenship,
15 courage, justice, respect, personal responsibility,
16 and trustworthiness;

17 “(N) testing students for illegal drug use
18 or conducting student locker searches for illegal
19 drugs or drug paraphernalia;

20 “(O) establishment of school uniform poli-
21 cies;

22 “(P) emergency intervention services fol-
23 lowing traumatic crisis events, such as a shoot-
24 ing, major accident, or a drug-related incident,
25 that has disrupted the learning environment;

1 “(Q) establishing and maintaining a school
2 violence hotline;

3 “(R) conducting background checks of
4 school personnel;

5 “(S) expanding and improving school-
6 based mental health services, including early
7 identification of drug use and violence, assess-
8 ment, and direct individual or group counseling
9 services provided to students, parents, and
10 school personnel by qualified school based men-
11 tal health services personnel;

12 “(T) hiring and training coordinators of
13 drug and violence prevention programs serving
14 students in grades six through nine;

15 “(U) mentoring and tutoring services for
16 students provided by senior citizen volunteers;
17 and

18 “(V) the evaluation of any of the activities
19 authorized under this subsection.

20 **“SEC. 4116. EVALUATION AND REPORTING.**

21 “(a) DATA COLLECTION.—

22 “(1) The National Center for Education Statis-
23 tics shall collect data to determine the frequency, se-
24 riousness, and incidence of drug use and violence by
25 youth in schools and communities in the States

1 using, if appropriate, data submitted by the States
2 pursuant to subsection (b).

3 “(2) The Secretary shall submit to the Con-
4 gress a report on the data collected under this sub-
5 section.

6 “(b) STATE REPORT.—

7 “(1) IN GENERAL.—Not later than October 1,
8 2003, and every third year thereafter, the chief exec-
9 utive officer of a State, in consultation with the
10 State educational agency, shall submit to the Sec-
11 retary a report on the implementation and outcomes
12 of State and local programs under section 4115.

13 “(2) SPECIAL RULE.—The report required by
14 this subsection shall be—

15 “(A) based on the State’s ongoing evalua-
16 tion activities, and shall include data on the
17 prevalence of drug use and violence by youth in
18 schools and communities; and

19 “(B) made available to the public upon re-
20 quest, with public notice of such availability
21 provided.

22 “(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each
23 local educational agency receiving funds under this part
24 shall submit to the State such information, and at such
25 intervals, as the State reasonably requires to complete the

1 State report required by subsection (b), including informa-
2 tion on the prevalence of drug use and violence by youth
3 in the schools and the community and the progress of the
4 local educational agency toward meeting its performance
5 measures. The report shall be made available to the public
6 upon request, with public notice of such availability pro-
7 vided.

8 **“PART B—NATIONAL PROGRAMS**

9 **“SEC. 4121. FEDERAL ACTIVITIES.**

10 “(a) PROGRAM AUTHORIZED.—

11 “(1) IN GENERAL.—From funds made available
12 to carry out this part under section 4004(2), the
13 Secretary, in consultation with the Secretary of
14 Health and Human Services, the Director of the Of-
15 fice of National Drug Control Policy, the Chair of
16 the Ounce of Prevention Council, and the Attorney
17 General, shall carry out programs to prevent the ille-
18 gal use of drugs and violence among, and promote
19 safety and discipline for, students in elementary and
20 secondary schools based on the needs reported by
21 States and local educational agencies.

22 “(2) COORDINATION.—The Secretary shall
23 carry out programs described in paragraph (1) di-
24 rectly, or through grants, contracts, or cooperative
25 agreements with public and private nonprofit and

1 for-profit organizations, including religious organiza-
2 tions, and individuals, or through agreements with
3 other Federal agencies, and shall coordinate such
4 programs with other appropriate Federal activities.

5 “(3) PROGRAMS.—Programs described in para-
6 graph (1) may include—

7 “(A) demonstrations and rigorous scientif-
8 ically based evaluations of innovative ap-
9 proaches to drug and violence prevention based
10 on needs reported by State and local edu-
11 cational agencies;

12 “(B) the provision of information on drug
13 abuse education and prevention to the Secretary
14 of Health and Human Services for dissemina-
15 tion by the clearinghouse for alcohol and drug
16 abuse information established under section
17 501(d)(16) of the Public Health Service Act;

18 “(C) continuing technical assistance to
19 chief executive officers, State agencies, and
20 local educational agencies to build capacity to
21 develop and implement high-quality, effective
22 programs consistent with the Principles of Ef-
23 fectiveness.

1 “(b) PEER REVIEW.—The Secretary shall use a peer
2 review process in reviewing applications for funds under
3 this section.

4 **“SEC. 4122. NATIONAL CLEARINGHOUSE FOR AFTER**
5 **SCHOOL PROGRAMS.**

6 “From funds made available to carry this part under
7 section 4004(2), the Secretary of Education, in consulta-
8 tion with the Secretary of Health and Human Services,
9 through the Commissioner on Children, Youth, and Fami-
10 lies, the Attorney General, and representatives with rel-
11 evant experience from State child care agencies and child
12 care resource and referral centers, shall establish a na-
13 tional clearinghouse to provide technical assistance re-
14 garding establishment and operation of after school pro-
15 grams and models of after school programs. The national
16 clearinghouse shall be available to the public, including via
17 Internet, and shall serve as a resource for child care orga-
18 nizations, communities, and individuals seeking to improve
19 the quality and availability of after school programs.

20 **“PART C—GUN POSSESSION**

21 **“SEC. 4131. GUN-FREE SCHOOL REQUIREMENTS.**

22 “(a) REQUIREMENTS.—

23 “(1) STATE LAW.—Each State receiving funds
24 under this Act shall have in effect a State law re-
25 quiring each local educational agency—

1 “(A) to expel from school for a period of
2 not less than one year a student who is deter-
3 mined to have brought a firearm to a school
4 under the jurisdiction of a local educational
5 agency in that State, except that such State law
6 shall allow the chief administering officer of
7 such local educational agency to modify such
8 expulsion requirement for a student on a case-
9 by-case basis; and

10 “(B) to have a policy requiring each ele-
11 mentary and secondary school to refer to the
12 criminal justice or juvenile delinquency system
13 any student who brings a firearm to school.

14 “(2) CONSTRUCTION.—Nothing in this part
15 shall be construed to prevent a State from allowing
16 a local educational agency that has expelled a stu-
17 dent from such a student’s regular school setting
18 from providing educational services to such student
19 in an alternative setting.

20 “(b) SPECIAL RULE.—The provisions of this section
21 shall be construed in a manner consistent with the Individ-
22 uals with Disabilities Education Act.

23 “(c) APPLICATION TO STATE.—Each local edu-
24 cational agency requesting assistance from a State that
25 is provided from funds made available to the State under

1 this Act shall provide to the State, in the application re-
2 questing such assistance—

3 “(1) an assurance that such local educational
4 agency is in compliance with the State law required
5 by subsection (a); and

6 “(2) a description of the circumstances sur-
7 rounding any expulsions imposed under the State
8 law required by subsection (b), including—

9 “(A) the name of the school concerned;

10 “(B) the number of students expelled from
11 such school, including the number of children
12 with disabilities expelled from such school; and

13 “(C) the type of firearm concerned.

14 “(d) REPORTING.—Each State shall report the infor-
15 mation described in subsection (b) to the Secretary on an
16 annual basis.

17 “(e) DEFINITIONS.—For the purpose of this part—

18 “(1) the term ‘firearm’ has the same meaning
19 given to such term under section 921(a)(3) of title
20 18, United States Code; and

21 “(2) the term ‘school’ does not include a home
22 school, regardless of whether a home school is treat-
23 ed as a private school under State law.

1 **“PART D—GENERAL PROVISIONS**

2 **“SEC. 4141. DEFINITIONS.**

3 “For the purposes of this title, the following terms
4 have the following meanings:

5 “(1) **COMMUNITY-BASED ORGANIZATION.**—The
6 term ‘community-based organization’ means a pri-
7 vate nonprofit organization that is representative of
8 a community or significant segments of a community
9 and that provides educational or related services to
10 individuals in the community.

11 “(2) **CONTROLLED SUBSTANCE.**—The term
12 ‘controlled substance’ means a drug or other sub-
13 stance identified under Schedule I, II, III, IV, or V
14 in section 202(c) of the Controlled Substances Act
15 (21 U.S.C. 812(e)).

16 “(3) **DRUG.**—The term ‘drug’ includes con-
17 trolled substances; the illegal use of alcohol and to-
18 bacco; and the harmful, abusive, or addictive use of
19 substances, including inhalants and anabolic
20 steroids.

21 “(4) **DRUG AND VIOLENCE PREVENTION.**—The
22 term ‘drug and violence prevention’ means—

23 “(A) with respect to drugs, prevention,
24 early intervention, rehabilitation referral, or
25 education related to the illegal use of drugs;

1 “(B) with respect to violence, the pro-
2 motion of school safety, such that students and
3 school personnel are free from violent and dis-
4 ruptive acts, on school premises, going to and
5 from school, and at school-sponsored activities,
6 through the creation and maintenance of a
7 school environment that is free of weapons and
8 fosters individual responsibility and respect for
9 the rights of others; and

10 “(C) with respect to before and after
11 school programs and continuing education ac-
12 tivities, educational activities for individuals of
13 all ages in the community that operate with a
14 goal of drug and violence prevention in the
15 school or community.

16 “(5) LOCAL EDUCATIONAL AGENCY.—The term
17 ‘local educational agency’ includes educational serv-
18 ice agencies and consortia of such agencies.

19 “(6) NONPROFIT.—The term ‘nonprofit,’ as ap-
20 plied to a school, agency, organization, or institution
21 means a school, agency, organization, or institution
22 owned and operated by one or more nonprofit cor-
23 porations or associations, no part of the net earnings
24 of which inures, or may lawfully inure, to the benefit
25 of any private shareholder or individual.

1 “(7) SCHOOL-AGED POPULATION.—The term
2 ‘school-aged population’ means the population aged
3 5 through 17, as determined by the Secretary on the
4 basis of the most recent satisfactory data available
5 from the Department of Commerce.

6 “(8) SCHOOL BASED MENTAL HEALTH SERV-
7 ICES PROVIDER.—The term ‘school based mental
8 health services provider’ includes a state licensed or
9 state certified school counselor, school psychologist,
10 school social worker, or other state licensed or cer-
11 tified mental health professional qualified under
12 state law to provide such services to children and
13 adolescents.

14 “(9) SCHOOL PERSONNEL.—The term ‘school
15 personnel’ includes teachers, administrators, guid-
16 ance counselors, social workers, psychologists,
17 nurses, librarians, and other support staff who are
18 employed by a school or who perform services for the
19 school on a contractual basis.

20 “(10) SCIENTIFICALLY BASED RESEARCH.—
21 The term ‘scientifically based research’—

22 “(A) means the application of rigorous,
23 systematic, and objective procedures to obtain
24 valid knowledge relevant to youth violence and
25 drug prevention activities and programs; and

1 “(B) shall include research that—

2 “(i) employs systemic, empirical meth-
3 ods that draw on observation or experi-
4 ment;

5 “(ii) involves rigorous data analyses
6 that are adequate to test the stated
7 hypotheses and justify the general conclu-
8 sions drawn;

9 “(iii) relies on measurements or obser-
10 vational methods that provide valid data
11 across evaluators and observers and across
12 multiple measurements and observations;
13 and

14 “(iv) has been accepted by a peer-re-
15 viewed journal or approved by a panel of
16 independent experts through a comparably
17 rigorous, objective, and scientific review.

18 “(11) STATE.—The term ‘State’ means each of
19 the 50 States, the District of Columbia, and the
20 Commonwealth of Puerto Rico.

21 **“SEC. 4142. MATERIALS.**

22 “(a) ‘WRONG AND HARMFUL’ MESSAGE.—Drug pre-
23 vention programs supported under this title shall convey
24 a clear and consistent message that the use of drugs is
25 wrong and harmful.

1 “(b) CURRICULUM.—The Secretary shall not pre-
2 scribe the use of specific curricula for programs supported
3 under this part.

4 **“SEC. 4143. PROHIBITED USES OF FUNDS.**

5 “No funds under this title may be used for—

6 “(1) construction (except for minor remodeling
7 needed to accomplish the purposes of this part);

8 “(2) medical services, drug treatment or reha-
9 bilitation, except for pupil services or referral to
10 treatment for students who are victims of, or wit-
11 nesses to, use of drugs or crime; and

12 “(3) activities or programs that discriminate
13 against or denigrate the religious or moral beliefs of
14 students who participate in such activities or pro-
15 grams.

16 **“SEC. 4144. QUALITY RATING.**

17 “(a) IN GENERAL.—The chief executive officer of
18 each State, or in the case of a State in which the constitu-
19 tion or law of such State designates another individual,
20 entity, or agency in the State to be responsible for edu-
21 cation activities, such individual, entity, or agency is au-
22 thorized and encouraged—

23 “(1) to establish a standard of quality for drug
24 and violence prevention programs implemented in

1 public elementary and secondary schools in the State
2 in accordance with subsection (b); and

3 “(2) to identify and designate, upon application
4 by a public elementary or secondary school, any such
5 school that achieves such standard as a quality pro-
6 gram school.

7 “(b) CRITERIA.—The standard referred to in sub-
8 section (a) shall address, at a minimum—

9 “(1) a comparison of the rate of illegal use of
10 drugs and of violent occurrences by students enrolled
11 in the school over a period of time to be determined
12 by the chief executive officer of the State or the indi-
13 vidual, entity, or agency described in subsection (a),
14 as the case may be;

15 “(2) the rate of suspensions or expulsions of
16 students enrolled in the school for drug and violence
17 offenses;

18 “(3) the effectiveness of the drug and violence
19 prevention program as proven by scientifically based
20 research;

21 “(4) the involvement of parents and community
22 members in the design of the drug and violence pre-
23 vention program; and

1 “(5) the extent of review of existing community
2 drug and violence prevention programs before imple-
3 mentation of the public school program.

4 “(c) REQUEST FOR QUALITY PROGRAM SCHOOL
5 DESIGNATION.—A school that wishes to receive a quality
6 program school designation shall submit a request and
7 documentation of compliance with this section to the chief
8 executive officer of the State or the individual, entity, or
9 agency described in subsection (a), as the case may be.

10 “(d) PUBLIC NOTIFICATION.—Not less than once a
11 year, the chief executive officer of each State or the indi-
12 vidual, entity, or agency described in subsection (a), as
13 the case may be, shall make available to the public a list
14 of the names of each public school in the State that has
15 received a quality program school designation in accord-
16 ance with this section.

17 **“SEC. 4145. CONTINUATION AWARDS.**

18 “From funds made available under section 4004(2),
19 the Secretary is authorized to continue funding multi-year
20 grants awarded prior to fiscal year 2001 under part I of
21 title X, as such part was in effect on the day preceding
22 the date of the enactment of the Education OPTIONS
23 Act, or the Middle School Coordinator Initiative (as de-
24 scribed in title III of the Department of Education Act,
25 2000, (as enacted into law by section 1004(a)(4) of Public

1 Law 106–113) and prior appropriations Acts, prior to the
2 date of the enactment of the Education OPTIONS Act
3 for the duration of the original grant period.

4 **“SEC. 4146. GENERAL ACCOUNTING OFFICE REPORT.**

5 “Not later than 1 year after the date of the enact-
6 ment of the Education OPTIONS Act, the General Ac-
7 counting Office shall transmit to Congress a report con-
8 taining the following:

9 “(1) For each State, a description of the types
10 of after school programs that are available for stu-
11 dents in kindergarten through grade 12, including
12 programs sponsored by the Boys and Girls Clubs of
13 America, the Boy Scouts of America, the Girl Scouts
14 of America, YMCA’s, and athletic and other pro-
15 grams operated by public schools and other State
16 and local agencies.

17 “(2) For 15 communities selected to represent
18 a variety of regional, population, and demographic
19 profiles, a detailed analysis of the after school pro-
20 grams that are available for students in kinder-
21 garten through grade 12, including programs spon-
22 sored by the Boys and Girls Clubs of America, the
23 Boy Scouts of America, the Girl Scouts of America,
24 YMCA’s, mentoring programs, athletic programs,
25 and programs operated by public schools, churches,

1 day care centers, parks, recreation centers, family
2 day care, community organizations, law enforcement
3 agencies, service providers, and for-profit and non-
4 profit organizations.

5 “(3) For each State, a description of significant
6 areas of unmet need in the quality and availability
7 of after school programs.

8 “(4) For each State, a description of barriers
9 which prevent or deter the participation of children
10 in after school programs.

11 “(5) A list of activities, other than after school
12 programs, in which students in kindergarten through
13 grade 12 participate when not in school, including
14 jobs, volunteer opportunities, and other non-school
15 affiliated programs.

16 “(6) An analysis of the value of the activities
17 listed pursuant to paragraph (5) relevant to the
18 well-being and educational development of students
19 in kindergarten through grade 12.

20 **“SEC. 4147. SERVICES PROVIDED BY CHARITABLE, RELI-**
21 **GIUS, OR PRIVATE ORGANIZATIONS**

22 “(a) IN GENERAL.—A State may administer and pro-
23 vide services under the programs and activities described
24 in this title through grants and contracts with charitable,
25 religious, or private organizations.

1 “(b) RELIGIOUS ORGANIZATIONS.—The purpose of
2 this section is to allow States to provide grants to or to
3 contract with religious organizations on the same basis as
4 any other nongovernmental provider without impairing the
5 religious character of such organizations, and without di-
6 minishing the religious freedom of beneficiaries of assist-
7 ance funded under such program.

8 “(c) NONDISCRIMINATION AGAINST RELIGIOUS OR-
9 GANIZATIONS.—In the event a State exercises its authority
10 under subsection (a), religious organizations are eligible,
11 on the same basis as any other private organization, as
12 grant recipients or contractors, to provide assistance
13 under any program described in this title if the programs
14 sponsored by such religious organization are implemented
15 in a manner consistent with the Establishment Clause of
16 the United States Constitution. Except as provided in sub-
17 section (i), neither the Federal Government, a State, nor
18 a local educational agency receiving funds under this title
19 shall discriminate against an organization that is or ap-
20 plies to be a contractor to provide assistance on the basis
21 that the organization has a religious character.

22 “(d) RELIGIOUS CHARACTER AND FREEDOM.—

23 “(1) RELIGIOUS ORGANIZATIONS.—A religious
24 organization with a grant or contract under this title
25 shall retain its religious character and control over

1 the definition, development, practice, and expression
2 of its religious beliefs.

3 “(2) ADDITIONAL SAFEGUARDS.—Neither the
4 Federal Government, a State, nor local government
5 shall require a religious organization to—

6 “(A) alter its form of internal governance;

7 or

8 “(B) remove religious art, icons, scripture,
9 or other symbols;

10 in order to be eligible to receive a grant or contract
11 under this title.

12 “(e) EMPLOYMENT PRACTICES.—A religious organi-
13 zation’s exemption provided under section 702 of the Civil
14 Rights Act of 1964 (42 U.S.C. 2000e–1), regarding em-
15 ployment practices, shall not be affected by its participa-
16 tion in, or receipt of funds from, programs under this title.

17 “(f) NONDISCRIMINATION AGAINST BENE-
18 FICIARIES.—Except as otherwise provided in law, a reli-
19 gious organization shall not discriminate against an indi-
20 vidual in regard to rendering assistance funded under any
21 program described in this title on the basis of religion,
22 a religious belief, or refusal to actively participate in a reli-
23 gious practice.

24 “(g) FISCAL ACCOUNTABILITY.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), any religious organization receiving a
3 grant or contracting to provide assistance funded
4 under any program described in this title shall be
5 subject to the same regulations as other recipients
6 or contractors to account in accord with generally
7 accepted auditing principles for the use of such
8 funds provided under such programs.

9 “(2) LIMITED AUDIT.—If such organization
10 segregates Federal funds provided under such pro-
11 grams into separate accounts, then only the financial
12 assistance provided with such funds shall be subject
13 to audit.

14 “(h) LIMITATIONS ON USE OF FUNDS FOR CERTAIN
15 PURPOSES.—No funds provided directly to institutions or
16 organizations to provide services and administer programs
17 under this Act shall be expended for sectarian worship,
18 instruction, or proselytization.

