

Union Calendar No. 331

106TH CONGRESS
2^D SESSION

H. R. 4141

[Report No. 106-608]

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

MAY 4, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 30, 2000]

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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Education Opportuni-*
 3 *ties To Protect and Invest In Our Nation’s Students (Edu-*
 4 *cation OPTIONS) Act”.*

5 **SEC. 2. TABLE OF CONTENTS.**

6 *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

Sec. 202. Use of certain funds.

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.

PART E—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

Sec. 541. Allen J. Ellender Fellowship Program.

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*
8 *transfer certain education funds between formula pro-*
9 *grams to more effectively serve their students;*

10 *(3) technologies to enhance academic coursework*
11 *and prepare for the challenges of the 21st century;*
12 *and*

13 *(4) less bureaucracy and paperwork and more*
14 *dollars to the classroom for principals, teachers, and*
15 *students.*

16 **TITLE I—TRANSFERABILITY**

17 **SEC. 101. SHORT TITLE.**

18 *This title may be cited as the “State and Local Trans-*
19 *ferability Act”.*

20 **SEC. 102. PURPOSE.**

21 *The purpose of this title is to grant flexibility to States*
22 *and school districts to target—*

23 *(1) Federal funds to Federal programs that most*
24 *effectively address the unique needs of States and lo-*
25 *calities; and*

26 *(2) additional Federal funds to title I programs.*

1 **SEC. 103. TRANSFERABILITY.**

2 *Part B of title XIV of the Elementary and Secondary*
3 *Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended*
4 *by adding at the end the following:*

5 **“SEC. 14206. TRANSFERABILITY.**

6 *“(a) STATE TRANSFER AUTHORITY.—*

7 *“(1) IN GENERAL.—A State may transfer up to*
8 *100 percent of nonadministrative State funds allo-*
9 *cated to such State which are authorized to be used*
10 *for State-level activities under any of the following*
11 *provisions to the allocation of the State under any*
12 *other of such provisions:*

13 *“(A) Title II (excluding national activities).*

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

15 *“(C) Part A of title IV.*

16 *“(D) Title VI.*

17 *“(E) Part C of title VII.*

18 *“(F) Comprehensive school reform programs*
19 *as authorized under section 1502 as described on*
20 *pages 96–99 of the Joint Statement of the Com-*
21 *mittee of Conference included in House Report*
22 *105–390 (Conference Report on the Departments*
23 *of Labor, Health and Human Services, and*
24 *Education, and Related Agencies Appropriations*
25 *Act, 1998).*

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

5 “(b) *LOCAL EDUCATIONAL AGENCY TRANSFER AU-*
6 *THORITY.—*

7 “(1) *TRANSFER OF FUNDS.—*

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

13 “(B) *SUPPLEMENTAL FUNDS FOR TITLE*
14 *I.—Subject to subparagraphs (C), (D), and (E),*
15 *a local educational agency may transfer funds*
16 *allocated to such agency under a provision listed*
17 *in paragraph (2) to its allocation under title I.*

18 “(C) *UNDER 35 PERCENT.—A transfer*
19 *under subparagraph (A) or (B) of up to 35 per-*
20 *cent of the funds allocated to a local educational*
21 *agency under a provision listed in paragraph*
22 *(2) in a fiscal year may be made without State*
23 *approval.*

24 “(D) *OVER 35 PERCENT.—Subject to para-*
25 *graph (3), a transfer under subparagraph (A) or*

1 *(B) in a fiscal year of funds allocated to a local*
2 *educational agency under a provision listed in*
3 *paragraph (2) in a fiscal year the amount of*
4 *which, when added to the amount of other trans-*
5 *fers by the agency of such funds in such fiscal*
6 *year, is more than 35 percent of such funds may*
7 *be made only with the approval of the State.*

8 *“(E) TITLE II TRANSFERS.—If a local edu-*
9 *cational agency provides assurances that the*
10 *amount of funds expended for professional devel-*
11 *opment in mathematics and science under title*
12 *II in a fiscal year will equal or exceed the*
13 *amount of funds expended for the year preceding*
14 *the date of enactment of the Education OP-*
15 *TIONS Act such agency may transfer funds allo-*
16 *cated to it under title II.*

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

20 *“(A) Title II (excluding national activities).*

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

22 *“(C) Part A of title IV.*

23 *“(D) Title VI.*

24 *“(E) Part C of title VII.*

1 “(F) Section 310 of the Department of Edu-
2 cation Act, 2000, included in the Departments of
3 Labor, Health and Human Services, and Edu-
4 cation, and Related Agencies Appropriations
5 Act, 2000 (as enacted into law by section
6 1004(a)(4) of Public Law 106–113).

7 “(3) SPECIAL APPROVAL.—If a local educational
8 agency submits to its State a written request to make
9 a transfer under this subsection that requires State
10 approval, the following applies:

11 “(A) 60 DAYS FOR APPROVAL.—Such trans-
12 fer shall be deemed approved by the State unless
13 the State, within 60 days after receipt of such
14 transfer request, disapproves such request or
15 promptly notifies the agency in writing of such
16 revisions as may be necessary before the State
17 will approve the transfer.

18 “(B) CONSIDERATION FOR APPROVAL.—
19 When approving a local education agency re-
20 quest to transfer an amount greater than 35 per-
21 cent, the State shall consider the degree to which
22 the transfer accomplishes the following:

23 “(i) Enables the local educational
24 agency to direct resources to a Federal pro-
25 gram that more effectively addresses the

1 *needs of their students, particularly the*
2 *most disadvantaged students.*

3 “(ii) *Allows the local educational agen-*
4 *cy to target or focus resources to address*
5 *specific areas of need or priority when Fed-*
6 *eral requirements would otherwise prevent,*
7 *or significantly impede, such an effort.*

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

11 “(d) *STATE PLAN AND APPLICATION MODIFICATION;*
12 *PRENOTIFICATION.—Each State transferring funds under*
13 *this section shall—*

14 “(1) *modify any plan or application of the State*
15 *that is applicable to such funds to account for such*
16 *transfer and submit, within 30 days after the date of*
17 *such transfer, a copy of such modified plan or appli-*
18 *cation to the Department of Education; and*

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

21 “(e) *LOCAL PLAN AND APPLICATION MODIFICATION;*
22 *PRENOTIFICATION.—Each local educational agency trans-*
23 *ferring funds under this section shall—*

24 “(1) *modify any plan or application of the agen-*
25 *cy that is applicable to such funds to account for such*

1 *transfer and submit, within 30 days after the date of*
2 *such transfer, a copy of such modified plan or appli-*
3 *cation to the State; and*

4 *“(2) notify the State no less than 30 days before*
5 *the effective date of such transfer.*

6 *“(f) APPLICABLE RULES.—Except as otherwise pro-*
7 *vided in this subsection, when funds are transferred to an*
8 *allocation under this section, they become funds of the allo-*
9 *cation to which they are transferred and subject to all the*
10 *requirements that are applicable to that allocation.”.*

11 ***TITLE II—DRUG AND VIOLENCE***
12 ***PREVENTION AND EDUCATION***

13 ***SEC. 201. DRUG AND VIOLENCE PREVENTION AND EDU-***
14 ***CATION.***

15 *Title IV of the Elementary and Secondary Education*
16 *Act of 1965 (20 U.S.C. 7101 et seq.) is amended to read*
17 *as follows:*

18 ***“TITLE IV—SUPPORTING DRUG***
19 ***AND VIOLENCE PREVENTION***
20 ***AND EDUCATION FOR STU-***
21 ***DENTS AND COMMUNITIES***

22 ***“SEC. 4001. SHORT TITLE.***

23 *“This title may be cited as the ‘Supporting Drug and*
24 *Violence Prevention and Education for Students and Com-*
25 *munities Act of 2000’.*

1 **“SEC. 4002. FINDINGS.**

2 *“Congress finds as follows:*

3 *“(1) Students need drug-free and safe schools*
4 *and communities in order to maximize their aca-*
5 *demical performance and their future opportunities.*

6 *“(2) Drug use among children ages 12 through*
7 *17 doubled from the historic low year of 1992, when*
8 *5.3 percent of youth in that age group were current*
9 *users, as compared to 11.4 percent in 1997. While*
10 *youth use of some drugs, including hallucinogens, has*
11 *slightly dropped since 1997, use of other drugs, such*
12 *as ecstasy, has increased in 1999 (up 1.1 percent in*
13 *use among 10th graders).*

14 *“(3) Drug use by youth increases the likelihood*
15 *that a child will be delinquent, engage in high-risk*
16 *sexual activity, not finish high school, and commit*
17 *theft, violence, and vandalism.*

18 *“(4) Drug use among rural youth is higher than*
19 *that of youth in large urban centers, and these rural*
20 *youth abuse quite serious drugs, including meth-*
21 *amphetamine and cocaine. Many rural communities*
22 *have few resources for helping youth avoid drug use.*

23 *“(5) Drug and violence prevention programs and*
24 *activities need to include efforts to prevent underage*
25 *use of tobacco and alcohol, and are more likely to suc-*
26 *ceed when such efforts are included. Drug and vio-*

1 *lence prevention research calls for aggressive activities*
2 *to prevent the use of these gateway drugs.*

3 *“(6) Students continue to face physical harm*
4 *while at school. From 1993 to 1997, between 7 to 8*
5 *percent of students in grades 9 through 12 were*
6 *threatened or injured with a weapon on school prop-*
7 *erty over a 12-month period. Roughly 12 percent of*
8 *students in grades 9 through 12 reported being in a*
9 *physical fight on school property during a 12-month*
10 *period between 1993 and 1997.*

11 *“(7) While schools statistically are one of the*
12 *safest places for youth, students report an increase in*
13 *their perception that they risk harm while at school,*
14 *perhaps partly due to the recent instances of extreme*
15 *violence in schools.*

16 *“(8) Drug and violence prevention programs*
17 *that incorporate ‘protective factors’ tend to reduce*
18 *drug use and violence. Protective factors include a*
19 *student feeling connected to parents and family, prac-*
20 *ticing religion and prayer, having parents present at*
21 *key times of the day, having high educational expecta-*
22 *tions, feeling part of the school, and having high self-*
23 *esteem.*

24 *“(9) After school programs, because they keep*
25 *youth in supervised settings, prevent drug use and vi-*

1 *olence at least during the time of those programs. Re-*
2 *search indicates that the juvenile crime rate triples*
3 *between the hours of 3 p.m. and 6 p.m., and children*
4 *in particular are most likely to be victims of a violent*
5 *crime committed by a non-family member between 2*
6 *p.m. and 6 p.m.*

7 **“SEC. 4003. PURPOSE.**

8 *“The purpose of this title is to support programs that*
9 *prevent the use of drugs, that prevent violence, that involve*
10 *parents and communities, and that are coordinated with*
11 *related Federal, State, and community efforts and resources*
12 *to foster a learning environment in which students increase*
13 *their academic achievement, through the provision of Fed-*
14 *eral assistance to—*

15 *“(1) States for grants to local educational agen-*
16 *cies and consortia of such agencies to establish, oper-*
17 *ate, and improve local programs of drug and violence*
18 *prevention in elementary and secondary schools;*

19 *“(2) States for grants to, and contracts with,*
20 *community-based organizations and other public and*
21 *private nonprofit and for-profit agencies and organi-*
22 *zations for programs of drug and violence prevention*
23 *and education;*

24 *“(3) States for grants to local educational agen-*
25 *cies, community-based organizations, and private*

1 *nonprofit and for-profit organizations for before and*
2 *after school programs for youth and continuing edu-*
3 *cational opportunities for individuals of all ages; and*
4 *“(4) public and private nonprofit and for-profit*
5 *organizations to conduct training, demonstrations,*
6 *and evaluations, and to provide supplementary serv-*
7 *ices for drug and violence prevention.*

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

9 *“There are authorized to be appropriated—*

10 *“(1) \$1,033,377,000 for fiscal year 2000, and*
11 *such sums as may be necessary for each of the five*
12 *succeeding fiscal years, for State grants under part A;*
13 *and*

14 *“(2) \$20,000,000 for fiscal year 2000, and for*
15 *each of the five succeeding fiscal years, for national*
16 *programs under part B.—*

17 **“PART A—STATE GRANTS FOR DRUG AND**
18 **VIOLENCE PREVENTION PROGRAMS**

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

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

23 *“(1) shall reserve 0.5 percent (or \$5,166,885,*
24 *whichever is greater) of such amount for grants under*
25 *this subpart to Guam, American Samoa, the United*

1 *States Virgin Islands, and the Commonwealth of the*
2 *Northern Mariana Islands, to be allotted in accord-*
3 *ance with the Secretary's determination of their re-*
4 *spective needs; and*

5 *“(2) shall reserve 0.5 (or \$5,166,885, whichever*
6 *is greater) of such amount for the Secretary of the In-*
7 *terior to carry out programs under this part for In-*
8 *dian youth.*

9 *“(b) STATE ALLOTMENTS.—*

10 *“(1) IN GENERAL.—Except as provided in para-*
11 *graph (2), the Secretary shall, for each fiscal year, al-*
12 *locate among the States—*

13 *“(A) one-half of the remainder not reserved*
14 *under subsection (a) according to the ratio be-*
15 *tween the school-aged population of each State*
16 *and the school-aged population of all the States;*
17 *and*

18 *“(B) one-half of such remainder according*
19 *to the ratio between the amount each State re-*
20 *ceived under part A of title I for the preceding*
21 *year and the sum of such amounts received by*
22 *all the States.*

23 *“(2) MINIMUM.—For any fiscal year, no State*
24 *shall be allotted under this subsection an amount that*

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

3 *“(c) REALLOTMENT OF UNUSED FUNDS.—If any State*
4 *does not apply for an allotment under this subpart for a*
5 *fiscal year, the Secretary shall reallocate the amount of the*
6 *State’s allotment to the remaining States in accordance*
7 *with this section.*

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

9 *“(a) GOVERNOR’S ALLOCATION.—*

10 *“(1) IN GENERAL.—The chief executive officer of*
11 *a State may reserve not more than 10 percent of the*
12 *total amount allocated to a State under section 4111*
13 *for each fiscal year for drug and violence prevention*
14 *programs and activities in accordance with section*
15 *4115.*

16 *“(2) LAW ENFORCEMENT EDUCATION PARTNER-*
17 *SHIPS.—The chief executive officer of a State shall use*
18 *not less than 10 percent and not more than 20 per-*
19 *cent of the amount described in paragraph (1) for*
20 *each fiscal year for law enforcement education part-*
21 *nerships in accordance with section 4115(b)(3).*

22 *“(3) ADMINISTRATIVE COSTS.—The chief execu-*
23 *tive officer of a State may use not more than 3 per-*
24 *cent of the amount described in paragraph (1) for the*

1 *administrative costs incurred in carrying out the du-*
2 *ties of such officer under this section.*

3 “(4) *GRANT AWARDS.*—*The chief executive officer*
4 *of a State shall use the remainder of funds not re-*
5 *served under paragraphs (2) and (3) to award com-*
6 *petitive grants and contracts for programs or activi-*
7 *ties that improve comprehensive community-wide pre-*
8 *vention efforts or provide direct services to youth at*
9 *the local level. Such officer shall award grants based*
10 *on—*

11 “(A) *the quality of the activity or program*
12 *proposed; and*

13 “(B) *how closely the program or activity is*
14 *aligned with the appropriate principles of effec-*
15 *tiveness described in section 4115(a).*

16 “(b) *STATE FUNDS.*—

17 “(1) *IN GENERAL.*—*An amount equal to the total*
18 *amount allotted to a State under section 4111, less*
19 *the amount reserved under subsection (a) and para-*
20 *graphs (2) and (3) of this subsection, for each fiscal*
21 *year shall be made available to the State and its local*
22 *educational agencies for drug and violence prevention*
23 *activities in accordance with section 4115.*

24 “(2) *STATE ACTIVITIES.*—*A State shall use not*
25 *more than 2 percent of the amount available under*

1 *paragraph (1) for State activities described in section*
2 *4115(c).*

3 “(3) *STATE ADMINISTRATION.*—*A State may use*
4 *not more than 2 percent of the amount made avail-*
5 *able under paragraph (1) for the administrative costs*
6 *of carrying out its responsibilities under this part.*

7 “(c) *DISTRIBUTION TO LOCAL EDUCATIONAL AGEN-*
8 *CY.*—

9 “(1) *IN GENERAL.*—(A) *A State shall distribute*
10 *not less than 96 percent of the amount made available*
11 *under subsection (b) for each fiscal year as follows:*

12 “(i) *70 percent of such amount to local edu-*
13 *cational agencies, based on the relative enroll-*
14 *ments in public and private nonprofit elemen-*
15 *tary and secondary schools within the bound-*
16 *aries of such agencies.*

17 “(ii) *30 percent of such amount to local*
18 *educational agencies that the State determines*
19 *have the greatest need for additional funds to*
20 *carry out drug and violence prevention programs*
21 *in accordance with subparagraph (B), a portion*
22 *of which shall be distributed in accordance with*
23 *subparagraph (F).*

24 “(B) *In awarding funds under clause (ii) of sub-*
25 *paragraph (A), a State shall give special consider-*

1 *ation to agencies that pursue a comprehensive ap-*
2 *proach to drug and violence prevention by providing*
3 *or incorporating mental health services in their pro-*
4 *grams.*

5 *“(C) Of the amount received under paragraph*
6 *(1), a local educational agency may use not more*
7 *than 2 percent for the administrative costs of car-*
8 *rying out its responsibilities under this part.*

9 *“(D) In determining which local educational*
10 *agencies have the greatest need for additional funds,*
11 *a State shall consider objective data such as—*

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

13 *“(ii) high rates of victimization of youth by*
14 *violence and crime;*

15 *“(iii) high rates of arrests and convictions*
16 *of youth for violent or drug related crime;*

17 *“(iv) high incidence of illegal gang activity;*

18 *“(v) high rates of referrals of youths to drug*
19 *abuse treatment and rehabilitation programs;*

20 *“(vi) high rates of referrals of youths to ju-*
21 *venile court;*

22 *“(vii) high rates of expulsions and suspen-*
23 *sions of students from schools;*

24 *“(viii) high rates of reported cases of child*
25 *abuse and domestic violence;*

1 “(ix) local fiscal capacity to fund drug and
2 violence prevention activities and programs
3 without Federal assistance;

4 “(x) high rates of drug related emergencies
5 or deaths;

6 “(xi) high degree of geographically rural
7 isolation; and

8 “(xii) local fiscal capacity to fund before
9 and after school activities for youth without Fed-
10 eral assistance.

11 “(E) The distribution of funds shall reflect the
12 geographical diversity of local educational agencies in
13 the State.

14 “(F) Of the amount made available for distribu-
15 tion under paragraph (2)(A)(ii), a State shall dis-
16 tribute 30 percent of such amount for grants to local
17 educational agencies in need of assistance to plan,
18 implement, or expand alternative education programs
19 (which may include in-school suspensions, Saturday
20 school, alternative schools within schools, charter
21 schools with a focus on alternative programs and
22 services, and alternative schools) giving priority to
23 programs or activities that serve students who have
24 been suspended or expelled from school. Such pro-
25 grams and services may include—

1 “(i) programs and activities designed
2 to reduce the incidence of suspensions and
3 expulsions;

4 “(ii) mental health services;

5 “(iii) behavior management, social
6 skills instruction and other programs and
7 activities designed to increase a student’s
8 sense of community, such as service learn-
9 ing and character education;

10 “(iv) tutoring, mentoring, and other
11 activities to improve academic performance;

12 “(v) support services to help a student
13 transition back into regular school pro-
14 grams; and

15 “(vi) parental and family involvement
16 activities.

17 “(2) RETURN OF FUNDS TO STATE; REALLOCA-
18 TION.—

19 “(A) RETURN.—Except as provided in sub-
20 paragraph (B), upon the expiration of the 1-year
21 period beginning on the date that a local edu-
22 cational agency receives its allocation—

23 “(i) such agency shall return to the
24 State any funds from such allocation that
25 remain unobligated; and

1 “(ii) the State shall reallocate any such
2 amount to local educational agencies that
3 have plans for using such amount for pro-
4 grams or activities on a timely basis.

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

8 “(i) an amount equal to not more than
9 25 percent of the allocation it received
10 under this title for such fiscal year; or

11 “(ii) upon a demonstration of good
12 cause by such agency or consortium and ap-
13 proval by the State, an amount that exceeds
14 25 percent of such allocation.

15 **“SEC. 4113. STATE APPLICATION.**

16 “(a) IN GENERAL.—In order to receive an allotment
17 under section 4111 for any fiscal year, a State shall submit
18 to the Secretary, at such time as the Secretary may require,
19 an application that—

20 “(1) describes how funds under this subpart will
21 be coordinated with programs under this Act, and
22 other drug and violence prevention programs, as ap-
23 propriate, in accordance with the provisions of section
24 14306;

1 “(2) contains the results of the State’s needs as-
2 sessment for drug and violence prevention programs,
3 which shall be based on the results of on-going State
4 evaluation activities, including data on the incidence
5 and prevalence of drug use and violence by youth in
6 schools and communities;

7 “(3) contains assurances that the sections of the
8 application concerning the funds provided to the chief
9 executive officer and the State were developed in con-
10 sultation and coordination with appropriate State of-
11 ficials and others, including the chief executive officer,
12 the chief State school officer, the head of the State al-
13 cohol and drug abuse agency, the heads of the State
14 health and mental health agencies, the head of the
15 State criminal justice planning agency, the head of
16 the State child welfare agency, the head of the State
17 board of education, or their designees, and representa-
18 tives of parents, students, and community-based orga-
19 nizations, including religious organizations;

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

23 “(5) contains an assurance that the chief execu-
24 tive officer of the State and the chief State school offi-
25 cer will coordinate program administration and ac-

1 *tivities under this part and will coordinate with drug*
2 *and violence prevention efforts established by other*
3 *State agencies; and*

4 *“(6) contains an assurance that the local edu-*
5 *cational agencies in the State will comply with the*
6 *provisions of section 14503 pertaining to the partici-*
7 *pation of private school children and teachers in the*
8 *programs and activities under this part.*

9 *“(b) GOVERNOR’S APPLICATION.—An application sub-*
10 *mitted under this section shall also contain a comprehensive*
11 *plan for the use of funds under section 4115(b) by the chief*
12 *executive officer that includes—*

13 *“(1) a statement of the chief executive officer’s*
14 *performance measures for drug and violence preven-*
15 *tion. The chief executive officer’s performance meas-*
16 *ures shall consist of—*

17 *“(A) performance indicators for drug and*
18 *violence prevention, and;*

19 *“(B) levels of performance for each perform-*
20 *ance indicator;*

21 *“(2) a description of the procedures to be used*
22 *for assessing and publicly reporting progress toward*
23 *meeting such performance measures;*

24 *“(3) a description of how the chief executive offi-*
25 *cer will coordinate such officer’s activities under this*

1 *part with the chief State school officer and with State*
2 *agencies and organizations involved with drug and*
3 *violence prevention efforts;*

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

6 *“(A) to enhance the efforts of other State*
7 *agencies and local educational agencies with re-*
8 *gard to the provision of school-based drug and*
9 *violence prevention efforts and services; and*

10 *“(B) to serve populations not normally*
11 *served by the State educational agency, such as*
12 *school dropouts and youth in detention centers;*

13 *“(5) a description of how the chief executive offi-*
14 *cer will award funds under section 4115(b) in order*
15 *to support activities and programs that meet the*
16 *principles of effectiveness and a plan for monitoring*
17 *the performance of, and providing technical assistance*
18 *to, recipients of such funds;*

19 *“(6) a description of the special outreach activi-*
20 *ties that will be carried out to maximize the partici-*
21 *ipation of community-based organizations, including*
22 *religious organizations;*

23 *“(7) a description of how funds will be used to*
24 *support community-wide comprehensive drug and vi-*
25 *olence prevention planning, implementation strate-*

1 *gies, and programs, including before and after school*
2 *and continuing education programs; and*

3 *“(8) an assurance that drug prevention pro-*
4 *grams supported under this part convey a clear and*
5 *consistent message that the use of drugs is wrong and*
6 *harmful.*

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

10 *“(1) A statement of the State’s performance*
11 *measures for drug and violence prevention that shall*
12 *be developed in consultation between the State and*
13 *local officials and that consist of—*

14 *“(A) performance indicators for drug and*
15 *violence prevention; and*

16 *“(B) levels of performance for each perform-*
17 *ance indicator.*

18 *“(2) A description of the procedures the State*
19 *will use for assessing and publicly reporting progress*
20 *toward meeting those performance measures;*

21 *“(3) A plan for monitoring the implementation*
22 *of, and providing technical assistance regarding, the*
23 *drug and violence prevention programs conducted by*
24 *local educational agencies in accordance with section*
25 *4115(d); and*

1 “(4) *A description of how the State educational*
2 *agency will coordinate such agency’s activities under*
3 *this part with the chief executive officer’s drug and*
4 *violence prevention programs and with the drug and*
5 *violence prevention efforts of other State agencies.*

6 “(d) *GENERAL APPROVAL.—A State application sub-*
7 *mitted to the Secretary under this title shall be deemed to*
8 *be approved by the Secretary unless the Secretary makes*
9 *a written determination, prior to the expiration of the 90-*
10 *day period beginning on the date that the Secretary receives*
11 *the application, that the application is in violation of this*
12 *title.*

13 “(e) *DISAPPROVAL.—The Secretary shall not finally*
14 *disapprove a State application, except after giving the*
15 *State notice and opportunity for a hearing.*

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

17 “(a) *IN GENERAL.—In order to be eligible to receive*
18 *a distribution under section 4112(c) for any fiscal year, a*
19 *local educational agency shall submit, at such time as the*
20 *State requires, an application to the State. Such an appli-*
21 *cation shall be amended, as necessary, to reflect changes in*
22 *the activities and programs of the local educational agency.*

23 “(b) *DEVELOPMENT.—*

24 “(1) *CONSULTATION.—A local educational agen-*
25 *cy shall develop its application through timely and*

1 *meaningful consultation with a local or substate re-*
2 *gional advisory council, as described in subsection (c).*

