

**Calendar No. 491**

106TH CONGRESS  
2D SESSION

**S. 2**

**[Report No. 106-261]**

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**A BILL**

To extend programs and activities under the  
Elementary and Secondary Education Act of 1965.

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APRIL 12, 2000

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. JEFFORDS (for himself, Mr. GREGG, Mr. LOTT, Mr. MCCAIN, Mr. MACK, Mr. COVERDELL, Mr. HAGEL, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

APRIL 12, 2000

Reported by Mr. JEFFORDS, with an amendment

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

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## A BILL

To extend programs and activities under the Elementary and Secondary Education Act of 1965.

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

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Educational Opportu-  
5        nities Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds as follows:

3 (1) RETURNING CONTROL TO PARENTS.—Par-  
4 ents have the primary responsibility for their chil-  
5 dren's education. Parents are the first and best edu-  
6 cators of their children. Congress supports proposals  
7 which provide parents greater control to choose new  
8 and unique opportunities to meet the educational  
9 need of their children.

10 (2) SUPPORTING EXCEPTIONAL TEACHERS.—  
11 Every child should have an exceptional teacher in  
12 the classroom. Congress supports rewarding teachers  
13 for their successful efforts. Congress also believes in  
14 schools being more accountable to parents. Every  
15 parent deserves to know if their child is being taught  
16 by a teacher who is highly qualified.

17 (3) SAFER AND MORE SECURE.—Quality in-  
18 struction and learning can only occur in a first class  
19 school that is safe and orderly. No child can learn  
20 when schoolyards attract random violence or class-  
21 rooms are interrupted by disruptive behavior. Con-  
22 gress supports proposals that give schools the tools  
23 the schools need to protect teachers and students,  
24 remove disruptive influences, and create a positive  
25 learning atmosphere.

1           (4) DOLLARS TO THE CLASSROOM.—Congress  
2       rejects a one-size-fits-all approach to education.  
3       America’s rural schools often face challenges quite  
4       different than their urban counterparts. Congress  
5       believes that students should be the primary bene-  
6       ficiaries of educational spending. Congress supports  
7       the goal of ensuring that the maximum amount of  
8       Federal education dollars are spent directly in the  
9       classrooms. State and local communities should have  
10      the freedom to tailor their education plans and re-  
11      forms according to the unique educational needs of  
12      their children.

13           (5) BASIC ACADEMICS.—Success in education is  
14      best achieved when instruction is focused on basic  
15      academics and fundamental skills. Students should  
16      no longer be subjected to untried and untested edu-  
17      cational theories of instruction, rather our Nation’s  
18      education efforts should be geared to proven meth-  
19      ods of instruction.

20 **SEC. 3. PURPOSE.**

21      The purpose of this Act is—

22           (1) to put our Nation’s children first by cre-  
23      ating first class schools because nothing is more im-  
24      portant to the future of our Nation than the edu-  
25      cation of its children;

1           (2) to give parents and local schools more con-  
2           trol over their schools;

3           (3) to make our Nation's schools safe and se-  
4           cure, and return to an emphasis on basic academic  
5           and quality instruction; and

6           (4) to support those exceptional teachers who  
7           make a difference in the lives of our Nation's chil-  
8           dren.

9   **SEC. 4. EXTENSION OF PROGRAMS AND ACTIVITIES.**

10          The authorization of appropriations for, and the du-  
11          ration of, each program or activity under the Elementary  
12          and Secondary Education Act of 1965 (20 U.S.C. 6301  
13          et seq.) is extended through fiscal year 2004.

14   **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

15          (a) *SHORT TITLE.*—*This Act may be cited as the*  
16          *“Educational Opportunities Act”.*

17          (b) *TABLE OF CONTENTS.*—*The table of contents for*  
18          *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. References.*

*Sec. 3. Short title; purpose; definitions.*

*TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH  
STANDARDS*

*Sec. 101. Policy and purpose.*

*Sec. 102. Authorization of appropriations.*

*Sec. 103. Reservation and allocation for school improvement.*

*PART A—BASIC PROGRAMS*

*Sec. 111. State plans.*

*Sec. 112. Local educational agency plans.*

*Sec. 113. Eligible school attendance areas.*

*Sec. 114. Schoolwide programs.*

- Sec. 115. Targeted assistance schools.*  
*Sec. 116. Pupil safety and family school choice.*  
*Sec. 117. Assessment and local educational agency and school improvement.*  
*Sec. 118. Assistance for school support and improvement.*  
*Sec. 119. Parental involvement.*  
*Sec. 120. Professional development.*  
*Sec. 120A. Participation of children enrolled in private schools.*  
*Sec. 120B. Early childhood education.*  
*Sec. 120C. Allocations.*  
*Sec. 120D. Establishment of the child centered program.*

*PART B—EVEN START FAMILY LITERACY PROGRAMS*

- Sec. 121. Even start family literacy programs.*

*PART C—EDUCATION OF MIGRATORY CHILDREN*

- Sec. 131. Program purpose.*  
*Sec. 132. State application.*  
*Sec. 133. Comprehensive plan.*  
*Sec. 134. Coordination.*

*PART D—PARENTAL ASSISTANCE*

- Sec. 141. Parental assistance.*

*PART E—GENERAL PROVISIONS; COMPREHENSIVE SCHOOL REFORM;  
 ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS*

- Sec. 151. General provisions; comprehensive school reform; assistance to address school dropout problems.*

*TITLE II—PROFESSIONAL DEVELOPMENT FOR TEACHERS*

- Sec. 201. Teacher quality.*  
*Sec. 202. Leadership education and development program.*  
*Sec. 203. Reading excellence.*  
*Sec. 204. National Writing Project.*  
*Sec. 205. General provisions.*  
*Sec. 206. New century program and digital education content collaborative.*  
*Sec. 207. Conforming amendments.*