19 “(i) PREEMPTION.—Nothing in this section shall be
20 construed to preempt any provision of a State constitution
21 or State statute that prohibits or restricts the expenditure
22 of State funds in or by religious organizations.”.

1 **TITLE III—TECH FOR SUCCESS**

2 **SEC. 301. TECH FOR SUCCESS.**

3 Title III of the Elementary and Secondary Education
4 Act of 1965 (20 U.S.C. 6801 et seq.) is amended to read
5 as follows:

6 **“TITLE III—TECH FOR SUCCESS**

7 **“SEC. 3001. SHORT TITLE.**

8 “‘This title may be cited as the ‘Tech for Success Act
9 of 2000’.

10 **“SEC. 3002. PURPOSE.**

11 “‘The purposes of this title are as follows:

12 “(1) To provide assistance to states and local-
13 ities for implementing innovative technology initia-
14 tives which lead to increased student academic
15 achievement and which may be evaluated for effec-
16 tiveness and replicated if successful.

17 “(2) To encourage the establishment or expan-
18 sion of initiatives, especially those involving public/
19 private partnerships, designed to increase access to
20 technology, particularly in high need local edu-
21 cational agencies.

22 “(3) To promote initiatives which provide school
23 administrators and teachers with the capacity to ef-
24 fectively utilize technology in ways which integrate
25 such technology with challenging State content and

1 student performance standards, through such means
2 as high quality professional development programs.

3 “(4) To support the development of electronic
4 networks and other innovative methods, such as dis-
5 tance learning, of delivering challenging courses and
6 curricula for students who would otherwise not have
7 access to such courses and curricula, especially in
8 isolated regions.

9 “(5) To support the rigorous evaluation of pro-
10 grams funded under this title, especially the impact
11 of such initiatives on student academic performance,
12 and ensuring timely information on the results of
13 such evaluations are widely accessible through elec-
14 tronic means.

15 “(6) To support local efforts for the use of
16 technology to promote parent and family involve-
17 ment in education and communication among par-
18 ents, teachers and students.

19 **“PART A—TECH FOR SUCCESS GRANT PROGRAM**

20 **“Subpart 1—General Provisions**

21 **“SEC. 3101. AUTHORIZATION OF APPROPRIATIONS; FUND-**
22 **ING RULE.**

23 “(a) IN GENERAL.—There are authorized to be ap-
24 propriated to carry out this part—

25 “(1) \$731,305,000 for fiscal year 2000; and

1 “(2) such sums as may be necessary for each
2 of the 5 succeeding fiscal years.

3 “(b) ALLOCATION OF FUNDS BETWEEN NATIONAL
4 AND STATE AND LOCAL INITIATIVES.—Except as pro-
5 vided in subsection (c), the amount of funds made avail-
6 able under subsection (a) shall be allocated as follows:

7 “(1) Not less than 95 percent shall be made
8 available for State and local technology initiatives
9 pursuant to subpart 2.

10 “(2) Not more than 5 percent may be made
11 available for activities of the Secretary under sub-
12 part 3.

13 “(c) CONTINUATION OF FUNDING FOR FORMER PRO-
14 GRAMS.—

15 “(1) IN GENERAL.—Using funds made available
16 under subsection (a), the Secretary is authorized to
17 continue funding multiyear grants under this title
18 (as in effect prior to the enactment of the Education
19 OPTIONS Act) which were awarded prior to fiscal
20 year 2001 for the duration of the original grant pe-
21 riod.

22 “(2) REDUCTION IN AMOUNT AVAILABLE.—The
23 amount of funds allocated under subsection (b) be-
24 tween State and local technology initiatives and ac-
25 tivities of the Secretary shall be reduced by the

1 amount used by the Secretary to continue funding
2 former programs under paragraph (1).

3 **“SEC. 3102. DEFINITIONS.**

4 “For purposes of this part, the following definitions
5 shall apply:

6 “(1) In this part and part B, the term ‘distance
7 learning’ means the transmission of educational or
8 instructional programming to geographically dis-
9 persed individuals and groups via telecommuni-
10 cations.

11 “(2) The term ‘eligible local entity’ means—

12 “(A) a high need local educational agency;

13 or

14 “(B) an eligible local partnership.

15 “(3) The term ‘eligible local partnership’ means
16 a partnership that includes at least one high need
17 local educational agency and at least one—

18 “(A) local educational agency that can
19 demonstrate that teachers in schools served by
20 that agency are using technology effectively in
21 their classrooms;

22 “(B) institution of higher education;

23 “(C) for-profit business or organization
24 that develops, designs, manufactures, or pro-
25 duces technology products or services, or has

1 substantial expertise in the application of tech-
2 nology;

3 “(D) public or private non-profit organiza-
4 tion with demonstrated experience in the appli-
5 cation of educational technology; or

6 “(E) local educational agency which has
7 the potential to become an exemplary model for
8 wide-scale adoption by other local educational
9 agencies on how to effectively integrate tech-
10 nology and proven research-based teaching
11 practices which result in improvement in class-
12 room instruction in the core academic subject
13 areas, and the preparation of students to meet
14 challenging State content and student perform-
15 ance standards.

16 “(4) The term ‘emerging technologies’ means
17 the applications that can result from the develop-
18 ment of high-speed, broad band telecommunications
19 networks and more powerful computer systems.

20 “(5) The term ‘high need local educational
21 agency’ means a local educational agency which
22 serves an elementary or secondary school located in
23 an area—

24 “(A) in which there is a high percentage of
25 individuals from families with incomes below

1 the poverty line, as defined by the Office of
2 Management and Budget and revised annually
3 in accordance with section 673(2) of the Com-
4 munity Services Block Grant Act (42 U.S.C.
5 9902(2)); or

6 “(B) which is identified by the State as an
7 area with—

8 “(i) limited access to advanced tele-
9 communications services,

10 “(ii) a high ratio of students to com-
11 puters within the school, or

12 “(iii) a high proportion of teachers
13 who are not computer-proficient.

14 “(6) The term ‘scientifically based research’—

15 “(A) means the application of rigorous,
16 systematic, and objective procedures to obtain
17 valid knowledge relevant to education tech-
18 nology; and

19 “(B) shall include research which—

20 “(i) employs systematic, empirical
21 methods which draw on observation or ex-
22 periment,

23 “(ii) involves rigorous data analyses
24 which are adequate to test the stated

1 hypotheses and justify the general conclu-
2 sions drawn,

3 “(iii) relies on measurements or obser-
4 vational methods which provide valid data
5 across evaluators and observers and across
6 multiple measurements and observations,
7 and

8 “(iv) has been accepted by a peer re-
9 viewed journal or approved by a panel of
10 independent experts through a comparably
11 rigorous, objective, and scientific review.

12 **“Subpart 2—State and Local Technology for Success**
13 **Grants**

14 **“SEC. 3111. DETERMINATION OF AMOUNT OF STATE ALLOT-**
15 **MENT.**

16 “(a) IN GENERAL.—Except as otherwise provided in
17 this subpart, each State shall be eligible to receive a grant
18 under this subpart for a fiscal year in an allotment deter-
19 mined as follows:

20 “(1) 50 percent shall bear the same relationship
21 to the amount made available under section
22 3101(b)(1) for such year as the amount such state
23 received under part A for title I for such year bears
24 to the amount received for such year under such
25 part by all States.

1 “(2) 50 percent shall be determined on the
2 basis of the State’s relative population of individuals
3 age 5 through 17, as determined by the Secretary on
4 the basis of the most recent satisfactory data.

5 “(b) RESERVATION OF FUNDS FOR BUREAU OF IN-
6 DIAN AFFAIRS AND OUTLYING AREAS.—Of the amount
7 made available to carry out this subpart under section
8 3101(b)(1) for a fiscal year—

9 “(1) the Secretary shall reserve .305 percent
10 (or \$2,125,000, whichever is greater) for the Sec-
11 retary of the Interior for programs under this sub-
12 part for schools operated or funded by the Bureau
13 of Indian Affairs; and

14 “(2) the Secretary shall reserve .305 percent
15 (or \$2,125,000, whichever is greater) to provide as-
16 sistance to the outlying areas.

17 “(c) MINIMUM ALLOTMENT.—The amount of any
18 State’s allotment under subsection (a) for any fiscal year
19 may not be less than one-half of one percent of the amount
20 made available under section 3101(b)(1) for such year.

21 “(d) REALLOTMENT OF UNUSED FUNDS.—If any
22 State does not apply for an allotment under this subpart
23 for a fiscal year, the Secretary shall reallocate the amount
24 of the State’s allotment to the remaining States in accord-
25 ance with this section.

1 **“SEC. 3112. USE OF ALLOTMENT BY STATE.**

2 “(a) IN GENERAL.—Except as provided in subsection
3 (b), of the amount provided to a State from its allotment
4 under section 3111—

5 “(1) the State may use not more than 5 percent
6 to carry out activities under section 3115; and

7 “(2) not less than 95 percent shall be distrib-
8 uted to local educational agencies by the State as
9 follows:

10 “(A) At least 80 percent shall be used for
11 activities described in section 3116, to be dis-
12 tributed through a formula developed by the
13 State which shall target funds to high need
14 local educational agencies which have submitted
15 plans to the State under section 3114, and
16 which may (at the option of the State)—

17 “(i) be the formula used by the State
18 to award grants to local educational agen-
19 cies under section 3132 (as in effect prior
20 to the enactment of the Education OP-
21 TIONS Act); and

22 “(ii) set a minimum amount that may
23 be provided to any recipient.

24 “(B) Not more than 20 percent shall be
25 awarded through a State-determined competi-
26 tive process to eligible local entities which have

1 submitted plans to the State under section
2 3114, to be used to carry out activities con-
3 sistent with this part.

4 “(b) CONTINUATION OF FUNDING FOR FORMER PRO-
5 GRAMS.—

6 “(1) IN GENERAL.—From funds made available
7 under this subpart, a State is authorized to continue
8 funding multiyear grants awarded prior to fiscal
9 year 2001 under section 3132 of this title (as in ef-
10 fect prior to the enactment of the Education OP-
11 TIONS Act), for the duration of the original grant
12 period.

13 “(2) REDUCTION IN AMOUNT AVAILABLE FOR
14 OTHER ACTIVITIES.—The amount available for a
15 State to use under subsection (a) shall be reduced
16 by the amount used by the State to continue funding
17 former programs under paragraph (1).

18 **“SEC. 3113. STATE PLANS.**

19 “(a) IN GENERAL.—To be eligible to receive a grant
20 under this subpart, a State shall submit a new or updated
21 statewide, long-range strategic educational technology
22 plan to the Secretary at such time, in such manner, and
23 containing such information as the Secretary may reason-
24 ably require.

1 “(b) CONTENTS.—Each State plan submitted under
2 this section shall include the following:

3 “(1) A description of how the State will use
4 funds provided under this subpart to improve the
5 academic achievement of all students and to improve
6 the capacity of all teachers to provide instruction in
7 the State, through the use of education technology.

8 “(2) A description of the State’s goals for using
9 advanced technology to improve student achievement
10 aligned to challenging State content and student
11 performance standards, including a description of
12 how the State will take steps to ensure that all stu-
13 dents in the State, particularly those residing in dis-
14 tricts served by high need local educational agencies,
15 will have increased access to educational technology.

16 “(3) A description of the process the State will
17 use for the evaluation of the extent to which edu-
18 cation technology funded under this part has been
19 successfully integrated into teaching strategies and
20 school curriculum, has increased the ability of teach-
21 ers to teach, and has enabled students to meet chal-
22 lenging State content and student performance
23 standards.

24 “(4) A description of how the State will encour-
25 age the development and utilization of innovative

1 strategies for the delivery of specialized or rigorous
2 academic courses and curricula through the use of
3 technology and distance learning, particularly for
4 those areas of the State which are isolated and
5 which would not otherwise have access to such
6 courses and curricula.

7 “(5) An assurance that financial assistance pro-
8 vided under this subpart shall supplement, not sup-
9 plant, State and local funds.

10 “(6) A description of how the State plans to en-
11 sure that every teacher within a school funded under
12 this part will be computer-literate and proficient (as
13 determined by the State) by 2004.

14 “(c) DEEMED APPROVAL.—A State plan submitted
15 to the Secretary under this section shall be deemed to be
16 approved by the Secretary unless the Secretary makes a
17 written determination prior to the expiration of the 90-
18 day period which begins on the date the Secretary receives
19 the application that the plan is in violation of the provi-
20 sions of this part.

21 “(d) DISAPPROVAL.—The Secretary may issue a final
22 disapproval of a State’s application under this subpart
23 only after giving the State notice and an opportunity for
24 a hearing.

1 “(e) DISSEMINATION OF INFORMATION ON STATE
2 PLANS.—The Secretary shall establish a process under
3 which information on State plans under this subpart is
4 made widely available to schools and the general public,
5 including through dissemination on the Internet, in a
6 timely and user-friendly manner.

7 **“SEC. 3114. LOCAL PLANS.**

8 “(a) IN GENERAL.—An applicant seeking to receive
9 funds from a State under this subpart shall submit a new
10 or updated long-range local strategic educational tech-
11 nology plan consistent with the objectives of the statewide
12 education technology plan described in section 3113(a) to
13 the State at such time, in such manner, and accompanied
14 by such information as the State may reasonably require.

15 “(b) CONTENTS OF LOCAL PLAN.—Each local plan
16 described in this section shall include the following:

17 “(1) A description of how the applicant will use
18 Federal funds provided under this subpart to im-
19 prove the academic achievement of all students and
20 to improve the capacity of all teachers to provide in-
21 struction through the use of education technology.

22 “(2) A description of the applicant’s specific
23 goals for using advanced technology to improve stu-
24 dent achievement aligned to challenging State con-
25 tent and student performance standards, including a

1 description of how the applicant will take steps to
2 ensure that all students in the local educational area
3 (particularly those in high poverty and high need
4 schools) have increased access to educational tech-
5 nology, and a description of how such technology will
6 be used to improve the academic achievement for
7 such students.

8 “(3) A description of how the applicant will
9 promote—

10 “(A) the utilization of teaching strategies
11 and curricula, based upon scientifically based
12 research, which effectively integrate technology
13 into instruction, leading to improvements in
14 student academic achievement as measured by
15 challenging State content and student perform-
16 ance standards; and

17 “(B) sustained and intensive, high quality
18 professional development, based upon scientif-
19 ically based research, which increases teacher
20 capacity to create improved learning environ-
21 ments through the integration of technology
22 into instruction through proven strategies and
23 improved content as described in subparagraph
24 (A).

1 “(4) A description of how the applicant will in-
2 tegrate technology across the curriculum and a time
3 line for such integration, including a description of
4 how the applicant will make effective use of new and
5 emerging technologies and teaching practices that
6 are linked to such emerging technologies to provide
7 challenging content and improved classroom instruc-
8 tion.

9 “(5) A description of how the applicant will co-
10 ordinate education technology activities funded
11 under this subpart, including (but not limited to)
12 professional development, with any such activities
13 provided under other Federal, State, and local pro-
14 grams, including those authorized under title I, title
15 II, title VI, and (where applicable) the Individuals
16 with Disabilities Education Act and the Carl D. Per-
17 kins Vocational and Technical Education Act of
18 1998.

19 “(6) A description of the process the applicant
20 will use for the evaluation of the extent to which
21 funds provided under this subpart were effective in
22 integrating technology into school curriculum, in-
23 creasing the ability of teachers to teach, and ena-
24 bling students to meet challenging State content and
25 student performance standards.

1 “(7) If requested by the State—

2 “(A) a description of how the applicant will
3 use funds provided under this subpart in a
4 manner which is consistent with any broad edu-
5 cation technology priorities which may be estab-
6 lished by the State consistent with this part;
7 and

8 “(B) an assurance that any technology ob-
9 tained with funds provided under this subpart
10 will have compatibility and interconnectivity
11 with technology obtained with funds provided
12 previously under this title (as in effect prior to
13 the enactment of the Education OPTIONS
14 Act).

15 “(8) A description of the applicant’s Internet
16 filtering or blocking technology and related enforce-
17 ment policies.

18 **“SEC. 3115. STATE ACTIVITIES.**

19 “(a) IN GENERAL.—From funds made available
20 under section 3112(a)(1), a State shall carry out activities
21 and assist local efforts to carry out the purposes of this
22 part, which may include the following activities:

23 “(1) Developing or assisting applicants in the
24 development and utilization of innovative strategies
25 to deliver rigorous academic programs through the

1 use of technology and distance learning, and pro-
2 viding other technical assistance to such applicants
3 throughout the State, with a priority to high need
4 local educational agencies.

5 “(2) Establishing or supporting joint public and
6 private initiatives to provide interest-free or reduced
7 loans for the acquisition of educational technology
8 for high need local educational agencies and stu-
9 dents attending schools within such districts.

10 “(3) Assisting applicants in providing sustained
11 and intensive high-quality professional development
12 based upon scientifically based research in the inte-
13 gration of advanced technologies (including emerging
14 technologies) into curriculum and in using those
15 technologies to create new learning environments, in-
16 cluding training in the use of technology to—

17 “(A) access data and resources to develop
18 curricula and instructional materials;

19 “(B) enable teachers to use the Internet to
20 communicate with other teachers and to re-
21 trieve web-based learning resources; and

22 “(C) lead to improvements in classroom in-
23 struction in the core academic subject areas,
24 which effectively prepare students to meet chal-

1 lenging State content and student performance
2 standards.

3 “(4) Assisting applicants in providing all stu-
4 dents (including students from nontraditional popu-
5 lations, students with disabilities, and students with
6 limited English proficiency) with access to edu-
7 cational technology.

8 “(5) Establishing or expanding access to tech-
9 nology in neighborhoods served by high need local
10 educational agencies, with special emphasis for ac-
11 cess provided through technology centers in partner-
12 ship with libraries and with the support of the pri-
13 vate sector.

14 “(6) Developing enhanced performance meas-
15 urement systems to determine the effectiveness of
16 education technology programs funded under this
17 subpart, especially in determining the extent to
18 which education technology funded under this part
19 has been successfully integrated into teaching strate-
20 gies and school curriculum, has increased the ability
21 of teachers to teach, and has enabled students to
22 meet challenging State content and student perform-
23 ance standards.

24 “(b) LIMITATION ON ADMINISTRATIVE COSTS.—Of
25 the 5 percent of the State’s allotment under section 3111

1 which may be used to carry out activities under this sec-
2 tion, not more than 10 percent may be used by the State
3 for administrative costs.

4 **“SEC. 3116. LOCAL ACTIVITIES.**

5 “(a) PROFESSIONAL DEVELOPMENT.—A recipient of
6 funds made available under section 3112(a)(2)(A) shall
7 use not less than 20 percent of such funds to provide sus-
8 tained and intensive, high-quality professional develop-
9 ment, based on scientifically based research, in the inte-
10 gration of advanced technologies (including emerging tech-
11 nologies) into curriculum and in using those technologies
12 to create new learning environments, including training in
13 the use of technology to—

14 “(1) access data and resources to develop cur-
15 ricula and instructional materials;

16 “(2) enable teachers to use the Internet to com-
17 municate with other teachers and retrieve web-based
18 learning resources; and

19 “(3) lead to improvements in classroom instruc-
20 tion in the core academic subject areas, which effec-
21 tively prepare students to meet challenging State
22 content and student performance standards.

23 “(b) OTHER ACTIVITIES.—In addition to the activi-
24 ties described in subsection (a), a recipient of funds made
25 available under section 3112(a)(2)(A) shall use such funds

1 to carry out other activities consistent with this part,
2 which may include the following:

3 “(1) Adapting or expanding existing and new
4 applications of technology to enable teachers to in-
5 crease student academic achievement through the
6 use of teaching practices and advanced technologies
7 which are based upon scientifically based research
8 and are designed to prepare students to meet chal-
9 lenging State content and student performance
10 standards, and for developing and utilizing innova-
11 tive strategies to deliver rigorous academic pro-
12 grams.

13 “(2) Developing, expanding, or acquiring edu-
14 cation technology as a means to improve the aca-
15 demic achievement of all students.

16 “(3) The establishment or expansion of initia-
17 tives, especially those involving public/private part-
18 nerships, designed to increase access to technology,
19 particularly for high need local educational agencies.