3 “(2) *DESIGN AND DEVELOPMENT.*—*To ensure*
4 *timely and meaningful consultation, a local edu-*
5 *cational agency shall, in accordance with subsection*
6 *(c), establish and consult with a local or substate re-*
7 *gional advisory council on issues regarding the design*
8 *and development of the program or activity, includ-*
9 *ing efforts to meet the principles of effectiveness de-*
10 *scribed in section 4115(a). Such meetings with the*
11 *advisory council shall occur beginning at the initial*
12 *stages of design and development of the program or*
13 *activity.*

14 “(c) *ADVISORY COUNCIL.*—

15 “(1) *REPRESENTATION.*—*In establishing a local*
16 *or substate regional advisory council, the local edu-*
17 *cational agency shall include, to the extent possible,*
18 *representatives of local government, business, parents,*
19 *students, teachers, pupil services personnel, appro-*
20 *prate State agencies, private schools, the medical*
21 *profession, law enforcement, community-based organi-*
22 *zations, private for-profit organizations, religious or-*
23 *ganizations, and other groups with interest and ex-*
24 *pertise in drug and violence prevention, including be-*

1 *fore and after school and continuing education pro-*
2 *grams.*

3 “(2) *DUTIES.—In addition to assisting the local*
4 *educational agency to develop an application under*
5 *this section, the advisory council shall, on an ongoing*
6 *basis—*

7 “(A) *disseminate information about drug*
8 *and violence prevention programs and activities*
9 *conducted within the boundaries of the local edu-*
10 *cational agency;*

11 “(B) *advise the local educational agency*
12 *regarding—*

13 “(i) *how best to coordinate such agen-*
14 *cy’s activities under this part with other re-*
15 *lated drug and violence prevention strate-*
16 *gies, programs, and activities; and*

17 “(ii) *the agencies that administer such*
18 *programs, projects, and activities; and*

19 “(C) *review program and activity evalua-*
20 *tions and other relevant material and make rec-*
21 *ommendations to the local educational agency on*
22 *how to improve such agency’s drug and violence*
23 *prevention programs and activities.*

1 “(d) *CONTENTS OF APPLICATIONS.*—An application
2 submitted by a local educational agency under this section
3 shall contain—

4 “(1) a detailed explanation of the local edu-
5 cational agency’s comprehensive plan for drug and vi-
6 olence prevention, which shall include a description
7 of—

8 “(A) how the plan will be coordinated with
9 programs under this Act, and other Acts dealing
10 with drug and violence prevention, as appro-
11 priate, in accordance with the provisions of sec-
12 tion 14306;

13 “(B) the local educational agency’s perform-
14 ance measures for drug and violence prevention,
15 that shall consist of—

16 “(i) performance indicators for drug
17 and violence prevention; and

18 “(ii) levels of performance for each per-
19 formance indicator;

20 “(C) how such agency will assess and pub-
21 licly report progress toward attaining its per-
22 formance measures;

23 “(D) the drug and violence prevention ac-
24 tivity or program (including before and after
25 school programs and continuing education ac-

1 *tivities) to be funded, including how the activity*
2 *or program will meet the principles of effective-*
3 *ness described in section 4115(a), and the means*
4 *of evaluating such activity or program;*

5 *“(E) how the local educational agency will*
6 *coordinate such agency’s activities and programs*
7 *with community-wide efforts to achieve such*
8 *agency’s performance measures for drug and vio-*
9 *lence prevention;*

10 *“(F) how the local educational agency will*
11 *coordinate such agency’s activities and programs*
12 *with other Federal, State, and local programs for*
13 *youth drug and violence prevention, including*
14 *before and after school programs and continuing*
15 *education activities;*

16 *“(2) a certification that a meaningful assessment*
17 *has been conducted to determine community needs,*
18 *available resources in the private sector, and capacity*
19 *in the private sector, the findings of such assessments,*
20 *and a description of the mechanisms used to provide*
21 *effective notice to the community of an intention to*
22 *submit an application under this title;*

23 *“(3) an assurance that drug prevention pro-*
24 *grams supported under this part convey a clear and*

1 *consistent message that the use of drugs is wrong and*
2 *harmful; and*

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

5 “(e) *PEER REVIEW.—*

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

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

17 “(B) *GENERAL APPROVAL.—A local educational*
18 *agency’s application submitted to the State under this*
19 *title shall be deemed to be approved by the State un-*
20 *less the State makes a written determination, prior to*
21 *the expiration of the 90-day period beginning on the*
22 *date that the State receives the application, that the*
23 *application is in violation of this title.*

24 “(C) *DISAPPROVAL.—The State shall not finally*
25 *disapprove a local educational agency application,*

1 *except after giving such agency notice and oppor-*
2 *tunity for a hearing.*

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

4 “(a) *PRINCIPLES OF EFFECTIVENESS.—*

5 “(1) *IN GENERAL.—For a program or activity*
6 *developed pursuant to this part to meet the principles*
7 *of effectiveness, such program or activity shall—*

8 “(A) *be based upon an assessment of objec-*
9 *tive data—*

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

22 “(ii) *regarding the current drug and*
23 *violence prevention strategies, programs,*
24 *and activities, including before and after*
25 *school programs and continuing education*

1 *activities, in such schools and communities;*
2 *and*

3 *“(iii) regarding student academic*
4 *achievement and current programs and ac-*
5 *tivities to increase student academic*
6 *achievement;*

7 *“(B) be based upon an established set of*
8 *performance measures aimed at ensuring that all*
9 *elementary and secondary schools and commu-*
10 *nities served by the local educational agency*
11 *have a drug-free, safe, and orderly learning envi-*
12 *ronment; and*

13 *“(C) be based upon scientifically based re-*
14 *search that provides evidence that the program to*
15 *be used will prevent or reduce drug use and vio-*
16 *lence, including delinquency and serious dis-*
17 *cipline problems among youth.*

18 *“(2) PERIODIC EVALUATION.—The program or*
19 *activity shall undergo a periodic evaluation to assess*
20 *its progress toward achieving its goals and objectives.*
21 *The results shall be used to refine, improve, and*
22 *strengthen the program, and to refine the performance*
23 *measures. The results shall also be made available to*
24 *the public upon request, with public notice of such*
25 *availability provided.*

1 “(3) *WAIVER.*—*A local educational agency or*
2 *community-based organization may apply to the*
3 *State for a waiver of the requirement of paragraph*
4 *(1)(C) to allow innovative activities or programs that*
5 *demonstrate substantial likelihood of success in drug*
6 *and violence prevention or in beneficially serving the*
7 *community.*

8 “(b) *GOVERNORS’ ACTIVITIES.*—

9 “(1) *IN GENERAL.*—*A chief executive officer of a*
10 *State shall use funds made available under section*
11 *4112(a) for competitive grants or contracts with local*
12 *educational agencies, parent groups, community-*
13 *based organizations, religious organizations, and*
14 *other public entities and private organizations, in-*
15 *cluding for-profit organizations, and consortia there-*
16 *of, including community anti-drug coalitions—*

17 “(A) *to support drug and violence preven-*
18 *tion strategies, programs, and activities, includ-*
19 *ing before and after school activities, continuing*
20 *education programs, and alternative education*
21 *activities, that provide comprehensive commu-*
22 *nity-wide prevention efforts or direct services to*
23 *prevent drug use and violence in schools and*
24 *communities; and*

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

3 “(2) *CONSIDERATIONS.*—In making such grants
4 and contracts, a chief executive officer of a State—

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

7 “(B) shall give priority to programs and
8 activities for populations that need special serv-
9 ices or additional resources (such as youth in ju-
10 venile detention facilities, runaway or homeless
11 children and youth, pregnant and parenting
12 teenagers, and school dropouts); and

13 “(C) may require partnerships between
14 local educational agencies and other groups or
15 organizations, including religious organizations,
16 in order to receive funds.

17 “(3) *REQUIRED ACTIVITIES.*—A chief executive
18 officer of a State shall use funds made available
19 under section 4112(a)(2) to award grants to State,
20 county or local law enforcement agencies (including
21 district attorneys) in consortium with local edu-
22 cational agencies or community-based agencies for the
23 purposes of carrying out drug and violence prevention
24 activities, such as—

1 “(A) programs that provide classroom in-
2 struction by uniformed law enforcement officials
3 designed to teach students to recognize and resist
4 pressures to experiment with drugs and that
5 meet the principles of effectiveness;

6 “(B) programs in which district attorneys
7 provide classroom instruction in the law and
8 legal system, which emphasizes interactive learn-
9 ing techniques such as mock trial competitions;
10 or

11 “(C) partnerships between law enforcement
12 and child guidance professionals, which may in-
13 clude mental health providers.

14 “(c) *STATE ACTIVITIES.*—A State shall use the funds
15 described in section 4112(b)(2) to plan, develop, and imple-
16 ment capacity building, technical assistance, account-
17 ability, program improvement services, and coordination
18 activities for local educational agencies that are designed
19 to support the implementation of drug and violence preven-
20 tion programs, including before and after school programs
21 and continuing education activities. A State may carry out
22 these activities directly, or through grants and contracts.

23 “(d) *LOCAL EDUCATIONAL AGENCY ACTIVITIES.*—

24 “(1) *PROGRAM REQUIREMENTS.*—A local edu-
25 cational agency shall use funds described in section

1 4112(c) to develop, implement, and evaluate a com-
2 prehensive drug and violence prevention program,
3 which is coordinated with other school and commu-
4 nity-based services and programs, that shall—

5 “(A) be consistent with the principles of ef-
6 fectiveness described in subsection (a);

7 “(B) be designed to—

8 “(i) prevent or reduce drug use or vio-
9 lence, including through the prevention of
10 delinquency, serious discipline problems
11 and poor academic performance; and

12 “(ii) create a well disciplined environ-
13 ment conducive to learning, which includes
14 consultation between teachers and school
15 personnel to identify early warning signs of
16 drug use and violence and to provide behav-
17 ioral interventions as part of classroom
18 management efforts;

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

1 “(D) address before and after school activi-
2 ties and continuing education needs of youth
3 and adults in the community.

4 “(2) *AUTHORIZED ACTIVITIES.*—Each local edu-
5 cational agency, or consortium of such agencies, that
6 receives a subgrant under section 4112(c) may use
7 such funds to carry out youth drug and violence pre-
8 vention activities, including before and after school
9 programs and continuing education activities, in the
10 elementary and secondary schools and communities,
11 such as—

12 “(A) developmentally appropriate drug and
13 violence prevention programs that serve students
14 in both elementary and secondary school and
15 that incorporate a variety of prevention strate-
16 gies and activities, which may include—

17 “(i) teaching students that most people
18 do not use drugs;

19 “(ii) teaching students to recognize so-
20 cial and peer pressure to use drugs;

21 “(iii) teaching students skills for resist-
22 ing drug use;

23 “(iv) engaging students in the learning
24 process;

1 “(v) using developmentally appro-
2 priate teaching materials;

3 “(vi) incorporating activities in sec-
4 ondary schools that reinforce prevention ac-
5 tivities implemented in elementary schools;
6 and

7 “(vii) involving families and commu-
8 nities in setting clear expectations against
9 drug use and enforcing consequences for
10 drug use;

11 “(B) before and after school programs and
12 continuing education opportunities for individ-
13 uals of all ages, such as—

14 “(i) integrated educational, rec-
15 reational, or cultural programs, including
16 curriculum based entrepreneurial education
17 programs, remedial education programs,
18 and extended learning programs;

19 “(ii) literacy education programs (in-
20 cluding family literacy services);

21 “(iii) youth science education pro-
22 grams;

23 “(iv) consumer, economic, and personal
24 finance education programs;

1 “(v) senior citizen and adult education
2 programs (including programs for individ-
3 uals who leave school before graduating
4 from secondary school, regardless of the age
5 of such individual);

6 “(vi) parenting skills education pro-
7 grams;

8 “(vii) educational children’s day care
9 services;

10 “(viii) summer and weekend school
11 programs in conjunction with recreation
12 programs;

13 “(ix) expanded library service hours to
14 serve community needs;

15 “(x) distance learning, technology, and
16 Internet education programs for individuals
17 of all ages;

18 “(xi) educational services for individ-
19 uals with disabilities;

20 “(xii) peer resistance education; and

21 “(xiii) arts and music education;

22 “(C) training and development of school
23 personnel in youth drug and violence prevention,
24 including training in early identification, inter-
25 vention, and prevention of threatening behavior;

1 “(D) parental involvement and training in
2 youth drug and violence prevention, including
3 early identification of potential youth violence;

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

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

11 “(G) comprehensive school security assess-
12 ments;

13 “(H) creating and maintaining safe zones
14 of passage to and from school to prevent violence
15 and drug use and trafficking;

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

23 “(J) services and activities that reduce the
24 need for suspension and expulsion in maintain-
25 ing classroom order and school discipline;

1 “(K) establishing and implementing a sys-
2 tem for transferring suspension and expulsion
3 records by a local educational agency to any
4 public or private elementary or secondary school;

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

12 “(M) establishing or enhancing programs or
13 initiatives that improve academic achievement;

14 “(N) the development and implementation
15 of character education and training programs
16 that reflect the values of parents, teachers, and
17 local communities, and incorporate elements of
18 good character, including honesty, citizenship,
19 courage, justice, respect, personal responsibility,
20 and trustworthiness;

21 “(O) testing students for illegal drug use or
22 conducting student locker searches for illegal
23 drugs or drug paraphernalia;

24 “(P) establishing of school uniform policies;

1 “(Q) emergency intervention services fol-
2 lowing traumatic crisis events, such as a shoot-
3 ing, major accident, or a drug-related incident,
4 that has disrupted the learning environment;

5 “(R) establishing and maintaining a school
6 violence hotline;

7 “(S) conducting background checks of school
8 personnel;

9 “(T) expanding and improving school-based
10 mental health services, including early identi-
11 fication of drug use and violence, assessment,
12 and direct individual or group counseling serv-
13 ices provided to students, parents, and school
14 personnel by qualified school based mental health
15 services personnel;

16 “(U) hiring and training coordinators of
17 drug and violence prevention programs serving
18 students in grades six through nine;

19 “(V) mentoring and tutoring services for
20 students provided by senior citizen volunteers;

21 “(W) alternative education programs or
22 services for students who have been expelled or
23 suspended from the regular educational settings,
24 including programs or services to assist students
25 to reenter the regular education setting upon re-

1 *turn from treatment or alternative education*
2 *programs; and*

3 *“(X) partnerships between the courts and*
4 *the schools that address alternative education*
5 *programs.*

6 *“(Y) the evaluation of any of the activities*
7 *authorized under this subsection.*

8 *“(3) SCHOOL PROTECTION—Each local edu-*
9 *cational agency, or consortium of such agencies, that*
10 *receives a subgrant under section 4112(c) and has re-*
11 *ported expulsions under part C during the past 3*
12 *years, may develop a plan with local law enforcement*
13 *agencies to protect students and employees of public*
14 *schools against gun violence that may include, but not*
15 *be limited to, promoting the benefits of child safety*
16 *locks for firearms.*

17 *“(4) STUDY.—Each local educational agency, or*
18 *consortium of such agencies, that receives a subgrant*
19 *under section 4112(c) and has a high rate of expul-*
20 *sions, as reported under part C, may use a portion*
21 *of its subgrant to study the effectiveness of promoting*
22 *the benefits of child safety locks for firearms with the*
23 *purpose of reducing the danger of firearms harming*
24 *public school students and employees.*

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

2 “(a) *DATA COLLECTION.*—

3 “(1) *IN GENERAL.*—*The National Center for*
4 *Education Statistics shall collect data for the fol-*
5 *lowing purposes:*

6 “(A) *To determine the frequency, serious-*
7 *ness, and incidence of drug use by youth in*
8 *schools and communities in the States using, if*
9 *appropriate, data submitted by the States pursu-*
10 *ant to subsection (b).*

11 “(B) *To determine the frequency, degree of*
12 *harm, and morbidity of violent incidents, par-*
13 *ticularly firearm-related injuries and fatalities,*
14 *by youth in schools and communities in the*
15 *States, including information with respect to—*

16 “(i) *the relationship between victims*
17 *and perpetrators;*

18 “(ii) *demographic characteristics of*
19 *victims and perpetrators; and*

20 “(iii) *type and characteristic of the*
21 *firearm used in the shooting.*

22 “(2) *REPORT.*—*The Secretary shall submit to the*
23 *Congress a report on the data collected under this*
24 *subsection.*

25 “(b) *STATE REPORT.*—

1 “(1) *IN GENERAL.*—Not later than October 1,
2 2003, and every third year thereafter, the chief execu-
3 tive officer of a State, in consultation with the State
4 educational agency, shall submit to the Secretary a
5 report on the implementation and outcomes of State
6 and local programs under section 4115.

7 “(2) *SPECIAL RULE.*—The report required by
8 this subsection shall be—

9 “(A) based on the State’s ongoing evalua-
10 tion activities, and shall include data on the
11 prevalence of drug use and violence by youth in
12 schools and communities; and

13 “(B) made available to the public upon re-
14 quest, with public notice of such availability pro-
15 vided.

16 “(c) *LOCAL EDUCATIONAL AGENCY REPORT.*—Each
17 local educational agency receiving funds under this part
18 shall submit to the State such information, and at such in-
19 tervals, as the State reasonably requires to complete the
20 State report required by subsection (b), including informa-
21 tion on the prevalence of drug use and violence by youth
22 in the schools and the community and the progress of the
23 local educational agency toward meeting its performance
24 measures. The report shall be made available to the public

1 *upon request, with public notice of such availability pro-*
2 *vided.*

3 **“PART B—NATIONAL PROGRAMS**

4 **“SEC. 4121. FEDERAL ACTIVITIES.**

5 *“(a) PROGRAM AUTHORIZED.—*

6 *“(1) IN GENERAL.—From funds made available*
7 *to carry out this part under section 4004(2), the Sec-*
8 *retary, in consultation with the Secretary of Health*
9 *and Human Services, the Director of the Office of Na-*
10 *tional Drug Control Policy, the Chair of the Ounce of*
11 *Prevention Council, and the Attorney General, shall*
12 *carry out programs to prevent the illegal use of drugs*
13 *and violence among, and promote safety and dis-*
14 *cipline for, students in elementary and secondary*
15 *schools based on the needs reported by States and*
16 *local educational agencies.*

17 *“(2) COORDINATION.—The Secretary shall carry*
18 *out programs described in paragraph (1) directly, or*
19 *through grants, contracts, or cooperative agreements*
20 *with public and private nonprofit and for-profit orga-*
21 *nizations, including religious organizations, and in-*
22 *dividuals, or through agreements with other Federal*
23 *agencies, and shall coordinate such programs with*
24 *other appropriate Federal activities.*

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

3 “(A) *demonstrations and rigorous scientif-*
4 *ically based evaluations of innovative approaches*
5 *to drug and violence prevention based on needs*
6 *reported by State and local educational agencies;*

7 “(B) *the provision of information on drug*
8 *abuse education and prevention to the Secretary*
9 *of Health and Human Services for dissemination*
10 *by the clearinghouse for alcohol and drug abuse*
11 *information established under section 501(d)(16)*
12 *of the Public Health Service Act; and*

13 “(C) *continuing technical assistance to chief*
14 *executive officers, State agencies, and local edu-*
15 *cational agencies to build capacity to develop*
16 *and implement high-quality, effective programs*
17 *consistent with the principles of effectiveness.*

18 “(b) *PEER REVIEW.*—*The Secretary shall use a peer*
19 *review process in reviewing applications for funds under*
20 *this section.*

21 **“SEC. 4122. NATIONAL CLEARINGHOUSE FOR AFTER**
22 **SCHOOL PROGRAMS.**

23 *“From funds made available to carry this part under*
24 *section 4004(2), the Secretary, in consultation with the Sec-*
25 *retary of Health and Human Services, through the Commis-*

1 sioner on Children, Youth, and Families, the Attorney Gen-
 2 eral, and representatives with relevant experience from
 3 State child care agencies and child care resource and refer-
 4 ral centers, shall establish a national clearinghouse to pro-
 5 vide technical assistance regarding establishment and oper-
 6 ation of after school programs and models of after school
 7 programs. The national clearinghouse shall be available to
 8 the public, including via Internet, and shall serve as a re-
 9 source for child care organizations, communities, and indi-
 10 viduals seeking to improve the quality and availability of
 11 after school programs.

12 **“PART C—GUN POSSESSION**

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

14 **“(a) REQUIREMENTS.—**

15 **“(1) STATE LAW.—**Each State receiving funds
 16 under this Act shall have in effect a State law requir-
 17 ing each local educational agency—

18 **“(A)** to expel from school for a period of not
 19 less than one year a student who is determined
 20 to have brought a firearm to a school under the
 21 jurisdiction of a local educational agency in that
 22 State, except that such State law shall allow the
 23 chief administering officer of such local edu-
 24 cational agency to modify such expulsion re-

1 *quirement for a student on a case-by-case basis;*
2 *and*

3 *“(B) to have a policy requiring each ele-*
4 *mentary and secondary school to refer to the*
5 *criminal justice or juvenile delinquency system*
6 *any student who brings a firearm to school.*

7 *“(2) CONSTRUCTION.—Nothing in this part shall*
8 *be construed to prevent a State from allowing a local*
9 *educational agency that has expelled a student from*
10 *such a student’s regular school setting from providing*
11 *educational services to such student in an alternative*
12 *setting.*

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

16 *“(c) APPLICATION TO STATE.—Each local educational*
17 *agency requesting assistance from a State that is provided*
18 *from funds made available to the State under this Act shall*
19 *provide to the State, in the application requesting such*
20 *assistance—*

21 *“(1) an assurance that such local educational*
22 *agency is in compliance with the State law required*
23 *by subsection (a); and*

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

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

5 “(B) the number of students expelled from
 6 such school, including the number of children
 7 with disabilities expelled from such school; and

8 “(C) the type of firearm concerned.

9 “(d) *REPORTING.*—Each State shall report the infor-
 10 mation described in subsection (b) to the Secretary on an
 11 annual basis.

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

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

16 “(2) the term ‘school’ does not include a home
 17 school, regardless of whether a home school is treated
 18 as a private school under State law.

19 **“PART D—GENERAL PROVISIONS**

20 **“SEC. 4141. DEFINITIONS.**

21 “*For the purposes of this title, the following terms have*
 22 *the following meanings:*

23 “(1) *COMMUNITY-BASED ORGANIZATION.*—The
 24 term ‘community-based organization’ means a private
 25 nonprofit organization that is representative of a

1 *community or significant segments of a community*
2 *and that provides educational or related services to*
3 *individuals in the community.*

4 “(2) *CONTROLLED SUBSTANCE.*—*The term ‘con-*
5 *trolled substance’ means a drug or other substance*
6 *identified under Schedule I, II, III, IV, or V in sec-*
7 *tion 202(c) of the Controlled Substances Act (21*
8 *U.S.C. 812(c)).*

9 “(3) *DRUG.*—*The term ‘drug’ includes controlled*
10 *substances; the illegal use of alcohol and tobacco; and*
11 *the harmful, abusive, or addictive use of substances,*
12 *including inhalants and anabolic steroids.*

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

15 “(A) *with respect to drugs, prevention, early*
16 *intervention, rehabilitation referral, or education*
17 *related to the illegal use of drugs;*

18 “(B) *with respect to violence, the promotion*
19 *of school safety, such that students and school*
20 *personnel are free from violent and disruptive*
21 *acts, on school premises, going to and from*
22 *school, and at school-sponsored activities,*
23 *through the creation and maintenance of a school*
24 *environment that is free of weapons and fosters*

1 *individual responsibility and respect for the*
2 *rights of others; and*

3 “(C) *with respect to before and after school*
4 *programs and continuing education activities,*
5 *educational activities for individuals of all ages*
6 *in the community that operate with a goal of*
7 *drug and violence prevention in the school or*
8 *community.*

9 “(5) *LOCAL EDUCATIONAL AGENCY.*—*The term*
10 *‘local educational agency’ includes educational service*
11 *agencies and consortia of such agencies.*

12 “(6) *NONPROFIT.*—*The term ‘nonprofit,’ as ap-*
13 *plied to a school, agency, organization, or institution*
14 *means a school, agency, organization, or institution*
15 *owned and operated by one or more nonprofit cor-*
16 *porations or associations, no part of the net earnings*
17 *of which inures, or may lawfully inure, to the benefit*
18 *of any private shareholder or individual.*

19 “(7) *SCHOOL-AGED POPULATION.*—*The term*
20 *‘school-aged population’ means the population aged 5*
21 *through 17, as determined by the Secretary on the*
22 *basis of the most recent satisfactory data available*
23 *from the Department of Commerce.*

24 “(8) *SCHOOL BASED MENTAL HEALTH SERVICES*
25 *PROVIDER.*—*The term ‘school based mental health*

1 *services provider’ includes a State licensed or State*
2 *certified school counselor, school psychologist, school*
3 *social worker, or other State licensed or certified men-*
4 *tal health professional qualified under State law to*
5 *provide such services to children and adolescents.*

6 “(9) *SCHOOL PERSONNEL.—The term ‘school*
7 *personnel’ includes teachers, administrators, guidance*
8 *counselors, social workers, psychologists, nurses, li-*
9 *brarians, and other support staff who are employed*
10 *by a school or who perform services for the school on*
11 *a contractual basis.*

12 “(10) *SCIENTIFICALLY BASED RESEARCH.—The*
13 *term ‘scientifically based research’—*

14 “(A) *means the application of rigorous, sys-*
15 *tematic, and objective procedures to obtain valid*
16 *knowledge relevant to youth drug and violence*
17 *prevention activities and programs; and*

18 “(B) *shall include research that—*

19 “(i) *employs systemic, empirical meth-*
20 *ods that draw on observation or experiment;*

21 “(ii) *involves rigorous data analyses*
22 *that are adequate to test the stated*
23 *hypotheses and justify the general conclu-*
24 *sions drawn;*

1 “(iii) relies on measurements or obser-
2 vational methods that provide valid data
3 across evaluators and observers and across
4 multiple measurements and observations;
5 and

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

10 “(11) STATE.—The term ‘State’ means each of
11 the 50 States, the District of Columbia, and the Com-
12 monwealth of Puerto Rico.

13 **“SEC. 4142. MESSAGE AND MATERIALS.**

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

18 “(b) CURRICULUM.—The Secretary shall not prescribe
19 the use of specific curricula for programs supported under
20 this part.