*TITLE III—ENRICHMENT INITIATIVES*

- Sec. 301. Enrichment initiatives.*  
*Sec. 302. Dissemination of advanced placement information.*  
*Sec. 303. Technical and conforming amendments.*

*TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES*

- Sec. 401. Amendment to the Elementary and Secondary Education Act of 1965.*  
*Sec. 402. Gun-free requirements.*  
*Sec. 403. School safety and violence prevention.*  
*Sec. 404. Background checks.*  
*Sec. 405. Constitutionality of memorial services and memorials at public schools.*  
*Sec. 406. Environmental tobacco smoke.*

*TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES*

*Sec. 501. Educational opportunity initiatives.*

*PART A—TECHNOLOGY EDUCATION*

*Sec. 511. Technology education.*

*PART B—WOMEN’S EDUCATIONAL EQUITY; STAR SCHOOLS*

*Sec. 521. Women’s educational equity.*

*Sec. 522. Star schools.*

*PART C—MAGNET SCHOOLS ASSISTANCE*

*Sec. 531. Magnet schools assistance.*

*PART D—PUBLIC CHARTER SCHOOLS*

*Sec. 541. Public charter schools.*

*PART E—CIVIC EDUCATION; FIE; ELLENDER FELLOWSHIPS; READY-TO-LEARN  
TELEVISION; INEXPENSIVE BOOK DISTRIBUTION*

*Sec. 551. Civic education; FIE; Ellender fellowships; ready-to-learn television; inexpensive book distribution.*

*PART F—TECHNICAL AND CONFORMING AMENDMENTS*

*Sec. 561. Technical and conforming amendments.*

*TITLE VI—INNOVATIVE EDUCATION*

*Sec. 601. Innovative education.*

*Sec. 602. Technical and conforming amendment.*

*TITLE VII—BILINGUAL EDUCATION*

*Sec. 701. Purpose.*

*Sec. 702. Authorization of appropriations.*

*Sec. 703. Repeal of program development and implementation grants.*

*Sec. 704. Program enhancement projects.*

*Sec. 705. Comprehensive school and systemwide improvement grants.*

*Sec. 706. Repeal of systemwide improvement grants.*

*Sec. 707. Applications.*

*Sec. 708. Repeal of intensified instruction.*

*Sec. 709. Repeal of subgrants, priority, and coordination provisions.*

*Sec. 710. Evaluations.*

*Sec. 711. Research.*

*Sec. 712. Academic excellence awards.*

*Sec. 713. State grant program.*

*Sec. 714. National Clearinghouse.*

*Sec. 715. Instructional materials development.*

*Sec. 716. Training for all teachers program.*

*Sec. 717. Graduate fellowships.*

*Sec. 718. Repeal of program requirements.*

*Sec. 719. Program evaluations.*

*Sec. 720. Special rule.*

*Sec. 721. Repeal of finding relating to foreign language assistance.*

- Sec. 722. Foreign language assistance applications.*  
*Sec. 723. Emergency immigrant education purpose.*  
*Sec. 724. Emergency immigrant education State administrative costs.*  
*Sec. 725. Conforming amendments.*  
*Sec. 726. Emergency immigrant education authorization of appropriations.*  
*Sec. 727. Coordination and reporting requirements.*

#### *TITLE VIII—IMPACT AID*

- Sec. 801. Short title.*  
*Sec. 802. Purpose.*  
*Sec. 803. Payments relating to Federal acquisition of real property.*  
*Sec. 804. Payments for eligible federally connected children.*  
*Sec. 805. Sudden and substantial increases in attendance of military dependents.*  
*Sec. 806. School construction and facility modernization.*  
*Sec. 807. State consideration of payments in providing State aid.*  
*Sec. 808. Federal administration.*  
*Sec. 809. Administrative hearings and judicial review.*  
*Sec. 810. Forgiveness of overpayments.*  
*Sec. 811. Applicability.*  
*Sec. 812. Definitions.*  
*Sec. 813. Authorization of appropriations.*  
*Sec. 814. Technical and conforming amendment.*

#### *TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION*

- Sec. 901. Programs.*  
*Sec. 902. Conforming amendments.*

#### *TITLE X—GENERAL PROVISIONS*

- Sec. 10001. Uniform provisions.*  
*Sec. 10002. Evaluations.*  
*Sec. 10003. America's Education Goals.*  
*Sec. 10004. America's Education Goals Panel.*  
*Sec. 10005. Comprehensive regional assistance centers.*  
*Sec. 10006. Repeals.*  
*Sec. 10007. Technical and conforming amendments.*

#### *TITLE XI—AMENDMENTS TO OTHER LAWS*

##### *PART A—REPEALS*

- Sec. 11101. Goals 2000: Educate America Act.*  
*Sec. 11102. Higher Education Amendments of 1998.*  
*Sec. 11103. Conforming amendments.*

##### *PART B—EDUCATION FOR HOMELESS CHILDREN AND YOUTH*

- Sec. 11201. Statement of policy.*  
*Sec. 11202. Grants for State and local activities.*  
*Sec. 11203. Local educational agency grants.*  
*Sec. 11204. Secretarial responsibilities.*  
*Sec. 11205. Definitions.*  
*Sec. 11206. Authorization of appropriations.*  
*Sec. 11207. Conforming amendments.*



## PART C—ALBERT EINSTEIN DISTINGUISHED EDUCATORS

*Sec. 11301. Albert Einstein Distinguished Educator Act of 1994.*

1 **SEC. 2. REFERENCES.**

2 *Except as otherwise expressly provided, whenever in*  
 3 *this Act an amendment or repeal is expressed in terms of*  
 4 *an amendment to, or repeal of, a section or other provision,*  
 5 *the reference shall be considered to be made to a section or*  
 6 *other provision of the Elementary and Secondary Edu-*  
 7 *cation Act of 1965 (20 U.S.C. 6301 et seq.).*