20 “(4) Using technology to promote parent and
21 family involvement and support communications be-
22 tween parents, teachers, and students.

23 “(5) Acquiring filtering, blocking, or other tech-
24 nologies and activities which are designed to protect

1 students from harmful materials which may be
2 accessed on the Internet.

3 “(6) Using technology to collect, manage, and
4 analyze data to inform school improvement efforts.

5 “(7) Implementing enhanced performance
6 measurement systems to determine the effectiveness
7 of education technology programs funded under this
8 subpart, especially in determining the extent to
9 which education technology funded under this part
10 has been successfully integrated into teaching strate-
11 gies and school curriculum, has increased the ability
12 of teachers to teach, and has enabled students to
13 meet challenging State content and student perform-
14 ance standards.

15 “(8) Preparing one or more teachers in elemen-
16 tary, middle, and secondary schools as technology
17 leaders who are provided with the means to serve as
18 experts and train other teachers in the effective use
19 of technology.

20 “(9) Establishing or expanding access to tech-
21 nology in neighborhoods served by high need local
22 educational agencies, with special emphasis for ac-
23 cess provided through technology centers in partner-
24 ship with libraries and with the support of the pri-
25 vate sector.

1 “(c) INTERNET FILTERING.—

2 “(1) IN GENERAL.—No funds made available
3 under this subpart to a local educational agency or
4 elementary or secondary school may be used to pur-
5 chase computers used to access the Internet, or to
6 pay for direct costs associated with accessing the
7 Internet, unless such agency or school has in place,
8 on computers that are accessible to minors, and dur-
9 ing use by such minors, technology which filters or
10 blocks—

11 “(A) material that is obscene;

12 “(B) child pornography; and

13 “(C) material harmful to minors.

14 “(2) DISABLING DURING ADULT USE.—An ad-
15 ministrator, supervisor, or other authority may dis-
16 able the technology described in paragraph (1) dur-
17 ing use by an adult, to enable unfiltered access for
18 bona fide research or other lawful purposes.

19 “(3) RULE OF CONSTRUCTION.—Nothing in
20 this section shall be construed to prohibit a local
21 educational agency or elementary or secondary
22 school from filtering or blocking materials other
23 than those referred to in subparagraph (A), (B), or
24 (C) of paragraph (1).

25 “(4) DEFINITIONS.—

1 “(A) MATERIAL HARMFUL TO MINORS.—
2 The term ‘material harmful to minors’ has the
3 meaning given such term in section 231(e)(6) of
4 the Communications Act of 1934.

5 “(B) CHILD PORNOGRAPHY.—The term
6 ‘child pornography’ has the meaning given such
7 term in section 2256(8) of title 18, United
8 States Code.

9 “(C) MINOR.—The term ‘minor’ has the
10 meaning given such term in section 2256(1) of
11 title 18, United States Code.

12 “(5) SEVERABILITY.—If any provision of this
13 subsection is held invalid, the remainder of such
14 subsection and this Act shall not be affected thereby.

15 **“Subpart 3—National Technology Initiatives**

16 **“SEC. 3121. NATIONAL TECHNOLOGY INITIATIVES.**

17 “(a) IN GENERAL.—Using funds made available
18 under section 3101(b)(2), the Secretary may carry out the
19 following initiatives:

20 “(1) The funding of programs built upon sci-
21 entifically based research, which utilize technology in
22 education, through the competitive awarding of
23 grants or contracts, pursuant to a peer review proc-
24 ess, to States, local educational agencies (including
25 eligible local entities), institutions of higher edu-

1 cation, and public and private or nonprofit or for-
2 profit agencies.

3 “(2) The provision of technical assistance to
4 States, local educational agencies, and other grant-
5 ees under this part (directly or through the competi-
6 tive award of grants or contracts) in order to assist
7 such States, local educational agencies, and other
8 grantees to achieve the purposes of this part.

9 “(3) Acting through the Office of Educational
10 Technology, the updating of the national long-range
11 educational technology plan developed pursuant to
12 section 3121 (as in effect prior to the enactment of
13 the Education OPTIONS Act) in accordance with
14 the requirements of such section, in order to pro-
15 mote the purposes of this title and to ensure the co-
16 ordination of Federal efforts to promote the effective
17 use of educational technology.

18 “(b) STUDY OF USE OF TECHNOLOGY TO IMPROVE
19 ACADEMIC ACHIEVEMENT.—Using funds made available
20 under section 3101(b)(2), the Secretary shall conduct an
21 independent, long-term study utilizing scientifically based
22 research methods and control groups, on the effectiveness
23 of the uses of educational technology on improving student
24 academic achievement, and shall include in the study an
25 identification of effective uses of educational technology

1 that have a measurable positive impact on student achieve-
2 ment.

3 “(c) PRIORITIES.—In funding initiatives under sub-
4 section (a), the Secretary shall place a priority on projects
5 which—

6 “(1) develop innovative models using electronic
7 networks or other forms of distance learning to pro-
8 vide challenging courses which are otherwise not
9 readily available to students in a particular school
10 district, particularly in rural areas; and

11 “(2) increase access to technology to those re-
12 siding in districts served by high need local edu-
13 cational agencies.

14 **“SEC. 3122. REQUIREMENTS FOR RECIPIENTS OF FUNDS.**

15 “(a) APPLICATION.—In order to receive a grant or
16 contract under this subpart, an entity shall submit an ap-
17 plication to the Secretary (at such time and in such form
18 as the Secretary may require), and shall include in the
19 application—

20 “(1) a description of the project proposed to be
21 carried out with the grant or contract and how it
22 would carry out the purposes of this subpart; and

23 “(2) a detailed plan for the independent evalua-
24 tion of the project built upon scientifically based re-
25 search principles to determine the impact on the

1 academic achievement of students served under such
2 project, as measured by challenging State content
3 and student performance standards.

4 “(b) NON-FEDERAL SHARE.—

5 “(1) IN GENERAL.—Subject to paragraphs (2)
6 and (3), the Secretary may require any recipient of
7 a grant or contract under this subpart to share in
8 the cost of the activities assisted under such grant
9 or contract, which may be in the form of cash or in-
10 kind contributions fairly valued.

11 “(2) INCREASE.—The Secretary may increase
12 the non-Federal share required of a recipient of a
13 grant or contract under this subpart after the first
14 year such recipient receives funds under such grant
15 or contract.

16 “(3) MAXIMUM.—The non-Federal share re-
17 quired under this subsection may not exceed 50 per-
18 cent of the cost of the activities assisted pursuant to
19 a grant or contract under this subpart.

20 “(4) NOTICE.—The Secretary shall publish in
21 the Federal Register the non-Federal share required
22 under this subsection.

23 **“SEC. 3123. EVALUATION AND DISSEMINATION.**

24 “(a) EVALUATION AUTHORITY.—In order to identify
25 effective uses of educational technology that have a meas-

1 urable positive impact on student achievement, the Sec-
2 retary shall—

3 “(1) develop tools and provide resources, includ-
4 ing technical assistance, for recipients of funds
5 under this subpart to effectively evaluate their activi-
6 ties; and

7 “(2) conduct independent evaluations of the ac-
8 tivities assisted under this subpart.

9 “(b) POST-GRANT EVALUATION INFORMATION AND
10 DISSEMINATION.—

11 “(1) IN GENERAL.—The Secretary shall estab-
12 lish a process under which information on each
13 project funded with a grant or contract under this
14 subpart is made widely available to schools and the
15 general public, including through dissemination on
16 the Internet, in a timely and user-friendly manner.

17 “(2) SPECIFIC INFORMATION REQUIRED.—The
18 information made available and disseminated under
19 paragraph (1) shall at a minimum include the fol-
20 lowing:

21 “(A) Upon the awarding of such a grant or
22 contract under this subpart, the identification
23 of the grant or contract recipient, the amount
24 of the grant or contract, the stated goals of the
25 grant or contract, the methods by which the

1 grant or contract will be evaluated in meeting
2 such stated goals, and the timeline for meeting
3 such goals.

4 “(B) Not later than 12 months after the
5 awarding of such a grant or contract, informa-
6 tion on the progress of the grant or contract re-
7 cipient in carrying out the grant or contract, in-
8 cluding a detailed description of the use of the
9 funds provided, the extent to which the stated
10 goals have been reached, and the results (or
11 progress of) the evaluation of the project, meet-
12 ing the requirements of scientifically based re-
13 search, funded under the grant or contract.

14 “(C) Not later than 24 months after the
15 awarding of such a grant or contract (and up-
16 dated thereafter as appropriate), a follow up to
17 the information described in subparagraph (B).

18 **“PART B—READY TO LEARN TELEVISION**

19 **“SEC. 3201. PROGRAM AUTHORIZED.**

20 “(a) IN GENERAL.—The Secretary is authorized to
21 award grants to or enter into contracts or cooperative
22 agreements with eligible entities described in subsection
23 (c) to—

24 “(1) develop, produce, and distribute edu-
25 cational and instructional video programming for

1 preschool and elementary school children and their
2 parents in order to facilitate student academic
3 achievement;

4 “(2) facilitate the development (directly or
5 through contracts with producers of children and
6 family educational television programming) of edu-
7 cational programming for preschool and elementary
8 school children and accompanying support materials
9 and services that directly promote the effective use
10 of such programming;

11 “(3) facilitate the development of programming
12 and digital content especially designed for nation-
13 wide distribution over digital broadcasting channels
14 and the Internet, containing Ready to Learn-based
15 children’s programming and resources for parents
16 and caregivers;

17 “(4) enable such entities to contract with other
18 entities (such as public telecommunications entities)
19 so that programs funded under this section are dis-
20 seminated and distributed by the most appropriate
21 distribution technologies to the widest possible audi-
22 ence appropriate to be served by the programming;
23 and

24 “(5) develop and disseminate training and sup-
25 port materials, including interactive programs and

1 programs adaptable to distance learning technologies
2 which are designed to—

3 “(A) promote school readiness; and

4 “(B) promote the effective use of program-
5 ming developed under paragraphs (2) and (3)
6 among parents, Head Start providers, Even
7 Start and providers of family literacy services,
8 child care providers, early childhood develop-
9 ment personnel, and elementary school teachers,
10 public libraries, and after school program per-
11 sonnel caring for preschool and elementary
12 school children.

13 “(b) AVAILABILITY.—In making grants, contracts, or
14 cooperative agreements under this section, the Secretary
15 shall ensure that recipients increase the effective use of
16 the programming funded under this section by making it
17 widely available with support materials as appropriate to
18 young children, their parents, child care workers, Head
19 Start providers, and Even Start and providers of family
20 literacy services.

21 “(c) ELIGIBLE ENTITIES DESCRIBED.—In this part,
22 an ‘eligible entity’ means a nonprofit entity (including a
23 public telecommunications entity) which is able—

24 “(1) to demonstrate a capacity for the develop-
25 ment and national distribution of educational and

1 instructional television programming of high quality
2 which is accessible by a large majority of disadvan-
3 tagged preschool and elementary school children; and

4 “(2) to demonstrate—

5 “(A) a capacity to contract with the pro-
6 ducers of children’s television programming for
7 the purpose of developing educational television
8 programming of high quality which is accessible
9 by a large majority of disadvantaged preschool
10 and elementary school children, and

11 “(B) consistent with the entity’s mission
12 and nonprofit nature, a capacity to negotiate
13 such contracts in a manner which returns to
14 the entity an appropriate share of any ancillary
15 income from sales of any program-related prod-
16 ucts.

17 “(d) CAP ON ADMINISTRATIVE COSTS.—An entity re-
18 ceiving a grant, contract, or cooperative agreement from
19 the Secretary under this section may not use more than
20 5 percent of the amounts received under the grant, con-
21 tract, or cooperative agreement for the expenses of admin-
22 istering the grant, contract, or cooperative agreement.

23 “(e) COORDINATION OF ACTIVITIES.—An entity re-
24 ceiving a grant, contract, or cooperative agreement from
25 the Secretary under this section shall work with the Sec-

1 retary and the Secretary of Health and Human Services
2 to—

3 “(1) maximize the utilization by preschool and
4 elementary school children of the programming
5 funded under this section and to make such pro-
6 gramming widely available to federally funded pro-
7 grams serving such populations; and

8 “(2) coordinate with Federal programs that
9 have major training components for early childhood
10 development (including Head Start, Even Start,
11 family literacy services, and State training activities
12 funded under the Child Care Development Block
13 Grant Act of 1990) regarding the availability and
14 utilization of materials developed with funds pro-
15 vided under this section to enhance parent and child
16 care provider skills in early childhood development
17 and education.

18 **“SEC. 3202. APPLICATIONS.**

19 “Any entity desiring a grant, contract, or cooperative
20 agreement under this part shall submit an application to
21 the Secretary at such time, in such manner, and accom-
22 panied by such information as the Secretary may reason-
23 ably require.

1 **“SEC. 3203. REPORTS AND EVALUATION.**

2 “(a) ANNUAL REPORT BY GRANT RECIPIENTS TO
3 SECRETARY.—Each entity receiving funds under section
4 3201 shall prepare and submit to the Secretary an annual
5 report which contains such information as the Secretary
6 may require. At a minimum, the report shall describe the
7 program activities undertaken with funds received under
8 such section, including information regarding—

9 “(1) the programming that has been developed
10 directly or indirectly by the entity and the target
11 population of the programs developed;

12 “(2) the support and training materials that
13 have been developed to accompany the programming
14 and the method by which such materials are distrib-
15 uted to consumers and users of the programming;

16 “(3) the means by which the programming has
17 been distributed, including the distance learning
18 technologies that have been utilized to make pro-
19 gramming available and the geographic distribution
20 achieved through such technologies; and

21 “(4) the initiatives undertaken by the entity to
22 develop public-private partnerships to secure non-
23 Federal support for the development and distribu-
24 tion and broadcast of educational and instructional
25 programming.

1 “(b) REPORT TO CONGRESS.—The Secretary shall
2 prepare and submit to the relevant committees of Con-
3 gress a biannual report on the activities funded and car-
4 ried out under this part, and shall include in the report—

5 “(1) a summary of the programming developed
6 using funds provided under section 3201; and

7 “(2) a description of the training materials de-
8 veloped using funds provided under section 3201,
9 the manner in which outreach has been conducted to
10 inform parents and child care providers of the avail-
11 ability of such materials, and the manner in which
12 such materials have been distributed.

13 **“SEC. 3204. AUTHORIZATION OF APPROPRIATIONS.**

14 “There are authorized to be appropriated to carry out
15 this part \$16,000,000 for fiscal year 2000, and such sums
16 as may be necessary for each of the 5 succeeding fiscal
17 years. Not less than 60 percent of the amounts authorized
18 to be appropriated under this section for any fiscal year
19 shall be used to carry out paragraphs (2) and (3) of sec-
20 tion 3201(a).

21 **“PART C—TELECOMMUNICATIONS PROGRAM**

22 **“SEC. 3301. PROGRAM AUTHORIZED.**

23 “The Secretary is authorized to make grants to a
24 nonprofit telecommunications entity (or a partnership of
25 such entities) for the purpose of carrying out a national

1 telecommunications-based program to improve the teach-
2 ing of core academic subjects. The program shall be de-
3 signed to assist elementary and secondary school teachers
4 in preparing all students to achieve State content stand-
5 ards.

6 **“SEC. 3302. APPLICATION REQUIRED.**

7 “(a) IN GENERAL.—Any nonprofit telecommuni-
8 cations entity or partnership of such entities desiring a
9 grant under this part shall submit an application to the
10 Secretary.

11 “(b) CONTENTS OF APPLICATION.—Each application
12 submitted under subsection (a) shall—

13 “(1) demonstrate that the applicant will use the
14 existing publicly funded telecommunications infra-
15 structure, the Internet, and school digital networks
16 (where available) to deliver video, voice, and data in
17 an integrated service to train teachers in the use of
18 materials and learning technologies for achieving
19 State content standards;

20 “(2) assure that the program for which assist-
21 ance is sought will be conducted in cooperation with
22 States as appropriate, local educational agencies,
23 and State or local nonprofit public telecommuni-
24 cations entities;

1 “(3) assure that a significant portion of the
2 benefits available for elementary and secondary
3 schools from the program for which assistance is
4 sought will be available to schools of local edu-
5 cational agencies which have a high percentage of
6 children counted for the purpose of part A of title
7 I; and

8 “(4) contain such additional assurances as the
9 Secretary may reasonably require.

10 “(c) APPROVAL OF APPLICATIONS; NUMBER OF
11 DEMONSTRATION SITES.—In approving applications
12 under this section, the Secretary shall assure that the
13 demonstration program authorized by this part is con-
14 ducted at elementary and secondary school sites in at least
15 15 States.

16 **“SEC. 3303. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated to carry out
18 this part \$8,500,000 for fiscal year 2000, and such sums
19 as may be necessary for each of the 5 succeeding fiscal
20 years.”.

1 **TITLE IV—INNOVATIVE**
2 **EDUCATION PROGRAMS**

3 **SEC. 401. INNOVATIVE EDUCATION PROGRAM STRATEGIES.**

4 Title VI of the Elementary and Secondary Education
5 Act of 1965 (20 U.S.C. 7301 et seq.) is amended to read
6 as follows:

7 **“TITLE VI—INNOVATIVE EDU-**
8 **CATION PROGRAM STRATE-**
9 **GIES**

10 **“SEC. 6001. FINDINGS AND STATEMENT OF PURPOSE.**

11 “(a) FINDINGS.—The Congress finds that this title—

12 “(1) provides flexibility to meet local needs;

13 “(2) promotes local and State education re-
14 forms;

15 “(3) contributes to the improvement of aca-
16 demic achievement for all students.

17 “(4) provides funding for critical activities; and

18 “(5) provides services for private school stu-
19 dents.

20 “(b) STATEMENT OF PURPOSE.—It is the purpose of
21 programs under this title—

22 “(1) to provide funding to enable States and
23 local educational agencies to implement promising
24 educational reform programs and school improve-

1 ment initiatives based on scientifically based re-
2 search;

3 “(2) to provide a continuing source of innova-
4 tion and educational improvement, including support
5 for library services and instructional and media ma-
6 terials; and

7 “(3) to meet the educational needs of all stu-
8 dents, including at risk students.

9 “(c) STATE AND LOCAL RESPONSIBILITY.—The
10 basic responsibility for the administration of funds made
11 available under this title is within the States, but it is the
12 intent of Congress that the responsibility be carried out
13 with a minimum of paperwork and that the responsibility
14 for the design and implementation of programs assisted
15 under this title will be mainly that of local educational
16 agencies, school superintendents and principals, and class-
17 room teachers and supporting personnel, because such
18 agencies and individuals have the most direct contact with
19 students and are most likely to be able to design programs
20 to meet the educational needs of students in their own
21 school districts.

22 **“PART A—STATE AND LOCAL PROGRAMS**

23 **“SEC. 6101. ALLOTMENT TO STATES.**

24 “(a) RESERVATIONS.—From the sums appropriated
25 to carry out this title for any fiscal year, the Secretary

1 shall reserve not to exceed 1 percent for payments to out-
2 lying areas to be allotted in accordance with their respec-
3 tive needs.

4 “(b) ALLOTMENT.—From the remainder of such
5 sums, the Secretary shall allot to each State an amount
6 which bears the same ratio to the amount of such remain-
7 der as the school-age population of the State bears to the
8 school-age population of all States, except that no State
9 shall receive less than an amount equal to $\frac{1}{2}$ of 1 percent
10 of such remainder.

11 **“SEC. 6102. ALLOCATION TO LOCAL EDUCATIONAL AGEN-**
12 **CIES.**

13 “(a) DISTRIBUTION RULE.—

14 “(1) IN GENERAL.—Subject to paragraph (2),
15 from the sums made available each year to carry out
16 this title, the State shall distribute not less than 85
17 percent to local educational agencies within such
18 State according to the relative enrollments in public
19 and private, nonprofit schools within the jurisdic-
20 tions of such agencies, adjusted, in accordance with
21 criteria approved by the Secretary, to provide higher
22 per-pupil allocations to local educational agencies
23 that have the greatest numbers or percentages of
24 children whose education imposes a higher than av-
25 erage cost per child, such as—

1 “(A) children living in areas with high con-
2 centrations of low-income families;

3 “(B) children from low-income families;
4 and

5 “(C) children living in sparsely populated
6 areas.