21 **“SEC. 4143. REQUIRED POLICY.**

22 “Each State educational agency and local educational
23 agency that receives funds under this title shall have a pol-
24 icy that prohibits cigarette vending machines, and the ille-
25 gal possession or use of drugs and alcohol, in any form,

1 *at any time, and by any person, in school buildings, on*
2 *school grounds, or at any school-sponsored event.*

3 **“SEC. 4144. PARENTAL CONSENT.**

4 *“Upon receipt of written notification from the parents*
5 *or legal guardians of a student, the local educational agency*
6 *shall withdraw such student from any program or activity*
7 *funded under this title. The local educational agency shall*
8 *make reasonable efforts to inform parents or legal guardians*
9 *of the content of such programs or activities funded under*
10 *this title, other than classroom instruction.*

11 **“SEC. 4145. PROHIBITED USES OF FUNDS.**

12 *“No funds under this title may be used for—*

13 *“(1) construction (except for minor remodeling*
14 *needed to accomplish the purposes of this part);*

15 *“(2) medical services, drug treatment or rehabili-*
16 *tation, except for pupil services or referral to treat-*
17 *ment for students who are victims of, or witnesses to,*
18 *use of drugs or crime; and*

19 *“(3) activities or programs that discriminate*
20 *against or denigrate the religious or moral beliefs of*
21 *students who participate in such activities or pro-*
22 *grams or of the parents or legal guardians of such*
23 *students.*

1 **“SEC. 4146. QUALITY RATING.**

2 “(a) *IN GENERAL.*—*The chief executive officer of each*
3 *State, or in the case of a State in which the constitution*
4 *or law of such State designates another individual, entity,*
5 *or agency in the State to be responsible for education activi-*
6 *ties, such individual, entity, or agency is authorized and*
7 *encouraged—*

8 “(1) *to establish a standard of quality for drug*
9 *and violence prevention programs implemented in*
10 *public elementary and secondary schools in the State*
11 *in accordance with subsection (b); and*

12 “(2) *to identify and designate, upon application*
13 *by a public elementary or secondary school, any such*
14 *school that achieves such standard as a quality pro-*
15 *gram school.*

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

18 “(1) *a comparison of the rate of illegal use of*
19 *drugs and of violent occurrences by students enrolled*
20 *in the school over a period of time to be determined*
21 *by the chief executive officer of the State or the indi-*
22 *vidual, entity, or agency described in subsection (a),*
23 *as the case may be;*

24 “(2) *the rate of suspensions or expulsions of stu-*
25 *dents enrolled in the school for drug and violence of-*
26 *fenses;*

1 “(3) *the effectiveness of the drug and violence*
2 *prevention program as proven by scientifically based*
3 *research;*

4 “(4) *the involvement of parents and community*
5 *members in the design of the drug and violence pre-*
6 *vention program; and*

7 “(5) *the extent of review of existing community*
8 *drug and violence prevention programs before imple-*
9 *mentation of the public school program.*

10 “(c) **REQUEST FOR QUALITY PROGRAM SCHOOL DES-**
11 *IGNATION.*—*A school that wishes to receive a quality pro-*
12 *gram school designation shall submit a request and docu-*
13 *mentation of compliance with this section to the chief execu-*
14 *tive officer of the State or the individual, entity, or agency*
15 *described in subsection (a), as the case may be.*

16 “(d) **PUBLIC NOTIFICATION.**—*Not less than once a*
17 *year, the chief executive officer of each State or the indi-*
18 *vidual, entity, or agency described in subsection (a), as the*
19 *case may be, shall make available to the public a list of*
20 *the names of each public school in the State that has re-*
21 *ceived a quality program school designation in accordance*
22 *with this section.*

23 **“SEC. 4147. CONTINUATION AWARDS.**

24 *“From funds made available under section 4004(2),*
25 *the Secretary is authorized to continue funding multi-year*

1 grants awarded prior to fiscal year 2001 under part I of
2 title X, as such part was in effect on the day preceding
3 the date of the enactment of the Education OPTIONS Act,
4 or the Middle School Coordinator Initiative (as described
5 in title III of the Department of Education Act, 2000, (as
6 enacted into law by section 1004(a)(4) of Public Law 106–
7 113) and prior appropriations Acts, prior to the date of
8 the enactment of the Education OPTIONS Act for the dura-
9 tion of the original grant period.

10 **“SEC. 4148. GENERAL ACCOUNTING OFFICE REPORT.**

11 “Not later than 1 year after the date of the enactment
12 of the Education OPTIONS Act, the General Accounting
13 Office shall transmit to Congress a report containing the
14 following:

15 “(1) For each State, a description of the types of
16 after school programs that are available for students
17 in kindergarten through grade 12, including pro-
18 grams sponsored by the Boys and Girls Clubs of
19 America, the Boy Scouts of America, the Girl Scouts
20 of America, YMCA’s, private nonprofit and for-profit
21 organizations, and athletic and other programs oper-
22 ated by public schools and other State and local agen-
23 cies.

24 “(2) For 15 communities selected to represent a
25 variety of regional, population, and demographic pro-

1 *files, a detailed analysis of the after school programs*
2 *that are available for students in kindergarten*
3 *through grade 12, including programs sponsored by*
4 *the Boys and Girls Clubs of America, the Boy Scouts*
5 *of America, the Girl Scouts of America, YMCA's,*
6 *mentoring programs, athletic programs, and pro-*
7 *grams operated by public schools, churches, day care*
8 *centers, parks, recreation centers, family day care,*
9 *community organizations, law enforcement agencies,*
10 *service providers, and for-profit and non-profit orga-*
11 *nizations.*

12 *“(3) For each State, a description of significant*
13 *areas of unmet need in the quality and availability*
14 *of after school programs.*

15 *“(4) For each State, a description of barriers*
16 *which prevent or deter the participation of children*
17 *in after school programs.*

18 *“(5) A list of activities, other than after school*
19 *programs, in which students in kindergarten through*
20 *grade 12 participate when not in school, including*
21 *jobs, volunteer opportunities, and other non-school af-*
22 *filiated programs.*

23 *“(6) An analysis of the value of the activities*
24 *listed pursuant to paragraph (5) relevant to the well-*

1 *cational agency receiving funds under this title shall dis-*
2 *criminate against an organization that is or applies to be*
3 *a contractor to provide assistance on the basis that the orga-*
4 *nization has a religious character.*

5 “(d) *RELIGIOUS CHARACTER AND FREEDOM.*—

6 “(1) *RELIGIOUS ORGANIZATIONS.*—*A religious*
7 *organization with a grant or contract under this title*
8 *shall retain its religious character and control over*
9 *the definition, development, practice, and expression*
10 *of its religious beliefs.*

11 “(2) *ADDITIONAL SAFEGUARDS.*—*Neither the*
12 *Federal Government, a State, nor local government*
13 *shall require a religious organization to—*

14 “(A) *alter its form of internal governance;*

15 *or*

16 “(B) *remove religious art, icons, scripture,*
17 *or other symbols;*

18 *in order to be eligible to receive a grant or contract*
19 *under this title.*

20 “(e) *EMPLOYMENT PRACTICES.*—*A religious organiza-*
21 *tion’s exemption provided under section 702 of the Civil*
22 *Rights Act of 1964 (42 U.S.C. 2000e–1), regarding employ-*
23 *ment practices, shall not be affected by its participation in,*
24 *or receipt of funds from, programs under this title.*

1 “(f) *NONDISCRIMINATION AGAINST BENEFICIARIES.*—
2 *Except as otherwise provided in law, a religious organiza-*
3 *tion shall not discriminate against an individual in regard*
4 *to rendering assistance funded under any program de-*
5 *scribed in this title on the basis of religion, a religious be-*
6 *lief, or refusal to actively participate in a religious practice.*

7 “(g) *FISCAL ACCOUNTABILITY.*—

8 “(1) *IN GENERAL.*—*Except as provided in para-*
9 *graph (2), any religious organization receiving a*
10 *grant or contracting to provide assistance funded*
11 *under any program described in this title shall be*
12 *subject to the same regulations as other recipients or*
13 *contractors to account in accord with generally ac-*
14 *cepted auditing principles for the use of such funds*
15 *provided under such programs.*

16 “(2) *LIMITED AUDIT.*—*If such organization seg-*
17 *regates Federal funds provided under such programs*
18 *into separate accounts, then only the financial assist-*
19 *ance provided with such funds shall be subject to*
20 *audit.*

21 “(h) *LIMITATIONS ON USE OF FUNDS FOR CERTAIN*
22 *PURPOSES.*—*No funds provided directly to institutions or*
23 *organizations to provide services and administer programs*
24 *under this Act shall be expended for sectarian worship, in-*
25 *struction, or proselytization.*

1 “(i) *PREEMPTION.*—*Nothing in this section shall be*
2 *construed to preempt any provision of a State constitution*
3 *or State statute that prohibits or restricts the expenditure*
4 *of State funds in or by religious organizations.*

5 “(j) *PROTECTION FOR BENEFICIARIES.*—*A charitable,*
6 *religious, or private organization shall not subject a partic-*
7 *ipant during a program assisted under this title to sec-*
8 *tarian worship, instruction, or proselytization.*

9 “(k) *TREATMENT OF RELIGIOUS ORGANIZATIONS.*—
10 *For purposes of any Federal, State, or local law, receipt*
11 *of financial assistance under this title shall constitute re-*
12 *ceipt of Federal financial assistance or aid.*

13 **“SEC. 4150. DISCIPLINE OF CHILDREN WITH DISABILITIES.**

14 “(a) *POSSESSION OF WEAPONS.*—

15 “(1) *AUTHORITY OF SCHOOL PERSONNEL.*—*Each*
16 *State receiving funds under this Act shall require*
17 *each local educational agency to have in effect a pol-*
18 *icy under which school personnel of such agency may*
19 *discipline (including expel or suspend) a child with*
20 *a disability who carries or possesses a weapon to or*
21 *at a school, on school premises, or to or at a school*
22 *function, under the jurisdiction of a State or a local*
23 *educational agency, in the same manner in which*
24 *such personnel may discipline a child without a dis-*

1 *ability. Such personnel may modify the disciplinary*
2 *action on a case-by-case basis.*

3 “(2) *RULE OF CONSTRUCTION.—Nothing in*
4 *paragraph (1) shall be construed to prevent a child*
5 *with a disability who is disciplined pursuant to the*
6 *authority provided under paragraph (1) from assert-*
7 *ing a defense that the carrying or possession of the*
8 *weapon was unintentional or innocent.*

9 “(3) *FREE APPROPRIATE PUBLIC EDUCATION.—*

10 “(A) *CEASING TO PROVIDE EDUCATION.—*
11 *Notwithstanding any other provision of Federal*
12 *law, a child expelled or suspended under para-*
13 *graph (1) shall not be entitled to continue edu-*
14 *cational services, including a free appropriate*
15 *public education, required under Federal law*
16 *during the term of such expulsion or suspension,*
17 *if the State in which the local educational agen-*
18 *cy responsible for providing educational services*
19 *to such child does not require a child without a*
20 *disability to receive educational services after*
21 *being expelled or suspended.*

22 “(B) *PROVIDING EDUCATION.—Notwith-*
23 *standing subparagraph (A), the local educational*
24 *agency responsible for providing educational*
25 *services to a child with a disability who is ex-*

1 *ped* or *suspended* under subparagraph (A)
2 *may choose to continue to provide educational*
3 *services or mental health services to such child.*
4 *If the local educational agency so chooses to con-*
5 *tinue to provide the services—*

6 “(i) *nothing in any other provision of*
7 *Federal law shall require the local edu-*
8 *cational agency to provide such child with*
9 *any particular level of service; and*

10 “(ii) *the location where the local edu-*
11 *cational agency provides the services shall*
12 *be left to the discretion of the local edu-*
13 *cational agency.*

14 “(4) *DEFINITION.—For purposes of this sub-*
15 *section, the term ‘weapon’ has the meaning given the*
16 *term ‘dangerous weapon’ under paragraph (2) of sub-*
17 *section (g) of section 930 of title 18, United States*
18 *Code.*

19 “(b) *DANGEROUS BEHAVIOR.—*

20 “(1) *AUTHORITY OF SCHOOL PERSONNEL.—Each*
21 *State receiving funds under this Act shall require*
22 *each local educational agency to have in effect a pol-*
23 *icy under which school personnel of such agency may*
24 *discipline (including expel or suspend) a child with*
25 *a disability who—*

1 “(A) knowingly possesses or uses illegal
2 drugs or sells or solicits the sale of a controlled
3 substance at a school, on school premises, or at
4 a school function, under the jurisdiction of a
5 State or a local educational agency, or

6 “(B) commits an aggravated assault or bat-
7 tery (as defined under State or local law) at a
8 school, on school premises, or at a school func-
9 tion, under the jurisdiction of a State or a local
10 educational agency,

11 in the same manner in which such personnel may
12 discipline a child without a disability, consistent with
13 State and local law. Such personnel may modify the
14 disciplinary action on a case-by-case basis.

15 “(2) *RULE OF CONSTRUCTION.*—Nothing in
16 paragraph (1) shall be construed to prevent a child
17 with a disability who is disciplined pursuant to the
18 authority provided under paragraph (1)(A) from as-
19 serting a defense that the possession or use of the ille-
20 gal drugs (or sale or solicitation of the controlled sub-
21 stance) was unintentional or innocent.

22 “(3) *FREE APPROPRIATE PUBLIC EDUCATION.*—

23 “(A) *CEASING TO PROVIDE EDUCATION.*—
24 Notwithstanding any other provision of Federal
25 law, a child expelled or suspended under para-

1 *graph (1) shall not be entitled to continue edu-*
2 *catinal services, including a free appropriate*
3 *public education, required under Federal law*
4 *during the term of such expulsion or suspension,*
5 *if the State in which the local educational agen-*
6 *cy responsible for providing educational services*
7 *to such child does not require a child without a*
8 *disability to receive educational services after*
9 *being expelled or suspended.*

10 “(B) *PROVIDING EDUCATION.*—*Notwith-*
11 *standing subparagraph (A), the local educational*
12 *agency responsible for providing educational*
13 *services to a child with a disability who is ex-*
14 *pelled or suspended under subparagraph (A)*
15 *may choose to continue to provide educational*
16 *services or mental health services to such child.*
17 *If the local educational agency so chooses to con-*
18 *tinue to provide the services—*

19 “(i) *nothing in any other provision of*
20 *Federal law shall require the local edu-*
21 *catinal agency to provide such child with*
22 *any particular level of service; and*

23 “(ii) *the location where the local edu-*
24 *catinal agency provides the services shall*

1 *be left to the discretion of the local edu-*
2 *cational agency.*

3 “(4) *DEFINITIONS.—For purposes of this sub-*
4 *section:*

5 “(A) *CONTROLLED SUBSTANCE.—The term*
6 *‘controlled substance’ shall have the same mean-*
7 *ing as the term is defined in section 4141.*

8 “(B) *ILLEGAL DRUG.—The term ‘illegal*
9 *drug’ means a controlled substance, but does not*
10 *include such a substance that is legally possessed*
11 *or used under the supervision of a licensed*
12 *health-care professional or that is legally pos-*
13 *sessed or used under any other authority under*
14 *the Controlled Substances Act or under any other*
15 *provision of Federal law.”.*

16 **SEC. 202. USE OF CERTAIN FUNDS.**

17 *If a local educational agency chooses to utilize the au-*
18 *thority under section 613(a)(2)(C)(i) of the Individuals*
19 *with Disabilities Education Act to treat as local funds up*
20 *to 20 percent of the amount of funds the agency receives*
21 *under part B of such Act that exceeds the amount it received*
22 *under that part for the previous fiscal year, then the agency*
23 *shall use those local funds to provide additional funding*
24 *for programs under the Elementary and Secondary Edu-*
25 *cation Act of 1965, including, but not limited to, programs*

1 *that address school safety, teacher quality and professional*
2 *development, before and after school learning opportunities,*
3 *educational reform and literacy, or related education pro-*
4 *grams authorized under Federal, State, or local law.*

5 ***TITLE III—TECH FOR SUCCESS***

6 ***SEC. 301. TECH FOR SUCCESS.***

7 *Title III of the Elementary and Secondary Education*
8 *Act of 1965 (20 U.S.C. 6801 et seq.) is amended to read*
9 *as follows:*

10 ***“TITLE III—TECH FOR SUCCESS***

11 ***“SEC. 3001. SHORT TITLE.***

12 *“This title may be cited as the ‘Tech for Success Act*
13 *of 2000’.*

14 ***“SEC. 3002. PURPOSE.***

15 *“The purposes of this title are as follows:*

16 *“(1) To provide assistance to states and localities*
17 *for implementing innovative technology initiatives*
18 *which lead to increased student academic achievement*
19 *and which may be evaluated for effectiveness and rep-*
20 *licated if successful.*

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

1 “(3) To promote initiatives which provide school
2 administrators and teachers with the capacity to ef-
3 fectively utilize technology in ways which integrate
4 such technology with challenging State content and
5 student performance standards, through such means
6 as high quality professional development programs.

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

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

19 “(6) To support local efforts for the use of tech-
20 nology to promote parent and family involvement in
21 education and communication among parents, teach-
22 ers and students.

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

2 **“Subpart 1—General Provisions**

3 **“SEC. 3101. AUTHORIZATION OF APPROPRIATIONS; FUND-**
4 **ING RULE.**

5 “(a) *IN GENERAL.*—*There are authorized to be appro-*
6 *riated to carry out this part—*

7 “(1) *\$731,305,000 for fiscal year 2000; and*

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

10 “(b) *ALLOCATION OF FUNDS BETWEEN NATIONAL AND*
11 *STATE AND LOCAL INITIATIVES.*—*Except as provided in*
12 *subsection (c), the amount of funds made available under*
13 *subsection (a) shall be allocated as follows:*

14 “(1) *Not less than 95 percent shall be made*
15 *available for State and local technology initiatives*
16 *pursuant to subpart 2.*

17 “(2) *Not more than 5 percent may be made*
18 *available for activities of the Secretary under subpart*
19 *3.*

20 “(c) *CONTINUATION OF FUNDING FOR FORMER PRO-*
21 *GRAMS.*—

22 “(1) *IN GENERAL.*—*Using funds made available*
23 *under subsection (a), the Secretary is authorized to*
24 *continue funding multiyear grants under this title (as*
25 *in effect prior to the enactment of the Education OP-*

1 *TIONS Act) which were awarded prior to fiscal year*
 2 *2001 for the duration of the original grant period.*

3 *“(2) REDUCTION IN AMOUNT AVAILABLE.—The*
 4 *amount of funds allocated under subsection (b) be-*
 5 *tween State and local technology initiatives and ac-*
 6 *tivities of the Secretary shall be reduced by the*
 7 *amount used by the Secretary to continue funding*
 8 *former programs under paragraph (1).*

9 **“SEC. 3102. DEFINITIONS.**

10 *“For purposes of this part, the following definitions*
 11 *shall apply:*

12 *“(1) In this part and part B, the term ‘distance*
 13 *learning’ means the transmission of educational or*
 14 *instructional programming to geographically dis-*
 15 *persed individuals and groups via telecommuni-*
 16 *cations.*

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

18 *“(A) a high need local educational agency;*

19 *or*

20 *“(B) an eligible local partnership.*

21 *“(3) The term ‘eligible local partnership’ means*
 22 *a partnership that includes at least one high need*
 23 *local educational agency and at least one—*

24 *“(A) local educational agency that can dem-*

25 *onstrate that teachers in schools served by that*

1 *agency are using technology effectively in their*
2 *classrooms;*

3 *“(B) institution of higher education;*

4 *“(C) for-profit business or organization that*
5 *develops, designs, manufactures, or produces*
6 *technology products or services, or has substan-*
7 *tial expertise in the application of technology;*

8 *“(D) public or private non-profit organiza-*
9 *tion with demonstrated experience in the appli-*
10 *cation of educational technology; or*

11 *“(E) local educational agency which has the*
12 *potential to become an exemplary model for*
13 *wide-scale adoption by other local educational*
14 *agencies on how to effectively integrate tech-*
15 *nology and proven research-based teaching prac-*
16 *tices which result in improvement in classroom*
17 *instruction in the core academic subject areas,*
18 *and the preparation of students to meet chal-*
19 *lenging State content and student performance*
20 *standards.*

21 *“(4) The term ‘emerging technologies’ means the*
22 *applications that can result from the development of*
23 *high-speed, broad band telecommunications networks*
24 *and more powerful computer systems.*

1 “(5) *The term ‘high need local educational agency’ means a local educational agency which serves an*
2 *elementary or secondary school located in an area—*

3 “(A) *in which there is a high percentage of*
4 *individuals from families with incomes below the*
5 *poverty line, as defined by the Office of Manage-*
6 *ment and Budget and revised annually in ac-*
7 *cordance with section 673(2) of the Community*
8 *Services Block Grant Act (42 U.S.C. 9902(2)); or*

9 “(B) *which is identified by the State as an*
10 *area with—*

11 “(i) *limited access to advanced tele-*
12 *communications services,*

13 “(ii) *a high ratio of students to com-*
14 *puters within the school, or*

15 “(iii) *a high proportion of teachers*
16 *who are not computer-proficient.*

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

18 “(A) *means the application of rigorous, sys-*
19 *tematic, and objective procedures to obtain valid*
20 *knowledge relevant to education technology; and*

21 “(B) *shall include research which—*

22 “(i) *employs systematic, empirical*
23 *methods which draw on observation or ex-*
24 *periment,*
25

1 “(ii) involves rigorous data analyses
2 which are adequate to test the stated
3 hypotheses and justify the general conclu-
4 sions drawn,

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

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

14 **“Subpart 2—State and Local Technology for Success**
15 **Grants**

16 **“SEC. 3111. DETERMINATION OF AMOUNT OF STATE ALLOT-**
17 **MENT.**

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

22 “(1) *50 percent shall bear the same relationship*
23 *to the amount made available under section*
24 *3101(b)(1) for such year as the amount such state re-*
25 *ceived under part A for title I for such year bears to*

1 *the amount received for such year under such part by*
2 *all States.*

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

7 “(b) *RESERVATION OF FUNDS FOR BUREAU OF INDIAN*
8 *AFFAIRS AND OUTLYING AREAS.—Of the amount made*
9 *available to carry out this subpart under section 3101(b)(1)*
10 *for a fiscal year—*

11 “(1) *the Secretary shall reserve .305 percent (or*
12 *\$2,125,000, whichever is greater) for the Secretary of*
13 *the Interior for programs under this subpart for*
14 *schools operated or funded by the Bureau of Indian*
15 *Affairs; and*

16 “(2) *the Secretary shall reserve .305 percent (or*
17 *\$2,125,000, whichever is greater) to provide assistance*
18 *to the outlying areas.*

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

23 “(d) *REALLOTMENT OF UNUSED FUNDS.—If any*
24 *State does not apply for an allotment under this subpart*
25 *for a fiscal year, the Secretary shall reallocate the amount of*

1 *the State's allotment to the remaining States in accordance*
2 *with this section.*

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

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

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

9 *“(2) not less than 95 percent shall be distributed*
10 *to local educational agencies by the State as follows:*

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

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

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

1 “(B) Not more than 20 percent shall be
2 awarded through a State-determined competitive
3 process to eligible local entities which have sub-
4 mitted plans to the State under section 3114, to
5 be used to carry out activities consistent with
6 this part.

7 “(b) CONTINUATION OF FUNDING FOR FORMER PRO-
8 GRAMS.—

9 “(1) IN GENERAL.—From funds made available
10 under this ubpart, a State is authorized to continue
11 funding multiyear grants awarded prior to fiscal
12 year 2001 under section 3132 of this title (as in effect
13 prior to the enactment of the Education OPTIONS
14 Act), for the duration of the original grant period.

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

20 “SEC. 3113. STATE PLANS.

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

1 *taining such information as the Secretary may reasonably*
2 *require.*

3 “(b) *CONTENTS.—Each State plan submitted under*
4 *this section shall include the following:*

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

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

18 “(3) *A description of the process the State will*
19 *use for the evaluation of the extent to which education*
20 *technology funded under this part has been success-*
21 *fully integrated into teaching strategies and school*
22 *curriculum, has increased the ability of teachers to*
23 *teach, and has enabled students to meet challenging*
24 *State content and student performance standards.*

1 “(4) *A description of how the State will encour-*
2 *age the development and utilization of innovative*
3 *strategies for the delivery of specialized or rigorous*
4 *academic courses and curricula through the use of*
5 *technology and distance learning, particularly for*
6 *those areas of the State which are isolated and which*
7 *would not otherwise have access to such courses and*
8 *curricula.*

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

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

16 “(c) *DEEMED APPROVAL.*—*A State plan submitted to*
17 *the Secretary under this section shall be deemed to be ap-*
18 *proved by the Secretary unless the Secretary makes a writ-*
19 *ten determination prior to the expiration of the 90-day pe-*
20 *riod which begins on the date the Secretary receives the ap-*
21 *plication that the plan is in violation of the provisions of*
22 *this part.*

23 “(d) *DISAPPROVAL.*—*The Secretary may issue a final*
24 *disapproval of a State’s application under this subpart*

1 *only after giving the State notice and an opportunity for*
2 *a hearing.*

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

9 “**SEC. 3114. LOCAL PLANS.**

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

17 “(b) *CONTENTS OF LOCAL PLAN.—Each local plan de-*
18 *scribed in this section shall include the following:*

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

24 “(2) *A description of the applicant’s specific*
25 *goals for using advanced technology to improve stu-*

1 *dent achievement aligned to challenging State content*
2 *and student performance standards, including a de-*
3 *scription of how the applicant will take steps to en-*
4 *sure that all students in the local educational area*
5 *(particularly those in high poverty and high need*
6 *schools) have increased access to educational tech-*
7 *nology, and a description of how such technology will*
8 *be used to improve the academic achievement for such*
9 *students.*

10 *“(3) A description of how the applicant will*
11 *promote—*

12 *“(A) the utilization of teaching strategies*
13 *and curricula, based upon scientifically based re-*
14 *search, which effectively integrate technology into*
15 *instruction, leading to improvements in student*
16 *academic achievement as measured by chal-*
17 *lenging State content and student performance*
18 *standards; and*

19 *“(B) sustained and intensive, high quality*
20 *professional development, based upon scientif-*
21 *ically based research, which increases teacher ca-*
22 *capacity to create improved learning environments*
23 *through the integration of technology into in-*
24 *struction through proven strategies and improved*
25 *content as described in subparagraph (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 are*
6 *linked to such emerging technologies to provide chal-*
7 *lenging content and improved classroom instruction.*

8 “(5) *A description of how the applicant will co-*
9 *ordinate education technology activities funded under*
10 *this subpart, including (but not limited to) profes-*
11 *sional development, with any such activities provided*
12 *under other Federal, State, and local programs, in-*
13 *cluding those authorized under title I, title II, title*
14 *VI, and (where applicable) the Individuals with Dis-*
15 *abilities Education Act and the Carl D. Perkins Vo-*
16 *catiional and Technical Education Act of 1998.*

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

24 “(7) *If requested by the State—*

1 “(A) a description of how the applicant will
2 use funds provided under this subpart in a man-
3 ner which is consistent with any broad education
4 technology priorities which may be established by
5 the State consistent with this part; and

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

12 “(8) A description of the applicant’s Internet fil-
13 tering or blocking technology and related enforcement
14 policies.