8 **SEC. 3. SHORT TITLE; PURPOSE; DEFINITIONS.**

9 *The Act (20 U.S.C. 6301 et seq.) is amended—*

10 *(1) in the heading for section 1, by striking*  
 11 *“TABLE OF CONTENTS” and inserting “SHORT*  
 12 *TITLE”;* and

13 *(2) by adding after section 1 the following:*

14 **“SEC. 2. PURPOSE.**

15 *“It is the purpose of this Act to support programs and*  
 16 *activities that will improve the Nation’s schools and enable*  
 17 *all children to achieve high standards.*

18 **“SEC. 3. DEFINITIONS.**

19 *“Except as otherwise provided, in this Act:*

20 *“(1) AVERAGE DAILY ATTENDANCE.—*

21 *“(A) IN GENERAL.—Except as provided oth-*  
 22 *erwise by State law or this paragraph, the term*  
 23 *‘average daily attendance’ means—*

1           “(i) the aggregate number of days of  
2           attendance of all students during a school  
3           year; divided by

4           “(ii) the number of days school is in  
5           session during such school year.

6           “(B) CONVERSION.—The Secretary shall  
7           permit the conversion of average daily member-  
8           ship (or other similar data) to average daily at-  
9           tendance for local educational agencies in States  
10          that provide State aid to local educational agen-  
11          cies on the basis of average daily membership or  
12          such other data.

13          “(C) SPECIAL RULE.—If the local edu-  
14          cational agency in which a child resides makes  
15          a tuition or other payment for the free public  
16          education of the child in a school located in an-  
17          other school district, the Secretary shall, for pur-  
18          poses of this Act—

19                 “(i) consider the child to be in attend-  
20                 ance at a school of the agency making such  
21                 payment; and

22                 “(ii) not consider the child to be in at-  
23                 tendance at a school of the agency receiving  
24                 such payment.

1           “(D) *CHILDREN WITH DISABILITIES*.—If a  
2           *local educational agency makes a tuition pay-*  
3           *ment to a private school or to a public school of*  
4           *another local educational agency for a child with*  
5           *a disability, as defined in section 602 of the In-*  
6           *dividuals with Disabilities Education Act, the*  
7           *Secretary shall, for the purposes of this Act, con-*  
8           *sider such child to be in attendance at a school*  
9           *of the agency making such payment.*

10           “(2) *AVERAGE PER-PUPIL EXPENDITURE*.—The  
11           *term ‘average per-pupil expenditure’ means, in the*  
12           *case of a State or of the United States—*

13           “(A) *without regard to the source of*  
14           *funds—*

15           “(i) *the aggregate current expenditures,*  
16           *during the third fiscal year preceding the*  
17           *fiscal year for which the determination is*  
18           *made (or, if satisfactory data for that year*  
19           *are not available, during the most recent*  
20           *preceding fiscal year for which satisfactory*  
21           *data are available) of all local educational*  
22           *agencies in the State or, in the case of the*  
23           *United States for all States (which, for the*  
24           *purpose of this paragraph, means the 50*  
25           *States and the District of Columbia); plus*

1                   “(ii) any direct current expenditures  
2                   by the State for the operation of such agen-  
3                   cies; divided by

4                   “(B) the aggregate number of children in  
5                   average daily attendance to whom such agencies  
6                   provided free public education during such pre-  
7                   ceding year.

8                   “(3) CHILD.—The term ‘child’ means any person  
9                   within the age limits for which the State provides free  
10                  public education.

11                  “(4) COMMUNITY-BASED ORGANIZATION.—The  
12                  term ‘community-based organization’ means a public  
13                  or private nonprofit organization of demonstrated ef-  
14                  fectiveness that—

15                         “(A) is representative of a community or  
16                         significant segments of a community; and

17                         “(B) provides educational or related services  
18                         to individuals in the community.

19                  “(5) CONSOLIDATED LOCAL APPLICATION.—The  
20                  term ‘consolidated local application’ means an appli-  
21                  cation submitted by a local educational agency pursu-  
22                  ant to section 6505.

23                  “(6) CONSOLIDATED LOCAL PLAN.—The term  
24                  ‘consolidated local plan’ means a plan submitted by  
25                  a local educational agency pursuant to section 6505.

1           “(7) *CONSOLIDATED STATE APPLICATION.*—*The*  
 2           *term ‘consolidated State application’ means an appli-*  
 3           *cation submitted by a State educational agency pur-*  
 4           *suant to section 6502.*

5           “(8) *CONSOLIDATED STATE PLAN.*—*The term*  
 6           *‘consolidated State plan’ means a plan submitted by*  
 7           *a State educational agency pursuant to section*  
 8           *14302.*

9           “(9) *COUNTY.*—*The term ‘county’ means one of*  
 10          *the divisions of a State used by the Secretary of Com-*  
 11          *merce in compiling and reporting data regarding*  
 12          *counties.*

13          “(10) *COVERED PROGRAM.*—*The term ‘covered*  
 14          *program’ means each of the programs authorized*  
 15          *by—*

16                       “(A) *part A of title I;*

17                       “(B) *part C of title I;*

18                       “(C) *title II (other than section 2103 and*  
 19                       *part D);*

20                       “(D) *subpart 2 of part A of title V;*

21                       “(E) *part A of title IV (other than section*  
 22                       *4114); and*

23                       “(F) *title VI.*

24          “(11) *The term ‘current expenditures’ means ex-*  
 25          *penditures for free public education—*

1           “(A) including expenditures for administra-  
 2           tion, instruction, attendance and health services,  
 3           pupil transportation services, operation and  
 4           maintenance of plant, fixed charges, and net ex-  
 5           penditures to cover deficits for food services and  
 6           student body 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          “(12) DEPARTMENT.—The term ‘Department’  
 12          means the Department of Education.