7 “(2) EXCEPTION.—100 percent of any amount
8 by which the funds paid to a State under this title
9 for a fiscal year exceed the amount of such funds
10 paid to the State for fiscal year 2000 shall be dis-
11 tributed to local educational agencies and used lo-
12 cally for innovative assistance described in section
13 6301(b).

14 “(3) LIMITATION ON ADMINISTRATIVE COSTS.—
15 Not more than 4 percent of the funds paid to a
16 State under this title for a fiscal year may be used
17 by the agency for administration and supervision of
18 programs assisted under this title.

19 “(b) CALCULATION OF ENROLLMENTS.—

20 “(1) IN GENERAL.—The calculation of relative
21 enrollments under subsection (a)(1) shall be on the
22 basis of the total of—

23 “(A) the number of children enrolled in
24 public schools; and

1 “(B) the number of children enrolled in
2 private nonprofit schools that desire that their
3 children participate in programs or projects as-
4 sisted under this title, for the fiscal year pre-
5 ceeding the fiscal year for which the determina-
6 tion is made.

7 “(2) CONSTRUCTION.—Nothing in this sub-
8 section shall diminish the responsibility of local edu-
9 cational agencies to contact, on an annual basis, ap-
10 propriate officials from private nonprofit schools
11 within the areas served by such agencies in order to
12 determine whether such schools desire that their
13 children participate in programs assisted under this
14 part.

15 “(3) ADJUSTMENTS.—

16 “(A) IN GENERAL.—Relative enrollments
17 under subsection (a)(1) shall be adjusted, in ac-
18 cordance with criteria approved by the Sec-
19 retary under subparagraph (B), to provide
20 higher per-pupil allocations only to local edu-
21 cational agencies that serve the greatest num-
22 bers or percentages of—

23 “(i) children living in areas with high
24 concentrations of low-income families;

1 “(ii) children from low-income fami-
2 lies; or

3 “(iii) children living in sparsely popu-
4 lated areas.

5 “(B) CRITERIA.—The Secretary shall re-
6 view criteria submitted by a State for adjusting
7 allocations under paragraph (1) and shall ap-
8 prove such criteria only if the Secretary deter-
9 mines that such criteria are reasonably cal-
10 culated to produce an adjusted allocation that
11 reflects the relative needs within the State’s
12 local educational agencies based on the factors
13 set forth in subparagraph (A).

14 “(c) PAYMENT OF ALLOCATIONS.—

15 “(1) DISTRIBUTION.—From the funds paid to a
16 State under this title for a fiscal year, a State shall
17 distribute to each eligible local educational agency
18 that has submitted an application as required in sec-
19 tion 6303 the amount of such local educational
20 agency’s allocation, as determined under subsection
21 (a).

22 “(2) ADDITIONAL FUNDS.—

23 “(A) IN GENERAL.—Additional funds re-
24 sulting from higher per-pupil allocations pro-
25 vided to a local educational agency on the basis

1 of adjusted enrollments of children described in
2 subsection (a)(1) may, in the discretion of the
3 local educational agency, be allocated for ex-
4 penditures to provide services for children en-
5 rolled in public and private nonprofit schools in
6 direct proportion to the number of children de-
7 scribed in subsection (a)(1) and enrolled in
8 such schools within the local educational agen-
9 cy.

10 “(B) ELECTION.—In any fiscal year, any
11 local educational agency that elects to allocate
12 such additional funds in the manner described
13 in subparagraph (A) shall allocate all additional
14 funds to schools within the local educational
15 agency in such manner.

16 “(C) CONSTRUCTION.—Subparagraphs (A)
17 and (B) may not be construed to require any
18 school to limit the use of the additional funds
19 described in subparagraph (A) to the provision
20 of services to specific students or categories of
21 students.

22 **“PART B—STATE PROGRAMS**

23 **“SEC. 6201. STATE USES OF FUNDS.**

24 “A State may use funds made available for State use
25 under this title only for—

1 “(1) State administration of programs under
2 this title including—

3 “(A) supervision of the allocation of funds
4 to local educational agencies;

5 “(B) planning, supervision, and processing
6 of State funds; and

7 “(C) monitoring and evaluation of pro-
8 grams and activities under this title;

9 “(2) support for planning, designing, and initial
10 implementation of charter schools as described in
11 part C of title X; and

12 “(3) statewide education reform and school im-
13 provement activities and technical assistance and di-
14 rect grants to local educational agencies which assist
15 such agencies under section 6301.

16 **“SEC. 6202. STATE APPLICATIONS.**

17 “(a) APPLICATION REQUIREMENTS.—Any State that
18 desires to receive assistance under this title shall submit
19 to the Secretary an application which—

20 “(1) provides for an annual statewide summary
21 of how assistance under this title is contributing to-
22 ward improving student achievement or improving
23 the quality of education for students;

24 “(2) sets forth the allocation of such funds re-
25 quired to implement section 6402;

1 “(3) provides that the State will keep such
2 records and provide such information to the Sec-
3 retary as may be required for fiscal audit and pro-
4 gram evaluation (consistent with the responsibilities
5 of the Secretary under this section);

6 “(4) provides assurance that, apart from tech-
7 nical and advisory assistance and monitoring compli-
8 ance with this title, the State has not exercised and
9 will not exercise any influence in the decisionmaking
10 processes of local educational agencies as to the ex-
11 penditure made pursuant to an application under
12 section 6303;

13 “(5) contains assurances that there is compli-
14 ance with the specific requirements of this title; and

15 “(6) provides for timely public notice and public
16 dissemination of the information provided pursuant
17 to paragraph (2).

18 “(b) STATEWIDE SUMMARY.—The statewide sum-
19 mary referred to in subsection (a)(2) shall be submitted
20 to the Secretary and shall be derived from the evaluation
21 information submitted by local educational agencies to the
22 State under section 6303(a)(8). The format and content
23 of such summary shall be in the discretion of the State
24 and may include statistical measures such as the number
25 of students served by each type of innovative assistance

1 described in subsection (b), including the number of teach-
2 ers trained.

3 “(c) PERIOD OF APPLICATION.—An application filed
4 by the State under subsection (a) shall be for a period
5 not to exceed 3 years, and may be amended annually as
6 may be necessary to reflect changes without filing a new
7 application.

8 “(d) AUDIT RULE.—Local educational agencies re-
9 ceiving less than an average of \$5,000 each under this
10 title shall not be audited more frequently than once every
11 5 years.

12 **“PART C—LOCAL INNOVATIVE EDUCATION**
13 **PROGRAMS**

14 **“SEC. 6301. TARGETED USE OF FUNDS.**

15 “(a) GENERAL RULE.—Funds made available to local
16 educational agencies under section 6102 shall be used for
17 innovative assistance described in subsection (b).

18 “(b) INNOVATIVE ASSISTANCE.—The innovative as-
19 sistance programs referred to in subsection (a) may
20 include—

21 “(1) professional development activities and the
22 hiring of teachers, including activities consistent
23 with title II, that give teachers, principals, and ad-
24 ministrators the knowledge and skills to provide stu-
25 dents with the opportunity to meet challenging State

1 or local content standards and student performance
2 standards;

3 “(2) technology related to the implementation
4 of school-based reform programs, including profes-
5 sional development to assist teachers and other
6 school officials regarding how to use effectively such
7 equipment and software;

8 “(3) programs for the development or acquisi-
9 tion and use of instructional and educational mate-
10 rials, including library services and materials (in-
11 cluding media materials), assessments, reference ma-
12 terials, computer software and hardware for instruc-
13 tional use, and other curricular materials which are
14 tied to high academic standards and which will be
15 used to improve student achievement and which are
16 part of an overall education reform program;

17 “(4) promising education reform projects, in-
18 cluding effective schools and magnet schools;

19 “(5) programs to improve the academic skills of
20 disadvantaged elementary and secondary school stu-
21 dents and to prevent students from dropping out of
22 school;

23 “(6) programs to combat illiteracy in the stu-
24 dent and adult population, including parent illit-
25 eracy;

1 “(7) programs to provide for the educational
2 needs of gifted and talented children;

3 “(8) planning, designing, and initial implemen-
4 tation of charter schools as described in part C of
5 title X;

6 “(9) school improvement programs or activities
7 under sections 1116 and 1117;

8 “(10) education reform projects that provide
9 single gender schools and classrooms, as long as
10 comparable educational opportunities are offered for
11 students of both sexes;

12 “(11) community service programs that use
13 qualified school personnel to train and mobilize
14 young people to measurably strengthen their com-
15 munities through nonviolence, responsibility, com-
16 passion, respect, and moral courage;

17 “(12) curriculum-based youth entrepreneurship
18 education programs with demonstrated records of
19 empowering disadvantaged youth with applied math-
20 ematics, entrepreneurial, and other analytical skills;

21 “(13) activities to promote consumer, economic,
22 and personal finance education, such as dissemi-
23 nating and encouraging the best practices for teach-
24 ing the basic principles of economics and promoting
25 the concept of achieving financial literacy through

1 the teaching of personal financial management skills
2 including the basic principles involved with earning,
3 spending, saving, and investing;

4 “(14) public school choice; and

5 “(15) expanding and improving school-based
6 mental health services, including early identification
7 of drug use and violence, assessment, and direct in-
8 dividual or group counseling services provided to stu-
9 dents, parents, and school personnel by qualified
10 school based mental health services personnel.

11 **“SEC. 6302. ADMINISTRATIVE AUTHORITY.**

12 “In order to conduct the activities authorized by this
13 title, each State or local educational agency may use funds
14 reserved for this title to make grants to, and to enter into
15 contracts with, local educational agencies, institutions of
16 higher education, libraries, museums, and other public and
17 private nonprofit agencies, organizations, and institutions.

18 **“SEC. 6303. LOCAL APPLICATIONS.**

19 “(a) CONTENTS OF APPLICATION.—A local edu-
20 cational agency or consortium of such agencies may re-
21 ceive an allocation of funds under this title for any year
22 for which an application is submitted to the State and
23 such application is certified to meet the requirements of
24 this section. The State shall certify any such application
25 if such application—

1 “(1) describes locally identified needs relative to
2 the purposes of this title and to the innovative as-
3 sistance described in section 6301(b);

4 “(2) based on the needs identified in paragraph
5 (1), sets forth the planned allocation of funds among
6 innovative assistance programs described in section
7 6301 and describes the programs, projects, and ac-
8 tivities designed to carry out such innovative assist-
9 ance that the local educational agency intends to
10 support;

11 “(3) sets forth the allocation of such funds re-
12 quired to implement section 6402;

13 “(4) describes how assistance under this title
14 will contribute to improving student academic
15 achievement;

16 “(5) provides assurances of compliance with the
17 provisions of this title, including the participation of
18 children enrolled in private, nonprofit schools in ac-
19 cordance with section 6402;

20 “(6) agrees to keep such records, and provide
21 such information to the State as reasonably may be
22 required for fiscal audit and program evaluation,
23 consistent with the responsibilities of the State
24 under this title;

1 “(7) provides in the allocation of funds for the
2 assistance authorized by this title, and in the design,
3 planning, and implementation of such programs, for
4 systematic consultation with parents of children at-
5 tending elementary and secondary schools in the
6 area served by the local educational agency, with
7 teachers and administrative personnel in such
8 schools, and with other groups involved in the imple-
9 mentation of this title (such as librarians, school
10 counselors, and other pupil services personnel) as
11 may be considered appropriate by the local edu-
12 cational agency; and

13 “(8) provides assurance that—

14 “(A) programs, services, and activities will
15 be evaluated annually;

16 “(B) such evaluation will be used to deter-
17 mine and implement appropriate changes in
18 program services and activities for the subse-
19 quent year;

20 “(C) such evaluation shall describe how as-
21 sistance under this title contributed toward im-
22 proving student academic achievement; and

23 “(D) such evaluation shall be submitted to
24 the State in the time and manner requested by
25 the agency.

1 “(b) PERIOD OF APPLICATION.—An application filed
2 by a local educational agency under subsection (a) shall
3 be for a period not to exceed 3 fiscal years, may provide
4 for the allocation of funds to programs for a period of
5 3 years, and may be amended annually as may be nec-
6 essary to reflect changes without filing a new application.

7 “(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—
8 Subject to the limitations and requirements of this title,
9 a local educational agency shall have complete discretion
10 in determining how funds under this part shall be divided
11 under section 6301. In exercising such discretion, a local
12 educational agency shall ensure that expenditures under
13 this part carry out the purposes of this title and are used
14 to meet the educational needs within the schools of such
15 local educational agency.

16 **“PART D—GENERAL PROVISIONS**

17 **“SEC. 6401. MAINTENANCE OF EFFORT; FEDERAL FUNDS**
18 **SUPPLEMENTARY.**

19 “(a) MAINTENANCE OF EFFORT.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), a State is entitled to receive its full allo-
22 cation of funds under this part for any fiscal year
23 if the Secretary finds that either the combined fiscal
24 effort per student or the aggregate expenditures
25 within the State with respect to the provision of free

1 public education for the fiscal year preceding the fis-
2 cal year for which the determination is made was
3 not less than 90 percent of such combined fiscal ef-
4 fort or aggregate expenditures for the second fiscal
5 year preceding the fiscal year for which the deter-
6 mination is made.

7 “(2) REDUCTION OF FUNDS.—The Secretary
8 shall reduce the amount of the allocation of funds
9 under this part in any fiscal year in the exact pro-
10 portion to which the State fails to meet the require-
11 ments of paragraph (1) by falling below 90 percent
12 of both the fiscal effort per student and aggregate
13 expenditures (using the measure most favorable to
14 the State), and no such lesser amount shall be used
15 for computing the effort required under paragraph
16 (1) for subsequent years.

17 “(3) WAIVERS.—The Secretary may waive, for
18 1 fiscal year only, the requirements of this section
19 if the Secretary determines that such a waiver would
20 be equitable due to exceptional or uncontrollable cir-
21 cumstances such as a natural disaster or a precipi-
22 tous and unforeseen decline in the financial re-
23 sources of the State.

24 “(b) FEDERAL FUNDS SUPPLEMENTARY.—A State
25 or local educational agency may use and allocate funds

1 received under this part only so as to supplement and, to
2 the extent practical, increase the level of funds that would,
3 in the absence of Federal funds made available under this
4 part, be made available from non-Federal sources, and in
5 no case may such funds be used so as to supplant funds
6 from non-Federal sources.

7 **“SEC. 6402. PARTICIPATION OF CHILDREN ENROLLED IN**
8 **PRIVATE SCHOOLS.**

9 “(a) PARTICIPATION ON EQUITABLE BASIS.—

10 “(1) IN GENERAL.—To the extent consistent
11 with the number of children in the school district of
12 a local educational agency which is eligible to receive
13 funds under this title or which serves the area in
14 which a program or project assisted under this title
15 is located who are enrolled in private nonprofit ele-
16 mentary and secondary schools, or with respect to
17 instructional or personnel training programs funded
18 by the State from funds made available for State
19 use, such agency, after consultation with appropriate
20 private school officials, shall provide for the benefit
21 of such children in such schools secular, neutral, and
22 nonideological services, materials, and equipment, in-
23 cluding the participation of the teachers of such chil-
24 dren (and other educational personnel serving such
25 children) in training programs, and the repair or

1 minor remodeling of public facilities as may be nec-
2 essary for their provision (consistent with subsection
3 (c) of this section), or, if such services, materials,
4 and equipment are not feasible or necessary in one
5 or more such private schools as determined by the
6 local educational agency after consultation with the
7 appropriate private school officials, shall provide
8 such other arrangements as will assure equitable
9 participation of such children in the purposes and
10 benefits of this title.

11 “(2) OTHER PROVISIONS FOR SERVICES.—If no
12 program or project is carried out under paragraph
13 (1) in the school district of a local educational agen-
14 cy, the State shall make arrangements, such as
15 through contracts with nonprofit agencies or organi-
16 zations, under which children in private schools in
17 such district are provided with services and mate-
18 rials to the extent that would have occurred if the
19 local educational agency had received funds under
20 this title.

21 “(3) APPLICATION OF REQUIREMENTS.—The
22 requirements of this section relating to the participa-
23 tion of children, teachers, and other personnel serv-
24 ing such children shall apply to programs and
25 projects carried out under this title by a State or

1 local educational agency, whether directly or through
2 grants to or contracts with other public or private
3 agencies, institutions, or organizations.

4 “(b) EQUAL EXPENDITURES.—Expenditures for pro-
5 grams pursuant to subsection (a) shall be equal (con-
6 sistent with the number of children to be served) to ex-
7 penditures for programs under this title for children en-
8 rolled in the public schools of the local educational agency,
9 taking into account the needs of the individual children
10 and other factors which relate to such expenditures, and
11 when funds available to a local educational agency under
12 this title are used to concentrate programs or projects on
13 a particular group, attendance area, or grade or age level,
14 children enrolled in private schools who are included with-
15 in the group, attendance area, or grade or age level se-
16 lected for such concentration shall, after consultation with
17 the appropriate private school officials, be assured equi-
18 table participation in the purposes and benefits of such
19 programs or projects.

20 “(c) FUNDS.—

21 “(1) ADMINISTRATION OF FUNDS AND PROP-
22 erty.—The control of funds provided under this
23 title, and title to materials, equipment, and property
24 repaired, remodeled, or constructed with such funds,
25 shall be in a public agency for the uses and purposes

1 provided in this title, and a public agency shall ad-
2 minister such funds and property.

3 “(2) PROVISION OF SERVICES.—The provision
4 of services pursuant to this title shall be provided by
5 employees of a public agency or through contract by
6 such public agency with a person, an association,
7 agency, or corporation who or which, in the provi-
8 sion of such services, is independent of such private
9 school and of any religious organizations, and such
10 employment or contract shall be under the control
11 and supervision of such public agency, and the funds
12 provided under this title shall not be commingled
13 with State or local funds.

14 “(d) STATE PROHIBITION WAIVER.—If by reason of
15 any provision of law a State or local educational agency
16 is prohibited from providing for the participation in pro-
17 grams of children enrolled in private elementary and sec-
18 ondary schools, as required by this section, the Secretary
19 shall waive such requirements and shall arrange for the
20 provision of services to such children through arrange-
21 ments which shall be subject to the requirements of this
22 section.

23 “(e) WAIVER AND PROVISION OF SERVICES.—

24 “(1) FAILURE TO COMPLY.—If the Secretary
25 determines that a State or a local educational agen-

1 cy has substantially failed or is unwilling to provide
2 for the participation on an equitable basis of chil-
3 dren enrolled in private elementary and secondary
4 schools as required by this section, the Secretary
5 may waive such requirements and shall arrange for
6 the provision of services to such children through ar-
7 rangements which shall be subject to the require-
8 ments of this section.

9 “(2) WITHHOLDING OF ALLOCATION.—Pending
10 final resolution of any investigation or complaint
11 that could result in a determination under this sub-
12 section or subsection (d), the Secretary may with-
13 hold from the allocation of the affected State or local
14 educational agency the amount estimated by the
15 Secretary to be necessary to pay the cost of those
16 services.

17 “(f) DETERMINATION.—Any determination by the
18 Secretary under this section shall continue in effect until
19 the Secretary determines that there will no longer be any
20 failure or inability on the part of the State or local edu-
21 cational agency to meet the requirements of subsections
22 (a) and (b).

23 “(g) PAYMENT FROM STATE ALLOTMENT.—When
24 the Secretary arranges for services pursuant to this sec-
25 tion, the Secretary shall, after consultation with the ap-

1 appropriate public and private school officials, pay the cost
2 of such services, including the administrative costs of ar-
3 ranging for those services, from the appropriate allotment
4 of the State under this title.

5 “(h) REVIEW.—

6 “(1) WRITTEN OBJECTIONS.—The Secretary
7 shall not take any final action under this section
8 until the State and the local educational agency af-
9 fected by such action have had an opportunity, for
10 not less than 45 days after receiving written notice
11 thereof, to submit written objections and to appear
12 before the Secretary or the Secretary’s designee to
13 show cause why that action should not be taken.