15 **“SEC. 3115. STATE ACTIVITIES.**

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

20 “(1) *Developing or assisting applicants in the*
21 *development and utilization of innovative strategies*
22 *to deliver rigorous academic programs through the use*
23 *of technology and distance learning, and providing*
24 *other technical assistance to such applicants through-*

1 *out the State, with a priority to high need local edu-*
2 *cational agencies.*

3 *“(2) Establishing or supporting joint public and*
4 *private initiatives to provide interest-free or reduced*
5 *loans for the acquisition of educational technology for*
6 *high need local educational agencies and students at-*
7 *tending schools within such districts.*

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

15 *“(A) access data and resources to develop*
16 *curricula and instructional materials;*

17 *“(B) enable teachers to use the Internet to*
18 *communicate with other teachers and to retrieve*
19 *web-based learning resources; and*

20 *“(C) lead to improvements in classroom in-*
21 *struction in the core academic subject areas,*
22 *which effectively prepare students to meet chal-*
23 *lenging State content and student performance*
24 *standards.*

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

6 “(5) *Establishing or expanding access to tech-*
7 *nology in neighborhoods served by high need local*
8 *educational agencies, with special emphasis for access*
9 *provided through technology centers in partnership*
10 *with libraries and with the support of the private sec-*
11 *tor.*

12 “(6) *Developing enhanced performance measure-*
13 *ment systems to determine the effectiveness of edu-*
14 *cation technology programs funded under this sub-*
15 *part, especially in determining the extent to which*
16 *education technology funded under this part has been*
17 *successfully integrated into teaching strategies and*
18 *school curriculum, has increased the ability of teach-*
19 *ers to teach, and has enabled students to meet chal-*
20 *lenging State content and student performance stand-*
21 *ards.*

22 “(b) *LIMITATION ON ADMINISTRATIVE COSTS.—Of the*
23 *5 percent of the State’s allotment under section 3111 which*
24 *may be used to carry out activities under this section, not*

1 *more than 10 percent may be used by the State for adminis-*
2 *trative costs.*

3 **“SEC. 3116. LOCAL ACTIVITIES.**

4 “(a) *PROFESSIONAL DEVELOPMENT.*—A recipient of
5 *funds made available under section 3112(a)(2)(A) shall use*
6 *not less than 20 percent of such funds to provide sustained*
7 *and intensive, high-quality professional development, based*
8 *on scientifically based research, in the integration of ad-*
9 *vanced technologies (including emerging technologies) into*
10 *curriculum and in using those technologies to create new*
11 *learning environments, including training in the use of*
12 *technology to—*

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

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

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

22 “(b) *OTHER ACTIVITIES.*—In addition to the activities
23 *described in subsection (a), a recipient of funds made avail-*
24 *able under section 3112(a)(2)(A) shall use such funds to*

1 *carry out other activities consistent with this part, which*
2 *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 use*
6 *of teaching practices and advanced technologies which*
7 *are based upon scientifically based research and are*
8 *designed to prepare students to meet challenging State*
9 *content and student performance standards, and for*
10 *developing and utilizing innovative strategies to de-*
11 *liver rigorous academic programs.*

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

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

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

22 “(5) *Acquiring filtering, blocking, or other tech-*
23 *nologies and activities which are designed to protect*
24 *students from harmful materials which may be*
25 *accessed on the Internet.*

1 “(6) *Using technology to collect, manage, and*
2 *analyze data to inform school improvement efforts.*

3 “(7) *Implementing enhanced performance meas-*
4 *urement systems to determine the effectiveness of edu-*
5 *cation technology programs funded under this sub-*
6 *part, especially in determining the extent to which*
7 *education technology funded under this part has been*
8 *successfully integrated into teaching strategies and*
9 *school curriculum, has increased the ability of teach-*
10 *ers to teach, and has enabled students to meet chal-*
11 *lenging State content and student performance stand-*
12 *ards.*

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

18 “(9) *Establishing or expanding access to tech-*
19 *nology in neighborhoods served by high need local*
20 *educational agencies, with special emphasis for access*
21 *provided through technology centers in partnership*
22 *with libraries and with the support of the private sec-*
23 *tor.*

1 “(10) *Carrying out a program under which the*
2 *recipient enters into an agreement with an entity for*
3 *providing—*

4 “(A) *one laptop computer for each child in*
5 *the third through twelfth grades in the school dis-*
6 *trict (in such installments over such period of*
7 *time as the recipient and entity may provide in*
8 *the agreement) ;*

9 “(B) *training and ongoing support in the*
10 *use of such laptop computers for students, teach-*
11 *ers, and parents;*

12 “(C) *hardware and software for such laptop*
13 *computers for instruction and professional devel-*
14 *opment; and*

15 “(D) *assistance in using the technology pro-*
16 *vided to incorporate State and local academic*
17 *goals into the curricula.*

18 “(c) *INTERNET FILTERING.—*

19 “(1) *IN GENERAL.—No funds made available*
20 *under this subpart to a local educational agency or*
21 *elementary or secondary school may be used to pur-*
22 *chase computers used to access the Internet, or to pay*
23 *for direct costs associated with accessing the Internet,*
24 *unless such agency or school has in place, on com-*

1 *puters that are accessible to minors, and during use*
2 *by such minors, technology which filters or blocks—*

3 *“(A) material that is obscene;*

4 *“(B) child pornography; and*

5 *“(C) material harmful to minors.*

6 *“(2) DISABLING DURING ADULT USE.—An ad-*
7 *ministrator, supervisor, or other authority may dis-*
8 *able the technology described in paragraph (1) during*
9 *use by an adult, to enable unfiltered access for bona*
10 *fide research or other lawful purposes.*

11 *“(3) RULE OF CONSTRUCTION.—Nothing in this*
12 *section shall be construed to prohibit a local edu-*
13 *cational agency or elementary or secondary school*
14 *from filtering or blocking materials other than those*
15 *referred to in subparagraph (A), (B), or (C) of para-*
16 *graph (1).*

17 *“(4) DEFINITIONS.—*

18 *“(A) MATERIAL HARMFUL TO MINORS.—The*
19 *term ‘material harmful to minors’ has the mean-*
20 *ing given such term in section 231(e)(6) of the*
21 *Communications Act of 1934.*

22 *“(B) CHILD PORNOGRAPHY.—The term*
23 *‘child pornography’ has the meaning given such*
24 *term in section 2256(8) of title 18, United States*
25 *Code.*

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

4 “(5) *SEVERABILITY*.—If any provision of this
5 subsection is held invalid, the remainder of such sub-
6 section and this Act shall not be affected thereby.

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

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

9 “(a) *IN GENERAL*.—Using funds made available under
10 section 3101(b)(2), the Secretary may carry out the fol-
11 lowing initiatives:

12 “(1) *The funding of programs built upon sci-*
13 *entifically based research, which utilize technology in*
14 *education, through the competitive awarding of grants*
15 *or contracts, pursuant to a peer review process, to*
16 *States, local educational agencies (including eligible*
17 *local entities), institutions of higher education, and*
18 *public and private or nonprofit or for-profit agencies.*

19 “(2) *The provision of technical assistance to*
20 *States, local educational agencies, and other grantees*
21 *under this part (directly or through the competitive*
22 *award of grants or contracts) in order to assist such*
23 *States, local educational agencies, and other grantees*
24 *to achieve the purposes of this part.*

1 “(3) *Acting through the Office of Educational*
2 *Technology, the updating of the national long-range*
3 *educational technology plan developed pursuant to*
4 *section 3121 (as in effect prior to the enactment of the*
5 *Education OPTIONS Act) in accordance with the re-*
6 *quirements of such section, in order to promote the*
7 *purposes of this title and to ensure the coordination*
8 *of Federal efforts to promote the effective use of edu-*
9 *cational technology.*

10 “(b) *STUDY OF USE OF TECHNOLOGY TO IMPROVE*
11 *ACADEMIC ACHIEVEMENT.—Using funds made available*
12 *under section 3101(b)(2), the Secretary shall conduct an*
13 *independent, long-term study utilizing scientifically based*
14 *research methods and control groups, on the effectiveness of*
15 *the uses of educational technology on improving student*
16 *academic achievement, and shall include in the study an*
17 *identification of effective uses of educational technology that*
18 *have a measurable positive impact on student achievement.*

19 “(c) *PRIORITIES.—In funding initiatives under sub-*
20 *section (a), the Secretary shall place a priority on projects*
21 *which—*

22 “(1) *develop innovative models using electronic*
23 *networks or other forms of distance learning to pro-*
24 *vide challenging courses which are otherwise not read-*

1 *ily available to students in a particular school dis-*
2 *trict, particularly in rural areas; and*

3 *“(2) increase access to technology to those resid-*
4 *ing in districts served by high need local educational*
5 *agencies.*

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

7 *“(a) APPLICATION.—In order to receive a grant or con-*
8 *tract under this subpart, an entity shall submit an applica-*
9 *tion to the Secretary (at such time and in such form as*
10 *the Secretary may require), and shall include in the*
11 *application—*

12 *“(1) a description of the project proposed to be*
13 *carried out with the grant or contract and how it*
14 *would carry out the purposes of this subpart; and*

15 *“(2) a detailed plan for the independent evalua-*
16 *tion of the project built upon scientifically based re-*
17 *search principles to determine the impact on the aca-*
18 *ademic achievement of students served under such*
19 *project, as measured by challenging State content and*
20 *student performance standards.*

21 *“(b) NON-FEDERAL SHARE.—*

22 *“(1) IN GENERAL.—Subject to paragraphs (2)*
23 *and (3), the Secretary may require any recipient of*
24 *a grant or contract under this subpart to share in the*
25 *cost of the activities assisted under such grant or con-*

1 *tract, which may be in the form of cash or in-kind*
2 *contributions fairly valued.*

3 “(2) *INCREASE.*—*The Secretary may increase*
4 *the non-Federal share required of a recipient of a*
5 *grant or contract under this subpart after the first*
6 *year such recipient receives funds under such grant or*
7 *contract.*

8 “(3) *MAXIMUM.*—*The non-Federal share required*
9 *under this subsection may not exceed 50 percent of the*
10 *cost of the activities assisted pursuant to a grant or*
11 *contract under this subpart.*

12 “(4) *NOTICE.*—*The Secretary shall publish in*
13 *the Federal Register the non-Federal share required*
14 *under this subsection.*

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

16 “(a) *EVALUATION AUTHORITY.*—*In order to identify*
17 *effective uses of educational technology that have a measur-*
18 *able positive impact on student achievement, the Secretary*
19 *shall—*

20 “(1) *develop tools and provide resources, includ-*
21 *ing technical assistance, for recipients of funds under*
22 *this subpart to effectively evaluate their activities;*
23 *and*

24 “(2) *conduct independent evaluations of the ac-*
25 *tivities assisted under this subpart.*

1 “(b) *POST-GRANT EVALUATION INFORMATION AND*
2 *DISSEMINATION.*—

3 “(1) *IN GENERAL.*—*The Secretary shall establish*
4 *a process under which information on each project*
5 *funded with a grant or contract under this subpart*
6 *is made widely available to schools and the general*
7 *public, including through dissemination on the Inter-*
8 *net, in a timely and user-friendly manner.*

9 “(2) *SPECIFIC INFORMATION REQUIRED.*—*The*
10 *information made available and disseminated under*
11 *paragraph (1) shall at a minimum include the fol-*
12 *lowing:*

13 “(A) *Upon the awarding of such a grant or*
14 *contract under this subpart, the identification of*
15 *the grant or contract recipient, the amount of the*
16 *grant or contract, the stated goals of the grant*
17 *or contract, the methods by which the grant or*
18 *contract will be evaluated in meeting such stated*
19 *goals, and the timeline for meeting such goals.*

20 “(B) *Not later than 12 months after the*
21 *awarding of such a grant or contract, informa-*
22 *tion on the progress of the grant or contract re-*
23 *ipient in carrying out the grant or contract, in-*
24 *cluding a detailed description of the use of the*
25 *funds provided, the extent to which the stated*

1 *goals have been reached, and the results (or*
2 *progress of) the evaluation of the project, meeting*
3 *the requirements of scientifically based research,*
4 *funded under the grant or contract.*

5 “(C) *Not later than 24 months after the*
6 *awarding of such a grant or contract (and up-*
7 *dated thereafter as appropriate), a follow up to*
8 *the information described in subparagraph (B).*

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

10 **“SEC. 3201. PROGRAM AUTHORIZED.**

11 “(a) *IN GENERAL.—The Secretary is authorized to*
12 *award grants to or enter into contracts or cooperative agree-*
13 *ments with eligible entities described in subsection (c) to—*

14 “(1) *develop, produce, and distribute educational*
15 *and instructional video programming for preschool*
16 *and elementary school children and their parents in*
17 *order to facilitate student academic achievement;*

18 “(2) *facilitate the development (directly or*
19 *through contracts with producers of children and fam-*
20 *ily educational television programming) of edu-*
21 *cational programming for preschool and elementary*
22 *school children and accompanying support materials*
23 *and services that directly promote the effective use of*
24 *such programming;*

1 “(3) facilitate the development of programming
2 and digital content especially designed for nationwide
3 distribution over digital broadcasting channels and
4 the Internet, containing Ready to Learn-based chil-
5 dren’s programming and resources for parents and
6 caregivers;

7 “(4) enable such entities to contract with other
8 entities (such as public telecommunications entities)
9 so that programs funded under this section are dis-
10 seminated and distributed by the most appropriate
11 distribution technologies to the widest possible audi-
12 ence appropriate to be served by the programming;
13 and

14 “(5) develop and disseminate training and sup-
15 port materials, including interactive programs and
16 programs adaptable to distance learning technologies
17 which are designed to—

18 “(A) promote school readiness; and

19 “(B) promote the effective use of program-
20 ming developed under paragraphs (2) and (3)
21 among parents, Head Start providers, Even
22 Start and providers of family literacy services,
23 child care providers, early childhood development
24 personnel, and elementary school teachers, public
25 libraries, and after school program personnel

1 *caring for preschool and elementary school chil-*
2 *dren.*

3 “(b) *AVAILABILITY.*—*In making grants, contracts, or*
4 *cooperative agreements under this section, the Secretary*
5 *shall ensure that recipients increase the effective use of the*
6 *programming funded under this section by making it wide-*
7 *ly available with support materials as appropriate to*
8 *young children, their parents, child care workers, Head*
9 *Start providers, and Even Start and providers of family*
10 *literacy services.*

11 “(c) *ELIGIBLE ENTITIES DESCRIBED.*—*In this part,*
12 *an ‘eligible entity’ means a nonprofit entity (including a*
13 *public telecommunications entity) which is able—*

14 “(1) *to demonstrate a capacity for the develop-*
15 *ment and national distribution of educational and*
16 *instructional television programming of high quality*
17 *which is accessible by a large majority of disadvan-*
18 *taged preschool and elementary school children; and*

19 “(2) *to demonstrate—*

20 “(A) *a capacity to contract with the pro-*
21 *ducers of children’s television programming for*
22 *the purpose of developing educational television*
23 *programming of high quality which is accessible*
24 *by a large majority of disadvantaged preschool*
25 *and elementary school children, and*

1 “(B) consistent with the entity’s mission
2 and nonprofit nature, a capacity to negotiate
3 such contracts in a manner which returns to the
4 entity an appropriate share of any ancillary in-
5 come from sales of any program-related products.

6 “(d) *CAP ON ADMINISTRATIVE COSTS.*—An entity re-
7 ceiving a grant, contract, or cooperative agreement from the
8 Secretary under this section may not use more than 5 per-
9 cent of the amounts received under the grant, contract, or
10 cooperative agreement for the expenses of administering the
11 grant, contract, or cooperative agreement.

12 “(e) *COORDINATION OF ACTIVITIES.*—An entity receiv-
13 ing a grant, contract, or cooperative agreement from the
14 Secretary under this section shall work with the Secretary
15 and the Secretary of Health and Human Services to—

16 “(1) maximize the utilization by preschool and
17 elementary school children of the programming fund-
18 ed under this section and to make such programming
19 widely available to federally funded programs serving
20 such populations; and

21 “(2) coordinate with Federal programs that have
22 major training components for early childhood devel-
23 opment (including Head Start, Even Start, family
24 literacy services, and State training activities funded
25 under the Child Care Development Block Grant Act

1 of 1990) regarding the availability and utilization of
2 materials developed with funds provided under this
3 section to enhance parent and child care provider
4 skills in early childhood development and education.

5 **“SEC. 3202. APPLICATIONS.**

6 “Any entity desiring a grant, contract, or cooperative
7 agreement under this part shall submit an application to
8 the Secretary at such time, in such manner, and accom-
9 panied by such information as the Secretary may reason-
10 ably require.

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

12 “(a) *ANNUAL REPORT BY GRANT RECIPIENTS TO SEC-*
13 *RETARY.—Each entity receiving funds under section 3201*
14 *shall prepare and submit to the Secretary an annual report*
15 *which contains such information as the Secretary may re-*
16 *quire. At a minimum, the report shall describe the program*
17 *activities undertaken with funds received under such sec-*
18 *tion, including information regarding—*

19 “(1) *the programming that has been developed*
20 *directly or indirectly by the entity and the target*
21 *population of the programs developed;*

22 “(2) *the support and training materials that*
23 *have been developed to accompany the programming*
24 *and the method by which such materials are distrib-*
25 *uted to consumers and users of the programming;*

1 “(3) *the means by which the programming has*
2 *been distributed, including the distance learning tech-*
3 *nologies that have been utilized to make programming*
4 *available and the geographic distribution achieved*
5 *through such technologies; and*

6 “(4) *the initiatives undertaken by the entity to*
7 *develop public-private partnerships to secure non-Fed-*
8 *eral support for the development and distribution and*
9 *broadcast of educational and instructional program-*
10 *ming.*

11 “(b) *REPORT TO CONGRESS.—The Secretary shall pre-*
12 *pare and submit to the relevant committees of Congress a*
13 *biannual report on the activities funded and carried out*
14 *under this part, and shall include in the report—*

15 “(1) *a summary of the programming developed*
16 *using funds provided under section 3201; and*

17 “(2) *a description of the training materials de-*
18 *veloped using funds provided under section 3201, the*
19 *manner in which outreach has been conducted to in-*
20 *form parents and child care providers of the avail-*
21 *ability of such materials, and the manner in which*
22 *such materials have been distributed.*

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

24 *“There are authorized to be appropriated to carry out*
25 *this part \$16,000,000 for fiscal year 2000, and such sums*

1 *as may be necessary for each of the 5 succeeding fiscal years.*
2 *Not less than 60 percent of the amounts authorized to be*
3 *appropriated under this section for any fiscal year shall*
4 *be used to carry out paragraphs (2) and (3) of section*
5 *3201(a).*

6 **“PART C—TELECOMMUNICATIONS PROGRAM**

7 **“SEC. 3301. PROGRAM AUTHORIZED.**

8 *“(a) IN GENERAL.—The Secretary is authorized to*
9 *carry out any of the following activities:*

10 *“(1) Awarding grants to a nonprofit tele-*
11 *communications entity (or a partnership of such enti-*
12 *ties) for the purpose of carrying out a national tele-*
13 *communications-based program to improve the teach-*
14 *ing of core academic subjects and to assist elementary*
15 *and secondary school teachers in preparing all stu-*
16 *dents to achieve State content standards.*

17 *“(2) Awarding grants to or entering into con-*
18 *tracts or cooperative agreements with a local public*
19 *telecommunications entity to develop, produce, and*
20 *distribute educational and instructional video pro-*
21 *gramming which is designed for use by elementary*
22 *and secondary school students, created for or adapt-*
23 *able to State content standards, and capable of dis-*
24 *tribution through digital broadcasting and school dig-*
25 *ital networks.*

1 “(b) *APPLICATIONS.*—

2 “(1) *IN GENERAL.*—*Any telecommunications en-*
3 *tity or partnership of such entities desiring a grant*
4 *under this part shall submit an application to the*
5 *Secretary.*

6 “(2) *SPECIFIC REQUIREMENTS FOR NATIONAL*
7 *TELECOMMUNICATIONS-BASED PROGRAM.*—*Each ap-*
8 *plication for a grant subsection (a)(1) shall—*

9 “(A) *demonstrate that the applicant will*
10 *use the existing publicly funded telecommuni-*
11 *cations infrastructure, the Internet, and school*
12 *digital networks (where available) to deliver*
13 *video, voice, and data in an integrated service to*
14 *train teachers in the use of materials and learn-*
15 *ing technologies for achieving State content*
16 *standards;*

17 “(B) *assure that the program for which as-*
18 *sistance is sought will be conducted in coopera-*
19 *tion with States as appropriate, local edu-*
20 *cational agencies, and State or local nonprofit*
21 *public telecommunications entities;*

22 “(C) *assure that a significant portion of the*
23 *benefits available for elementary and secondary*
24 *schools from the program for which assistance is*
25 *sought will be available to schools of local edu-*

1 *cational agencies which have a high percentage*
2 *of children counted for the purpose of part A of*
3 *title I; and*

4 *“(D) contain such additional assurances as*
5 *the Secretary may reasonably require.*

6 *“(c) APPROVAL OF APPLICATIONS; NUMBER OF DEM-*
7 *ONSTRATION SITES.—In approving applications under this*
8 *section, the Secretary shall assure that—*

9 *“(1) the national telecommunications-based pro-*
10 *gram under subsection (a)(1) is conducted at elemen-*
11 *tary and secondary school sites in at least 15 States;*
12 *and*

13 *“(2) grants under subsection (a)(2) are awarded*
14 *on a competitive basis and for a period of 3 years to*
15 *entities which—*

16 *“(A) enter into multiyear collaborative ar-*
17 *rangements for content development with State*
18 *educational agencies, local educational agencies,*
19 *institutions of higher education, businesses, or*
20 *other agencies and organizations, and*

21 *“(B) contribute non-Federal matching funds*
22 *(including funds provided for transitions to dig-*
23 *ital broadcasting as well as in-kind contribu-*
24 *tions) to the activities assisted with the grant in*

1 *an amount not less than 100 percent of the*
 2 *amount of the grant.*

3 **“SEC. 3302. AUTHORIZATION OF APPROPRIATIONS.**

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

8 **TITLE IV—INNOVATIVE**
 9 **EDUCATION PROGRAMS**

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

11 *Title VI of the Elementary and Secondary Education*
 12 *Act of 1965 (20 U.S.C. 7301 et seq.) is amended to read*
 13 *as follows:*

14 **“TITLE VI—INNOVATIVE EDU-**
 15 **CATION PROGRAM STRATE-**
 16 **GIES**

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

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

19 *“(1) provides flexibility to meet local needs;*

20 *“(2) promotes local and State education reforms;*

21 *“(3) contributes to the improvement of academic*
 22 *achievement for all students.*

23 *“(4) provides funding for critical activities; and*

24 *“(5) provides services for private school students.*

1 “(b) *STATEMENT OF PURPOSE.*—*It is the purpose of*
2 *programs under this title—*

3 “(1) *to provide funding to enable States and*
4 *local educational agencies to implement promising*
5 *educational reform programs and school improvement*
6 *initiatives based on scientifically based research;*

7 “(2) *to provide a continuing source of innova-*
8 *tion and educational improvement, including support*
9 *for library services and instructional and media ma-*
10 *terials; and*

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

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

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

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

3 “(a) *RESERVATIONS.*—*From the sums appropriated to*
4 *carry out this title for any fiscal year, the Secretary shall*
5 *reserve not to exceed 1 percent for payments to outlying*
6 *areas to be allotted in accordance with their respective*
7 *needs.*

8 “(b) *ALLOTMENT.*—*From the remainder of such sums,*
9 *the Secretary shall allot to each State an amount which*
10 *bears the same ratio to the amount of such remainder as*
11 *the school-age population of the State bears to the school-*
12 *age population of all States, except that no State shall re-*
13 *ceive less than an amount equal to 1/2 of 1 percent of such*
14 *remainder.*

15 **“SEC. 6102. ALLOCATION TO LOCAL EDUCATIONAL AGEN-**
16 **CIES.**

17 “(a) *DISTRIBUTION RULE.*—

18 “(1) *IN GENERAL.*—*Subject to paragraph (2),*
19 *from the sums made available each year to carry out*
20 *this title, the State shall distribute not less than 85*
21 *percent to local educational agencies within such*
22 *State according to the relative enrollments in public*
23 *and private, nonprofit schools within the jurisdictions*
24 *of such agencies, adjusted, in accordance with criteria*
25 *approved by the Secretary, to provide higher per-*
26 *pupil allocations to local educational agencies that*

1 *have the greatest numbers or percentages of children*
2 *whose education imposes a higher than average cost*
3 *per child, such as—*

4 *“(A) children living in areas with high con-*
5 *centrations of low-income families;*

6 *“(B) children from low-income families;*
7 *and*

8 *“(C) children living in sparsely populated*
9 *areas.*

10 *“(2) EXCEPTION.—100 percent of any amount*
11 *by which the funds paid to a State under this title*
12 *for a fiscal year exceed the amount of such funds paid*
13 *to the State for fiscal year 2000 shall be distributed*
14 *to local educational agencies and used locally for in-*
15 *novative assistance described in section 6301(b).*

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

21 *“(b) CALCULATION OF ENROLLMENTS.—*

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

1 “(A) *the number of children enrolled in*
2 *public schools; and*

3 “(B) *the number of children enrolled in pri-*
4 *vate nonprofit schools that desire that their chil-*
5 *dren participate in programs or projects assisted*
6 *under this title, for the fiscal year preceding the*
7 *fiscal year for which the determination is made.*

8 “(2) *CONSTRUCTION.—Nothing in this subsection*
9 *shall diminish the responsibility of local educational*
10 *agencies to contact, on an annual basis, appropriate*
11 *officials from private nonprofit schools within the*
12 *areas served by such agencies in order to determine*
13 *whether such schools desire that their children partici-*
14 *partate in programs assisted under this 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 Secretary*
19 *under subparagraph (B), to provide higher per-*
20 *pupil allocations only to local educational agen-*
21 *cies that serve the greatest numbers or percent-*
22 *ages 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 review
6 criteria submitted by a State for adjusting allo-
7 cations under paragraph (1) and shall approve
8 such criteria only if the Secretary determines
9 that such criteria are reasonably calculated to
10 produce an adjusted allocation that reflects the
11 relative needs within the State’s local edu-
12 cational agencies based on the factors set forth in
13 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 agen-
20 cy’s allocation, as determined under subsection (a).