13          “(13) 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          “(14) 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          “(15) FREE PUBLIC EDUCATION.—The term ‘free  
 24          public education’ means education that is provided—

1           “(A) at public expense, under public super-  
2           vision and direction, and without tuition charge;  
3           and

4           “(B) as elementary school or secondary  
5           school education as determined under applicable  
6           State law, except that such term does not include  
7           any education provided beyond grade 12.

8           “(16) *GIFTED AND TALENTED*.—The term ‘gifted  
9           and talented’, when used with respect to students,  
10          children or youth, means students, children or youth  
11          who give evidence of high performance capability in  
12          areas such as intellectual, creative, artistic, or leader-  
13          ship capacity, or in specific academic fields, and who  
14          require services or activities not ordinarily provided  
15          by the school in order to fully develop such capabili-  
16          ties.

17          “(17) *INSTITUTION OF HIGHER EDUCATION*.—  
18          The term ‘institution of higher education’ has the  
19          meaning given the term in section 101 of the Higher  
20          Education Act of 1965.

21          “(18) *LOCAL EDUCATIONAL AGENCY*.—

22                 “(A) *IN GENERAL*.—The term ‘local edu-  
23                 cational agency’ means a public board of edu-  
24                 cation or other public authority legally con-  
25                 stituted within a State for either administrative

1           *control or direction of, or to perform a service*  
2           *function for, public elementary schools or sec-*  
3           *ondary schools in a city, county, township,*  
4           *school district, or other political subdivision of a*  
5           *State, or for such combination of school districts*  
6           *or counties as are recognized in a State as an*  
7           *administrative agency for the State’s public ele-*  
8           *mentary or secondary schools.*

9           “(B) *ADMINISTRATIVE CONTROL AND DI-*  
10          *RECTION.—The term includes any other public*  
11          *institution or agency having administrative con-*  
12          *trol and direction of a public elementary or sec-*  
13          *ondary school.*

14          “(C) *BIA SCHOOLS.—The term includes an*  
15          *elementary school or secondary school funded by*  
16          *the Bureau of Indian Affairs but only to the ex-*  
17          *tent that such inclusion makes such school eligi-*  
18          *ble for programs for which specific eligibility is*  
19          *not provided to such school in another provision*  
20          *of law and such school does not have a student*  
21          *population that is smaller than the student pop-*  
22          *ulation of the local educational agency receiving*  
23          *assistance under this Act with the smallest stu-*  
24          *dent population, except that such school shall not*  
25          *be subject to the jurisdiction of any State edu-*



1           *educational agency other than the Bureau of Indian*  
2           *Affairs.*

3           “(19) *MENTORING.*—*The term ‘mentoring’ means*  
4           *a program in which an adult works with a child or*  
5           *youth on a 1-to-1 basis, establishing a supportive re-*  
6           *lationship, providing academic assistance, and intro-*  
7           *ducing the child or youth to new experiences that en-*  
8           *hance the child or youth’s ability to excel in school*  
9           *and become a responsible citizen.*

10           “(20) *OTHER STAFF.*—*The term ‘other staff’*  
11           *means pupil services personnel, librarians, career*  
12           *guidance and counseling personnel, education aides,*  
13           *and other instructional and administrative personnel.*

14           “(21) *OUTLYING AREA.*—*The term ‘outlying*  
15           *area’ means the United States Virgin Islands, Guam,*  
16           *American Samoa, the Commonwealth of the Northern*  
17           *Mariana Islands, and for the purpose of section 1121*  
18           *and any other discretionary grant program under*  
19           *this Act, the Republic of the Marshall Islands, the*  
20           *Federated States of Micronesia, and the Republic of*  
21           *Palau.*

22           “(22) *PARENT.*—*The term ‘parent’ includes a*  
23           *legal guardian or other person standing in loco*  
24           *parentis.*

1           “(23) *PARENTAL INVOLVEMENT.*—*The term ‘pa-*  
2           *rental involvement’ means the participation of par-*  
3           *ents on all levels of a school’s operation, including all*  
4           *of the activities described in section 1118.*

5           “(24) *PUBLIC TELECOMMUNICATIONS ENTITY.*—  
6           *The term ‘public telecommunication entity’ has the*  
7           *same meaning given to such term in section 397 of*  
8           *the Communications Act of 1934.*

9           “(25) *PUPIL SERVICES PERSONNEL; PUPIL SERV-*  
10          *ICES.*—

11           “(A) *PUPIL SERVICES PERSONNEL.*—*The*  
12          *term ‘pupil services personnel’ means school*  
13          *counselors, school social workers, school psycholo-*  
14          *gists, and other qualified professional personnel*  
15          *involved in providing assessment, diagnosis,*  
16          *counseling, educational, therapeutic, and other*  
17          *necessary services (including related services as*  
18          *such term is defined in section 602 of the Indi-*  
19          *viduals with Disabilities Education Act) as part*  
20          *of a comprehensive program to meet student*  
21          *needs.*

22           “(B) *PUPIL SERVICES.*—*The term ‘pupil*  
23          *services’ means the services provided by pupil*  
24          *services personnel.*

1           “(26) *RESEARCH-BASED.*—*The term ‘research-*  
2           *based’ used with respect to an activity or a program,*  
3           *means an activity based on specific strategies and im-*  
4           *plementation of such strategies that, based on theory,*  
5           *research and evaluation, are effective in improving*  
6           *student achievement and performance and other pro-*  
7           *gram objectives.*

8           “(27) *SECONDARY SCHOOL.*—*The term ‘sec-*  
9           *ondary school’ means a nonprofit institutional day or*  
10          *residential school, including a public secondary char-*  
11          *ter school, that provides secondary education, as de-*  
12          *termined under State law, except that such term does*  
13          *not include any education beyond grade 12.*