14 “(2) COURT ACTION.—If a State or local edu-
15 cational agency is dissatisfied with the Secretary’s
16 final action after a proceeding under paragraph (1),
17 such agency may, not later than 60 days after notice
18 of such action, file with the United States court of
19 appeals for the circuit in which such State is located
20 a petition for review of that action. A copy of the
21 petition shall be transmitted by the clerk of the
22 court to the Secretary. The Secretary thereupon
23 shall file in the court the record of the proceedings
24 on which the Secretary based this action, as pro-

1 vided in section 2112 of title 28, United States
2 Code.

3 “(3) REMAND TO SECRETARY.—The findings of
4 fact by the Secretary, if supported by substantial
5 evidence, shall be conclusive; but the court, for good
6 cause shown, may remand the case to the Secretary
7 to take further evidence and the Secretary may
8 make new or modified findings of fact and may mod-
9 ify the Secretary’s previous action, and shall file in
10 the court the record of the further proceedings. Such
11 new or modified findings of fact shall likewise be
12 conclusive if supported by substantial evidence.

13 “(4) COURT REVIEW.—Upon the filing of such
14 petition, the court shall have jurisdiction to affirm
15 the action of the Secretary or to set such action
16 aside, in whole or in part. The judgment of the court
17 shall be subject to review by the Supreme Court of
18 the United States upon certiorari or certification as
19 provided in section 1254 of title 28, United States
20 Code.

21 **“SEC. 6403. FEDERAL ADMINISTRATION.**

22 “(a) TECHNICAL ASSISTANCE.—The Secretary, upon
23 request, shall provide technical assistance to States and
24 local educational agencies under this title.

1 “(b) RULEMAKING.—The Secretary shall issue regu-
2 lations under this title only to the extent that such regula-
3 tions are necessary to ensure that there is compliance with
4 the specific requirements and assurances required by this
5 title.

6 “(c) AVAILABILITY OF APPROPRIATIONS.—Notwith-
7 standing any other provision of law, unless expressly in
8 limitation of this subsection, funds appropriated in any
9 fiscal year to carry out activities under this title shall be-
10 come available for obligation on July 1 of such fiscal year
11 and shall remain available for obligation until the end of
12 the subsequent fiscal year.

13 **“SEC. 6404. DEFINITIONS.**

14 “For purposes of this title:

15 “(1) EFFECTIVE SCHOOLS PROGRAMS.—The
16 term ‘effective schools programs’ means school-based
17 programs that may encompass preschool through
18 secondary school levels and that have the objectives
19 of—

20 “(A) promoting school-level planning, in-
21 structional improvement, and staff development;

22 “(B) increasing the academic achievement
23 levels of all children and particularly education-
24 ally disadvantaged children; and

1 “(C) achieving as ongoing conditions in the
2 school the following factors identified through
3 scientifically based research as distinguishing
4 effective from ineffective schools:

5 “(i) Strong and effective administra-
6 tive and instructional leadership that cre-
7 ates consensus on instructional goals and
8 organizational capacity for instructional
9 problem solving.

10 “(ii) Emphasis on the acquisition of
11 basic and advanced academic skills.

12 “(iii) A safe and orderly school envi-
13 ronment that allows teachers and pupils to
14 focus their energies on academic achieve-
15 ment.

16 “(iv) Continuous review of students
17 and programs to evaluate the effects of in-
18 struction.

19 “(2) SCHOOL-AGE POPULATION.—The term
20 ‘school-age population’ means the population aged 5
21 through 17.

22 “(3) SCIENTIFICALLY BASED RESEARCH.—The
23 term ‘scientifically based research’—

24 “(A) means the application of rigorous,
25 systematic, and objective procedures to obtain

1 valid knowledge relevant to effective schools
2 programs; and

3 “(B) shall include research that—

4 “(i) employs systematic, empirical
5 methods that draw on observation or ex-
6 periment;

7 “(ii) involves rigorous data analyses
8 that are adequate to test the stated
9 hypotheses and justify the general conclu-
10 sions drawn;

11 “(iii) relies on measurements or obser-
12 vational methods that provide valid data
13 across evaluators and observers and across
14 multiple measurements and observations;
15 and

16 “(iv) has been accepted by a peer-re-
17 viewed journal or approved by a panel of
18 independent experts through a comparably
19 rigorous, objective, and scientific review.

20 “(4) STATE.—The term ‘State’ means each of
21 the 50 States, the District of Columbia, and the
22 Commonwealth of Puerto Rico.

23 **“SEC. 6405. AUTHORIZATION OF APPROPRIATIONS.**

24 “There are authorized to be appropriated to carry out
25 this title \$365,750,000 for fiscal year 2000 and such sums

1 as may be necessary for each of the 5 succeeding fiscal
2 years.”.

3 **TITLE V—PROGRAMS OF**
4 **NATIONAL SIGNIFICANCE**
5 **PART A—FUND FOR THE IMPROVEMENT OF**
6 **EDUCATION**

7 **SEC. 501. FUND FOR THE IMPROVEMENT OF EDUCATION.**

8 Part A of title X of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 8001 et seq.) is amend-
10 ed to read as follows:

11 **“Part A—FUND FOR THE IMPROVEMENT OF**
12 **EDUCATION**

13 **“SEC. 10101. PROHIBITION ON FEDERALLY SPONSORED**
14 **TESTING.**

15 “Notwithstanding any other provision of Federal law,
16 no funds provided under this part to the Secretary or to
17 the recipient of any award may be used to develop, pilot
18 test, field test, implement, administer, or distribute any
19 federally sponsored national test in reading, mathematics,
20 or any other subject, unless specifically and explicitly au-
21 thorized by law.

1 **“SEC. 10102. PROHIBITION ON FEDERAL ENDORSEMENT OF**
2 **ELEMENTARY AND SECONDARY SCHOOL**
3 **CURRICULUM.**

4 “Notwithstanding any other provision of Federal law,
5 no funds provided under this part to the Secretary may
6 be used to endorse, approve, or sanction any curriculum
7 designed to be used in elementary or secondary schools.

8 **“SEC. 10103. FUND FOR THE IMPROVEMENT OF EDU-**
9 **CATION.**

10 “(a) PROGRAMS AND PROJECTS AUTHORIZED.—

11 “(1) IN GENERAL.—From funds appropriated
12 under this part, the Secretary is authorized to sup-
13 port nationally significant programs and projects to
14 improve the quality of elementary and secondary
15 education at the State and local levels.

16 “(2) METHODS FOR CARRYING OUT PROGRAMS
17 AND PROJECTS.—The Secretary is authorized to
18 carry out such programs and projects directly, or
19 through grants to or contracts with States or local
20 educational agencies, institutions of higher edu-
21 cation, and other public and private agencies, orga-
22 nizations, and institutions, including religious orga-
23 nizations.

24 “(b) USES OF FUNDS.—The funds appropriated
25 under this part may be used for any of the following activi-
26 ties and programs:

1 “(1) Activities to promote systemic education
2 reform at the State and local levels, including—

3 “(A) scientifically based research to im-
4 prove student academic achievement at the
5 State and local level; and

6 “(B) the development and evaluation of
7 strategies for parent and community involve-
8 ment.

9 “(2) Programs at the State and local levels
10 which are designed to yield significant results, in-
11 cluding programs to explore approaches to public
12 school choice and school-based decision-making.

13 “(3) Programs designed to promote public
14 school choice.

15 “(4) Performance rewards for States which—

16 “(A) make significant progress in elimi-
17 nating achievement gaps by increasing the pro-
18 portions of 2 or more groups of students de-
19 scribed in section 1111(a)(3)(I) who meet State
20 proficiency standards; and

21 “(B) have agreed to meet specific and nu-
22 merical performance goals during the term of a
23 performance agreement of at least 5 years in
24 length.

1 “(5) Activities to promote and evaluate coordi-
2 nated pupil services programs.

3 “(6) Activities to promote consumer, economic,
4 entrepreneurial, and personal finance education, in-
5 cluding disseminating and encouraging the best
6 practices for teaching the basic principles of econom-
7 ics and promoting the concept of achieving financial
8 literacy through the teaching of personal financial
9 management skills, including the basic principles in-
10 volved with earning, spending, saving, and investing.

11 “(7) Studies, evaluations, and dissemination of
12 various education reform strategies and innovations
13 based on scientifically based research being pursued
14 by the Federal Government, States, and local edu-
15 cational agencies.

16 “(8) The identification and recognition of exem-
17 plary schools and programs such as Blue Ribbon
18 Schools.

19 “(9) Experiential-based learning programs.

20 “(10) The development and expansion of public-
21 private partnership education programs which ex-
22 tend the learning experience beyond the classroom
23 environment through the use of computers.

24 “(11) An independent study conducted in con-
25 sultation with appropriate entities, which will pro-

1 vide a multi-level coordinated implementation strat-
2 egy based on scientifically based research, for effec-
3 tive professional development activities for mathe-
4 matics and science teachers.

5 “(12) Grants for elementary and secondary
6 school counseling programs under section 10104.

7 “(13) Grants for character education programs
8 under section 10105.

9 “(14) Grants for smaller learning communities
10 within high schools programs under section 10106.

11 **“SEC. 10104. ELEMENTARY AND SECONDARY SCHOOL**
12 **COUNSELING PROGRAMS.**

13 “(a) GRANTS AUTHORIZED.—

14 “(1) IN GENERAL.—The Secretary may use
15 funds provided under this part to award grants to
16 local educational agencies to enable such agencies to
17 establish or expand elementary and secondary school
18 counseling programs which meet the requirements of
19 subsection (b).

20 “(2) PRIORITY.—In awarding grants under this
21 section, the Secretary shall give special consideration
22 to applications describing programs which—

23 “(A) demonstrate the greatest need for
24 new or additional counseling services among the
25 children in the schools served by the applicant;

1 “(B) propose the most promising and inno-
2 vative approaches for initiating or expanding
3 school counseling; and

4 “(C) show the greatest potential for rep-
5 lication and dissemination.

6 “(3) **EQUITABLE DISTRIBUTION.**—In awarding
7 grants under this section, the Secretary shall ensure
8 an equitable geographic distribution among the re-
9 gions of the United States and among urban, subur-
10 ban, and rural local educational agencies.

11 “(4) **DURATION.**—A grant under this section
12 shall be awarded for a period not to exceed 3 years.

13 “(b) **REQUIREMENTS FOR COUNSELING PRO-**
14 **GRAMS.**—Each program funded under this section shall—

15 “(1) be comprehensive in addressing the coun-
16 seling and educational needs of all students;

17 “(2) use a developmental, preventive approach
18 to counseling;

19 “(3) increase the range, availability, quantity,
20 and quality of counseling services in the elementary
21 and secondary schools of the local educational agen-
22 cy;

23 “(4) expand counseling services through quali-
24 fied school counselors, school psychologists, and
25 school social workers;

1 “(5) use innovative approaches to increase chil-
2 dren’s understanding of peer and family relation-
3 ships, work and self, decision making, or academic
4 and career planning, or to improve peer interaction;

5 “(6) provide counseling services in settings that
6 meet the range of needs of students;

7 “(7) include inservice training, including train-
8 ing for teachers in appropriate identification and
9 intervention techniques for disciplining and teaching
10 students at risk of violent behavior, by school coun-
11 selors, school psychologists, and school social work-
12 ers;

13 “(8) involve parents of participating students in
14 the design, implementation, and evaluation of a
15 counseling program;

16 “(9) involve collaborative efforts with commu-
17 nity groups, social service agencies, or other public
18 or private entities to enhance the program;

19 “(10) evaluate annually the effectiveness and
20 outcomes of the counseling services and activities as-
21 sisted under this section;

22 “(11) ensure a team approach to school coun-
23 seling in the elementary and secondary schools of
24 the local educational agency by maintaining a sci-
25 entifically based ratio of school counselors, school so-

1 cial workers, and school psychologists to students;
2 and

3 “(12) ensure that school counselors, school psy-
4 chologists, or school social workers paid from funds
5 made available under this section spend a majority
6 of their time at the school in activities directly re-
7 lated to the counseling process.

8 “(c) LIMIT ON ADMINISTRATION.—Not more than 3
9 percent of the amounts made available under this section
10 in any fiscal year may be used for administrative costs
11 to carry out this section.

12 “(d) DEFINITIONS.—For purposes of this section, the
13 terms ‘school counselor’, ‘school psychologist’, and ‘school
14 social worker’, mean individuals qualified, licensed, or cer-
15 tified under State law to provide mental health counseling
16 to children and adolescents.

17 **“SEC. 10103. CHARACTER EDUCATION PROGRAM.**

18 “(a) PROGRAM AUTHORIZED.—

19 “(1) IN GENERAL.—The Secretary may use
20 funds provided under this part to award grants to
21 States, local educational agencies, or consortia of
22 such educational agencies for the design and imple-
23 mentation of character education programs which in-
24 corporate the elements of character described in sub-
25 section (c).

1 “(2) DURATION.—Each grant under this sec-
2 tion shall be awarded for a period not to exceed 5
3 years, of which the recipient may not use more than
4 1 year for planning and program design.

5 “(b) CONTRACTS UNDER PROGRAM.—

6 “(1) EVALUATION.—Each State, local edu-
7 cational agency, or consortia of such educational
8 agencies awarded a grant under this section may
9 contract with outside sources, including institutions
10 of higher education and private and nonprofit orga-
11 nizations, for purposes of evaluating its program and
12 measuring the success of the program toward fos-
13 tering in students the elements of character de-
14 scribed in subsection (c).

15 “(2) MATERIALS AND PROGRAM DEVELOP-
16 MENT.—Each State, local educational agency, or
17 consortia of such educational agencies awarded a
18 grant under this section may contract with outside
19 sources, including institutions of higher education
20 and private and nonprofit organizations, for assist-
21 ance in developing curriculum, materials, teacher
22 training, and other activities related to character
23 education.

24 “(c) ELEMENTS OF CHARACTER.—The elements of
25 character described in this subsection are as follows:

1 “(1) Honesty.

2 “(2) Citizenship.

3 “(3) Courage.

4 “(4) Justice.

5 “(5) Respect.

6 “(6) Personal Responsibility.

7 “(7) Trustworthiness.

8 “(8) Any other elements deemed appropriate by
9 the State, local educational agency, or consortia of
10 such educational agencies receiving a grant under
11 this paragraph.

12 “(d) SELECTION OF RECIPIENTS.—

13 “(1) CRITERIA.—The Secretary shall select
14 States, local educational agencies, or consortia of
15 such educational agencies to receive grants under
16 this section on the basis of the quality of the appli-
17 cations submitted, taking into consideration such
18 factors as—

19 “(A) the extent to which the proposed
20 character education program fosters in students
21 the elements of character described in sub-
22 section (c);

23 “(B) the extent of parental, student, and
24 community involvement in the program; and

1 “(C) the likelihood that the goals of the
2 program will be realistically achieved.

3 “(2) DIVERSITY OF PROJECTS.—The Secretary
4 shall approve applications for grants under this sec-
5 tion in a manner which ensures to the extent prac-
6 ticable that the character education programs fund-
7 ed with such grants—

8 “(A) serve an equitable geographic dis-
9 tribution among the regions of the United
10 States and among urban, suburban, and rural
11 areas; and

12 “(B) serve schools which serve a high per-
13 centage of minorities, Native Americans, stu-
14 dents of limited English proficiency, and dis-
15 advantaged students.

16 **“SEC. 10104. SMALLER LEARNING COMMUNITIES WITHIN**
17 **HIGH SCHOOLS.**

18 “(a) IN GENERAL.—The Secretary may use funds
19 provided under this part to—

20 “(1) promote the creation of smaller learning
21 communities within high schools in which students
22 may receive greater individual attention and support,
23 including the development and implementation of
24 scientifically based research strategies described in
25 subsection (b) to create such communities; and

1 “(2) develop and implement strategies to in-
2 clude parents, business representatives, institutions
3 of higher education, community-based organizations,
4 and other community members in such communities.

5 “(b) EXAMPLES OF STRATEGIES TO CREATE SMALL-
6 ER LEARNING COMMUNITIES.—The strategies described
7 in this subsection to create smaller learning communities
8 within high schools may include:

9 “(1) The establishment of learning clusters,
10 ‘houses’, magnet schools, or other approaches to cre-
11 ating schools within schools.

12 “(2) The use of block scheduling.

13 “(3) The use of personal adult advocates, teach-
14 er-advisory systems, and other mentoring strategies.

15 “(4) Strategies to reduce teaching loads.

16 “(5) Other innovations designed to increase stu-
17 dent academic achievement through the creation of
18 a more personalized high school experience for stu-
19 dents.

20 “(c) SIZE OF COMMUNITIES.—In using funds under
21 this section, the Secretary’s goal shall be the creation of
22 learning communities of not more than 600 students with-
23 in high schools.

1 **“SEC. 10105. GENERAL PROVISIONS.**

2 “(a) AWARDS MADE ON COMPETITIVE BASIS.—The
3 Secretary may make awards under this part on the basis
4 of competitions announced by the Secretary.

5 “(b) SPECIAL RULE.—The Secretary shall ensure
6 that programs, projects, and activities supported under
7 this part are designed so that the effectiveness of such
8 programs, projects, and activities is readily ascertainable
9 and based on scientifically based research.

10 “(c) PEER REVIEW.—The Secretary shall use a peer
11 review process in reviewing applications for assistance
12 under this part, and may use funds appropriated under
13 this part for the cost of such peer review.

14 “(d) APPLICATIONS.—An applicant for an award
15 under this part shall submit an application which—

16 “(1) establishes clear goals and objectives for
17 its project under this part which are based on sci-
18 entifically based research; and

19 “(2) describes the activities it will carry out in
20 order to meet the goals and objectives described in
21 paragraph (1).

22 “(e) EVALUATIONS.—A recipient of an award under
23 this part shall—

24 “(1) evaluate the effectiveness of its project in
25 achieving the goals and objectives stated in its appli-
26 cation; and

1 “(2) report to the Secretary such information
2 as may be required, including evidence of its
3 progress toward meeting the such goals, to deter-
4 mine the project’s effectiveness.

5 “(f) DISSEMINATION OF EVALUATION RESULTS.—
6 The Secretary shall provide for the dissemination of the
7 evaluations of projects funded under this part by making
8 the evaluations publicly available upon request, and shall
9 publish public notice that the evaluations are so available.

10 “(g) MATCHING FUNDS.—The Secretary may require
11 recipients of awards under this part to provide matching
12 funds from non-Federal sources.

13 “(h) SCIENTIFICALLY BASED RESEARCH DE-
14 FINED.—In this part, the term ‘scientifically based
15 research’—

16 “(1) means the application of rigorous, system-
17 atic, and objective procedures to obtain valid knowl-
18 edge relevant to education activities and programs;
19 and

20 “(2) shall include research which—

21 “(A) employs systematic, empirical meth-
22 ods which draw on observation or experiment,

23 “(B) involves rigorous data analyses which
24 are adequate to test the stated hypotheses and
25 justify the general conclusions drawn,

1 “(C) relies on measurements or observa-
2 tional methods which provide valid data across
3 evaluators and observers and across multiple
4 measurements and observations, and

5 “(D) has been accepted by a peer reviewed
6 journal or approved by a panel of independent
7 experts through a comparably rigorous, objec-
8 tive, and scientific review.

9 “(i) AUTHORIZATION OF APPROPRIATIONS.—For the
10 purpose of carrying out this part, there are authorized to
11 be appropriated \$50,000,000 for fiscal year 2000 and
12 \$50,000,000 for each of the 5 succeeding fiscal years.”.

13 **PART B—ARTS EDUCATION**

14 **SEC. 511. ARTS EDUCATION.**

15 Part D of title X of the Elementary and Secondary
16 Education Act of 1965 (20 U.S.C. 8091 et seq.) is amend-
17 ed to read as follows:

18 **“PART D—ARTS EDUCATION**

19 **“SEC. 10401. SUPPORT FOR ARTS EDUCATION.**

20 “(a) FINDINGS.—The Congress finds that—

21 “(1) every student can benefit from an edu-
22 cation in the arts;

23 “(2) a growing body of research indicates that
24 education in the arts may provide cognitive benefits

1 and bolster academic achievement, beginning at an
2 early age and continuing through school;

3 “(3) qualified arts teachers and sequential cur-
4 rriculum are the basis and core for substantive arts
5 education for students;

6 “(4) arts education programs should be ground-
7 ed in rigorous instruction and take their place within
8 a structure of direct accountability to parents, school
9 officials, and the community;

10 “(5) opportunities in the arts have enabled per-
11 sons of all ages with disabilities to participate more
12 fully in school and community activities; and

13 “(6) arts education is a valuable part of the ele-
14 mentary and secondary school curriculum.