21 “(2) ADDITIONAL FUNDS.—

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

1 *subsection (a)(1) may, in the discretion of the*
2 *local educational agency, be allocated for expend-*
3 *itures to provide services for children enrolled in*
4 *public and private nonprofit schools in direct*
5 *proportion to the number of children described in*
6 *subsection (a)(1) and enrolled in such schools*
7 *within the local educational agency.*

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

14 *“(C) CONSTRUCTION.—Subparagraphs (A)*
15 *and (B) may not be construed to require any*
16 *school to limit the use of the additional funds de-*
17 *scribed in subparagraph (A) to the provision of*
18 *services to specific students or categories of stu-*
19 *dents.*

20 **“PART B—STATE PROGRAMS**

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

22 *“A State may use funds made available for State use*
23 *under this title only for—*

24 *“(1) State administration of programs under*
25 *this title including—*

1 “(A) supervision of the allocation of funds
2 to local educational agencies;

3 “(B) planning, supervision, and processing
4 of State funds; and

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

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

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

14 **“SEC. 6202. STATE APPLICATIONS.**

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

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

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

24 “(3) provides that the State will keep such
25 records and provide such information to the Secretary

1 *as may be required for fiscal audit and program eval-*
2 *uation (consistent with the responsibilities of the Sec-*
3 *retary under this section);*

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

11 *“(5) contains assurances that there is compliance*
12 *with the specific requirements of this title; and*

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

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

1 *development to assist teachers and other school offi-*
2 *ciala regarding how to use effectively such equipment*
3 *and software;*

4 “(3) *programs for the development or acquisition*
5 *and use of instructional and educational materials,*
6 *including library services and materials (including*
7 *media materials), assessments, reference materials,*
8 *computer software and hardware for instructional*
9 *use, and other curricular materials which are tied to*
10 *high academic standards and which will be used to*
11 *improve student achievement and which are part of*
12 *an overall education reform program;*

13 “(4) *promising education reform projects, in-*
14 *cluding effective schools and magnet schools;*

15 “(5) *programs to improve the academic skills of*
16 *disadvantaged elementary and secondary school stu-*
17 *dents and to prevent students from dropping out of*
18 *school;*

19 “(6) *programs to combat illiteracy in the student*
20 *and adult population, including parent illiteracy;*

21 “(7) *programs to provide for the educational*
22 *needs of gifted and talented children;*

23 “(8) *planning, designing, and initial implemen-*
24 *tation of charter schools as described in part C of title*
25 *X;*

1 “(9) school improvement programs or activities
2 under sections 1116 and 1117;

3 “(10) education reform projects that provide sin-
4 gle gender schools and classrooms, as long as com-
5 parable educational opportunities are offered for stu-
6 dents of both sexes;

7 “(11) community service programs that use
8 qualified school personnel to train and mobilize
9 young people to measurably strengthen their commu-
10 nities through nonviolence, responsibility, compassion,
11 respect, and moral courage;

12 “(12) curriculum-based youth entrepreneurship
13 education programs with demonstrated records of em-
14 powering disadvantaged youth with applied mathe-
15 matics, entrepreneurial, and other analytical skills;

16 “(13) activities to promote consumer, economic,
17 and personal finance education, such as dissemi-
18 nating and encouraging the best practices for teaching
19 the basic principles of economics and promoting the
20 concept of achieving financial literacy through the
21 teaching of personal financial management skills in-
22 cluding the basic principles involved with earning,
23 spending, saving, and investing;

24 “(14) public school choice;

1 “(15) *expanding and improving school-based*
2 *mental health services, including early identification*
3 *of drug use and violence, assessment, and direct indi-*
4 *vidual or group counseling services provided to stu-*
5 *dents, parents, and school personnel by qualified*
6 *school based mental health services personnel; and*

7 “(16) *alternative educational programs for those*
8 *students who have been expelled or suspended from*
9 *their regular educational setting, including programs*
10 *to assist students to reenter the regular educational*
11 *setting upon return from treatment or alternative*
12 *educational programs.*

13 **“SEC. 6302. ADMINISTRATIVE AUTHORITY.**

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

20 **“SEC. 6303. LOCAL APPLICATIONS.**

21 “(a) *CONTENTS OF APPLICATION.—A local educational*
22 *agency or consortium of such agencies may receive an allo-*
23 *cation of funds under this title for any year for which an*
24 *application is submitted to the State and such application*
25 *is certified to meet the requirements of this section. The*

1 *State shall certify any such application if such*
2 *application—*

3 “(1) *describes locally identified needs relative to*
4 *the purposes of this title and to the innovative assist-*
5 *ance described in section 6301(b);*

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

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

14 “(4) *describes how assistance under this title will*
15 *contribute to improving student academic achieve-*
16 *ment;*

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

21 “(6) *agrees to keep such records, and provide*
22 *such information to the State as reasonably may be*
23 *required for fiscal audit and program evaluation,*
24 *consistent with the responsibilities of the State under*
25 *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 area
6 served by the local educational agency, with teachers
7 and administrative personnel in such schools, and
8 with other groups involved in the implementation of
9 this title (such as librarians, school counselors, and
10 other pupil services personnel) as may be considered
11 appropriate by the local educational agency; and

12 “(8) provides assurance that—

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

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

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

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

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

7 “(c) *LOCAL EDUCATIONAL AGENCY DISCRETION.*—
 8 Subject to the limitations and requirements of this title, a
 9 local educational agency shall have complete discretion in
 10 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 alloca-
 22 tion of funds under this part for any fiscal year if
 23 the Secretary finds that either the combined fiscal ef-
 24 fort per student or the aggregate expenditures within
 25 the State with respect to the provision of free public

1 *education for the fiscal year preceding the fiscal year*
2 *for which the determination is made was not less*
3 *than 90 percent of such combined fiscal effort or ag-*
4 *gregate expenditures for the second fiscal year pre-*
5 *ceding the fiscal year for which the determination is*
6 *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 of*
12 *both the fiscal effort per student and aggregate ex-*
13 *penditures (using the measure most favorable to the*
14 *State), and no such lesser amount shall be used for*
15 *computing the effort required under paragraph (1) for*
16 *subsequent years.*

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

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

1 *ceived 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 with*
11 *the number of children in the school district of a local*
12 *educational agency which is eligible to receive funds*
13 *under this title or which serves the area in which a*
14 *program or project assisted under this title is located*
15 *who are enrolled in private nonprofit elementary and*
16 *secondary schools, or with respect to instructional or*
17 *personnel training programs funded by the State*
18 *from funds made available for State use, such agency,*
19 *after consultation with appropriate private school of-*
20 *ficials, shall provide for the benefit of such children*
21 *in such schools secular, neutral, and nonideological*
22 *services, materials, and equipment, including the par-*
23 *ticipation of the teachers of such children (and other*
24 *educational personnel serving such children) in train-*
25 *ing programs, and the repair or minor remodeling of*

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

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

20 *“(3) APPLICATION OF REQUIREMENTS.—The re-*
21 *quirements of this section relating to the participa-*
22 *tion of children, teachers, and other personnel serving*
23 *such children shall apply to programs and projects*
24 *carried out under this title by a State or local edu-*
25 *cational agency, whether directly or through grants to*

1 *or contracts with other public or private agencies, in-*
2 *stitutions, or organizations.*

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

18 “(c) *FUNDS.—*

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

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

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

20 “(e) *WAIVER AND PROVISION OF SERVICES.*—

21 “(1) *FAILURE TO COMPLY.*—*If the Secretary de-*
22 *termines that a State or a local educational agency*
23 *has substantially failed or is unwilling to provide for*
24 *the participation on an equitable basis of children en-*
25 *rolled in private elementary and secondary schools as*

1 *required by this section, the Secretary may waive*
2 *such requirements and shall arrange for the provision*
3 *of services to such children through arrangements*
4 *which shall be subject to the requirements of this sec-*
5 *tion.*

6 “(2) *WITHHOLDING OF ALLOCATION.*—*Pending*
7 *final resolution of any investigation or complaint*
8 *that could result in a determination under this sub-*
9 *section or subsection (d), the Secretary may withhold*
10 *from the allocation of the affected State or local edu-*
11 *cational agency the amount estimated by the Sec-*
12 *retary to be necessary to pay the cost of those services.*

13 “(f) *DETERMINATION.*—*Any determination by the Sec-*
14 *retary under this section shall continue in effect until the*
15 *Secretary determines that there will no longer be any fail-*
16 *ure or inability on the part of the State or local educational*
17 *agency to meet the requirements of subsections (a) and (b).*

18 “(g) *PAYMENT FROM STATE ALLOTMENT.*—*When the*
19 *Secretary arranges for services pursuant to this section, the*
20 *Secretary shall, after consultation with the appropriate*
21 *public and private school officials, pay the cost of such serv-*
22 *ices, including the administrative costs of arranging for*
23 *those services, from the appropriate allotment of the State*
24 *under this title.*

25 “(h) *REVIEW.*—

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

9 “(2) *COURT ACTION.*—*If a State or local edu-*
10 *cational agency is dissatisfied with the Secretary’s*
11 *final action after a proceeding under paragraph (1),*
12 *such agency may, not later than 60 days after notice*
13 *of such action, file with the United States court of ap-*
14 *peals for the circuit in which such State is located a*
15 *petition for review of that action. A copy of the peti-*
16 *tion shall be transmitted by the clerk of the court to*
17 *the Secretary. The Secretary thereupon shall file in*
18 *the court the record of the proceedings on which the*
19 *Secretary based this action, as provided in section*
20 *2112 of title 28, United States Code.*

21 “(3) *REMAND TO SECRETARY.*—*The findings of*
22 *fact by the Secretary, if supported by substantial evi-*
23 *dence, shall be conclusive; but the court, for good*
24 *cause shown, may remand the case to the Secretary*
25 *to take further evidence and the Secretary may make*

1 *new or modified findings of fact and may modify the*
2 *Secretary's previous action, and shall file in the court*
3 *the record of the further proceedings. Such new or*
4 *modified findings of fact shall likewise be conclusive*
5 *if supported by substantial evidence.*

6 *“(4) COURT REVIEW.—Upon the filing of such*
7 *petition, the court shall have jurisdiction to affirm the*
8 *action of the Secretary or to set such action aside, in*
9 *whole or in part. The judgment of the court shall be*
10 *subject to review by the Supreme Court of the United*
11 *States upon certiorari or certification as provided in*
12 *section 1254 of title 28, United States Code.*

13 **“SEC. 6403. FEDERAL ADMINISTRATION.**

14 *“(a) TECHNICAL ASSISTANCE.—The Secretary, upon*
15 *request, shall provide technical assistance to States and*
16 *local educational agencies under this title.*

17 *“(b) RULEMAKING.—The Secretary shall issue regula-*
18 *tions under this title only to the extent that such regulations*
19 *are necessary to ensure that there is compliance with the*
20 *specific requirements and assurances required by this title.*

21 *“(c) AVAILABILITY OF APPROPRIATIONS.—Notwith-*
22 *standing any other provision of law, unless expressly in*
23 *limitation of this subsection, funds appropriated in any fis-*
24 *cal year to carry out activities under this title shall become*
25 *available for obligation on July 1 of such fiscal year and*

1 *shall remain available for obligation until the end of the*
2 *subsequent fiscal year.*

3 **“SEC. 6404. DEFINITIONS.**

4 *“For purposes of this title:*

5 *“(1) EFFECTIVE SCHOOLS PROGRAMS.—The term*
6 *‘effective schools programs’ means school-based pro-*
7 *grams that may encompass preschool through sec-*
8 *ondary school levels and that have the objectives of—*

9 *“(A) promoting school-level planning, in-*
10 *structional improvement, and staff development;*

11 *“(B) increasing the academic achievement*
12 *levels of all children and particularly education-*
13 *ally disadvantaged children; and*

14 *“(C) achieving as ongoing conditions in the*
15 *school the following factors identified through*
16 *scientifically based research as distinguishing ef-*
17 *fective from ineffective schools:*

18 *“(i) Strong and effective administra-*
19 *tive and instructional leadership that cre-*
20 *ates consensus on instructional goals and*
21 *organizational capacity for instructional*
22 *problem solving.*

23 *“(ii) Emphasis on the acquisition of*
24 *basic and advanced academic skills.*

1 “(iii) *A safe and orderly school envi-*
2 *ronment that allows teachers and pupils to*
3 *focus their energies on academic achieve-*
4 *ment.*

5 “(iv) *Continuous review of students*
6 *and programs to evaluate the effects of in-*
7 *struction.*

8 “(2) *SCHOOL-AGE POPULATION.—The term*
9 *‘school-age population’ means the population aged 5*
10 *through 17.*

11 “(3) *SCIENTIFICALLY BASED RESEARCH.—The*
12 *term ‘scientifically based research’—*

13 “(A) *means the application of rigorous, sys-*
14 *tematic, and objective procedures to obtain valid*
15 *knowledge relevant to effective schools programs;*
16 *and*

17 “(B) *shall include research that—*

18 “(i) *employs systematic, empirical*
19 *methods that draw on observation or experi-*
20 *ment;*

21 “(ii) *involves rigorous data analyses*
22 *that are adequate to test the stated*
23 *hypotheses and justify the general conclu-*
24 *sions drawn;*

1 “(iii) relies on measurements or obser-
 2 vational methods that provide valid data
 3 across evaluators and observers and across
 4 multiple measurements and observations;
 5 and

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

10 “(4) STATE.—The term ‘State’ means each of the
 11 50 States, the District of Columbia, and the Common-
 12 wealth of Puerto Rico.

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

14 “*There are authorized to be appropriated to carry out*
 15 *this title \$365,750,000 for fiscal year 2000 and such sums*
 16 *as may be necessary for each of the 5 succeeding fiscal*
 17 *years.”.*

18 **TITLE V—PROGRAMS OF**
 19 **NATIONAL SIGNIFICANCE**

20 **PART A—FUND FOR THE IMPROVEMENT OF**
 21 **EDUCATION**

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

23 *Part A of title X of the Elementary and Secondary*
 24 *Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended*
 25 *to read as follows:*

1 “(2) *METHODS FOR CARRYING OUT PROGRAMS*
2 *AND PROJECTS.—The Secretary is authorized to carry*
3 *out such programs and projects directly, or through*
4 *grants to or contracts with States or local educational*
5 *agencies, institutions of higher education, and other*
6 *public and private agencies, organizations, and insti-*
7 *tutions, including religious organizations.*

8 “(b) *USES OF FUNDS.—The funds appropriated under*
9 *this part may be used for any of the following activities*
10 *and programs:*

11 “(1) *Activities to promote systemic education re-*
12 *form at the State and local levels, including—*

13 “(A) *scientifically based research to improve*
14 *student academic achievement at the State and*
15 *local level; and*

16 “(B) *the development and evaluation of*
17 *strategies for parent and community involve-*
18 *ment.*

19 “(2) *Programs at the State and local levels*
20 *which are designed to yield significant results, includ-*
21 *ing programs to explore approaches to public school*
22 *choice and school-based decision-making.*

23 “(3) *Programs designed to promote public school*
24 *choice.*

25 “(4) *Performance rewards for States which—*

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

6 “(B) have agreed to meet specific and nu-
7 merical performance goals during the term of a
8 performance agreement of at least 5 years in
9 length.

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

12 “(6) Activities to promote consumer, economic,
13 entrepreneurial, and personal finance education, in-
14 cluding disseminating and encouraging the best prac-
15 tices for teaching the basic principles of economics
16 and promoting the concept of achieving financial lit-
17 eracy through the teaching of personal financial man-
18 agement skills, including the basic principles involved
19 with earning, spending, saving, and investing.

20 “(7) Studies, evaluations, and dissemination of
21 various education reform strategies and innovations
22 based on scientifically based research being pursued
23 by the Federal Government, States, and local edu-
24 cational agencies.

1 “(8) *The identification and recognition of exem-*
2 *plary schools and programs such as Blue Ribbon*
3 *Schools.*

4 “(9) *Experiential-based learning programs.*

5 “(10) *The development and expansion of public-*
6 *private partnership education programs which extend*
7 *the learning experience beyond the classroom environ-*
8 *ment through the use of computers.*

9 “(11) *An independent study conducted in con-*
10 *sultation with appropriate entities, which will pro-*
11 *vide a multi-level coordinated implementation strat-*
12 *egy based on scientifically based research, for effective*
13 *professional development activities for mathematics*
14 *and science teachers.*

15 “(12) *Programs to hire and support school*
16 *nurses.*

17 “(13) *Grants for the education of recent immi-*
18 *grants to the United States.*

19 “(14) *Activities to plan, implement, or expand*
20 *alternative education programs to reduce classroom*
21 *disruptions and provide a safe learning environment.*

22 “(15) *Grants for elementary and secondary*
23 *school counseling programs under section 10104.*

24 “(16) *Grants for character education programs*
25 *under section 10105.*

1 “(17) *Grants for smaller learning communities*
2 *within high schools programs under section 10106.*

3 **“SEC. 10104. ELEMENTARY AND SECONDARY SCHOOL COUN-**
4 **SELING PROGRAMS.**

5 “(a) *GRANTS AUTHORIZED.*—

6 “(1) *IN GENERAL.*—*The Secretary may use funds*
7 *provided under this part to award grants to local*
8 *educational agencies to enable such agencies to estab-*
9 *lish or expand elementary and secondary school coun-*
10 *seling programs which meet the requirements of sub-*
11 *section (b).*

12 “(2) *PRIORITY.*—*In awarding grants under this*
13 *section, the Secretary shall give special consideration*
14 *to applications describing programs which—*

15 “(A) *demonstrate the greatest need for new*
16 *or additional counseling services among the chil-*
17 *dren in the schools served by the applicant;*

18 “(B) *propose the most promising and inno-*
19 *vative approaches for initiating or expanding*
20 *school counseling; and*

21 “(C) *show the greatest potential for replica-*
22 *tion and dissemination.*

23 “(3) *EQUITABLE DISTRIBUTION.*—*In awarding*
24 *grants under this section, the Secretary shall ensure*
25 *an equitable geographic distribution among the re-*

1 *gions of the United States and among urban, subur-*
2 *ban, and rural local educational agencies.*

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

5 *“(b) REQUIREMENTS FOR COUNSELING PROGRAMS.—*
6 *Each program funded under this section shall—*

7 *“(1) be comprehensive in addressing the coun-*
8 *seling and educational needs of all students;*

9 *“(2) use a developmental, preventive approach to*
10 *counseling;*

11 *“(3) increase the range, availability, quantity,*
12 *and quality of counseling services in the elementary*
13 *and secondary schools of the local educational agency;*

14 *“(4) expand counseling services through qualified*
15 *school counselors, school psychologists, and school so-*
16 *cial workers;*

17 *“(5) use innovative approaches to increase chil-*
18 *dren’s understanding of peer and family relation-*
19 *ships, work and self, decision making, or academic*
20 *and career planning, or to improve peer interaction;*

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

23 *“(7) include inservice training, including train-*
24 *ing for teachers in appropriate identification and*
25 *intervention techniques for disciplining and teaching*

1 *students at risk of violent behavior, by school coun-*
2 *selors, school psychologists, and school social workers;*

3 *“(8) involve parents of participating students in*
4 *the design, implementation, and evaluation of a coun-*
5 *seling program;*

6 *“(9) involve collaborative efforts with community*
7 *groups, social service agencies, or other public or pri-*
8 *vate entities to enhance the program;*

9 *“(10) evaluate annually the effectiveness and*
10 *outcomes of the counseling services and activities as-*
11 *sisted under this section;*

12 *“(11) ensure a team approach to school coun-*
13 *seling in the elementary and secondary schools of the*
14 *local educational agency by maintaining a scientif-*
15 *ically based ratio of school counselors, school social*
16 *workers, and school psychologists to students; and*

17 *“(12) ensure that school counselors, school psy-*
18 *chologists, or school social workers paid from funds*
19 *made available under this section spend a majority of*
20 *their time at the school in activities directly related*
21 *to the counseling process.*

22 *“(c) LIMIT ON ADMINISTRATION.—Not more than 3*
23 *percent of the amounts made available under this section*
24 *in any fiscal year may be used for administrative costs to*
25 *carry out this section.*

1 “(d) *DEFINITIONS.*—For purposes of this section, the
2 terms ‘school counselor’, ‘school psychologist’, and ‘school so-
3 cial worker’, mean individuals qualified, licensed, or cer-
4 tified under State law to provide mental health counseling
5 to children and adolescents.

6 **“SEC. 10105. CHARACTER EDUCATION PROGRAM.**

7 “(a) *PROGRAM AUTHORIZED.*—

8 “(1) *IN GENERAL.*—The Secretary may use funds
9 provided under this part to award grants to States,
10 local educational agencies, or consortia of such edu-
11 cational agencies for the design and implementation
12 of character education programs which incorporate
13 the elements of character described in subsection (c).

14 “(2) *DURATION.*—Each grant under this section
15 shall be awarded for a period not to exceed 5 years,
16 of which the recipient may not use more than 1 year
17 for planning and program design.

18 “(b) *CONTRACTS UNDER PROGRAM.*—

19 “(1) *EVALUATION.*—Each State, local edu-
20 cational agency, or consortia of such educational
21 agencies awarded a grant under this section may con-
22 tract with outside sources, including institutions of
23 higher education and private and nonprofit organiza-
24 tions, for purposes of evaluating its program and
25 measuring the success of the program toward fostering

1 *in students the elements of character described in sub-*
2 *section (c).*

3 “(2) *MATERIALS AND PROGRAM DEVELOP-*
4 *MENT.—Each State, local educational agency, or con-*
5 *sortia of such educational agencies awarded a grant*
6 *under this section may contract with outside sources,*
7 *including institutions of higher education and private*
8 *and nonprofit organizations, for assistance in devel-*
9 *oping curriculum, materials, teacher training, and*
10 *other activities related to character education.*

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

13 “(1) *Honesty.*

14 “(2) *Citizenship.*

15 “(3) *Courage.*

16 “(4) *Justice.*

17 “(5) *Respect.*

18 “(6) *Personal Responsibility.*

19 “(7) *Trustworthiness.*

20 “(8) *Any other elements deemed appropriate by*
21 *the State, local educational agency, or consortia of*
22 *such educational agencies receiving a grant under*
23 *this paragraph.*

24 “(d) *SELECTION OF RECIPIENTS.—*

1 “(1) *CRITERIA.*—*The Secretary shall select*
2 *States, local educational agencies, or consortia of such*
3 *educational agencies to receive grants under this sec-*
4 *tion on the basis of the quality of the applications*
5 *submitted, taking into consideration such factors as—*

6 “(A) *the extent to which the proposed char-*
7 *acter education program fosters in students the*
8 *elements of character described in subsection (c);*

9 “(B) *the extent of parental, student, and*
10 *community involvement in the program; and*

11 “(C) *the likelihood that the goals of the pro-*
12 *gram will be realistically achieved.*

13 “(2) *DIVERSITY OF PROJECTS.*—*The Secretary*
14 *shall approve applications for grants under this sec-*
15 *tion in a manner which ensures to the extent prac-*
16 *ticable that the character education programs funded*
17 *with such grants—*

18 “(A) *serve an equitable geographic distribu-*
19 *tion among the regions of the United States and*
20 *among urban, suburban, and rural areas; and*

21 “(B) *serve schools which serve a high per-*
22 *centage of minorities, Native Americans, stu-*
23 *dents of limited English proficiency, and dis-*
24 *advantaged students.*

1 **“SEC. 10106. SMALLER LEARNING COMMUNITIES WITHIN**
2 **HIGH SCHOOLS.**

3 *“(a) IN GENERAL.—The Secretary may use funds pro-*
4 *vided under this part to—*

5 *“(1) promote the creation of smaller learning*
6 *communities within high schools in which students*
7 *may receive greater individual attention and support,*
8 *including the development and implementation of sci-*
9 *entifically based research strategies described in sub-*
10 *section (b) to create such communities; and*

11 *“(2) develop and implement strategies to include*
12 *parents, business representatives, institutions of high-*
13 *er education, community-based organizations, and*
14 *other community members in such communities.*

15 *“(b) EXAMPLES OF STRATEGIES TO CREATE SMALLER*
16 *LEARNING COMMUNITIES.—The strategies described in this*
17 *subsection to create smaller learning communities within*
18 *high schools may include:*

19 *“(1) The establishment of learning clusters,*
20 *‘houses’, magnet schools, or other approaches to cre-*
21 *ating schools within schools.*

22 *“(2) The use of block scheduling.*

23 *“(3) The use of personal adult advocates, teacher-*
24 *advisory systems, and other mentoring strategies.*

25 *“(4) Strategies to reduce teaching loads.*

1 “(5) *Other innovations designed to increase stu-*
2 *dent academic achievement through the creation of a*
3 *more personalized high school experience for students.*

4 “(c) *SIZE OF COMMUNITIES.*—*In using funds under*
5 *this section, the Secretary’s goal shall be the creation of*
6 *learning communities of not more than 600 students within*
7 *high schools.*

8 **“SEC. 10107. GENERAL PROVISIONS.**

9 “(a) *AWARDS MADE ON COMPETITIVE BASIS.*—*The*
10 *Secretary may make awards under this part on the basis*
11 *of competitions announced by the Secretary.*

12 “(b) *SPECIAL RULE.*—*The Secretary shall ensure that*
13 *programs, projects, and activities supported under this part*
14 *are designed so that the effectiveness of such programs,*
15 *projects, and activities is readily ascertainable and based*
16 *on scientifically based research.*

17 “(c) *PEER REVIEW.*—*The Secretary shall use a peer*
18 *review process in reviewing applications for assistance*
19 *under this part, and may use funds appropriated under*
20 *this part for the cost of such peer review.*

21 “(d) *APPLICATIONS.*—*An applicant for an award*
22 *under this part shall submit an application which—*

23 “(1) *establishes clear goals and objectives for its*
24 *project under this part which are based on scientif-*
25 *ically based research; and*

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

4 “(e) *EVALUATIONS*.—A recipient of an award under
5 this part shall—

6 “(1) evaluate the effectiveness of its project in
7 achieving the goals and objectives stated in its appli-
8 cation; and

9 “(2) report to the Secretary such information as
10 may be required, including evidence of its progress to-
11 ward meeting the such goals, to determine the
12 project’s effectiveness.