14          “(28) *SECRETARY.*—*The term ‘Secretary’ means*  
15          *the Secretary of Education.*

16          “(29) *STATE.*—*The term ‘State’ means each of*  
17          *the 50 States, the District of Columbia, the Common-*  
18          *wealth of Puerto Rico, and each of the outlying areas.*

19          “(30) *STATE EDUCATIONAL AGENCY.*—*The term*  
20          *‘State educational agency’ means the agency pri-*  
21          *marily responsible for the State supervision of public*  
22          *elementary schools and secondary schools.*

23          “(31) *TECHNOLOGY.*—*The term ‘technology’*  
24          *means the latest state-of-the-art technology products*  
25          *and services, such as closed circuit television systems,*

1 *educational television or radio programs and services,*  
 2 *cable television, satellite, copper fiber optic trans-*  
 3 *mission, computer hardware and software, video and*  
 4 *audio laser and CD-ROM disks, video and audio*  
 5 *tapes, including interactive forms of such products*  
 6 *and services, or other technologies.”.*

7 ***TITLE I—HELPING DISADVAN-***  
 8 ***TAGED CHILDREN MEET HIGH***  
 9 ***STANDARDS***

10 ***SEC. 101. POLICY AND PURPOSE.***

11 *Section 1001 (20 U.S.C. 6301) is amended to read as*  
 12 *follows:*

13 ***“SEC. 1001. STATEMENT OF PURPOSE.***

14 *“The purpose of this title is to enable schools to provide*  
 15 *opportunities for children served under this title to acquire*  
 16 *the knowledge and skills contained in the challenging State*  
 17 *content standards and to meet the challenging State student*  
 18 *performance standards developed for all children. This pur-*  
 19 *pose should be accomplished by—*

20 *“(1) ensuring high standards for all children*  
 21 *and aligning the efforts of States, local educational*  
 22 *agencies, and schools to help children served under*  
 23 *this title to reach such standards;*

24 *“(2) providing children an enriched and acceler-*  
 25 *ated educational program, including the use of*

1       *schoolwide programs or additional services that in-*  
2       *crease the amount and quality of instructional time*  
3       *so that children served under this title receive at least*  
4       *the classroom instruction that other children receive;*

5               *“(3) promoting schoolwide reform and ensuring*  
6       *access of children (from the earliest grades, including*  
7       *prekindergarten) to effective instructional strategies*  
8       *and challenging academic content that includes inten-*  
9       *sive complex thinking and problem-solving experi-*  
10       *ences;*

11               *“(4) significantly elevating the quality of in-*  
12       *struction by providing staff in participating schools*  
13       *with substantial opportunities for professional devel-*  
14       *opment;*

15               *“(5) coordinating services under all parts of this*  
16       *title with each other, with other educational services,*  
17       *and to the extent feasible, with other agencies pro-*  
18       *viding services to youth, children, and families that*  
19       *are funded from other sources;*

20               *“(6) affording parents substantial and meaning-*  
21       *ful opportunities to participate in the education of*  
22       *their children at home and at school;*

23               *“(7) distributing resources in amounts sufficient*  
24       *to make a difference to local educational agencies and*  
25       *schools where needs are greatest;*

1           “(8) *improving and strengthening account-*  
 2           *ability, teaching, and learning by using State assess-*  
 3           *ment systems designed to measure how well children*  
 4           *served under this title are achieving challenging State*  
 5           *student performance standards expected of all chil-*  
 6           *dren; and*

7           “(9) *providing greater decisionmaking authority*  
 8           *and flexibility to schools and teachers in exchange for*  
 9           *greater responsibility for student performance.”.*

10 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

11           *Section 1002 (20 U.S.C. 6302) is amended—*

12           (1) *in subsection (a), by striking*  
 13           *“\$7,400,000,000 for fiscal year 1995” and inserting*  
 14           *“\$15,000,000,000 for fiscal year 2001”;*

15           (2) *in subsection (b), by striking “\$118,000,000*  
 16           *for fiscal year 1995” and inserting “\$500,000,000 for*  
 17           *fiscal year 2001”;*

18           (3) *in subsection (c), by striking “\$310,000,000*  
 19           *for fiscal year 1995” and inserting “\$400,000,000 for*  
 20           *fiscal year 2001”;*

21           (4) *by amending subsection (d) to read as fol-*  
 22           *lows:*

23           “(d) *PARENTAL ASSISTANCE.—For the purpose of car-*  
 24           *rying out part D, there are authorized to be appropriated*

1 \$50,000,000 for fiscal year 2001 and such sums as may be  
2 necessary for each of the 4 succeeding fiscal years.”;

3 (5) by amending subsection (e) to read as fol-  
4 lows:

5 “(e) *CAPITAL EXPENSES*.—For the purpose of carrying  
6 out section 1120(e), there are authorized to be appropriated  
7 \$15,000,000 for fiscal year 2001, \$15,000,000 for fiscal year  
8 2002, and \$5,000,000 for fiscal year 2003.”;

9 (6) in subsection (f), by striking “1996 and each  
10 of the three” and inserting “2001 and each of the  
11 four”;

12 (7) by amending subsection (g) to read as fol-  
13 lows:

14 “(g) *FEDERAL ACTIVITIES*.—

15 “(1) *SECTION 1501*.—For the purpose of carrying  
16 out section 1501, there are authorized to be appro-  
17 priated \$10,000,000 for fiscal year 2001 and such  
18 sums as may be necessary for each of the four suc-  
19 ceeding fiscal years.