15 “(b) PURPOSES.—The purposes of this part are to—

16 “(1) support systemic education reform by
17 strengthening arts education as an integral part of
18 the elementary and secondary school curriculum;
19 and

20 “(2) help ensure that all students can learn to
21 challenging State content standards and challenging
22 State student performance standards in the arts.

23 “(c) ELIGIBLE RECIPIENTS.—In order to carry out
24 the purposes of this part, the Secretary is authorized to

1 award grants to, or enter into contracts or cooperative
2 agreements with—

3 “(1) States;

4 “(2) local educational agencies;

5 “(3) institutions of higher education;

6 “(4) museums and other cultural institutions;

7 and

8 “(5) other public and private agencies, institu-
9 tions, and organizations.

10 “(d) AUTHORIZED ACTIVITIES.—Funds under this
11 part may be used for—

12 “(1) research on arts education;

13 “(2) planning, developing, acquiring, expanding,
14 improving, and disseminating model school-based
15 arts education programs;

16 “(3) the development of model State arts edu-
17 cation assessments based on State standards;

18 “(4) the development and implementation of
19 curriculum frameworks for arts education;

20 “(5) the development of model inservice profes-
21 sional development programs for arts educators and
22 other instructional staff;

23 “(6) supporting collaborative activities with
24 other Federal agencies or institutions, arts edu-
25 cators, and organizations representing the arts, in-

1 including State and local arts agencies involved in arts
2 education;

3 “(7) supporting model projects and programs in
4 the performing arts for children and youth and pro-
5 grams which assure the participation in mainstream
6 settings in arts and education programs of individ-
7 uals with disabilities through arrangements made
8 with organizations such as the John F. Kennedy
9 Center for the Performing Arts and VSA arts;

10 “(8) supporting model projects and programs to
11 integrate arts education into the regular elementary
12 and secondary school curriculum; and

13 “(9) other activities that further the purposes
14 of this part.

15 “(e) COORDINATION AND CONSULTATION.—

16 “(1) IN GENERAL.—A recipient of funds under
17 this part shall, to the extent possible, coordinate
18 projects assisted under this part with appropriate
19 activities of public and private cultural agencies, in-
20 stitutions, and organizations, including museums,
21 arts education associations, libraries, and theaters.

22 “(2) CONSULTATION.—In carrying out this
23 part, the Secretary shall consult with other Federal
24 agencies or institutions, arts educators (including
25 professional arts education associations), and organi-

1 zations representing the arts including State and
2 local arts agencies involved in arts education.

3 “(f) AUTHORIZATION.—

4 “(1) IN GENERAL.—For the purpose of car-
5 rying out this part, there are authorized to be appro-
6 priated \$11,500,000 for fiscal year 2000 and such
7 sums as may be necessary for each of the 5 suc-
8 ceeding fiscal years.

9 “(2) SPECIAL RULE.—Any entity receiving
10 funds under this part shall use such funds only to
11 supplement and not to supplant the amount of funds
12 made available from non-Federal sources for the ac-
13 tivities assisted under this part.”.

14 **PART C—PUBLIC CHARTER SCHOOLS**

15 **SEC. 521. PUBLIC CHARTER SCHOOLS.**

16 (a) CHARTER SCHOOL DEFINED.—Section
17 10310(1)(H) (20 U.S.C. 8066(1)(H)) is amended by in-
18 serting “or in another nondiscriminatory manner con-
19 sistent with State law,” after “lottery,”.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
21 10311 (20 U.S.C. 8067) is amended—

22 (1) by striking “\$100,000,000 for fiscal year
23 1999” and inserting “\$145,000,000 for fiscal year
24 2000”; and

25 (2) by striking “four” and inserting “5”.

1 **PART D—CIVIC EDUCATION**

2 **SEC. 531. CIVIC EDUCATION.**

3 Part F of title X of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 8141 et seq.) is amend-
5 ed to read as follows:

6 **“PART F—CIVIC EDUCATION**

7 **“SEC. 10601. SHORT TITLE.**

8 “‘This part may be cited as the ‘Education for De-
9 mocracy Act’.

10 **“SEC. 10602. PURPOSE.**

11 “‘It is the purpose of this part—

12 “(1) to improve the quality of civics and gov-
13 ernment education, by educating students about the
14 history and principles of the Constitution of the
15 United States, including the Bill of Rights; and

16 “(2) to foster civic competence and responsi-
17 bility.

18 **“SEC. 10603. GENERAL AUTHORITY.**

19 “(a) GRANTS AND CONTRACTS.—The Secretary is
20 authorized to award grants to or enter into contracts with
21 the Center for Civic Education to carry out civic education
22 activities under sections 10604.

23 **“SEC. 10604. WE THE PEOPLE PROGRAM.**

24 “(a) THE CITIZEN AND THE CONSTITUTION.—

25 “(1) IN GENERAL.—The Center for Civic Edu-
26 cation shall use funds awarded under section

1 10603(a)(1)(A) to carry out The Citizen and the
2 Constitution program in accordance with this sub-
3 section.

4 “(2) EDUCATIONAL ACTIVITIES.—The Citizen
5 and the Constitution program—

6 “(A) shall continue and expand the edu-
7 cational activities of the ‘We the People . . .
8 The Citizen and the Constitution’ program ad-
9 ministered by the Center for Civic Education;

10 “(B) shall enhance student attainment of
11 challenging content standards in civics and gov-
12 ernment; and

13 “(C) shall provide—

14 “(i) a course of instruction on the
15 basic principles of our Nation’s constitu-
16 tional democracy and the history of the
17 Constitution of the United States and the
18 Bill of Rights;

19 “(ii) at the request of a participating
20 school, school and community simulated
21 congressional hearings following the course
22 of study;

23 “(iii) an annual national competition
24 of simulated congressional hearings for

1 secondary school students who wish to par-
2 ticipate in such a program;

3 “(iv) advanced training of teachers
4 about the Constitution of the United
5 States and the political system the United
6 States created;

7 “(v) materials and methods of instruc-
8 tion, including teacher training, that utilize
9 the latest advancements in educational
10 technology; and

11 “(vi) civic education materials and
12 services to address specific problems such
13 as the prevention of school violence and the
14 abuse of drugs and alcohol.

15 “(3) AVAILABILITY OF PROGRAM.—The edu-
16 cation program authorized under this subsection
17 shall be made available to public and private elemen-
18 tary and secondary schools, including Bureau funded
19 schools, in the 435 congressional districts, and in
20 the District of Columbia, the Commonwealth of
21 Puerto Rico, the United States Virgin Islands,
22 Guam, American Samoa, and the Commonwealth of
23 the Northern Mariana Islands.

24 “(b) PROJECT CITIZEN.—

1 “(1) IN GENERAL.—The Center for Civic Edu-
2 cation shall use funds awarded under section
3 10603(a)(1)(A) to carry out The Project Citizen
4 program in accordance with this subsection.

5 “(2) EDUCATIONAL ACTIVITIES.—The Project
6 Citizen program—

7 “(A) shall continue and expand the edu-
8 cational activities of the ‘We the People . . .
9 Project Citizen’ program administered by the
10 Center for Civic Education;

11 “(B) shall enhance student attainment of
12 challenging content standards in civics and gov-
13 ernment; and

14 “(C) shall provide—

15 “(i) a course of instruction at the
16 middle school level on the roles of State
17 and local governments in the Federal sys-
18 tem established by the Constitution of the
19 United States;

20 “(ii) optional school and community
21 simulated State legislative hearings;

22 “(iii) an annual national showcase or
23 competition;

24 “(iv) advanced training of teachers on
25 the roles of State and local governments in

1 the Federal system established by the Con-
2 stitution of the United States;

3 “(v) materials and methods of instruc-
4 tion, including teacher training, that utilize
5 the latest advancements in educational
6 technology; and

7 “(vi) civic education materials and
8 services to address specific problems such
9 as the prevention of school violence and the
10 abuse of drugs and alcohol.

11 “(3) AVAILABILITY OF PROGRAM.—The edu-
12 cation program authorized under this subsection
13 shall be made available to public and private middle
14 schools, including Bureau funded schools, in the 50
15 States of the United States, the District of Colum-
16 bia, the Commonwealth of Puerto Rico, the United
17 States Virgin Islands, Guam, American Samoa, and
18 the Commonwealth of the Northern Mariana Is-
19 lands.

20 “(c) DEFINITION OF BUREAU FUNDED SCHOOL.—In
21 this section the term ‘Bureau funded school’ has the
22 meaning given the term in section 1146 of the Education
23 Amendments of 1978.

1 **“SEC. 10606. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 section 10604, \$9,850,000 for fiscal year 2000 and such
4 sums as may be necessary for each of the fiscal years 2001
5 through 2005.

6 **TITLE VI—GENERAL**
7 **PROVISIONS**

8 **SEC. 601. GENERAL PROVISIONS.**

9 Title XIV of the Elementary and Secondary Edu-
10 cation Act is amended to read as follows:

11 **“PART A—DEFINITIONS**

12 **“SEC. 14101. DEFINITIONS.**

13 “Except as otherwise provided, for the purposes of
14 this Act, the following terms have the following meanings:

15 “(1) Average daily attendance—

16 “(A) Except as provided otherwise by
17 State law or this paragraph, the term ‘average
18 daily attendance’ means—

19 “(i) the aggregate number of days of
20 attendance of all students during a school
21 year; divided by

22 “(ii) the number of days school is in
23 session during such school year.

24 “(B) The Secretary shall permit the con-
25 version of average daily membership (or other
26 similar data) to average daily attendance for

1 local educational agencies in States that provide
2 State aid to local educational agencies on the
3 basis of average daily membership or such other
4 data.

5 “(C) If the local educational agency in
6 which a child resides makes a tuition or other
7 payment for the free public education of the
8 child in a school located in another school dis-
9 trict, the Secretary shall, for purposes of this
10 Act—

11 “(i) consider the child to be in attend-
12 ance at a school of the agency making such
13 payment; and

14 “(ii) not consider the child to be in at-
15 tendance at a school of the agency receiv-
16 ing such payment.

17 “(D) If a local educational agency makes a
18 tuition payment to a private school or to a pub-
19 lic school of another local educational agency
20 for a child with disabilities, as defined in sec-
21 tion 602(3) of the Individuals with Disabilities
22 Education Act, the Secretary shall, for the pur-
23 poses of this Act, consider such child to be in
24 attendance at a school of the agency making
25 such payment.

1 “(2) AVERAGE PER-PUPIL EXPENDITURE.—The
2 term ‘average per-pupil expenditure’ means, in the
3 case of a State or of the United States—

4 “(A) without regard to the source of
5 funds—

6 “(i) the aggregate current expendi-
7 tures, during the third fiscal year pre-
8 ceding the fiscal year for which the deter-
9 mination is made (or, if satisfactory data
10 for that year are not available, during the
11 most recent preceding fiscal year for which
12 satisfactory data are available) of all local
13 educational agencies in the State or, in the
14 case of the United States for all States
15 (which, for the purpose of this paragraph,
16 means the 50 States and the District of
17 Columbia); plus

18 “(ii) any direct current expenditures
19 by the State for the operation of such
20 agencies; divided by

21 “(B) the aggregate number of children in
22 average daily attendance to whom such agencies
23 provided free public education during such pre-
24 ceding year.

1 “(3) CHILD.—The term ‘child’ means any per-
2 son within the age limits for which the State pro-
3 vides free public education.

4 “(4) CHILD WITH DISABILITY.—The term ‘child
5 with a disability’ means a child—

6 “(A) with mental retardation, hearing im-
7 pairments, hearing impairments (including
8 deafness), speech or language impairments, vis-
9 ual impairments (including blindness), serious
10 emotional disturbance (hereinafter referred to
11 as ‘emotional disturbance’), orthopedic impair-
12 ments, autism, traumatic brain injury, other
13 health impairments, or specific learning disabili-
14 ties; and

15 “(B) who, by reason thereof, needs special
16 education and related services.

17 “(5) COMMUNITY-BASED ORGANIZATION.—The
18 term ‘community-based organization’ means a public
19 or private nonprofit organization of demonstrated ef-
20 fectiveness that—

21 “(A) is representative of a community or
22 significant segments of a community; and

23 “(B) provides educational or related serv-
24 ices to individuals in the community.

1 “(6) CONSOLIDATED LOCAL APPLICATION.—
2 The term ‘consolidated local application’ means an
3 application submitted by a local educational agency
4 pursuant to section 14302.

5 “(7) CONSOLIDATED LOCAL PLAN.—The term
6 ‘consolidated local plan’ means a plan submitted by
7 a local educational agency pursuant to section
8 14302.

9 “(8) CONSOLIDATED STATE APPLICATION.—
10 The term ‘consolidated State application’ means an
11 application submitted by a State educational agency
12 pursuant to section 14302.

13 “(9) CONSOLIDATED STATE PLAN.—The term
14 ‘consolidated State plan’ means a plan submitted by
15 a State educational agency pursuant to section
16 14302.

17 “(10) COUNTY.—The term ‘county’ means one
18 of the divisions of a State used by the Secretary of
19 Commerce in compiling and reporting data regard-
20 ing counties.

21 “(11) COVERED PROGRAM.—The term ‘covered
22 program’ means each of the programs authorized
23 by—

24 “(A) part A of title I;

25 “(B) part B of title I;

1 “(C) part C of title I;

2 “(D) part D of title I;

3 “(E) title II (other than National activi-
4 ties);

5 “(F) subpart 2 of part A of title III;

6 “(G) part A title IV (other than section
7 4115(b));

8 “(H) title VI;

9 “(I) comprehensive school reform programs
10 as authorized under section 1502 and described
11 on pages 96–99 of the Joint Explanatory State-
12 ment of the Committee of Conference included
13 in House Report 105–390 (Conference Report
14 on the Departments of Labor, Health and
15 Human Services, and Education, and Related
16 Agencies Appropriations Act, 1998);

17 “(K) part A of title VII;

18 “(L) part C of title VII;

19 “(M) part J of title X; and

20 “(N) title XII.

21 “(12) CURRENT EXPENDITURES.—The term
22 ‘current expenditures’ means expenditures for free
23 public education—

24 “(A) including expenditures for adminis-
25 tration, instruction, attendance, pupil transpor-

1 tation services, operation and maintenance of
2 plant, fixed charges, and net expenditures to
3 cover deficits for food services and student body
4 activities; but

5 “(B) not including expenditures for com-
6 munity services, capital outlay, and debt serv-
7 ice, or any expenditures made from funds re-
8 ceived under title I and title VI.

9 “(13) DEPARTMENT.—The term ‘Department’
10 means the Department of Education.

11 “(14) EDUCATIONAL SERVICE AGENCY.—The
12 term ‘educational service agency’ means a regional
13 public multiservice agency authorized by State stat-
14 ute to develop, manage, and provide services or pro-
15 grams to local educational agencies.

16 “(15) ELEMENTARY SCHOOL.—The term ‘ele-
17 mentary school’ means a nonprofit institutional day
18 or residential school, including a public elementary
19 charter school, that provides elementary education,
20 as determined under State law.

21 “(16) FAMILY LITERACY SERVICES.—The term
22 ‘family literacy services’ means services provided to
23 participants on a voluntary basis that are of suffi-
24 cient intensity in terms of hours, and of sufficient

1 duration, to make sustainable changes in a family,
2 and that integrate all of the following activities:

3 “(A) Interactive literacy activities between
4 parents and their children.

5 “(B) Training for parents regarding how
6 to be the primary teacher for their children and
7 full partners in the education of their children.

8 “(C) Parent literacy training that leads to
9 economic self-sufficiency.

10 “(D) An age-appropriate education to pre-
11 pare children for success in school and life ex-
12 periences.

13 “(17) FREE PUBLIC EDUCATION.—The term
14 ‘free public education’ means education that is
15 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 “(18) GIFTED AND TALENTED.—The term
24 ‘gifted and talented’, when used with respect to stu-
25 dents, children or youth, means students, children or

1 youth who give evidence of high performance capa-
2 bility in areas such as intellectual, creative, artistic,
3 or leadership capacity, or in specific academic fields,
4 and who require services or activities not ordinarily
5 provided by the school in order to fully develop such
6 capabilities.

7 “(19) INSTITUTION OF HIGHER EDUCATION.—
8 The term ‘institution of higher education’ has the
9 meaning given that term in section 101 of the High-
10 er Education Act of 1965.

11 “(20) LOCAL EDUCATIONAL AGENCY.—(A) The
12 term ‘local educational agency’ means a public board
13 of education or other public authority legally con-
14 stituted within a State for either administrative con-
15 trol or direction of, or to perform a service function
16 for, public elementary or secondary schools in a city,
17 county, township, school district, or other political
18 subdivision of a State, or for such combination of
19 school districts or counties as are recognized in a
20 State as an administrative agency for its public ele-
21 mentary or secondary schools.

22 “(B) The term includes any other public insti-
23 tution or agency having administrative control and
24 direction of a public elementary or secondary school.

1 “(C) The term includes an elementary or sec-
2 ondary school funded by the Bureau of Indian Af-
3 fairs but only to the extent that such inclusion
4 makes such school eligible for programs for which
5 specific eligibility is not provided to such school in
6 another provision of law and such school does not
7 have a student population that is smaller than the
8 student population of the local educational agency
9 receiving assistance under this Act with the smallest
10 student population, except that such school shall not
11 be subject to the jurisdiction of any State edu-
12 cational agency other than the Bureau of Indian Af-
13 fairs.

14 “(21) MENTORING.—The term ‘mentoring’
15 means a program in which an adult works with a
16 child or youth on a 1-to-1 basis, establishing a sup-
17 portive relationship, providing academic assistance,
18 and introducing the child or youth to new experi-
19 ences that enhance the child or youth’s ability to
20 excel in school and become a responsible citizen.

21 “(22) OTHER STAFF.—The term ‘other staff’
22 means pupil services personnel, librarians, career
23 guidance and counseling personnel, education aides,
24 and other instructional and administrative per-
25 sonnel.

1 “(23) OUTLYING AREA.—The term ‘outlying
2 area’ means the United States Virgin Islands,
3 Guam, American Samoa, and the Commonwealth of
4 the Northern Mariana Islands.

5 “(24) PARENT.—The term ‘parent’ includes a
6 legal guardian or other person standing in loco
7 parentis.

8 “(25) PUBLIC TELECOMMUNICATION ENTITY.—
9 The term ‘public telecommunication entity’ has the
10 same meaning given to such term in section 397(12)
11 of the Communications Act of 1934.

12 “(26) PUPIL SERVICES PERSONNEL; PUPIL
13 SERVICES.—(A) The term ‘pupil services personnel’
14 means school counselors, school social workers,
15 school psychologists, and other qualified professional
16 personnel involved in providing assessment, diag-
17 nosis, counseling, educational, therapeutic, and other
18 necessary services (including related services as such
19 term is defined in section 602(22) of the Individuals
20 with Disabilities Education Act) as part of a com-
21 prehensive program to meet student needs.

22 “(B) The term ‘pupil services’ means the serv-
23 ices provided by pupil services personnel.

24 “(27) SCIENTIFICALLY BASED RESEARCH.—
25 The term ‘scientifically based research’—

1 “(A) means the application of rigorous,
2 systematic, and objective procedures to obtain
3 valid knowledge relevant to education activities
4 and programs; and

5 “(B) shall include research that—

6 “(i) employs systematic, empirical
7 methods that draw on observation or ex-
8 periment;

9 “(ii) involves rigorous data analyses
10 that are adequate to test the stated
11 hypotheses and justify the general conclu-
12 sions drawn;

13 “(iii) relies on measurements or obser-
14 vational methods that provide valid data
15 across evaluators and observers and across
16 multiple measurements and observations;
17 and

18 “(iv) has been accepted by a peer-re-
19 viewed journal or approved by a panel of
20 independent experts through a comparably
21 rigorous, objective, and scientific review.

22 “(28) SECONDARY SCHOOL.—The term ‘sec-
23 ondary school’ means a nonprofit institutional day or
24 residential school, including a public secondary char-
25 ter school, that provides secondary education, as de-

1 ganization, or a Bureau of Indian Affairs school in con-
2 sortia with an institution of higher education, a contract
3 or grant school and tribal or community organization shall
4 be given the same consideration as a local educational
5 agency.