13 “(f) *DISSEMINATION OF EVALUATION RESULTS*.—The
14 Secretary shall provide for the dissemination of the evalua-
15 tions of projects funded under this part by making the eval-
16 uations publicly available upon request, and shall publish
17 public notice that the evaluations are so available.

18 “(g) *MATCHING FUNDS*.—The Secretary may require
19 recipients of awards under this part to provide matching
20 funds from non-Federal sources.

21 “(h) *SCIENTIFICALLY BASED RESEARCH DEFINED*.—
22 In this part, the term ‘scientifically based research’—

23 “(1) means the application of rigorous, system-
24 atic, and objective procedures to obtain valid knowl-

1 *edge relevant to education activities and programs;*
2 *and*

3 “(2) shall include research which—

4 “(A) employs systematic, empirical methods
5 which draw on observation or experiment,

6 “(B) involves rigorous data analyses which
7 are adequate to test the stated hypotheses and
8 justify the general conclusions drawn,

9 “(C) relies on measurements or observa-
10 tional methods which provide valid data across
11 evaluators and observers and across multiple
12 measurements and observations, and

13 “(D) has been accepted by a peer reviewed
14 journal or approved by a panel of independent
15 experts through a comparably rigorous, objective,
16 and scientific review.

17 “(i) *AUTHORIZATION OF APPROPRIATIONS.*—For the
18 purpose of carrying out this part, there are authorized to
19 be appropriated \$50,000,000 for fiscal year 2000 and
20 \$50,000,000 for each of the 5 succeeding fiscal years.”.

21 **PART B—ARTS EDUCATION**

22 **SEC. 511. ARTS EDUCATION.**

23 *Part D of title X of the Elementary and Secondary*
24 *Education Act of 1965 (20 U.S.C. 8091 et seq.) is amended*
25 *to read as follows:*

1 **“PART D—ARTS EDUCATION**

2 **“SEC. 10401. SUPPORT FOR ARTS EDUCATION.**

3 “(a) *FINDINGS.—The Congress finds that—*

4 “(1) *every student can benefit from an education*
5 *in the arts;*

6 “(2) *a growing body of research indicates that*
7 *education in the arts may provide cognitive benefits*
8 *and bolster academic achievement, beginning at an*
9 *early age and continuing through school;*

10 “(3) *qualified arts teachers and sequential cur-*
11 *riculum are the basis and core for substantive arts*
12 *education for students;*

13 “(4) *arts education programs should be grounded*
14 *in rigorous instruction and take their place within a*
15 *structure of direct accountability to parents, school of-*
16 *ficials, and the community;*

17 “(5) *opportunities in the arts have enabled per-*
18 *sons of all ages with disabilities to participate more*
19 *fully in school and community activities; and*

20 “(6) *arts education is a valuable part of the ele-*
21 *mentary and secondary school curriculum.*

22 “(b) *PURPOSES.—The purposes of this part are to—*

23 “(1) *support systemic education reform by*
24 *strengthening arts education as an integral part of*
25 *the elementary and secondary school curriculum; and*

1 “(2) help ensure that all students can learn to
2 challenging State content standards and challenging
3 State student performance standards in the arts.

4 “(c) *ELIGIBLE RECIPIENTS.*—In order to carry out the
5 purposes of this part, the Secretary is authorized to award
6 grants to, or enter into contracts or cooperative agreements
7 with—

8 “(1) States;

9 “(2) local educational agencies;

10 “(3) institutions of higher education;

11 “(4) museums and other cultural institutions;

12 and

13 “(5) other public and private agencies, institu-
14 tions, and organizations.

15 “(d) *AUTHORIZED ACTIVITIES.*—Funds under this
16 part may be used for—

17 “(1) research on arts education;

18 “(2) planning, developing, acquiring, expanding,
19 improving, and disseminating model school-based arts
20 education programs;

21 “(3) the development of model State arts edu-
22 cation assessments based on State standards;

23 “(4) the development and implementation of cur-
24 riculum frameworks for arts education;

1 “(5) the development of model inservice profes-
2 sional development programs for arts educators and
3 other instructional staff;

4 “(6) supporting collaborative activities with
5 other Federal agencies or institutions, arts educators,
6 and organizations representing the arts, including
7 State and local arts agencies involved in arts edu-
8 cation;

9 “(7) supporting model projects and programs in
10 the performing arts for children and youth and pro-
11 grams which assure the participation in mainstream
12 settings in arts and education programs of individ-
13 uals with disabilities through arrangements made
14 with organizations such as the John F. Kennedy Cen-
15 ter for the Performing Arts and VSA arts;

16 “(8) supporting model projects and programs to
17 integrate arts education into the regular elementary
18 and secondary school curriculum; and

19 “(9) other activities that further the purposes of
20 this part.

21 “(e) COORDINATION AND CONSULTATION.—

22 “(1) IN GENERAL.—A recipient of funds under
23 this part shall, to the extent possible, coordinate
24 projects assisted under this part with appropriate ac-
25 tivities of public and private cultural agencies, insti-

1 *tutions, and organizations, including museums, arts*
2 *education associations, libraries, and theaters.*

3 “(2) *CONSULTATION.*—*In carrying out this part,*
4 *the Secretary shall consult with other Federal agen-*
5 *cies or institutions, arts educators (including profes-*
6 *sional arts education associations), and organizations*
7 *representing the arts including State and local arts*
8 *agencies involved in arts education.*

9 “(f) *AUTHORIZATION.*—

10 “(1) *IN GENERAL.*—*For the purpose of carrying*
11 *out this part, there are authorized to be appropriated*
12 *\$11,500,000 for fiscal year 2000 and such sums as*
13 *may be necessary for each of the 5 succeeding fiscal*
14 *years.*

15 “(2) *SPECIAL RULE.*—*Any entity receiving funds*
16 *under this part shall use such funds only to supple-*
17 *ment and not to supplant the amount of funds made*
18 *available from non-Federal sources for the activities*
19 *assisted under this part.”.*

20 **PART C—PUBLIC CHARTER SCHOOLS**

21 **SEC. 521. PUBLIC CHARTER SCHOOLS.**

22 (a) *CHARTER SCHOOL DEFINED.*—*Section*
23 *10310(1)(H) of the Elementary and Secondary Education*
24 *Act of 1965 (20 U.S.C. 8066(1)(H)) is amended by insert-*

1 *ing “or in another nondiscriminatory manner consistent*
2 *with State law,” after “lottery.”*

3 (b) *AUTHORIZATION OF APPROPRIATIONS.—Section*
4 *10311 (20 U.S.C. 8067) is amended—*

5 (1) *by striking “\$100,000,000 for fiscal year*
6 *1999” and inserting “\$145,000,000 for fiscal year*
7 *2000”; and*

8 (2) *by striking “four” and inserting “5”.*

9 ***PART D—CIVIC EDUCATION***

10 ***SEC. 531. CIVIC EDUCATION.***

11 *Part F of title X of the Elementary and Secondary*
12 *Education Act of 1965 (20 U.S.C. 8141 et seq.) is amended*
13 *to read as follows:*

14 ***“PART F—CIVIC EDUCATION***

15 ***“SEC. 10601. SHORT TITLE.***

16 *“This part may be cited as the ‘Education for Democ-*
17 *racy Act’.*

18 ***“SEC. 10602. PURPOSE.***

19 *“It is the purpose of this part—*

20 (1) *to improve the quality of civics and govern-*
21 *ment education, by educating students about the his-*
22 *tory and principles of the Constitution of the United*
23 *States, including the Bill of Rights; and*

24 (2) *to foster civic competence and responsi-*
25 *bility.*

1 **“SEC. 10603. GENERAL AUTHORITY.**

2 *“The Secretary is authorized to award grants to or*
3 *enter into contracts with the Center for Civic Education*
4 *to carry out civic education activities under sections 10604.*

5 **“SEC. 10604. WE THE PEOPLE PROGRAM.**

6 *“(a) THE CITIZEN AND THE CONSTITUTION.—*

7 *“(1) IN GENERAL.—The Center for Civic Edu-*
8 *cation shall use funds awarded under section*
9 *10603(a) to carry out The Citizen and the Constitu-*
10 *tion program in accordance with this subsection.*

11 *“(2) EDUCATIONAL ACTIVITIES.—The Citizen*
12 *and the Constitution program—*

13 *“(A) shall continue and expand the edu-*
14 *cational activities of the ‘We the People . . . The*
15 *Citizen and the Constitution’ program adminis-*
16 *tered by the Center for Civic Education;*

17 *“(B) shall enhance student attainment of*
18 *challenging content standards in civics and gov-*
19 *ernment; and*

20 *“(C) shall provide—*

21 *“(i) a course of instruction on the*
22 *basic principles of our Nation’s constitu-*
23 *tional democracy and the history of the*
24 *Constitution of the United States and the*
25 *Bill of Rights;*

1 “(ii) at the request of a participating
2 school, school and community simulated
3 congressional hearings following the course
4 of study;

5 “(iii) an annual national competition
6 of simulated congressional hearings for sec-
7 ondary school students who wish to partici-
8 pate in such a program;

9 “(iv) advanced training of teachers
10 about the Constitution of the United States
11 and the political system the United States
12 created;

13 “(v) materials and methods of instruc-
14 tion, including teacher training, that utilize
15 the latest advancements in educational tech-
16 nology; and

17 “(vi) civic education materials and
18 services to address specific problems such as
19 the prevention of school violence and the
20 abuse of drugs and alcohol.

21 “(3) AVAILABILITY OF PROGRAM.—The education
22 program authorized under this subsection shall be
23 made available to public and private elementary and
24 secondary schools, including Bureau funded schools,
25 in the 435 congressional districts, and in the District

1 *of Columbia, the Commonwealth of Puerto Rico, the*
2 *United States Virgin Islands, Guam, American*
3 *Samoa, and the Commonwealth of the Northern Mar-*
4 *iana Islands.*

5 “(b) *PROJECT CITIZEN.*—

6 “(1) *IN GENERAL.*—*The Center for Civic Edu-*
7 *cation shall use funds awarded under section*
8 *10603(a) to carry out The Project Citizen program in*
9 *accordance with this subsection.*

10 “(2) *EDUCATIONAL ACTIVITIES.*—*The Project*
11 *Citizen program—*

12 “(A) *shall continue and expand the edu-*
13 *cational activities of the ‘We the People . . .*
14 *Project Citizen’ program administered by the*
15 *Center for Civic Education;*

16 “(B) *shall enhance student attainment of*
17 *challenging content standards in civics and gov-*
18 *ernment; and*

19 “(C) *shall provide—*

20 “(i) *a course of instruction at the mid-*
21 *dle school level on the roles of State and*
22 *local governments in the Federal system es-*
23 *tablished by the Constitution of the United*
24 *States;*

1 “(ii) optional school and community
2 simulated State legislative hearings;

3 “(iii) an annual national showcase or
4 competition;

5 “(iv) advanced training of teachers on
6 the roles of State and local governments in
7 the Federal system established by the Con-
8 stitution of the United States;

9 “(v) materials and methods of instruc-
10 tion, including teacher training, that utilize
11 the latest advancements in educational tech-
12 nology; and

13 “(vi) civic education materials and
14 services to address specific problems such as
15 the prevention of school violence and the
16 abuse of drugs and alcohol.

17 “(3) AVAILABILITY OF PROGRAM.—The education
18 program authorized under this subsection shall be
19 made available to public and private middle schools,
20 including Bureau funded schools, in the 50 States of
21 the United States, the District of Columbia, the Com-
22 monwealth of Puerto Rico, the United States Virgin
23 Islands, Guam, American Samoa, and the Common-
24 wealth of the Northern Mariana Islands.

1 *District of Columbia, a nonpartisan, nonprofit foundation,*
2 *for the purpose of assisting the Close Up Foundation in*
3 *carrying out its programs of increasing understanding of*
4 *the Federal Government among middle and secondary*
5 *school students.*

6 “(b) *USE OF FUNDS.*—*Grants under this subpart shall*
7 *be used only to provide financial assistance to economically*
8 *disadvantaged students who participate in the program de-*
9 *scribed in subsection (a). Financial assistance received pur-*
10 *suant to this subpart by such students shall be known as*
11 *Allen J. Ellender fellowships.*

12 **“SEC. 10712. APPLICATIONS.**

13 “(a) *APPLICATION REQUIRED.*—*No grant under this*
14 *subpart may be made except upon an application at such*
15 *time, in such manner, and accompanied by such informa-*
16 *tion as the Secretary may reasonably require.*

17 “(b) *CONTENTS OF APPLICATION.*—*Each such applica-*
18 *tion shall contain provisions to assure—*

19 “(1) *that fellowship grants are made to economi-*
20 *cally disadvantaged middle and secondary school stu-*
21 *dents;*

22 “(2) *that every effort will be made to ensure the*
23 *participation of students from rural and small town*
24 *areas, as well as from urban areas, and that in*
25 *awarding fellowships to economically disadvantaged*

1 *students, special consideration will be given to the*
2 *participation of students with special educational*
3 *needs, including student with disabilities, ethnic mi-*
4 *nority students, and gifted and talented students; and*
5 *“(3) the proper disbursement of the funds re-*
6 *ceived under this subpart.*

7 **“Subpart 2—Program for Middle and Secondary**
8 **School Teachers**

9 **“SEC. 10721. ESTABLISHMENT.**

10 *“(a) GENERAL AUTHORITY.—The Secretary is author-*
11 *ized to make grants in accordance with the provisions of*
12 *this subpart to the Close Up Foundation of Washington,*
13 *District of Columbia, a nonpartisan, nonprofit foundation,*
14 *for the purpose of assisting the Close Up Foundation in*
15 *carrying out its programs of teaching skills enhancement*
16 *for middle and secondary school teachers.*

17 *“(b) USE OF FUNDS.—Grants under this subpart shall*
18 *be used only for financial assistance to teachers who par-*
19 *ticipate in the program described in subsection (a). Finan-*
20 *cial assistance received pursuant to this subpart by such*
21 *individuals shall be known as Allen J. Ellender fellowships.*

22 **“SEC. 10722. APPLICATIONS.**

23 *“(a) APPLICATION REQUIRED.—No grant under this*
24 *subpart may be made except upon an application at such*

1 *time, in such manner, and accompanied by such informa-*
2 *tion as the Secretary may reasonably require.*

3 “(b) *CONTENTS OF APPLICATION.*—*Each such applica-*
4 *tion shall contain provisions to assure—*

5 “(1) *that fellowship grants are made only to*
6 *teachers who have worked with at least one student*
7 *from such teachers school who participates in the pro-*
8 *grams described in section 10711(a);*

9 “(2) *that not more than one teacher in each*
10 *school participating in the programs provided for in*
11 *section 10711(a) may receive a fellowship in any fis-*
12 *cal year; and*

13 “(3) *the proper disbursement of the funds re-*
14 *ceived under this subpart.*

15 **“Subpart 3—Programs for Recent Immigrants,**
16 **Students of Migrant Parents and Older Americans**

17 **“SEC. 10731. ESTABLISHMENT.**

18 “(a) *GENERAL AUTHORITY.*—

19 “(1) *IN GENERAL.*—*The Secretary is authorized*
20 *to make grants in accordance with the provisions of*
21 *this subpart to the Close Up Foundation of Wash-*
22 *ington, District of Columbia, a nonpartisan, non-*
23 *profit foundation, for the purpose of assisting the*
24 *Close Up Foundation in carrying out its programs of*
25 *increasing understanding of the Federal Government*

1 *among economically disadvantaged older Americans,*
2 *recent immigrants and students of migrant parents.*

3 “(2) *DEFINITION.*—*For the purpose of this sub-*
4 *part, the term older American means an individual*
5 *who has attained 55 years of age.*

6 “(b) *USE OF FUNDS.*—*Grants under this subpart shall*
7 *be used for financial assistance to economically disadvan-*
8 *tagged older Americans, recent immigrants and students of*
9 *migrant parents who participate in the program described*
10 *in subsection (a). Financial assistance received pursuant*
11 *to this subpart by such individuals shall be known as Allen*
12 *J. Ellender fellowships.*

13 **“SEC. 10732. APPLICATIONS.**

14 “(a) *APPLICATION REQUIRED.*—*No grant under this*
15 *subpart may be made except upon application at such time,*
16 *in such manner, and accompanied by such information as*
17 *the Secretary may reasonably require.*

18 “(b) *CONTENTS OF APPLICATION.*—*Except such appli-*
19 *cation shall contain provisions to assure—*

20 “(1) *that fellowship grants are made to economi-*
21 *cally disadvantaged older Americans, recent immi-*
22 *grants and students of migrant parents;*

23 “(2) *that every effort will be made to ensure the*
24 *participation of older Americans, recent immigrants*
25 *and students of migrant parents from rural and*

1 *small town areas, as well as from urban areas, and*
2 *that in awarding fellowships, special consideration*
3 *will be given to the participation of older Americans,*
4 *recent immigrants and students of migrant parents*
5 *with special needs, including individuals with dis-*
6 *abilities, ethnic minorities, and gifted and talented*
7 *students;*

8 *“(3) that activities permitted by subsection (a)*
9 *are fully described; and*

10 *“(4) the proper disbursement of the funds re-*
11 *ceived under this subpart.*

12 **“Subpart 4—General Provisions**

13 **“SEC. 10741. ADMINISTRATIVE PROVISIONS.**

14 *“(a) GENERAL RULE.—Payments under this part may*
15 *be made in installments, in advance, or by way of reim-*
16 *bursement, with necessary adjustments on account of under-*
17 *payment or overpayment.*

18 *“(b) AUDIT RULE.—The Comptroller General of the*
19 *United States or any of the Comptroller Generals duly au-*
20 *thorized representatives shall have access for the purpose of*
21 *audit and examination to any books, documents, papers,*
22 *and records that are pertinent to any grant under this part.*

23 **“SEC. 10742. AUTHORIZATION OF APPROPRIATIONS.**

24 *“(a) IN GENERAL.—There are authorized to be appro-*
25 *priated to carry out the provisions of subparts 1, 2, and*

1 *3 of this part \$4,400,000 for fiscal year 2001 and such sums*
 2 *as may be necessary of each of the four succeeding fiscal*
 3 *years.*

4 “(b) *SPECIAL RULE.—Of the funds appropriated pur-*
 5 *suant to subsection (a), not more than 30 percent may be*
 6 *used for teachers associated with students participating in*
 7 *the programs described in section 10711(a).”.*

8 **TITLE VI—GENERAL PROVISIONS**

9 **SEC. 601. GENERAL PROVISIONS.**

10 *Title XIV of the Elementary and Secondary Education*
 11 *Act is amended to read as follows:*

12 **“TITLE XIV—GENERAL** 13 **PROVISIONS**

14 **“PART A—DEFINITIONS**

15 **“SEC. 14101. DEFINITIONS.**

16 *“Except as otherwise provided, for the purposes of this*
 17 *Act, the following terms have the following meanings:*

18 “(1) *Average daily attendance—*

19 “(A) *Except as provided otherwise by State*
 20 *law or this paragraph, the term ‘average daily*
 21 *attendance’ means—*

22 “(i) *the aggregate number of days of*
 23 *attendance of all students during a school*
 24 *year; divided by*

1 “(i) the number of days school is in
2 session during such school year.

3 “(B) The Secretary shall permit the conver-
4 sion of average daily membership (or other simi-
5 lar data) to average daily attendance for local
6 educational agencies in States that provide State
7 aid to local educational agencies on the basis of
8 average daily membership or such other data.

9 “(C) If the local educational agency in
10 which a child resides makes a tuition or other
11 payment for the free public education of the child
12 in a school located in another school district, the
13 Secretary shall, for purposes of this Act—

14 “(i) consider the child to be in attend-
15 ance at a school of the agency making such
16 payment; and

17 “(ii) not consider the child to be in at-
18 tendance at a school of the agency receiving
19 such payment.

20 “(D) If a local educational agency makes a
21 tuition payment to a private school or to a pub-
22 lic school of another local educational agency for
23 a child with disabilities, as defined in section
24 602(3) of the Individuals with Disabilities Edu-
25 cation Act, the Secretary shall, for the purposes

1 *of this Act, consider such child to be in attend-*
2 *ance at a school of the agency making such pay-*
3 *ment.*

4 “(2) *AVERAGE PER-PUPIL EXPENDITURE.—The*
5 *term ‘average per-pupil expenditure’ means, in the*
6 *case of a State or of the United States—*

7 “(A) *without regard to the source of*
8 *funds—*

9 “(i) *the aggregate current expenditures,*
10 *during the third fiscal year preceding the*
11 *fiscal year for which the determination is*
12 *made (or, if satisfactory data for that year*
13 *are not available, during the most recent*
14 *preceding fiscal year for which satisfactory*
15 *data are available) of all local educational*
16 *agencies in the State or, in the case of the*
17 *United States for all States (which, for the*
18 *purpose of this paragraph, means the 50*
19 *States and the District of Columbia); plus*

20 “(ii) *any direct current expenditures*
21 *by the State for the operation of such agen-*
22 *cies; divided by*

23 “(B) *the aggregate number of children in*
24 *average daily attendance to whom such agencies*

1 *provided free public education during such pre-*
2 *ceding year.*

3 “(3) *CHILD.*—*The term ‘child’ means any person*
4 *within the age limits for which the State provides free*
5 *public education.*

6 “(4) *CHILD WITH DISABILITY.*—*The term ‘child*
7 *with a disability’ means a child—*

8 “(A) *with mental retardation, hearing im-*
9 *pairments, hearing impairments (including deaf-*
10 *ness), speech or language impairments, visual*
11 *impairments (including blindness), serious emo-*
12 *tional disturbance (hereinafter referred to as*
13 *‘emotional disturbance’), orthopedic impair-*
14 *ments, autism, traumatic brain injury, other*
15 *health impairments, or specific learning disabili-*
16 *ties; and*

17 “(B) *who, by reason thereof, needs special*
18 *education and related services.*

19 “(5) *COMMUNITY-BASED ORGANIZATION.*—*The*
20 *term ‘community-based organization’ means a public*
21 *or private nonprofit organization of demonstrated ef-*
22 *fectiveness that—*

23 “(A) *is representative of a community or*
24 *significant segments of a community; and*

1 “(B) provides educational or related services
2 to individuals in the community.

3 “(6) CONSOLIDATED LOCAL APPLICATION.—The
4 term ‘consolidated local application’ means an appli-
5 cation submitted by a local educational agency pursu-
6 ant to section 14305.

7 “(7) CONSOLIDATED LOCAL PLAN.—The term
8 ‘consolidated local plan’ means a plan submitted by
9 a local educational agency pursuant to section 14305.

10 “(8) CONSOLIDATED STATE APPLICATION.—The
11 term ‘consolidated State application’ means an appli-
12 cation submitted by a State educational agency pur-
13 suant to section 14302.

14 “(9) CONSOLIDATED STATE PLAN.—The term
15 ‘consolidated State plan’ means a plan submitted by
16 a State educational agency pursuant to section
17 14302.

18 “(10) COUNTY.—The term ‘county’ means one of
19 the divisions of a State used by the Secretary of Com-
20 merce in compiling and reporting data regarding
21 counties.

22 “(11) COVERED PROGRAM.—The term ‘covered
23 program’ means each of the programs authorized
24 by—

25 “(A) part A of title I;

1 “(B) part B of title I;

2 “(C) part C of title I;

3 “(D) part D of title I;

4 “(E) title II (other than National activi-
5 ties);

6 “(F) subpart 2 of part A of title III;

7 “(G) part A title IV (other than section
8 4115(b));

9 “(H) title VI;

10 “(I) comprehensive school reform programs
11 as authorized under section 1502 and described
12 on pages 96–99 of the Joint Explanatory State-
13 ment of the Committee of Conference included in
14 House Report 105–390 (Conference Report on the
15 Departments of Labor, Health and Human Serv-
16 ices, and Education, and Related Agencies Ap-
17 propriations Act, 1998);

18 “(K) part A of title VII;

19 “(L) part C of title VII;

20 “(M) part J of title X; and

21 “(N) title XII.

22 “(12) CURRENT EXPENDITURES.—The term ‘cur-
23 rent expenditures’ means expenditures for free public
24 education—

1 “(A) including expenditures for administra-
2 tion, instruction, attendance, pupil transpor-
3 tation services, operation and maintenance of
4 plant, fixed charges, and net expenditures to
5 cover deficits for food services and student body
6 activities; but

7 “(B) not including expenditures for commu-
8 nity services, capital outlay, and debt service, or
9 any expenditures made from funds received
10 under title I and title VI.

11 “(13) *DEPARTMENT.*—The term ‘Department’
12 means the Department of Education.

13 “(14) *EDUCATIONAL SERVICE AGENCY.*—The
14 term ‘educational service agency’ means a regional
15 public multiservice agency authorized by State statute
16 to develop, manage, and provide services or programs
17 to local educational agencies.

18 “(15) *ELEMENTARY SCHOOL.*—The term ‘elemen-
19 tary school’ means a nonprofit institutional day or
20 residential school, including a public elementary
21 charter school, that provides elementary education, as
22 determined under State law.