20 “(2) *SECTION 1502*.—For the purpose of carrying  
21 out section 1502 there are authorized to be appro-  
22 priated \$25,000,000 for fiscal year 2001 and such  
23 sums as may be necessary for each of the four suc-  
24 ceeding fiscal years.”; and

25 (8) by adding at the end the following:





1           *served under paragraph (1) for the fiscal year as*  
2           *the amount all local educational agencies in the*  
3           *State received under section 1124 for the fiscal*  
4           *year bears to the amount all local educational*  
5           *agencies in all States received under section 1124*  
6           *for the fiscal year, except that no State shall re-*  
7           *ceive less than 0.5 percent of the amount reserved*  
8           *under paragraph (1) for the fiscal year.*

9           “(B) *USE OF FUNDS.—Funds allotted under*  
10          *subparagraph (A) shall be used by a State to*  
11          *carry out section 1111(b)(3), subsections (c) and*  
12          *(d) of section 1116, and section 1117.*

13          “(C) *PUBLIC NOTICE AND COMMENT.—Each*  
14          *State using funds allotted under this subsection*  
15          *shall—*

16                 “(i) *provide the public with adequate*  
17                 *and efficient notice of the proposed uses of*  
18                 *the funds;*

19                 “(ii) *provide the opportunity for par-*  
20                 *ents, educators, and all other interested*  
21                 *members of the community to comment re-*  
22                 *garding the proposed uses of funds; and*

23                 “(iii) *provide the opportunity de-*  
24                 *scribed in clause (ii) in accordance with*  
25                 *any applicable State law specifying how the*

1           *comments may be received, and how the*  
2           *comments may be reviewed by any member*  
3           *of the public.*

4           “(D) *DEFINITION.*—*For purposes of this*  
5           *subsection, the term ‘State’ means each of the*  
6           *several States of the United States, the District*  
7           *of Columbia, and the Commonwealth of Puerto*  
8           *Rico.*

9           “(b) *STATE RESERVATION AND ALLOCATION FOR*  
10          *SCHOOL IMPROVEMENT.*—

11           “(1) *PAYMENT FOR SCHOOL IMPROVEMENT.*—

12           “(A) *IN GENERAL.*—*Except as provided in*  
13           *paragraph (3), for fiscal year 2001 and each suc-*  
14           *ceeding fiscal year each State may reserve for the*  
15           *proper and efficient performance of its duties*  
16           *under subsections (c) and (d) of section 1116,*  
17           *and section 1117, one-half of 1 percent of the*  
18           *funds made available to the State under—*

19           “(i) *part A, except that such reserved*  
20           *amount shall not exceed one-half of 1 per-*  
21           *cent of the funds made available to the*  
22           *State under part A for fiscal year 2000;*  
23           *and*

1                   “(i) part C of this title, and part B  
2                   of title III, for the fiscal year for which the  
3                   reservation is made.

4                   “(B) MINIMUM.—The total amount that  
5                   may be reserved by each State, other than the  
6                   outlying areas, under this subsection for any fis-  
7                   cal year, when added to amounts appropriated  
8                   for such fiscal year under section 1002(f) that  
9                   are allocated to the State under paragraph (2),  
10                  if any, may not be less than \$200,000. The total  
11                  amount that may be reserved by each outlying  
12                  area under this subsection for any fiscal year,  
13                  when added to amounts appropriated for such  
14                  fiscal year under section 1002(f) that are allo-  
15                  cated under paragraph (2) to the outlying area,  
16                  if any, may not be less than \$25,000.

17                  “(C) SPECIAL RULE.—If the amount re-  
18                  served under subparagraph (A) when added to  
19                  the amount made available under section 1002(f)  
20                  for a State is less than \$200,000 for any fiscal  
21                  year, then such State may reserve such addi-  
22                  tional funds under parts A and C of this title,  
23                  and part C of title III, as are necessary to make  
24                  \$200,000 available to such State.

1           “(2) *ADDITIONAL STATE ALLOCATIONS FOR*  
 2           *SCHOOL IMPROVEMENT.*—*From the amount appro-*  
 3           *propriated under section 1002(f) for any fiscal year, each*  
 4           *State shall be eligible to receive an amount that bears*  
 5           *the same ratio to the amount appropriated as the*  
 6           *amount allocated to the State under part A (other*  
 7           *than section 1120(e)) bears to the total amount allo-*  
 8           *cated to all States under part A (other than section*  
 9           *1120(e)).”.*

10                           **PART A—BASIC PROGRAMS**

11       **SEC. 111. STATE PLANS.**

12           *Section 1111 (20 U.S.C. 6311) is amended—*

13                   (1) *in subsection (a)—*

14                           (A) *in paragraph (1)—*

15                                   (i) *by striking “the Goals 2000: Edu-*  
 16                                   *cate America Act,” and inserting “the Indi-*  
 17                                   *viduals with Disabilities Education Act, the*  
 18                                   *Carl D. Perkins Vocational and Technical*  
 19                                   *Education Act of 1998, the Head Start*  
 20                                   *Act,”; and*

21                                   (ii) *by striking “14306” and inserting*  
 22                                   *“6506”; and*

23                                   (B) *in paragraph (2), by striking “14302”*  
 24                                   *and inserting “6502”;*

25                   (2) *in subsection (b)—*

1                   (A) in paragraph (1)—

2                   (i) by amending subparagraph (B) to  
3                   read as follows:

4                   “(B) The standards described in subpara-  
5                   graph (A) shall be the same standards that the  
6                   State applies to all schools and children in the  
7                   State.”; and

8                   (ii) by amending subparagraph (C) to  
9                   read as follows:

10                  “(C) The State shall have the standards de-  
11                  scribed in subparagraph (A) for elementary  
12                  school and secondary school children served  
13                  under this part in subjects determined by the  
14                  State that include at least mathematics, and  
15                  reading or language arts, and such standards  
16                  shall require the same knowledge, skills, and lev-  
17                  els of performance for all children.”;

18                  (B) in paragraph (2), by amending sub-  
19                  paragraph (B) to read as follows:

20                  “(B) Adequate yearly progress shall be de-  
21                  fined in a manner—