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

8 **“SEC. 14201. CONSOLIDATION OF STATE ADMINISTRATIVE**
9 **FUNDS FOR ELEMENTARY AND SECONDARY**
10 **EDUCATION PROGRAMS.**

11 “(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

12 “(1) IN GENERAL.—A State educational agency
13 may consolidate the amounts specifically made avail-
14 able to such agency for State administration under
15 one or more of the programs under paragraph (2)
16 if such State educational agency can demonstrate
17 that the majority of such agency’s resources are de-
18 rived from non-Federal sources.

19 “(2) APPLICABILITY.—This section applies to
20 any program under this Act under which funds are
21 authorized to be used for administration, and such
22 other programs as the Secretary may designate.

23 “(b) USE OF FUNDS.—

24 “(1) IN GENERAL.—A State educational agency
25 shall use the amount available under this section for

1 the administration of the programs included in the
2 consolidation under subsection (a).

3 “(2) ADDITIONAL USES.—A State educational
4 agency may also use funds available under this sec-
5 tion for administrative activities designed to enhance
6 the effective and coordinated use of funds under pro-
7 grams included in the consolidation under subsection
8 (a), such as—

9 “(A) the coordination of such programs
10 with other Federal and non-Federal programs;

11 “(B) the establishment and operation of
12 peer-review mechanisms under this Act;

13 “(C) the administration of this title;

14 “(D) the dissemination of information re-
15 garding model programs and practices;

16 “(E) technical assistance under any pro-
17 gram under this Act;

18 “(F) State level activities designed to carry
19 out this title;

20 “(G) training personnel engaged in audit
21 and other monitoring activities; and

22 “(H) implementation of the Cooperative
23 Audit Resolution and Oversight Initiative of the
24 Department of Education.

1 “(c) RECORDS.—A State educational agency that
2 consolidates administrative funds under this section shall
3 not be required to keep separate records, by individual
4 program, to account for costs relating to the administra-
5 tion of programs included in the consolidation under sub-
6 section (a).

7 “(d) REVIEW.—To determine the effectiveness of
8 State administration under this section, the Secretary may
9 periodically review the performance of State educational
10 agencies in using consolidated administrative funds under
11 this section and take such steps as the Secretary finds
12 appropriate to ensure the effectiveness of such administra-
13 tion.

14 “(e) UNUSED ADMINISTRATIVE FUNDS.—If a State
15 educational agency does not use all of the funds available
16 to such agency under this section for administration, such
17 agency may use such funds during the applicable period
18 of availability as funds available under one or more pro-
19 grams included in the consolidation under subsection (a).

20 **“SEC. 14202. SINGLE LOCAL EDUCATIONAL AGENCY**
21 **STATES.**

22 “A State educational agency that also serves as a
23 local educational agency, in such agency’s applications or
24 plans under this Act, shall describe how such agency will

1 eliminate duplication in the conduct of administrative
2 functions.

3 **“SEC. 14203. CONSOLIDATION OF FUNDS FOR LOCAL AD-
4 MINISTRATION.**

5 “(a) GENERAL AUTHORITY.—In accordance with
6 regulations of the Secretary and for any fiscal year, a local
7 educational agency, with the approval of its State edu-
8 cational agency, may consolidate and use for the adminis-
9 tration of one or more programs under this Act (or such
10 other programs as the Secretary shall designate) not more
11 than the percentage, established in each such program, of
12 the total available for the local educational agency under
13 such programs.

14 “(b) STATE PROCEDURES.—Within one-year from
15 the date of enactment of the Education OPTIONS Act,
16 a State educational agency shall, in collaboration with
17 local educational agencies in the State, establish proce-
18 dures for responding to requests from local educational
19 agencies to consolidate administrative funds under sub-
20 section (a) and for establishing limitations on the amount
21 of funds under such programs that may be used for ad-
22 ministration on a consolidated basis.

23 “(c) CONDITIONS.—A local educational agency that
24 consolidates administrative funds under this section for
25 any fiscal year shall not use any other funds under the

1 programs included in the consolidation for administration
2 for that fiscal year.

3 “(d) USES OF ADMINISTRATIVE FUNDS.—A local
4 educational agency that consolidates administrative funds
5 under this section may use such consolidated funds for
6 the administration of such programs and for uses, at the
7 school district and school levels, comparable to those de-
8 scribed in section 14201(b)(2).

9 “(e) RECORDS.—A local educational agency that con-
10 solidates administrative funds under this section shall not
11 be required to keep separate records, by individual pro-
12 gram, to account for costs relating to the administration
13 of such programs included in the consolidation.

14 **“SEC. 14205. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**
15 **OF THE INTERIOR FUNDS.**

16 “(a) GENERAL AUTHORITY.—

17 “(1) TRANSFER.—The Secretary shall transfer
18 to the Department of the Interior, as a consolidated
19 amount for covered programs, the Indian education
20 programs under part A of title IX of this Act, and
21 the education for homeless children and youth pro-
22 gram under subtitle B of title VII of the Stewart B.
23 McKinney Homeless Assistance Act, the amounts al-
24 lotted to the Department of the Interior under those
25 programs.

1 “(2) AGREEMENT.—(A) The Secretary and the
2 Secretary of the Interior shall enter into an agree-
3 ment, consistent with the requirements of the pro-
4 grams specified in paragraph (1), for the distribu-
5 tion and use of those program funds under terms
6 that the Secretary determines best meet the pur-
7 poses of those programs.

8 “(B) The agreement shall—

9 “(i) set forth the plans of the Secretary of
10 the Interior for the use of the amount trans-
11 ferred and the performance measures to assess
12 program effectiveness, including measurable
13 goals and objectives; and

14 “(ii) be developed in consultation with In-
15 dian tribes.

16 “(b) ADMINISTRATION.—The Department of the In-
17 terior may use not more than 1.5 percent of the funds
18 consolidated under this section for such department’s
19 costs related to the administration of the funds trans-
20 ferred under this section.

1 **“PART C—COORDINATION OF PROGRAMS; CON-**
2 **SOLIDATED STATE AND LOCAL PLANS AND**
3 **APPLICATIONS**

4 **“SEC. 14301. PURPOSE.**

5 “The purposes of this part are to improve teaching
6 and learning through greater coordination between pro-
7 grams and to provide greater flexibility to State and local
8 authorities by allowing the consolidation of State and local
9 plans, applications, and reporting.

10 **“SEC. 14302. OPTIONAL CONSOLIDATED STATE PLANS OR**
11 **APPLICATIONS.**

12 “(a) GENERAL AUTHORITY.—

13 “(1) SIMPLIFICATION.—In order to simplify ap-
14 plication requirements and reduce the burden for
15 State educational agencies under this Act, the Sec-
16 retary, in accordance with subsection (b), shall es-
17 tablish procedures and criteria under which a State
18 educational agency may submit a consolidated State
19 plan or a consolidated State application meeting the
20 requirements of this section for—

21 “(A) any programs under this Act in which
22 the State participates; and

23 “(B) such other programs as the Secretary
24 may designate.

25 “(2) CONSOLIDATED APPLICATIONS AND
26 PLANS.—A State educational agency that submits a

1 consolidated State plan or a consolidated State ap-
2 plication under this section shall not be required to
3 submit a separate State plan or application for a
4 program included in the consolidated State plan or
5 application.

6 “(b) COLLABORATION.—

7 “(1) IN GENERAL.—In establishing criteria and
8 procedures under this section, the Secretary shall
9 collaborate with State educational agencies and, as
10 appropriate, with other State agencies, local edu-
11 cational agencies, public and private nonprofit agen-
12 cies, organizations, and institutions, private schools,
13 and representatives of parents, students, and teach-
14 ers.

15 “(2) CONTENTS.—Through the collaborative
16 process described in subsection (b)(1) of this section,
17 the Secretary shall establish, for each program
18 under the Act to which this section applies, the de-
19 scriptions, information, assurances, and other mate-
20 rial required to be included in a consolidated State
21 plan or consolidated State application.

22 “(3) NECESSARY MATERIALS.—The Secretary
23 shall require only descriptions, information, assur-
24 ances, and other materials that are absolutely nec-

1 “(2)(A) the control of funds provided under
2 each such program and title to property acquired
3 with program funds will be in a public agency, in a
4 nonprofit private agency, institution, or organiza-
5 tion, or in an Indian tribe if the law authorizing the
6 program provides for assistance to such entities; and

7 “(B) the public agency, nonprofit private agen-
8 cy, institution, or organization, or Indian tribe will
9 administer such funds and property to the extent re-
10 quired by the authorizing law;

11 “(3) the State will adopt and use proper meth-
12 ods of administering each such program, including—

13 “(A) the enforcement of any obligations
14 imposed by law on agencies, institutions, orga-
15 nizations, and other recipients responsible for
16 carrying out each program;

17 “(B) the correction of deficiencies in pro-
18 gram operations that are identified through au-
19 dits, monitoring, or evaluation; and

20 “(C) the adoption of written procedures for
21 the receipt and resolution of complaints alleging
22 violations of law in the administration of such
23 programs;

1 “(4) the State will cooperate in carrying out
2 any evaluation of each such program conducted by
3 or for the Secretary or other Federal officials;

4 “(5) the State will use such fiscal control and
5 fund accounting procedures as will ensure proper
6 disbursement of, and accounting for, Federal funds
7 paid to the State under each such program;

8 “(6) the State will—

9 “(A) make reports to the Secretary as may
10 be necessary to enable the Secretary to perform
11 the Secretary’s duties under each such pro-
12 gram; and

13 “(B) maintain such records, provide such
14 information to the Secretary, and afford access
15 to the records as the Secretary may find nec-
16 essary to carry out the Secretary’s duties; and

17 “(7) before the plan or application was sub-
18 mitted to the Secretary, the State has afforded a
19 reasonable opportunity for public comment on the
20 plan or application and has considered such com-
21 ment.

22 “(b) GEPA PROVISION.—Section 441 of the General
23 Education Provisions Act shall not apply to programs
24 under this Act.

1 **“SEC. 14305. CONSOLIDATED LOCAL PLANS OR APPLICA-**
2 **TIONS.**

3 “(a) GENERAL AUTHORITY.—A local educational
4 agency receiving funds under more than one program
5 under this Act may submit plans or applications to the
6 State educational agency under such programs on a con-
7 solidated basis.

8 “(b) REQUIRED CONSOLIDATED PLANS OR APPLICA-
9 TIONS.—A State educational agency that has submitted
10 and had approved a consolidated State plan or application
11 under section 14302 may require local educational agen-
12 cies in the State receiving funds under more than one pro-
13 gram included in the consolidated State plan or consoli-
14 dated State application to submit consolidated local plans
15 or applications under such programs.

16 “(c) COLLABORATION.—A State educational agency
17 shall collaborate with local educational agencies in the
18 State in establishing procedures for the submission of the
19 consolidated State plans or consolidated State applications
20 under this section.

21 “(d) NECESSARY MATERIALS.—The State edu-
22 cational agency shall require only descriptions, informa-
23 tion, assurances, and other material that are absolutely
24 necessary for the consideration of the local educational
25 agency plan or application.

1 **“SEC. 14306. OTHER GENERAL ASSURANCES.**

2 “(a) ASSURANCES.—Any applicant other than a
3 State educational agency that submits a plan or applica-
4 tion under this Act, shall have on file with the State edu-
5 cational agency a single set of assurances, applicable to
6 each program for which a plan or application is submitted,
7 that provides that—

8 “(1) each such program will be administered in
9 accordance with all applicable statutes, regulations,
10 program plans, and applications;

11 “(2)(A) the control of funds provided under
12 each such program and title to property acquired
13 with program funds will be in a public agency or in
14 a nonprofit private agency, institution, organization,
15 or Indian tribe, if the law authorizing the program
16 provides for assistance to such entities; and

17 “(B) the public agency, nonprofit private
18 agency, institution, or organization, or Indian
19 tribe will administer such funds and property to
20 the extent required by the authorizing statutes;

21 “(3) the applicant will adopt and use proper
22 methods of administering each such program,
23 including—

24 “(A) the enforcement of any obligations
25 imposed by law on agencies, institutions, orga-

1 nizations, and other recipients responsible for
2 carrying out each program; and

3 “(B) the correction of deficiencies in pro-
4 gram operations that are identified through au-
5 dits, monitoring, or evaluation;

6 “(4) the applicant will cooperate in carrying out
7 any evaluation of each such program conducted by
8 or for the State educational agency, the Secretary or
9 other Federal officials;

10 “(5) the applicant will use such fiscal control
11 and fund accounting procedures as will ensure prop-
12 er disbursement of, and accounting for, Federal
13 funds paid to such applicant under each such pro-
14 gram;

15 “(6) the applicant will—

16 “(A) make reports to the State educational
17 agency and the Secretary as may be necessary
18 to enable such agency and the Secretary to per-
19 form their duties under each such program; and

20 “(B) maintain such records, provide such
21 information, and afford access to the records as
22 the State educational agency or the Secretary
23 may find necessary to carry out the State edu-
24 cational agency’s or the Secretary’s duties; and

1 “(7) before the application was submitted, the
2 applicant afforded a reasonable opportunity for pub-
3 lic comment on the application and has considered
4 such comment.

5 “(b) GEPA PROVISION.—Section 442 of the General
6 Education Provisions Act does not apply to programs
7 under this Act.

8 **“PART D—WAIVERS**

9 **“SEC. 14401. WAIVERS OF STATUTORY AND REGULATORY**
10 **REQUIREMENTS.**

11 “(a) IN GENERAL.—Except as provided in subsection
12 (c), the Secretary may waive any statutory or regulatory
13 requirement of this Act or the Carl D. Perkins Vocational
14 and Technical Education Act of 1998 for a State edu-
15 cational agency, local educational agency, Indian tribe, or
16 school through a local educational agency, that—

17 “(1) receives funds under a program authorized
18 by this Act; and

19 “(2) requests a waiver under subsection (b).

20 “(b) REQUEST FOR WAIVER.—

21 “(1) IN GENERAL.—A State educational agen-
22 cy, local educational agency, or Indian tribe which
23 desires a waiver shall submit a waiver application to
24 the Secretary that—

1 “(A) indicates each Federal program af-
2 fected and each statutory or regulatory require-
3 ment requested to be waived;

4 “(B) describes the purpose and overall ex-
5 pected results of waiving each such require-
6 ment;

7 “(C) describes, for each school year, spe-
8 cific, measurable, educational goals for the
9 State educational agency and for each local
10 educational agency, Indian tribe, or school that
11 would be affected by the waiver;

12 “(D) explains why the waiver will assist
13 the State educational agency and each affected
14 local educational agency, Indian tribe, or school
15 in reaching such goals.

16 “(2) ADDITIONAL INFORMATION.—Such
17 requests—

18 “(A) may provide for waivers of require-
19 ments applicable to State educational agencies,
20 local educational agencies, Indian tribes, and
21 schools; and

22 “(B) shall be developed and submitted—

23 “(i)(I) by local educational agencies
24 (on behalf of such agencies and schools) to
25 State educational agencies; and

1 “(II) by State educational agencies
2 (on behalf of, and based upon the requests
3 of, local educational agencies) to the Sec-
4 retary; or

5 “(ii) by Indian tribes (on behalf of
6 schools operated by such tribes) to the Sec-
7 retary.

8 “(3) GENERAL REQUIREMENTS.—

9 “(A) In the case of a waiver request sub-
10 mitted by a State educational agency acting in
11 its own behalf, the State educational agency
12 shall—

13 “(i) provide all interested local edu-
14 cational agencies in the State with notice
15 and a reasonable opportunity to comment
16 on the request;

17 “(ii) submit the comments to the Sec-
18 retary; and

19 “(iii) provide notice and information
20 to the public regarding the waiver request
21 in the manner that the applying agency
22 customarily provides similar notices and
23 information to the public.

1 “(B) In the case of a waiver request sub-
2 mitted by a local educational agency that re-
3 ceives funds under this Act—

4 “(i) such request shall be reviewed by
5 the State educational agency and be ac-
6 companied by the comments, if any, of
7 such State educational agency; and

8 “(ii) notice and information regarding
9 the waiver request shall be provided to the
10 public by the agency requesting the waiver
11 in the manner that such agency custom-
12 arily provides similar notices and informa-
13 tion to the public.

14 “(c) RESTRICTIONS.—The Secretary shall not waive
15 under this section any statutory or regulatory require-
16 ments relating to—

17 “(1) the allocation or distribution of funds to
18 States, local educational agencies, or other recipients
19 of funds under this Act;

20 “(2) maintenance of effort;

21 “(3) comparability of services;

22 “(4) use of Federal funds to supplement, not
23 supplant, non-Federal funds;

24 “(5) equitable participation of private school
25 students and teachers;

1 “(6) parental participation and involvement;

2 “(7) applicable civil rights requirements;

3 “(8) the requirement for a charter school under
4 part C of title X; or

5 “(9) the prohibitions regarding—

6 “(A) State aid in section 14502;

7 “(B) use of funds for religious worship or
8 instruction in section 14507; and

9 “(C) activities in section 14513.

10 “(d) DURATION AND EXTENSION OF WAIVER.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), the duration of a waiver approved by the
13 Secretary under this section may be for a period not
14 to exceed 5 years.

15 “(2) EXTENSION.—The Secretary may extend
16 the period described in paragraph (1) if the Sec-
17 retary determines that—

18 “(A) the waiver has been effective in ena-
19 bling the State or affected recipients to carry
20 out the activities for which the waiver was re-
21 quested and the waiver has contributed to im-
22 proved student performance; and

23 “(B) such extension is in the public inter-
24 est.

25 “(e) REPORTS.—

1 “(1) LOCAL WAIVER.—A local educational agen-
2 cy that receives a waiver under this section shall at
3 the end of the second year for which a waiver is re-
4 ceived under this section, and each subsequent year,
5 submit a report to the State educational agency
6 that—

7 “(A) describes the uses of such waiver by
8 such agency or by schools;

9 “(B) describes how schools continued to
10 provide assistance to the same populations
11 served by the programs for which waivers are
12 requested; and

13 “(A) evaluates the progress of such agency
14 and of schools in improving the quality of in-
15 struction or the academic performance of stu-
16 dents.

17 “(2) STATE WAIVER.—A State educational
18 agency that receives reports required under para-
19 graph (1) shall annually submit a report to the Sec-
20 retary that is based on such reports and contains
21 such information as the Secretary may require.

22 “(3) INDIAN TRIBE WAIVER.—An Indian tribe
23 that receives a waiver under this section shall annu-
24 ally submit a report to the Secretary that—

1 “(A) describes the uses of such waiver by
2 schools operated by such tribe; and

3 “(B) evaluates the progress of such schools
4 in improving the quality of instruction or the
5 academic performance of students.

6 “(4) REPORT TO CONGRESS.—Beginning in fis-
7 cal year 2001 and each subsequent year, the Sec-
8 retary shall submit to the Committee on Education
9 and the Workforce of the House of Representatives
10 and the Committee on Health, Education, Labor
11 and Pensions of the Senate a report—

12 “(A) summarizing the uses of waivers by
13 State educational agencies, local educational
14 agencies, Indian tribes, and schools; and

15 “(B) describing whether such waivers—

16 “(i) increased the quality of instruc-
17 tion to students; or

18 “(ii) improved the academic perform-
19 ance of students.

20 “(f) TERMINATION OF WAIVERS.—The Secretary
21 shall terminate a waiver under this section if the Secretary
22 determines, after notice and an opportunity for a hearing,
23 that the performance of the State or other recipient af-
24 fected by the waiver has been inadequate to justify a con-

1 continuation of the waiver or if the waiver is no longer nec-
2 essary to achieve its original purposes.

3 “(g) PUBLICATION.—A notice of the Secretary’s deci-
4 sion to grant each waiver under subsection (a) shall be
5 published in the Federal Register and the Secretary shall
6 provide for the dissemination of such notice to State edu-
7 cational agencies, interested parties, including educators,
8 parents, students, advocacy and civil rights organizations,
9 and the public.