23 “(16) *FAMILY LITERACY SERVICES.*—The term
24 ‘family literacy services’ means services provided to
25 participants on a voluntary basis that are of suffi-

1 *cient intensity in terms of hours, and of sufficient du-*
2 *ration, to make sustainable changes in a family, and*
3 *that integrate all of the following activities:*

4 *“(A) Interactive literacy activities between*
5 *parents and their children.*

6 *“(B) Training for parents regarding how to*
7 *be the primary teacher for their children and full*
8 *partners in the education of their children.*

9 *“(C) Parent literacy training that leads to*
10 *economic self-sufficiency.*

11 *“(D) An age-appropriate education to pre-*
12 *pare children for success in school and life expe-*
13 *riences.*

14 *“(17) FREE PUBLIC EDUCATION.—The term ‘free*
15 *public education’ means education that is provided—*

16 *“(A) at public expense, under public super-*
17 *vision and direction, and without tuition charge;*
18 *and*

19 *“(B) as elementary or secondary school edu-*
20 *cation as determined under applicable State law,*
21 *except that such term does not include any edu-*
22 *cation provided beyond grade 12.*

23 *“(18) GIFTED AND TALENTED.—The term ‘gifted*
24 *and talented’, when used with respect to students,*
25 *children or youth, means students, children or youth*

1 *who give evidence of high performance capability in*
2 *areas such as intellectual, creative, artistic, or leader-*
3 *ship capacity, or in specific academic fields, and who*
4 *require services or activities not ordinarily provided*
5 *by the school in order to fully develop such capabili-*
6 *ties.*

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 Higher*
10 *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 institu-*
23 *tion or agency having administrative control and di-*
24 *rection 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 Affairs*
3 *but only to the extent that such inclusion makes such*
4 *school eligible for programs for which specific eligi-*
5 *bility is not provided to such school in another provi-*
6 *sion of law and such school does not have a student*
7 *population that is smaller than the student popu-*
8 *lation of the local educational agency receiving assist-*
9 *ance under this Act with the smallest student popu-*
10 *lation, except that such school shall not be subject to*
11 *the jurisdiction of any State educational agency other*
12 *than the Bureau of Indian Affairs.*

13 “(D) *The term includes educational service agen-*
14 *cies and consortia of such agencies.*

15 “(21) *MENTORING.*—*The term ‘mentoring’ means*
16 *a program in which an adult works with a child or*
17 *youth on a 1-to-1 basis, establishing a supportive re-*
18 *lationship, providing academic assistance, and intro-*
19 *ducing the child or youth to new experiences that en-*
20 *hance the child or youth’s ability to excel in school*
21 *and become a responsible citizen.*

22 “(22) *OTHER STAFF.*—*The term ‘other staff’*
23 *means pupil services personnel, librarians, career*
24 *guidance and counseling personnel, education aides,*
25 *and other instructional and administrative personnel.*

1 “(23) *OUTLYING AREA*.—*The term ‘outlying*
2 *area’ means the United States Virgin Islands, Guam,*
3 *American Samoa, and the Commonwealth of the*
4 *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 SERV-*
13 *ICES*.—(A) *The term ‘pupil services personnel’ means*
14 *school counselors, school social workers, school psy-*
15 *chologists, and other qualified professional personnel*
16 *involved in providing assessment, diagnosis, coun-*
17 *seling, educational, therapeutic, and other necessary*
18 *services (including related services as such term is de-*
19 *fined in section 602(22) of the Individuals with Dis-*
20 *abilities Education Act) as part of a comprehensive*
21 *program to meet student needs.*

22 “(B) *The term ‘pupil services’ means the services*
23 *provided by pupil services personnel.*

24 “(27) *SCIENTIFICALLY BASED RESEARCH*.—*The*
25 *term ‘scientifically based research’—*

1 “(A) means the application of rigorous, sys-
2 tematic, and objective procedures to obtain valid
3 knowledge relevant to education activities and
4 programs; and

5 “(B) shall include research that—

6 “(i) employs systematic, empirical
7 methods that draw on observation or experi-
8 ment;

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 “(iv) is evaluated using randomized
18 experiments in which individuals, entities,
19 programs, or activities are randomly as-
20 signed to different variations (including a
21 control condition) to compare the relative
22 effects of the variations; and

23 “(v) has been accepted by a peer-re-
24 viewed journal or approved by a panel of

1 *independent experts through a comparably*
2 *rigorous, objective, and scientific review.*

3 “(28) *SECONDARY SCHOOL.*—*The term ‘sec-*
4 *ondary school’ means a nonprofit institutional day or*
5 *residential school, including a public secondary char-*
6 *ter school, that provides secondary education, as de-*
7 *termined under State law, except that such term does*
8 *not include any education beyond grade 12.*

9 “(29) *SECRETARY.*—*The term ‘Secretary’ means*
10 *the Secretary of Education.*

11 “(30) *STATE.*—*The term ‘State’ means each of*
12 *the 50 States, the District of Columbia, the Common-*
13 *wealth of Puerto Rico, and each of the outlying areas.*

14 “(31) *STATE EDUCATIONAL AGENCY.*—*The term*
15 *‘State educational agency’ means the agency pri-*
16 *marily responsible for the State supervision of public*
17 *elementary and secondary schools.*

18 “(32) *TECHNOLOGY.*—*The term ‘technology’*
19 *means the latest state-of-the-art technology products*
20 *and services.*

21 **“SEC. 14102. APPLICABILITY OF TITLE.**

22 *“Parts B, C, D, E, and F of this title do not apply*
23 *to title VIII of this Act.*

1 **“SEC. 14103. APPLICABILITY TO BUREAU OF INDIAN AF-**
2 **FAIRS OPERATED SCHOOLS.**

3 *“For purposes of any competitive program under this*
4 *Act, a consortia of schools operated by the Bureau of Indian*
5 *Affairs, a school operated under a contract or grant with*
6 *the Bureau of Indian Affairs in consortia with another con-*
7 *tract or grant school or tribal or community organization,*
8 *or a Bureau of Indian Affairs school in consortia with an*
9 *institution of higher education, a contract or grant school*
10 *and tribal or community organization shall be given the*
11 *same consideration as a local educational agency.*

12 **“PART B—FLEXIBILITY IN THE USE OF**
13 **ADMINISTRATIVE AND OTHER FUNDS**

14 **“SEC. 14201. CONSOLIDATION OF STATE ADMINISTRATIVE**
15 **FUNDS FOR ELEMENTARY AND SECONDARY**
16 **EDUCATION PROGRAMS.**

17 *“(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—*

18 *“(1) IN GENERAL.—A State educational agency*
19 *may consolidate the amounts specifically made avail-*
20 *able to such agency for State administration under*
21 *one or more of the programs under paragraph (2) if*
22 *such State educational agency can demonstrate that*
23 *the majority of such agency’s resources are derived*
24 *from non-Federal sources.*

25 *“(2) APPLICABILITY.—This section applies to*
26 *any program under this Act under which funds are*

1 *authorized to be used for administration, and such*
2 *other programs as the Secretary may designate.*

3 *“(b) USE OF FUNDS.—*

4 *“(1) IN GENERAL.—A State educational agency*
5 *shall use the amount available under this section for*
6 *the administration of the programs included in the*
7 *consolidation under subsection (a).*

8 *“(2) ADDITIONAL USES.—A State educational*
9 *agency may also use funds available under this sec-*
10 *tion for administrative activities designed to enhance*
11 *the effective and coordinated use of funds under pro-*
12 *grams included in the consolidation under subsection*
13 *(a), such as—*

14 *“(A) the coordination of such programs*
15 *with other Federal and non-Federal programs;*

16 *“(B) the establishment and operation of*
17 *peer-review mechanisms under this Act;*

18 *“(C) the administration of this title;*

19 *“(D) the dissemination of information re-*
20 *garding model programs and practices;*

21 *“(E) technical assistance under any pro-*
22 *gram under this Act;*

23 *“(F) State level activities designed to carry*
24 *out this title;*

1 “(G) training personnel engaged in audit
2 and other monitoring activities; and

3 “(H) implementation of the Cooperative
4 Audit Resolution and Oversight Initiative of the
5 Department of Education.

6 “(c) *RECORDS.*—A State educational agency that con-
7 solidates administrative funds under this section shall not
8 be required to keep separate records, by individual program,
9 to account for costs relating to the administration of pro-
10 grams included in the consolidation under subsection (a).

11 “(d) *REVIEW.*—To determine the effectiveness of State
12 administration under this section, the Secretary may peri-
13 odically review the performance of State educational agen-
14 cies in using consolidated administrative funds under this
15 section and take such steps as the Secretary finds appro-
16 priate to ensure the effectiveness of such administration.

17 “(e) *UNUSED ADMINISTRATIVE FUNDS.*—If a State
18 educational agency does not use all of the funds available
19 to such agency under this section for administration, such
20 agency may use such funds during the applicable period
21 of availability as funds available under one or more pro-
22 grams included in the consolidation under subsection (a).

23 “**SEC. 14202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

24 “A State educational agency that also serves as a local
25 educational agency, in such agency’s applications or plans

1 *under this Act, shall describe how such agency will elimi-*
2 *nate duplication in the conduct of administrative functions.*

3 **“SEC. 14203. CONSOLIDATION OF FUNDS FOR LOCAL AD-**
4 **MINISTRATION.**

5 “(a) *GENERAL AUTHORITY.*—*In accordance with regu-*
6 *lations of the Secretary and for any fiscal year, a local edu-*
7 *cational agency, with the approval of its State educational*
8 *agency, may consolidate and use for the administration of*
9 *one or more programs under this Act (or such other pro-*
10 *grams as the Secretary shall designate) not more than the*
11 *percentage, established in each such program, of the total*
12 *available for the local educational agency under such pro-*
13 *grams.*

14 “(b) *STATE PROCEDURES.*—*Within one-year from the*
15 *date of enactment of the Education OPTIONS Act, a State*
16 *educational agency shall, in collaboration with local edu-*
17 *cational agencies in the State, establish procedures for re-*
18 *sponding to requests from local educational agencies to con-*
19 *solidate administrative funds under subsection (a) and for*
20 *establishing limitations on the amount of funds under such*
21 *programs that may be used for administration on a consoli-*
22 *dated basis.*

23 “(c) *CONDITIONS.*—*A local educational agency that*
24 *consolidates administrative funds under this section for any*
25 *fiscal year shall not use any other funds under the programs*

1 *included in the consolidation for administration for that*
2 *fiscal year.*

3 “(d) *USES OF ADMINISTRATIVE FUNDS.—A local edu-*
4 *cational agency that consolidates administrative funds*
5 *under this section may use such consolidated funds for the*
6 *administration of such programs and for uses, at the school*
7 *district and school levels, comparable to those described in*
8 *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 program,*
12 *to account for costs relating to the administration of such*
13 *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 to*
18 *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 distribution*
5 *and use of those program funds under terms that the*
6 *Secretary determines best meet the purposes of those*
7 *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 transferred*
11 *and the performance measures to assess program*
12 *effectiveness, including measurable goals and ob-*
13 *jectives; and*

14 “(ii) *be developed in consultation with In-*
15 *dian tribes.*

16 “(b) *ADMINISTRATION.—The Department of the Inte-*
17 *rior may use not more than 1.5 percent of the funds consoli-*
18 *dated under this section for such department’s costs related*
19 *to the administration of the funds transferred under this*
20 *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 and*
6 *learning through greater coordination between programs*
7 *and to provide greater flexibility to State and local authori-*
8 *ties by allowing the consolidation of State and local plans,*
9 *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 estab-*
17 *lish procedures and criteria under which a State edu-*
18 *cational 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 appli-*
2 *cation under this section shall not be required to sub-*
3 *mit a separate State plan or application for a pro-*
4 *gram included in the consolidated State plan or ap-*
5 *plication.*

6 “(b) *COLLABORATION.*—

7 “(1) *IN GENERAL.*—*In establishing criteria and*
8 *procedures under this section, the Secretary shall col-*
9 *laborate with State educational agencies and, as ap-*
10 *propriate, with other State agencies, local educational*
11 *agencies, public and private nonprofit agencies, orga-*
12 *nizations, and institutions, private schools, and rep-*
13 *resentatives of parents, students, and teachers.*

14 “(2) *CONTENTS.*—*Through the collaborative*
15 *process described in paragraph (1), the Secretary*
16 *shall establish, for each program under the Act to*
17 *which this section applies, the descriptions, informa-*
18 *tion, assurances, and other material required to be in-*
19 *cluded in a consolidated State plan or consolidated*
20 *State application.*

21 “(3) *NECESSARY MATERIALS.*—*The Secretary*
22 *shall require only descriptions, information, assur-*
23 *ances, and other materials that are absolutely nec-*
24 *essary for the consideration of the consolidated State*
25 *plan or consolidated State application.*

1 **“SEC. 14303. CONSOLIDATED REPORTING.**

2 *“In order to simplify reporting requirements and re-*
3 *duce reporting burdens, the Secretary shall establish proce-*
4 *dures and criteria under which a State educational agency*
5 *may submit a consolidated State annual report. Such re-*
6 *port shall contain information about the programs included*
7 *in the report, including the State’s performance under those*
8 *programs, and other matters as the Secretary determines,*
9 *such as monitoring activities. Such a report shall take the*
10 *place of separate individual annual reports for the pro-*
11 *grams subject to it.*

12 **“SEC. 14304. GENERAL APPLICABILITY OF STATE EDU-**
13 **CATIONAL AGENCY ASSURANCES.**

14 *“(a) ASSURANCES.—A State educational agency that*
15 *submits a consolidated State plan or consolidated State ap-*
16 *plication under this Act, whether separately or under sec-*
17 *tion 14302, shall have on file with the Secretary a single*
18 *set of assurances, applicable to each program for which such*
19 *plan or application is submitted, that provides that—*

20 *“(1) each such program will be administered in*
21 *accordance with all applicable statutes, regulations,*
22 *program plans, and applications;*

23 *“(2)(A) the control of funds provided under each*
24 *such program and title to property acquired with*
25 *program funds will be in a public agency, in a non-*
26 *profit private agency, institution, or organization, or*

1 *in an Indian tribe if the law authorizing the program*
2 *provides for assistance to such entities; and*

3 *“(B) the public agency, nonprofit private agen-*
4 *cy, institution, or organization, or Indian tribe will*
5 *administer such funds and property to the extent re-*
6 *quired by the authorizing law;*

7 *“(3) the State will adopt and use proper methods*
8 *of administering each such program, including—*

9 *“(A) the enforcement of any obligations im-*
10 *posed by law on agencies, institutions, organiza-*
11 *tions, and other recipients responsible for car-*
12 *rying out each program;*

13 *“(B) the correction of deficiencies in pro-*
14 *gram operations that are identified through au-*
15 *ditions, monitoring, or evaluation; and*

16 *“(C) the adoption of written procedures for*
17 *the receipt and resolution of complaints alleging*
18 *violations of law in the administration of such*
19 *programs;*

20 *“(4) the State will cooperate in carrying out any*
21 *evaluation of each such program conducted by or for*
22 *the Secretary or other Federal officials;*

23 *“(5) the State will use such fiscal control and*
24 *fund accounting procedures as will ensure proper dis-*

1 “(b) *REQUIRED CONSOLIDATED PLANS OR APPLICA-*
2 *TIONS.*—A State educational agency that has an approved
3 consolidated State plan or application under section 14302
4 may require local educational agencies in the State receiv-
5 ing funds under more than one program included in the
6 consolidated State plan or consolidated State application
7 to submit consolidated local plans or applications under
8 such programs, but may not require such agencies to submit
9 separate plans.

10 “(c) *COLLABORATION.*—A State educational agency
11 shall collaborate with local educational agencies in the State
12 in establishing procedures for the submission of the consoli-
13 dated State plans or consolidated State applications under
14 this section.

15 “(d) *NECESSARY MATERIALS.*—The State educational
16 agency shall require only descriptions, information, assur-
17 ances, and other material that are absolutely necessary for
18 the consideration of the local educational agency plan or
19 application.

20 **“SEC. 14306. OTHER GENERAL ASSURANCES.**

21 “(a) *ASSURANCES.*—Any applicant other than a State
22 educational agency that submits a plan or application
23 under this Act, shall have on file with the State educational
24 agency a single set of assurances, applicable to each pro-

1 *gram for which a plan or application is submitted, that*
2 *provides that—*

3 “(1) *each such program will be administered in*
4 *accordance with all applicable statutes, regulations,*
5 *program plans, and applications;*

6 “(2)(A) *the control of funds provided under each*
7 *such program and title to property acquired with*
8 *program funds will be in a public agency or in a*
9 *nonprofit private agency, institution, organization, or*
10 *Indian tribe, if the law authorizing the program pro-*
11 *vides for assistance to such entities; and*

12 “(B) *the public agency, nonprofit private*
13 *agency, institution, or organization, or Indian*
14 *tribe will administer such funds and property to*
15 *the extent required by the authorizing statutes;*

16 “(3) *the applicant will adopt and use proper*
17 *methods of administering each such program,*
18 *including—*

19 “(A) *the enforcement of any obligations im-*
20 *posed by law on agencies, institutions, organiza-*
21 *tions, and other recipients responsible for car-*
22 *rying out each program; and*

23 “(B) *the correction of deficiencies in pro-*
24 *gram operations that are identified through au-*
25 *dits, monitoring, or evaluation;*

1 “(4) the applicant will cooperate in carrying out
2 any evaluation of each such program conducted by or
3 for the State educational agency, the Secretary or
4 other Federal officials;

5 “(5) the applicant will use such fiscal control
6 and fund accounting procedures as will ensure proper
7 disbursement of, and accounting for, Federal funds
8 paid to such applicant under each such program;

9 “(6) the applicant will—

10 “(A) make reports to the State educational
11 agency and the Secretary as may be necessary to
12 enable such agency and the Secretary to perform
13 their duties under each such program; and

14 “(B) maintain such records, provide such
15 information, and afford access to the records as
16 the State educational agency or the Secretary
17 may find necessary to carry out the State edu-
18 cational agency’s or the Secretary’s duties; and

19 “(7) before the application was submitted, the
20 applicant afforded a reasonable opportunity for pub-
21 lic comment on the application and has considered
22 such comment.

23 “(b) *GEPA PROVISION.*—Section 442 of the General
24 Education Provisions Act shall not apply to programs
25 under this Act.

“PART D—WAIVERS**“SEC. 14401. WAIVERS OF STATUTORY AND REGULATORY
REQUIREMENTS.**

“(a) *IN GENERAL.*—*Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this Act or the Carl D. Perkins Vocational and Technical Education Act of 1998 for a State educational agency, local educational agency, Indian tribe, or school through a local educational agency, that—*

“(1) *receives funds under a program authorized by this Act; and*

“(2) *requests a waiver under subsection (b).*

“(b) *REQUEST FOR WAIVER.*—

“(1) *IN GENERAL.*—*A State educational agency, local educational agency, or Indian tribe which desires a waiver shall submit a waiver application to the Secretary that—*

“(A) *indicates each Federal program affected and each statutory or regulatory requirement requested to be waived;*

“(B) *describes the purpose and overall expected results of waiving each such requirement;*

“(C) *describes, for each school year, specific, measurable, educational goals for the State educational agency and for each local educational*

1 agency, Indian tribe, or school that would be af-
2 fected by the waiver;

3 “(D) explains why the waiver will assist the
4 State educational agency and each affected local
5 educational agency, Indian tribe, or school in
6 reaching such goals.

7 “(2) *ADDITIONAL INFORMATION.*—Such
8 requests—

9 “(A) may provide for waivers of require-
10 ments applicable to State educational agencies,
11 local educational agencies, Indian tribes, and
12 schools; and

13 “(B) shall be developed and submitted—

14 “(i)(I) by local educational agencies
15 (on behalf of such agencies and schools) to
16 State educational agencies; and

17 “(II) by State educational agencies (on
18 behalf of, and based upon the requests of,
19 local educational agencies) to the Secretary;
20 or

21 “(ii) by Indian tribes (on behalf of
22 schools operated by such tribes) to the Sec-
23 retary.

24 “(3) *GENERAL REQUIREMENTS.*—

1 “(A) *In the case of a waiver request sub-*
2 *mitted by a State educational agency acting in*
3 *its own behalf, the State educational agency*
4 *shall—*

5 “(i) *provide all interested local edu-*
6 *cational agencies in the State with notice*
7 *and a reasonable opportunity to comment*
8 *on the request;*

9 “(ii) *submit the comments to the Sec-*
10 *retary; and*

11 “(iii) *provide notice and information*
12 *to the public regarding the waiver request*
13 *in the manner that the applying agency*
14 *customarily provides similar notices and*
15 *information to the public.*

16 “(B) *In the case of a waiver request sub-*
17 *mitted by a local educational agency that re-*
18 *ceives funds under this Act—*

19 “(i) *such request shall be reviewed by*
20 *the State educational agency and be accom-*
21 *panied by the comments, if any, of such*
22 *State educational agency; and*

23 “(ii) *notice and information regarding*
24 *the waiver request shall be provided to the*
25 *public by the agency requesting the waiver*

1 *in the manner that such agency customarily*
2 *provides similar notices and information to*
3 *the public.*

4 “(c) *RESTRICTIONS.—The Secretary shall not waive*
5 *under this section any statutory or regulatory requirements*
6 *relating to—*

7 “(1) *the allocation or distribution of funds to*
8 *States, local educational agencies, or other recipients*
9 *of funds under this Act;*

10 “(2) *maintenance of effort;*

11 “(3) *comparability of services;*

12 “(4) *use of Federal funds to supplement, not sup-*
13 *plant, non-Federal funds;*

14 “(5) *equitable participation of private school stu-*
15 *dents and teachers;*

16 “(6) *parental participation and involvement;*

17 “(7) *applicable civil rights requirements;*

18 “(8) *the requirement for a charter school under*
19 *part C of title X; or*

20 “(9) *the prohibitions regarding—*

21 “(A) *State aid in section 14502;*

22 “(B) *use of funds for religious worship or*
23 *instruction in section 14507; and*

24 “(C) *activities in section 14513.*

25 “(d) *DURATION AND EXTENSION OF WAIVER.—*

1 “(1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), the duration of a waiver approved by the*
3 *Secretary under this section may be for a period not*
4 *to exceed 5 years.*

5 “(2) *EXTENSION.*—*The Secretary may extend the*
6 *period described in paragraph (1) if the Secretary de-*
7 *termines that—*

8 “(A) *the waiver has been effective in ena-*
9 *bling the State or affected recipients to carry out*
10 *the activities for which the waiver was requested*
11 *and the waiver has contributed to improved stu-*
12 *dent performance; and*

13 “(B) *such extension is in the public interest.*

14 “(e) *REPORTS.*—

15 “(1) *LOCAL WAIVER.*—*A local educational agen-*
16 *cy that receives a waiver under this section shall at*
17 *the end of the second year for which a waiver is re-*
18 *ceived under this section, and each subsequent year,*
19 *submit a report to the State educational agency*
20 *that—*

21 “(A) *describes the uses of such waiver by*
22 *such agency or by schools;*

23 “(B) *describes how schools continued to pro-*
24 *vide assistance to the same populations served by*

1 *the programs for which waivers are requested;*
2 *and*

3 “(A) *evaluates the progress of such agency*
4 *and of schools in improving the quality of in-*
5 *struction or the academic performance of stu-*
6 *dents.*

7 “(2) *STATE WAIVER.—A State educational agen-*
8 *cy that receives reports required under paragraph (1)*
9 *shall annually submit a report to the Secretary that*
10 *is based on such reports and contains such informa-*
11 *tion as the Secretary may require.*

12 “(3) *INDIAN TRIBE WAIVER.—An Indian tribe*
13 *that receives a waiver under this section shall annu-*
14 *ally submit a report to the Secretary that—*

15 “(A) *describes the uses of such waiver by*
16 *schools operated by such tribe; and*

17 “(B) *evaluates the progress of such schools*
18 *in improving the quality of instruction or the*
19 *academic performance of students.*

20 “(4) *REPORT TO CONGRESS.—Beginning in fis-*
21 *cal year 2001 and each subsequent year, the Secretary*
22 *shall submit to the Committee on Education and the*
23 *Workforce of the House of Representatives and the*
24 *Committee on Health, Education, Labor and Pen-*
25 *sions of the Senate a report—*

1 “(A) summarizing the uses of waivers by
2 State educational agencies, local educational
3 agencies, Indian tribes, and schools; and

4 “(B) describing whether such waivers—

5 “(i) increased the quality of instruc-
6 tion to students; or

7 “(ii) improved the academic perform-
8 ance of students.

9 “(f) *TERMINATION OF WAIVERS.*—The Secretary shall
10 terminate a waiver under this section if the Secretary deter-
11 mines, after notice and an opportunity for a hearing, that
12 the performance of the State or other recipient affected by
13 the waiver has been inadequate to justify a continuation
14 of the waiver or if the waiver is no longer necessary to
15 achieve its original purposes.

16 “(g) *PUBLICATION.*—A notice of the Secretary’s deci-
17 sion to grant each waiver under subsection (a) shall be pub-
18 lished in the Federal Register and the Secretary shall pro-
19 vide for the dissemination of such notice to State edu-
20 cational agencies, interested parties, including educators,
21 parents, students, advocacy and civil rights organizations,
22 and the public.