22                  “(i) that is sufficient to achieve the  
23                  goal of all children served under this part  
24                  meeting the State’s proficient and advanced  
25                  levels of performance within 10 years;

1           “(ii) that results in continuous and  
2           substantial academic improvement for all  
3           students, including economically disadvan-  
4           taged and limited English proficient stu-  
5           dents, except that this clause shall not apply  
6           if the State demonstrates to the Secretary  
7           that the State has an insufficient number of  
8           economically disadvantaged or limited  
9           English proficient students;

10           “(iii) that is based primarily on the  
11           standards described in paragraph (1) and  
12           the assessments aligned to State standards  
13           described in paragraph (3), and shall in-  
14           clude specific State determined yearly  
15           progress requirements in subjects and grades  
16           included in the State assessments; and

17           “(iv) that is linked to performance on  
18           the assessments carried out under this sec-  
19           tion while permitting progress to be estab-  
20           lished in part through other academic indi-  
21           cators, whether defined in the State plan or  
22           in a State-approved local educational agen-  
23           cy plan, such as dropout rates.”;

24           (C) in paragraph (3)—

25           (i) in subparagraph (F)—

1                   (I) in clause (ii), by striking  
2                   “and” after the semicolon;

3                   (II) in clause (iii), by inserting  
4                   “and” after the semicolon; and

5                   (III) by adding at the end the fol-  
6                   lowing:

7                   “(iv) notwithstanding clause (iii), the  
8                   assessment (using tests written in English)  
9                   of reading or language arts of any student  
10                  who has attended school in the United  
11                  States (excluding the Commonwealth of  
12                  Puerto Rico) for 3 or more consecutive  
13                  years for the purpose of school account-  
14                  ability;”; and

15                  (ii) by amending subparagraph (H) to  
16                  read as follows:

17                  “(H) provide individual student interpre-  
18                  tive and descriptive reports, which shall include  
19                  scores or other information on the attainment of  
20                  student performance standards, such as measures  
21                  of student course work over time, student attend-  
22                  ance rates, student dropout rates, and student  
23                  participation in advanced level courses;”; and

24                  (D) in paragraph (5) by striking “through  
25                  the Office of Bilingual Education and Minority

1           *Languages Affairs*” and inserting “, but shall  
2           not mandate a specific assessment or mode of in-  
3           struction”;

4           (3) in subsection (c)—

5                 (A) in paragraph (1)(B)—

6                         (i) by striking “1119 and” and insert-  
7                         ing “1119,”; and

8                         (ii) by inserting “, and parental in-  
9                         volvement under section 1118” after  
10                        “1117”;

11                       (B) by redesignating paragraphs (5) and  
12                       (6) as paragraphs (8) and (9), respectively;

13                       (C) by inserting after paragraph (4) the fol-  
14                       lowing:

15                       “(5) the State educational agency will inform  
16                       the Secretary and the public regarding how Federal  
17                       laws hinder, if at all, the ability of States to hold  
18                       local educational agencies and schools accountable for  
19                       student academic performance;

20                       “(6) the State educational agency will inform  
21                       the Secretary and the public regarding how the State  
22                       educational agency is reducing, if necessary, State fis-  
23                       cal, accounting, and other barriers to local school and  
24                       school district reform, including barriers to imple-  
25                       menting schoolwide programs;



1           “(7) the State educational agency will inform  
 2           local educational agencies of the local educational  
 3           agencies’ ability to obtain waivers under part F of  
 4           title VI and, if the State is an Ed-Flex Partnership  
 5           State, waivers under the Educational Flexibility  
 6           Partnership Act of 1999 (20 U.S.C. 5891a et seq.);”;  
 7           and

8                         (D) by amending paragraph (9) (as so re-  
 9                         designated) to read as follows:

10           “(9) the State will coordinate activities funded  
 11           under this part with other Federal activities as ap-  
 12           propriate.”;

13                         (4) by redesignating subsections (d) through (g)  
 14                         as subsections (e) through (h), respectively;

15                         (5) by inserting after subsection (c) the fol-  
 16           lowing:

17           “(d) PARENTAL INVOLVEMENT.—Each State plan shall  
 18           demonstrate that the State will support, in collaboration  
 19           with the regional educational laboratories, the collection  
 20           and dissemination to local educational agencies and schools  
 21           of effective parental involvement practices. Such practices  
 22           shall—

23                         “(1) be based on the most current research on ef-  
 24                         fective parental involvement that fosters achievement  
 25                         to high standards for all children; and

1           “(2) be geared toward lowering barriers to great-  
2           er participation in school planning, review, and im-  
3           provement experienced by parents.”;

4           (6) in subsection (e)(1)(B) (as so redesignated),  
5           by inserting “, and who are familiar with edu-  
6           cational standards, assessments, accountability, and  
7           other diverse educational needs of students” before the  
8           semicolon;

9           (7) in subsection (h) (as so redesignated), by  
10          striking “1998” and inserting “2005”; and

11          (8) by adding at the end the following:

12          “(i) *PRIVACY*.—Information collected under this sec-  
13          tion shall be collected and disseminated in a manner that  
14          protects the privacy of individuals.