10 **“PART E—UNIFORM PROVISIONS**

11 **“SEC. 14501. MAINTENANCE OF EFFORT.**

12 “(a) IN GENERAL.—A local educational agency may
13 receive funds under a covered program for any fiscal year
14 only if the State educational agency finds that either the
15 combined fiscal effort per student or the aggregate ex-
16 penditures of such agency and the State with respect to
17 the provision of free public education by such agency for
18 the preceding fiscal year was not less than 90 percent of
19 such combined fiscal effort or aggregate expenditures for
20 the second preceding fiscal year.

21 “(b) REDUCTION IN CASE OF FAILURE TO MEET.—

22 “(1) IN GENERAL.—The State educational
23 agency shall reduce the amount of the allocation of
24 funds under a covered program in any fiscal year in
25 the exact proportion to which a local educational

1 agency fails to meet the requirement of subsection
2 (a) of this section by falling below 90 percent of
3 both the combined fiscal effort per student and ag-
4 gregate expenditures (using the measure most favor-
5 able to such local agency).

6 “(2) SPECIAL RULE.—No such lesser amount
7 shall be used for computing the effort required
8 under subsection (a) of this section for subsequent
9 years.

10 “(c) WAIVER.—The Secretary may waive the require-
11 ments of this section if the Secretary determines that such
12 a waiver would be equitable due to—

13 “(1) exceptional or uncontrollable circumstances
14 such as a natural disaster; or

15 “(2) a precipitous decline in the financial re-
16 sources of the local educational agency.

17 **“SEC. 14502. PROHIBITION REGARDING STATE AID.**

18 “A State shall not take into consideration payments
19 under this Act (other than under title VIII) in determining
20 the eligibility of any local educational agency in such State
21 for State aid, or the amount of State aid, with respect
22 to free public education of children.

23 **“SEC. 14503. PARTICIPATION BY PRIVATE SCHOOL CHIL-**
24 **DREN AND TEACHERS.**

25 “(a) PRIVATE SCHOOL PARTICIPATION.—

1 “(1) IN GENERAL.—Except as otherwise pro-
2 vided in this Act, to the extent consistent with the
3 number of eligible children in areas served by a
4 State educational agency, local educational agency,
5 educational service agency, consortium of such agen-
6 cies, or another entity receiving financial assistance
7 under a program specified in subsection (b), who are
8 enrolled in private elementary and secondary schools
9 in areas served by such agency, consortium or entity,
10 such agency, consortium or entity shall, after timely
11 and meaningful consultation with appropriate pri-
12 vate school officials, provide such children and their
13 teachers or other educational personnel, on an equi-
14 table basis, special educational services or other ben-
15 efits that address their needs under such program.

16 “(2) SECULAR, NEUTRAL, AND NONIDEOLOG-
17 ICAL SERVICES OR BENEFITS.—Educational services
18 or other benefits, including materials and equipment,
19 provided under this section, shall be secular, neutral,
20 and nonideological.

21 “(3) SPECIAL RULE.—Educational services and
22 other benefits provided under this section for such
23 private school children, teachers, and other edu-
24 cational personnel shall be equitable in comparison
25 to services and other benefits for public school chil-

1 dren, teachers, and other educational personnel par-
2 ticipating in such program and shall be provided in
3 a timely manner.

4 “(4) EXPENDITURES.—Expenditures for edu-
5 cational services and other benefits provided under
6 this section to eligible private school children, their
7 teachers, and other educational personnel serving
8 such children shall be equal, taking into account the
9 number and educational needs of the children to be
10 served, to the expenditures for participating public
11 school children.

12 “(5) PROVISION OF SERVICES.—Such agency,
13 consortium or entity described in subsection (a)(1)
14 of this section may provide such services directly or
15 through contracts with public and private agencies,
16 organizations, and institutions.

17 “(b) APPLICABILITY.—

18 “(1) IN GENERAL.—This section applies to pro-
19 grams under—

20 “(A) part C of title I;

21 “(B) title II;

22 “(C) title III;

23 “(D) title IV; and

24 “(E) title VII.

1 “(2) DEFINITION.—For the purposes of this
2 section, the term ‘eligible children’ means children
3 eligible for services under a program described in
4 paragraph (1).

5 “(c) CONSULTATION.—

6 “(1) IN GENERAL.—To ensure timely and
7 meaningful consultation, a State educational agency,
8 local educational agency, educational service agency,
9 consortium of such agencies or entity shall consult
10 with appropriate private school officials during the
11 design and development of the programs under this
12 Act, on issues such as—

13 “(A) how the children’s needs will be iden-
14 tified;

15 “(B) what services will be offered;

16 “(C) how, where, and by whom the services
17 will be provided;

18 “(D) how the services will be assessed and
19 how the results of the assessment will be used
20 to improve such services;

21 “(E) the size and scope of the equitable
22 services to be provided to the eligible private
23 school children, teachers, and other educational
24 personnel and the amount of funds available for
25 such services; and

1 “(F) how and when the agency, consor-
2 tium, or entity will make decisions about the
3 delivery of services, including a thorough con-
4 sideration and analysis of the views of the pri-
5 vate school officials on the provision of contract
6 services through potential third party providers.

7 “(2) DISAGREEMENT.—If the agency, consor-
8 tium or entity disagrees with the views of the private
9 school officials on the provision of services through
10 a contract, the agency, consortium, or entity shall
11 provide in writing to such private school officials an
12 analysis of the reasons why the local educational
13 agency has chosen not to use a contractor.

14 “(3) TIMING.—Such consultation shall occur
15 before the agency, consortium, or entity makes any
16 decision that affects the opportunities of eligible pri-
17 vate school children, teachers, and other educational
18 personnel to participate in programs under this Act,
19 and shall continue throughout the implementation
20 and assessment of activities under this section.

21 “(4) DISCUSSION REQUIRED.—Such consulta-
22 tion shall include a discussion of service delivery
23 mechanisms that the agency, consortium, or entity
24 could use to provide equitable services to eligible pri-

1 vate school children, teachers, administrators, and
2 other staff.

3 “(d) PUBLIC CONTROL OF FUNDS.—

4 “(1) IN GENERAL.—The control of funds used
5 to provide services under this section, and title to
6 materials, equipment, and property purchased with
7 such funds, shall be in a public agency for the uses
8 and purposes provided in this Act, and a public
9 agency shall administer such funds and property.

10 “(2) PROVISION OF SERVICES.—

11 “(A) The provision of services under this
12 section shall be provided—

13 “(i) by employees of a public agency;

14 or

15 “(ii) through contract by such public
16 agency with an individual, association,
17 agency, organization, or other entity.

18 “(B) In the provision of such services, such
19 employee, person, association, agency, organiza-
20 tion or other entity shall be independent of such
21 private school and of any religious organization,
22 and such employment or contract shall be under
23 the control and supervision of such public agen-
24 cy.

1 “(C) Funds used to provide services under
2 this section shall not be commingled with non-
3 Federal funds.

4 **“SEC. 14504. STANDARDS FOR BY-PASS.**

5 “If, by reason of any provision of law, a State edu-
6 cational agency, local educational agency, educational
7 service agency, consortium, or other entity of such agen-
8 cies, is prohibited from providing for the participation in
9 programs of children enrolled in, or teachers or other edu-
10 cational personnel from, private elementary and secondary
11 schools, on an equitable basis, or if the Secretary deter-
12 mines that such agency consortium or entity has substan-
13 tially failed or is unwilling to provide for such participa-
14 tion, as required by section 14503, the Secretary shall—

15 “(1) waive the requirements of that section for
16 such agency, consortium, or entity;

17 “(2) arrange for the provision of equitable serv-
18 ices to such children, teachers, or other educational
19 personnel through arrangements that shall be sub-
20 ject to the requirements of this section and of sec-
21 tions 14503, 14505, and 14506; and

22 “(3) in making the determination, consider one
23 or more factors, including the quality, size, scope, lo-
24 cation of the program and the opportunity of private

1 school children, teachers, and other educational per-
2 sonnel to participate.

3 **“SEC. 14505. COMPLAINT PROCESS FOR PARTICIPATION OF**
4 **PRIVATE SCHOOL CHILDREN.**

5 “(a) PROCEDURES FOR COMPLAINTS.—The Sec-
6 retary shall develop and implement written procedures for
7 receiving, investigating, and resolving complaints from
8 parents, teachers, or other individuals and organizations
9 concerning violations of section 14503 by a State edu-
10 cational agency, local educational agency, educational
11 service agency, consortium of such agencies or entity.
12 Such individual or organization shall submit such com-
13 plaint to the State educational agency for a written resolu-
14 tion by the State educational agency within a reasonable
15 period of time.

16 “(b) APPEALS TO SECRETARY.—Such resolution may
17 be appealed by an interested party to the Secretary not
18 later than 30 days after the State educational agency re-
19 solves the complaint or fails to resolve the complaint with-
20 in a reasonable period of time. Such appeal shall be ac-
21 companied by a copy of the State educational agency’s res-
22 olution, and a complete statement of the reasons sup-
23 porting the appeal. The Secretary shall investigate and re-
24 solve each such appeal not later than 120 days after re-
25 ceipt of the appeal.

1 **“SEC. 14506. BY-PASS DETERMINATION PROCESS.**

2 “(a) REVIEW.—

3 “(1) IN GENERAL.—

4 “(A) The Secretary shall not take any final
5 action under section 14504 until the State edu-
6 cational agency, local educational agency, edu-
7 cational service agency, consortium of such
8 agencies or entity affected by such action has
9 had an opportunity, for not less than 45 days
10 after receiving written notice thereof, to submit
11 written objections and to appear before the Sec-
12 retary to show cause why that action should not
13 be taken.

14 “(B) Pending final resolution of any inves-
15 tigation or complaint that could result in a de-
16 termination under this section, the Secretary
17 may withhold from the allocation of the affected
18 State or local educational agency the amount
19 estimated by the Secretary to be necessary to
20 pay the cost of those services.

21 “(2) PETITION FOR REVIEW.—

22 “(A) If such affected agency consortium or
23 entity is dissatisfied with the Secretary’s final
24 action after a proceeding under paragraph (1),
25 such agency consortium or entity may, within
26 60 days after notice of such action, file with the

1 United States court of appeals for the circuit in
2 which such State is located a petition for review
3 of that action.

4 “(B) A copy of the petition shall be forth-
5 with transmitted by the clerk of the court to the
6 Secretary.

7 “(C) The Secretary upon receipt of the
8 copy of the petition shall file in the court the
9 record of the proceedings on which the Sec-
10 retary based this action, as provided in section
11 2112 of title 28, United States Code.

12 “(3) FINDINGS OF FACT.—

13 “(A) The findings of fact by the Secretary,
14 if supported by substantial evidence, shall be
15 conclusive, but the court, for good cause shown,
16 may remand the case to the Secretary to take
17 further evidence and the Secretary may then
18 make new or modified findings of fact and may
19 modify the Secretary’s previous action, and
20 shall file in the court the record of the further
21 proceedings.

22 “(B) Such new or modified findings of fact
23 shall likewise be conclusive if supported by sub-
24 stantial evidence.

25 “(4) JURISDICTION.—

1 “(A) Upon the filing of such petition, the
2 court shall have jurisdiction to affirm the action
3 of the Secretary or to set such action aside, in
4 whole or in part.

5 “(B) The judgment of the court shall be
6 subject to review by the Supreme Court of the
7 United States upon certiorari or certification as
8 provided in section 1254 of title 28, United
9 States Code.

10 “(b) DETERMINATION.—Any determination by the
11 Secretary under this section shall continue in effect until
12 the Secretary determines, in consultation with such agen-
13 cy, consortium or entity and representatives of the af-
14 fected private school children, teachers, or other edu-
15 cational personnel that there will no longer be any failure
16 or inability on the part of such agency or consortium to
17 meet the applicable requirements of section 14503 or any
18 other provision of this Act.

19 “(c) PAYMENT FROM STATE ALLOTMENT.—When
20 the Secretary arranges for services pursuant to this sec-
21 tion, the Secretary shall, after consultation with the ap-
22 propriate public and private school officials, pay the cost
23 of such services, including the administrative costs of ar-
24 ranging for those services, from the appropriate allocation
25 or allocations under this Act.

1 “(d) PRIOR DETERMINATION.—Any by-pass deter-
2 mination by the Secretary under this Act as in effect on
3 the day preceding the date of enactment of the Education
4 OPTIONS Act shall remain in effect to the extent the Sec-
5 retary determines that such determination is consistent
6 with the purpose of this section.

7 **“SEC. 14507. PROHIBITION AGAINST FUNDS FOR RELIGIOUS**
8 **WORSHIP OR INSTRUCTION.**

9 “Nothing contained in this Act shall be construed to
10 authorize the making of any payment under this Act for
11 religious worship or instruction.

12 **“SEC. 14508. APPLICABILITY TO HOME SCHOOLS.**

13 “Nothing in this Act shall be construed to affect
14 home schools.

15 **“SEC. 14509. GENERAL PROVISION REGARDING NON-**
16 **RECIPIENT NONPUBLIC SCHOOLS.**

17 “Nothing in this Act or any other Act administered
18 by the Department shall be construed to permit, allow,
19 encourage, or authorize any Federal control over any as-
20 pect of any private, religious, or home school, whether or
21 not a home school is treated as a private school or home
22 school under State law. This section shall not be construed
23 to bar private, religious, or home schools from participa-
24 tion in programs or services under this Act or any other
25 Act administered by the Department.

1 **“SEC. 14510. SCHOOL PRAYER.**

2 “Notwithstanding any provision of law, no funds
3 made available through the Department of Education
4 under this Act, or any other Act, shall be available to any
5 State or local educational agency which has a policy of
6 denying or which effectively prevents participation in, con-
7 stitutionally protected prayer in public schools by individ-
8 uals on a voluntary basis. Neither the United States nor
9 any State nor any local educational agency shall require
10 any person to participate in prayer or influence the form
11 or content of any constitutionally protected prayer in such
12 public schools.

13 **“SEC. 14511. MEMORIALS AND MEMORIAL SERVICES; RULE**
14 **OF CONSTRUCTION; AND ATTORNEY FEES.**

15 “(a) FINDINGS.—Congress finds the following:

16 “(1) The saying of a prayer, the reading of a
17 scripture, or the performance of religious music, as
18 part of a memorial service that is held on the cam-
19 pus of a public elementary or secondary school in
20 order to honor the memory of any person slain on
21 that campus is not objectionable under this Act.

22 “(2) The design and construction of any memo-
23 rial which includes religious symbols, motifs, or
24 sayings that is placed on the campus of a public ele-
25 mentary or secondary school in order to honor the

1 memory of any person slain on that campus is not
2 objectionable under this Act.

3 “(b) RULE OF CONSTRUCTION.—

4 “(1) PAYMENT.—Nothing contained in this Act
5 shall be construed to authorize the making of any
6 payment under this Act for religious worship, in-
7 struction, or the construction of any religious memo-
8 rial.

9 “(2) MEMORIAL SERVICE.—This Act shall not
10 be construed to bar—

11 “(A) the saying of a prayer;

12 “(B) the reading of a scripture;

13 “(C) the performance of religious music; or

14 “(D) the design or construction of any me-
15 morial which includes religious symbols, motifs,
16 or sayings;

17 as part of a memorial service held or a memorial
18 placed, as the case may be, on the campus of a pub-
19 lic elementary or secondary school in order to honor
20 the memory of any person slain on that campus.

21 **“SEC. 14512. ATTORNEYS FEES.**

22 “Notwithstanding any other provision of Federal law,
23 a local educational agency or public elementary or sec-
24 ondary school may use not more than 20 percent of its
25 administrative funds from any program under this Act for

1 payment of attorneys fees and related legal services in the
2 defense of any legal action, brought against a local edu-
3 cational agency, public elementary or secondary school, or
4 agent of any of such entities, claiming such agency, school,
5 or agent violated the constitutional prohibition against the
6 establishment of religion by permitting, facilitating, or
7 accommodating—

8 “(1) a student’s religious expression; or

9 “(2) the design or construction of any memorial
10 which includes religious symbols, motifs, or saying
11 as part of a memorial placed on the campus of a
12 public elementary or secondary school in order to
13 honor the memory of a person slain on that campus.

14 **“SEC. 14513. GENERAL PROHIBITIONS.**

15 “(a) PROHIBITION.—None of the funds authorized
16 under this Act shall be used—

17 “(1) to develop or distribute materials, or oper-
18 ate programs or courses of instruction directed at
19 youth that are designed to promote or encourage,
20 sexual activity, whether homosexual or heterosexual;

21 “(2) to distribute or to aid in the distribution
22 by any organization of legally obscene materials to
23 minors on school grounds;

24 “(3) to provide sex education or HIV preven-
25 tion education in schools unless such instruction is

1 age appropriate and emphasizes the health benefits
2 of abstinence; or

3 “(4) to operate a program of contraceptive dis-
4 tribution in schools.

5 “(b) LOCAL CONTROL.—Nothing in this section shall
6 be construed to—

7 “(1) authorize an officer or employee of the
8 Federal Government to mandate, direct, review, or
9 control a State, local educational agency, or schools’
10 instructional content, curriculum, and related activi-
11 ties;

12 “(2) limit the application of the General Edu-
13 cation Provisions Act (20 U.S.C.A. 1221 et seq.);

14 “(3) require the distribution of scientifically or
15 medically false or inaccurate materials or to prohibit
16 the distribution of scientifically or medically true or
17 accurate materials; or

18 “(4) create any legally enforceable right.

19 **“SEC. 14514. PROHIBITION ON FEDERAL MANDATES, DIREC-**
20 **TION, AND CONTROL.**

21 “Nothing in this Act shall be construed to authorize
22 an officer or employee of the Federal Government to man-
23 date, direct, or control a State, local educational agency,
24 or school’s curriculum, program of instruction, or alloca-
25 tion of State or local resources, or mandate a State or

1 any subdivision thereof to spend any funds or incur any
2 costs not paid for under this Act.

3 **“SEC. 14515. RULEMAKING.**

4 “The Secretary shall issue regulations under this Act
5 only to the extent that such regulations are necessary to
6 ensure that there is compliance with the specific require-
7 ments and assurances required by this Act.

8 **“SEC. 14516. REPORT.**

9 “The Secretary shall report to the Congress not later
10 than 180 days after the date of enactment of the Edu-
11 cation OPTIONS Act regarding how the Secretary shall
12 ensure that audits conducted by Department employees of
13 activities assisted under this Act comply with changes to
14 this Act made by the Education OPTIONS Act, particu-
15 larly with respect to permitting children with similar edu-
16 cational needs to be served in the same educational set-
17 tings, where appropriate.

18 **“SEC. 14517. REQUIRED APPROVAL OR CERTIFICATION**
19 **PROHIBITED.**

20 “(a) IN GENERAL.—Notwithstanding any other pro-
21 vision of Federal law, no State shall be required to have
22 content standards or student performance standards ap-
23 proved or certified by the Federal Government, in order
24 to receive assistance under this Act.

1 regular exposure to interesting books are essential compo-
2 nents of any balanced reading program.

3 “(b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 “(1) federally funded education programs which
6 are designed to improve reading skills, should use in-
7 structional practices that are grounded in scientif-
8 ically based research as defined in section 14101(26)
9 of this Act;

10 “(2) reducing the reading deficit is one of the
11 most critical tasks before the nation; and

12 “(3) successful learning in all other areas such
13 as science, history, literature, business and voca-
14 tional training or computer science requires the abil-
15 ity to read fluently and with comprehension.

16 **“SEC. 14615. SCIENCE ASSESSMENT.**

17 It is the sense of Congress that State and local as-
18 sessments in science should measure a student’s ability
19 to—

20 (1) understand scientific facts, results, and con-
21 cepts;

22 (2) design and conduct experiments;

23 (3) make arguments based on evidence and
24 data; and

25 (4) communicate scientific information.”.

1 **SEC. 602. REPEALS.**

2 The following provisions are repealed:

3 (1) GOALS.—Parts A and C of title II and title
4 VI of Goals 2000: Educate America Act.

5 (2) ESEA.—Part G of title X and title XI of
6 the Elementary and Secondary Education Act of
7 1965.

8 **SEC. 603. EFFECTIVE DATE.**

9 This Act and the amendments made by this Act shall
10 take effect on October 1, 2000, or the date of enactment
11 of Education OPTIONS Act, whichever occurs later.

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