1 **“PART E—UNIFORM PROVISIONS**

2 **“SEC. 14501. MAINTENANCE OF EFFORT.**

3 “(a) *IN GENERAL.*—*A local educational agency may*
4 *receive funds under a covered program for any fiscal year*
5 *only if the State educational agency finds that either the*
6 *combined fiscal effort per student or the aggregate expendi-*
7 *tures of such agency and the State with respect to the provi-*
8 *sion of free public education by such agency for the pre-*
9 *ceding fiscal year was not less than 90 percent of such com-*
10 *bined fiscal effort or aggregate expenditures for the second*
11 *preceding fiscal year.*

12 “(b) *REDUCTION IN CASE OF FAILURE TO MEET.*—

13 “(1) *IN GENERAL.*—*The State educational agen-*
14 *cy shall reduce the amount of the allocation of funds*
15 *under a covered program in any fiscal year in the*
16 *exact proportion to which a local educational agency*
17 *fails to meet the requirement of subsection (a) of this*
18 *section by falling below 90 percent of both the com-*
19 *bined fiscal effort per student and aggregate expendi-*
20 *tures (using the measure most favorable to such local*
21 *agency).*

22 “(2) *SPECIAL RULE.*—*No such lesser amount*
23 *shall be used for computing the effort required under*
24 *subsection (a) of this section for subsequent years.*

1 “(c) *WAIVER.*—*The Secretary may waive the require-*
2 *ments of this section if the Secretary determines that such*
3 *a waiver would be equitable due to—*

4 “(1) *exceptional or uncontrollable circumstances*
5 *such as a natural disaster; or*

6 “(2) *a precipitous decline in the financial re-*
7 *sources of the local educational agency.*

8 **“SEC. 14502. PROHIBITION REGARDING STATE AID.**

9 *“A State shall not take into consideration payments*
10 *under this Act (other than under title VIII) in determining*
11 *the eligibility of any local educational agency in such State*
12 *for State aid, or the amount of State aid, with respect to*
13 *free public education of children.*

14 **“SEC. 14503. PARTICIPATION BY PRIVATE SCHOOL CHIL-**
15 ***DREN AND TEACHERS.***

16 “(a) *PRIVATE SCHOOL PARTICIPATION.*—

17 “(1) *IN GENERAL.*—*Except as otherwise provided*
18 *in this Act, to the extent consistent with the number*
19 *of eligible children in areas served by a State edu-*
20 *cational agency, local educational agency, educational*
21 *service agency, consortium of such agencies, or an-*
22 *other entity receiving financial assistance under a*
23 *program specified in subsection (b), who are enrolled*
24 *in private elementary and secondary schools in areas*
25 *served by such agency, consortium or entity, such*

1 *agency, consortium or entity shall, after timely and*
2 *meaningful consultation with appropriate private*
3 *school officials, provide such children and their teach-*
4 *ers or other educational personnel, on an equitable*
5 *basis, special educational services or other benefits*
6 *that address their needs under such program.*

7 *“(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL*
8 *SERVICES OR BENEFITS.—Educational services or*
9 *other benefits, including materials and equipment,*
10 *provided under this section, shall be secular, neutral,*
11 *and nonideological.*

12 *“(3) SPECIAL RULE.—Educational services and*
13 *other benefits provided under this section for such pri-*
14 *vate school children, teachers, and other educational*
15 *personnel shall be equitable in comparison to services*
16 *and other benefits for public school children, teachers,*
17 *and other educational personnel participating in such*
18 *program and shall be provided in a timely manner.*

19 *“(4) EXPENDITURES.—Expenditures for edu-*
20 *cational services and other benefits provided under*
21 *this section to eligible private school children, their*
22 *teachers, and other educational personnel serving such*
23 *children shall be equal, taking into account the num-*
24 *ber and educational needs of the children to be served,*

1 to the expenditures for participating public school
2 children.

3 “(5) *PROVISION OF SERVICES.*—Such agency,
4 consortium or entity described in subsection (a)(1) of
5 this section may provide such services directly or
6 through contracts with public and private agencies,
7 organizations, and institutions.

8 “(b) *APPLICABILITY.*—

9 “(1) *IN GENERAL.*—This section applies to pro-
10 grams under—

11 “(A) part C of title I;

12 “(B) title II;

13 “(C) title III;

14 “(D) title IV; and

15 “(E) title VII.

16 “(2) *DEFINITION.*—For the purposes of this sec-
17 tion, the term ‘eligible children’ means children eligi-
18 ble for services under a program described in para-
19 graph (1).

20 “(c) *CONSULTATION.*—

21 “(1) *IN GENERAL.*—To ensure timely and mean-
22 ingful consultation, a State educational agency, local
23 educational agency, educational service agency, con-
24 sortium of such agencies or entity shall consult with
25 appropriate private school officials during the design

1 *and development of the programs under this Act, on*
2 *issues such as—*

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

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

6 “(C) *how, where, and by whom the services*
7 *will be provided;*

8 “(D) *how the services will be assessed and*
9 *how the results of the assessment will be used to*
10 *improve such services;*

11 “(E) *the size and scope of the equitable serv-*
12 *ices to be provided to the eligible private school*
13 *children, teachers, and other educational per-*
14 *sonnel and the amount of funds available for*
15 *such services; and*

16 “(F) *how and when the agency, consortium,*
17 *or entity will make decisions about the delivery*
18 *of services, including a thorough consideration*
19 *and analysis of the views of the private school of-*
20 *ficials on the provision of contract services*
21 *through potential third party providers.*

22 “(2) *DISAGREEMENT.—If the agency, consortium*
23 *or entity disagrees with the views of the private school*
24 *officials on the provision of services through a con-*
25 *tract, the agency, consortium, or entity shall provide*

1 *in writing to such private school officials an analysis*
2 *of the reasons why the local educational agency has*
3 *chosen not to use a contractor.*

4 “(3) *TIMING.*—*Such consultation shall occur be-*
5 *fore the agency, consortium, or entity makes any deci-*
6 *sion that affects the opportunities of eligible private*
7 *school children, teachers, and other educational per-*
8 *sonnel to participate in programs under this Act, and*
9 *shall continue throughout the implementation and as-*
10 *essment of activities under this section.*

11 “(4) *DISCUSSION REQUIRED.*—*Such consultation*
12 *shall include a discussion of service delivery mecha-*
13 *nisms that the agency, consortium, or entity could use*
14 *to provide equitable services to eligible private school*
15 *children, teachers, administrators, and other staff.*

16 “(d) *PUBLIC CONTROL OF FUNDS.*—

17 “(1) *IN GENERAL.*—*The control of funds used to*
18 *provide services under this section, and title to mate-*
19 *rials, equipment, and property purchased with such*
20 *funds, shall be in a public agency for the uses and*
21 *purposes provided in this Act, and a public agency*
22 *shall administer such funds and property.*

23 “(2) *PROVISION OF SERVICES.*—

24 “(A) *The provision of services under this*
25 *section shall be provided—*

1 “(i) by employees of a public agency;

2 or

3 “(ii) through contract by such public
4 agency with an individual, association,
5 agency, organization, or other entity.

6 “(B) In the provision of such services, such
7 employee, person, association, agency, organiza-
8 tion or other entity shall be independent of such
9 private school and of any religious organization,
10 and such employment or contract shall be under
11 the control and supervision of such public agen-
12 cy.

13 “(C) Funds used to provide services under
14 this section shall not be commingled with non-
15 Federal funds.

16 **“SEC. 14504. STANDARDS FOR BY-PASS.**

17 “If, by reason of any provision of law, a State edu-
18 cational agency, local educational agency, educational serv-
19 ice agency, consortium, or other entity of such agencies, is
20 prohibited from providing for the participation in pro-
21 grams of children enrolled in, or teachers or other edu-
22 cational personnel from, private elementary and secondary
23 schools, on an equitable basis, or if the Secretary determines
24 that such agency consortium or entity has substantially

1 *failed or is unwilling to provide for such participation, as*
2 *required by section 14503, the Secretary shall—*

3 “(1) *waive the requirements of that section for*
4 *such agency, consortium, or entity;*

5 “(2) *arrange for the provision of equitable serv-*
6 *ices to such children, teachers, or other educational*
7 *personnel through arrangements that shall be subject*
8 *to the requirements of this section and of sections*
9 *14503, 14505, and 14506; and*

10 “(3) *in making the determination, consider one*
11 *or more factors, including the quality, size, scope, lo-*
12 *cation of the program and the opportunity of private*
13 *school children, teachers, and other educational per-*
14 *sonnel to participate.*

15 **“SEC. 14505. COMPLAINT PROCESS FOR PARTICIPATION OF**
16 **PRIVATE SCHOOL CHILDREN.**

17 “(a) *PROCEDURES FOR COMPLAINTS.—The Secretary*
18 *shall develop and implement written procedures for receiv-*
19 *ing, investigating, and resolving complaints from parents,*
20 *teachers, or other individuals and organizations concerning*
21 *violations of section 14503 by a State educational agency,*
22 *local educational agency, educational service agency, con-*
23 *sortium of such agencies or entity. Such individual or orga-*
24 *nization shall submit such complaint to the State edu-*

1 *cational agency for a written resolution by the State edu-*
2 *cational agency within a reasonable period of time.*

3 “(b) *APPEALS TO SECRETARY.*—*Such resolution may*
4 *be appealed by an interested party to the Secretary not later*
5 *than 30 days after the State educational agency resolves*
6 *the complaint or fails to resolve the complaint within a rea-*
7 *sonable period of time. Such appeal shall be accompanied*
8 *by a copy of the State educational agency’s resolution, and*
9 *a complete statement of the reasons supporting the appeal.*
10 *The Secretary shall investigate and resolve each such appeal*
11 *not later than 120 days after receipt of the appeal.*

12 **“SEC. 14506. BY-PASS DETERMINATION PROCESS.**

13 “(a) *REVIEW.*—

14 “(1) *IN GENERAL.*—

15 “(A) *The Secretary shall not take any final*
16 *action under section 14504 until the State edu-*
17 *cational agency, local educational agency, edu-*
18 *cational service agency, consortium of such agen-*
19 *cies or entity affected by such action has had an*
20 *opportunity, for not less than 45 days after re-*
21 *ceiving written notice thereof, to submit written*
22 *objections and to appear before the Secretary to*
23 *show cause why that action should not be taken.*

24 “(B) *Pending final resolution of any inves-*
25 *tigation or complaint that could result in a de-*

1 *termination under this section, the Secretary*
2 *may withhold from the allocation of the affected*
3 *State or local educational agency the amount es-*
4 *timated by the Secretary to be necessary to pay*
5 *the cost of those services.*

6 “(2) *PETITION FOR REVIEW.*—

7 “(A) *If such affected agency consortium or*
8 *entity is dissatisfied with the Secretary’s final*
9 *action after a proceeding under paragraph (1),*
10 *such agency consortium or entity may, within*
11 *60 days after notice of such action, file with the*
12 *United States court of appeals for the circuit in*
13 *which such State is located a petition for review*
14 *of that action.*

15 “(B) *A copy of the petition shall be forth-*
16 *with transmitted by the clerk of the court to the*
17 *Secretary.*

18 “(C) *The Secretary upon receipt of the copy*
19 *of the petition shall file in the court the record*
20 *of the proceedings on which the Secretary based*
21 *this action, as provided in section 2112 of title*
22 *28, United States Code.*

23 “(3) *FINDINGS OF FACT.*—

24 “(A) *The findings of fact by the Secretary,*
25 *if supported by substantial evidence, shall be*

1 *conclusive, but the court, for good cause shown,*
2 *may remand the case to the Secretary to take*
3 *further evidence and the Secretary may then*
4 *make new or modified findings of fact and may*
5 *modify the Secretary's previous action, and shall*
6 *file in the court the record of the further pro-*
7 *ceedings.*

8 “(B) *Such new or modified findings of fact*
9 *shall likewise be conclusive if supported by sub-*
10 *stantial evidence.*

11 “(4) *JURISDICTION.—*

12 “(A) *Upon the filing of such petition, the*
13 *court shall have jurisdiction to affirm the action*
14 *of the Secretary or to set such action aside, in*
15 *whole or in part.*

16 “(B) *The judgment of the court shall be sub-*
17 *ject to review by the Supreme Court of the*
18 *United States upon certiorari or certification as*
19 *provided in section 1254 of title 28, United*
20 *States Code.*

21 “(b) *DETERMINATION.—Any determination by the*
22 *Secretary under this section shall continue in effect until*
23 *the Secretary determines, in consultation with such agency,*
24 *consortium or entity and representatives of the affected pri-*
25 *vate school children, teachers, or other educational personnel*

1 *that there will no longer be any failure or inability on the*
2 *part of such agency or consortium to meet the applicable*
3 *requirements of section 14503 or any other provision of this*
4 *Act.*

5 “(c) *PAYMENT FROM STATE ALLOTMENT.*—*When the*
6 *Secretary arranges for services pursuant to this section, the*
7 *Secretary shall, after consultation with the appropriate*
8 *public and private school officials, pay the cost of such serv-*
9 *ices, including the administrative costs of arranging for*
10 *those services, from the appropriate allocation or allocations*
11 *under this Act.*

12 “(d) *PRIOR DETERMINATION.*—*Any by-pass deter-*
13 *mination by the Secretary under this Act as in effect on*
14 *the day preceding the date of enactment of the Education*
15 *OPTIONS Act shall remain in effect to the extent the Sec-*
16 *retary determines that such determination is consistent*
17 *with the purpose of this section.*

18 **“SEC. 14507. PROHIBITION AGAINST FUNDS FOR RELIGIOUS**
19 **WORSHIP OR INSTRUCTION.**

20 *“Nothing contained in this Act shall be construed to*
21 *authorize the making of any payment under this Act for*
22 *religious worship or instruction.*

23 **“SEC. 14508. APPLICABILITY TO HOME SCHOOLS.**

24 *“Nothing in this Act shall be construed to affect home*
25 *schools.*

1 **“SEC. 14509. GENERAL PROVISION REGARDING NON-**
2 **RECIPIENT NONPUBLIC SCHOOLS.**

3 *“Nothing in this Act or any other Act administered*
4 *by the Department shall be construed to permit, allow, en-*
5 *courage, or authorize any Federal control over any aspect*
6 *of any private, religious, or home school, whether or not*
7 *a home school is treated as a private school or home school*
8 *under State law. This section shall not be construed to bar*
9 *private, religious, or home schools from participation in*
10 *programs or services under this Act or any other Act ad-*
11 *ministered by the Department.*

12 **“SEC. 14510. SCHOOL PRAYER.**

13 *“Notwithstanding any provision of law, no funds*
14 *made available through the Department of Education under*
15 *this Act, or any other Act, shall be available to any State*
16 *or local educational agency which has a policy of denying*
17 *or which effectively prevents participation in, constitu-*
18 *tionally protected prayer in public schools by individuals*
19 *on a voluntary basis. Neither the United States nor any*
20 *State nor any local educational agency shall require any*
21 *person to participate in prayer or influence the form or*
22 *content of any constitutionally protected prayer in such*
23 *public schools.*

24 **“SEC. 14511. MEMORIALS AND MEMORIAL SERVICES; RULE**
25 **OF CONSTRUCTION; AND ATTORNEY FEES.**

26 *“(a) FINDINGS.—Congress finds the following:*

1 “(1) *The saying of a prayer, the reading of a*
2 *scripture, or the performance of religious music, as*
3 *part of a memorial service that is held on the campus*
4 *of a public elementary or secondary school in order*
5 *to honor the memory of any person slain on that*
6 *campus is not objectionable under this Act.*

7 “(2) *The design and construction of any memo-*
8 *rial which includes religious symbols, motifs, or*
9 *sayings that is placed on the campus of a public ele-*
10 *mentary or secondary school in order to honor the*
11 *memory of any person slain on that campus is not*
12 *objectionable under this Act.*

13 “(b) *RULE OF CONSTRUCTION.—*

14 “(1) *PAYMENT.—Nothing contained in this Act*
15 *shall be construed to authorize the making of any*
16 *payment under this Act for religious worship, in-*
17 *struction, or the construction of any religious memo-*
18 *rial.*

19 “(2) *MEMORIAL SERVICE.—This Act shall not be*
20 *construed to bar—*

21 “(A) *the saying of a prayer;*

22 “(B) *the reading of a scripture;*

23 “(C) *the performance of religious music; or*

1 “(D) the design or construction of any me-
2 morial which includes religious symbols, motifs,
3 or sayings;
4 as part of a memorial service held or a memorial
5 placed, as the case may be, on the campus of a public
6 elementary or secondary school in order to honor the
7 memory of any person slain on that campus.

8 **“SEC. 14512. ATTORNEYS FEES.**

9 “Notwithstanding any other provision of Federal law,
10 a local educational agency or public elementary or sec-
11 ondary school may use not more than 20 percent of its ad-
12 ministrative funds from any program under this Act for
13 payment of attorneys fees and related legal services in the
14 defense of any legal action, brought against a local edu-
15 cational agency, public elementary or secondary school, or
16 agent of any of such entities, claiming such agency, school,
17 or agent violated the constitutional prohibition against the
18 establishment of religion by permitting, facilitating, or
19 accommodating—

20 “(1) a student’s religious expression; or

21 “(2) the design or construction of any memorial
22 which includes religious symbols, motifs, or saying as
23 part of a memorial placed on the campus of a public
24 elementary or secondary school in order to honor the
25 memory of a person slain on that campus.

1 **“SEC. 14513. GENERAL PROHIBITIONS.**

2 “(a) *PROHIBITION.*—None of the funds authorized
3 under this Act shall be used—

4 “(1) to develop or distribute materials, or oper-
5 ate programs or courses of instruction directed at
6 youth that are designed to promote or encourage, sex-
7 ual activity, whether homosexual or heterosexual;

8 “(2) to distribute or to aid in the distribution by
9 any organization of legally obscene materials to mi-
10 nors on school grounds;

11 “(3) to provide sex education or HIV prevention
12 education in schools unless such instruction is age ap-
13 propriate and emphasizes the health benefits of absti-
14 nence; or

15 “(4) to operate a program of contraceptive dis-
16 tribution in schools.

17 “(b) *LOCAL CONTROL.*—Nothing in this section shall
18 be construed to—

19 “(1) authorize an officer or employee of the Fed-
20 eral Government to mandate, direct, review, or con-
21 trol a State, local educational agency, or schools’ in-
22 structional content, curriculum, and related activities;

23 “(2) limit the application of the General Edu-
24 cation Provisions Act (20 U.S.C.A. 1221 et seq.);

25 “(3) require the distribution of scientifically or
26 medically false or inaccurate materials or to prohibit

1 *the distribution of scientifically or medically true or*
2 *accurate materials; or*

3 *“(4) create any legally enforceable right.*

4 **“SEC. 14514. PROHIBITION ON FEDERAL MANDATES, DIREC-**
5 **TION, AND CONTROL.**

6 *“Nothing in this Act shall be construed to authorize*
7 *an officer or employee of the Federal Government to man-*
8 *date, direct, or control a State, local educational agency,*
9 *or school’s curriculum, program of instruction, or allocation*
10 *of State or local resources, or mandate a State or any sub-*
11 *division thereof to spend any funds or incur any costs not*
12 *paid for under this Act.*

13 **“SEC. 14515. RULEMAKING.**

14 *“The Secretary shall issue regulations under this Act*
15 *only to the extent that such regulations are necessary to*
16 *ensure that there is compliance with the specific require-*
17 *ments and assurances required by this Act.*

18 **“SEC. 14516. REPORT.**

19 *“The Secretary shall report to the Congress not later*
20 *than 180 days after the date of enactment of the Education*
21 *OPTIONS Act regarding how the Secretary shall ensure*
22 *that audits conducted by Department employees of activi-*
23 *ties assisted under this Act comply with changes to this Act*
24 *made by the Education OPTIONS Act, particularly with*
25 *respect to permitting children with similar educational*

1 *needs to be served in the same educational settings, where*
2 *appropriate.*

3 **“SEC. 14517. REQUIRED APPROVAL OR CERTIFICATION PRO-**
4 **HIBITED.**

5 *“(a) IN GENERAL.—Notwithstanding any other provi-*
6 *sion of Federal law, no State shall be required to have con-*
7 *tent standards or student performance standards approved*
8 *or certified by the Federal Government, in order to receive*
9 *assistance under this Act.*

10 *“(b) CONSTRUCTION.—Nothing in this section shall be*
11 *construed to affect requirements under title I of this Act.*

12 **“SEC. 14518. PROHIBITION ON ENDORSEMENT OF CUR-**
13 **RICULUM.**

14 *“Notwithstanding any other prohibition of Federal*
15 *law, no funds provided to the Department of Education or*
16 *to any applicable program may be used by the Department*
17 *to endorse, approve, or sanction any curriculum designed*
18 *to be used in an elementary or secondary school.*

19 **“SEC. 14519. PRIVACY FOR STUDENTS.**

20 *“(a) IN GENERAL.—No State educational agency or*
21 *local educational agency that receives funds under this Act*
22 *may enter into an agreement, or allow a school under its*
23 *supervision to enter into an agreement, with any person*
24 *or entity that allows such person or entity to monitor, gath-*
25 *er, or obtain information used to advertise, sell, or develop*

1 *a product from any student under 18 years of age unless*
2 *such agreement requires the written permission of the par-*
3 *ent of such student prior to monitoring, gathering, or ob-*
4 *taining such information.*

5 “(b) *NATURE OF INFORMATION COLLECTED.*—*Before a*
6 *school, local educational agency, or State educational agen-*
7 *cy, as the case may be, enters into an agreement to allow*
8 *a person or entity to monitor, gather, or obtain information*
9 *used to advertise, sell, or develop a product from any stu-*
10 *dent under 18 years, the school, agency, or State shall ascer-*
11 *tain the nature of the information to be collected, how the*
12 *information will be used, if the information will be sold,*
13 *distributed, or transferred to any person or entity, and the*
14 *amount of class time, if any, that will be consumed by such*
15 *activity.*

16 “(c) *CONSENT FORM.*—*The written permission re-*
17 *quired by subsection (a) shall clearly disclose to the parent*
18 *the nature of the agreement between a school, local edu-*
19 *cational agency, or State educational agency, as the case*
20 *may be, and the person or entity, including—*

21 “(1) *the dollar amount of any consideration paid*
22 *under the agreement;*

23 “(2) *the nature of the information to be gathered;*

24 “(3) *how the information will be used;*

1 “(4) whether the information will be sold, dis-
2 tributed, or transferred to any other entity; and

3 “(5) the amount of class time, if any, that will
4 be consumed by such activity.

5 “(d) *EXCEPTIONS.*—This section shall not apply to—

6 “(1) the recruitment activities of any institution
7 of higher education, as such term is defined in section
8 102 of the Higher Education Act of 1965;

9 “(2) the development and administration of tests
10 and assessments used by elementary and secondary
11 schools to provide cognitive, evaluative, diagnostic,
12 aptitude, or achievement information about students
13 (or for normalizing data), and the subsequent anal-
14 ysis and public release of aggregate data, if—

15 “(A) the information is not used to sell, ad-
16 vertise, or develop another product; and

17 “(B) the tests are conducted in accordance
18 with applicable Federal, State, and local poli-
19 cies;

20 “(3) the development and administration of edu-
21 cational curriculum and instructional materials used
22 by elementary and secondary schools to teach core
23 academic subjects, if—

24 “(A) the information is not used to sell, ad-
25 vertise, or develop another product; and

1 “(B) the curriculum and instructional ma-
2 terials are used in accordance with applicable
3 Federal, State, and local policies; or

4 “(4) contact information collected from a student
5 that is used only to respond directly to a specific re-
6 quest from the student for a transaction, if the
7 information—

8 “(A) is not used for any purpose other than
9 as required in order to effect the transaction
10 with the student; and

11 “(B) is not used to recontact the student in
12 order to advertise, sell, or develop any other
13 product or service to the student.

14 **“SEC. 14520. RULE OF CONSTRUCTION ON PERSONALLY**
15 **IDENTIFIABLE INFORMATION.**

16 “Nothing in this Act shall be construed to permit the
17 development of a national database of personally identifi-
18 able information on individuals involved in studies or in
19 data collection efforts under this Act.

20 **“PART F—SENSE OF CONGRESS**

21 **“SEC. 14614. REDUCING THE READING DEFICIT.**

22 “(a) FINDINGS.—The ability to read the English lan-
23 guage is the cornerstone of academic success. The 1998 Na-
24 tional Assessment of Educational Progress (NAEP) found
25 that 69 percent of 4th grade students are reading below the

1 *proficient level. The National Institute of Child Health and*
2 *Human Development (NICHD) has conducted extensive sci-*
3 *entific research on reading instruction for more than 34*
4 *years at a cost of more than two hundred million dollars.*
5 *Federal research in reading instruction has concluded that*
6 *phonemic awareness, direct systematic instruction in*
7 *sound-spelling correspondences, blending of sound-spellings*
8 *into words, reading comprehension, and regular exposure*
9 *to interesting books are essential components of any bal-*
10 *anced reading program.*

11 “(b) *SENSE OF CONGRESS.—It is the sense of Congress*
12 *that—*

13 “(1) *federally funded education programs which*
14 *are designed to improve reading skills, should use in-*
15 *structional practices that are grounded in scientif-*
16 *ically based research as defined in section 14101(27)*
17 *of this Act;*

18 “(2) *reducing the reading deficit is one of the*
19 *most critical tasks before the nation; and*

20 “(3) *successful learning in all other areas such*
21 *as science, history, literature, business and vocational*
22 *training or computer science requires the ability to*
23 *read fluently and with comprehension.*

1 **“SEC. 14615. SCIENCE ASSESSMENT.**

2 *“It is the sense of Congress that State and local assess-*
3 *ments in science should measure a student’s ability to—*

4 *“(1) understand scientific facts, results, and con-*
5 *cepts;*

6 *“(2) design and conduct experiments;*

7 *“(3) make arguments based on evidence and*
8 *data; and*

9 *“(4) communicate scientific information.*

10 **“SEC. 14616. AMERICA ACHIEVES ACADEMIC EXCELLENCE.**

11 *“It is the sense of Congress that—*

12 *“(1) the Constitution of the United States re-*
13 *serves to the States and to the people the responsi-*
14 *bility for the general supervision of public education*
15 *in kindergarten through the twelfth grade;*

16 *“(2) State and local educational agencies are*
17 *best suited to increasing academic achievement levels*
18 *for all students and ensuring no student is left be-*
19 *hind;*

20 *“(3) States and local educational agencies de-*
21 *serve and require the maximum liberty to build upon*
22 *existing innovative approaches for education reform*
23 *and continue their proven record of increasing stu-*
24 *dent success;*

1 “(4) education reform is in the best interests of
2 the American people in order to secure a more pros-
3 perous and perfect union;

4 “(5) the best education decisions are made by
5 those who know the students best and who are respon-
6 sible for implementing the decisions, and, therefore,
7 educators and parents should retain the right and re-
8 sponsibility to educate their pupils and children free
9 of regulation by the Federal Government; and

10 “(6) States should be commended for their efforts
11 and results and encouraged to sustain and improve
12 upon them.”.

13 **SEC. 602. REPEALS.**

14 *The following provisions are repealed:*

15 (1) *GOALS.*—Parts A and C of title II and title
16 VI of Goals 2000: Educate America Act.

17 (2) *ESEA.*—Title XI of the Elementary and Sec-
18 ondary Education Act of 1965.

19 **SEC. 603. EFFECTIVE DATE.**

20 *This Act and the amendments made by this Act shall*
21 *take effect on October 1, 2000, or the date of enactment of*
22 *the Education OPTIONS Act, whichever occurs later.*

Calendar No. 331

106TH CONGRESS
2D SESSION

H. R. 4141

[Report No. 106-608]

A BILL

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

MAY 4, 2000

Reported with an amendment, committed to the Com-
mittee of the Whole House on the State of the Union,
and ordered to be printed