15   **SEC. 112. LOCAL EDUCATIONAL AGENCY PLANS.**

16          Section 1112 (20 U.S.C. 6312) is amended—

17          (1) in subsection (a)—

18                  (A) in paragraph (1), by striking “the  
19                  Goals” and all that follows through “section  
20                  14306” and inserting “the Individuals with Dis-  
21                  abilities Education Act, the Carl D. Perkins Vo-  
22                  cational and Technical Education Act of 1998,  
23                  the Head Start Act, and other Acts, as appro-  
24                  priate”; and

1           (B) in paragraph (2), by striking “14304”  
2           and inserting “6504”;

3           (2) in subsection (b)—

4           (A) in paragraph (3), by inserting “, which  
5           strategy shall be coordinated with activities  
6           under title II if the local educational agency re-  
7           ceives funds under title II” before the semicolon;

8           (B) in paragraph (4)—

9           (i) in subparagraph (A)—

10           (I) by striking “programs, voca-  
11           tional” and inserting “programs and  
12           vocational”; and

13           (II) by striking “, and school-to-  
14           work transition programs”; and

15           (ii) in subparagraph (B)—

16           (I) by striking “served under part  
17           C” and all that follows through  
18           “1994”; and

19           (II) by striking “served under  
20           part D”; and

21           (C) by amending paragraph (9) to read as  
22           follows:

23           “(9) where appropriate, a description of how the  
24           local educational agency will use funds under this

1 *part to support early childhood education programs*  
2 *under section 1120B.”;*

3 *(3) by amending subsection (c) to read as fol-*  
4 *lows:*

5 *“(c) ASSURANCES.—Each local educational agency*  
6 *plan shall provide assurances that the local educational*  
7 *agency will—*

8 *“(1) inform eligible schools and parents of*  
9 *schoolwide project authority;*

10 *“(2) provide technical assistance and support to*  
11 *schoolwide programs;*

12 *“(3) work in consultation with schools as the*  
13 *schools develop the schools’ plans pursuant to section*  
14 *1114 and assist schools as the schools implement such*  
15 *plans or undertake activities pursuant to section 1115*  
16 *so that each school can make adequate yearly progress*  
17 *toward meeting the State content standards and State*  
18 *student performance standards;*

19 *“(4) fulfill such agency’s school improvement re-*  
20 *sponsibilities under section 1116, including taking*  
21 *corrective actions under section 1116(c)(5);*

22 *“(5) work in consultation with schools as the*  
23 *schools develop and implement their plans or activi-*  
24 *ties under sections 1118 and 1119;*

1           “(6) coordinate and collaborate, to the extent fea-  
2           sible and necessary as determined by the local edu-  
3           cational agency, with other agencies providing serv-  
4           ices to children, youth, and families, including health  
5           and social services;

6           “(7) provide services to eligible children attend-  
7           ing private elementary and secondary schools in ac-  
8           cordance with section 1120, and timely and meaning-  
9           ful consultation with private school officials regarding  
10          such services;

11          “(8) take into account the experience of model  
12          programs for the educationally disadvantaged, and  
13          the findings of relevant research indicating that serv-  
14          ices may be most effective if focused on students in the  
15          earliest grades at schools that receive funds under this  
16          part;

17          “(9) comply with the requirements of section  
18          1119 regarding professional development;

19          “(10) inform eligible schools of the local edu-  
20          cational agency’s authority to obtain waivers on the  
21          school’s behalf under part F of title VI, and if the  
22          State is an Ed-Flex Partnership State, waivers under  
23          the Education Flexibility Partnership Act of 1999;  
24          and

1           “(11) coordinate and collaborate, to the extent  
2           feasible and necessary as determined by the local edu-  
3           cational agency, with other agencies providing serv-  
4           ices to children, youth, and families.”; and

5           (4) in subsection (e)—

6           (A) in paragraph (1), by striking “, except  
7           that” and all that follows through “finally ap-  
8           proved by the State educational agency”; and

9           (B) in paragraph (3)—

10           (i) by striking “professional develop-  
11           ment”; and

12           (ii) by striking “section 1119” and in-  
13           serting “sections 1118 and 1119”.

14 **SEC. 113. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

15           Section 1113(b)(1) (20 U.S.C. 6313(b)(2)) is  
16 amended—

17           (1) in subparagraph (B), by striking “and” after  
18           the semicolon;

19           (2) in subparagraph (C)(iii), by striking the pe-  
20           riod and inserting “; and”; and

21           (3) by adding at the end the following:

22           “(D) designate and serve a school attend-  
23           ance area or school that is not an eligible school  
24           attendance area under subsection (a)(2), but that  
25           was an eligible school attendance area and was

1           *served in the fiscal year preceding the fiscal year*  
 2           *for which the determination is made, but only*  
 3           *for 1 additional fiscal year.”.*

4 **SEC. 114. SCHOOLWIDE PROGRAMS.**

5           *Section 1114 (20 U.S.C. 6314) is amended—*

6           *(1) in subsection (a)—*

7                   *(A) by striking paragraph (1) and inserting*  
 8           *the following:*

9                   *“(1) IN GENERAL.—A local educational agency*  
 10           *may use funds under this part, together with other*  
 11           *Federal, State, and local funds, to upgrade the entire*  
 12           *educational program of a school that serves an eligible*  
 13           *school attendance area in which not less than 40 per-*  
 14           *cent of the children are from low-income families, or*  
 15           *not less than 40 percent of the children enrolled in the*  
 16           *school are from such families, for the initial year of*  
 17           *the schoolwide program.”; and*

18                   *(B) in paragraph (4)—*

19                           *(i) by amending the heading to read as*  
 20           *follows: “EXEMPTION FROM STATUTORY AND*  
 21           *REGULATORY REQUIREMENTS.—”; and*

22                           *(ii) by adding at the end the following:*

23                           *“(C) A school that chooses to use funds from such*  
 24           *other programs under this section shall not be re-*  
 25           *quired to maintain separate fiscal accounting records,*

1 *by program, that identify the specific activities sup-*  
2 *ported by those particular funds as long as the school*  
3 *maintains records that demonstrate that the*  
4 *schoolwide program, considered as a whole, addresses*  
5 *the intent and purposes of each of the programs that*  
6 *were consolidated to support the schoolwide pro-*  
7 *gram.”; and*

8 *(2) in subsection (b)—*

9 *(A) in paragraph (1)—*

10 *(i) in subparagraph (B)(vii), by strik-*  
11 *ing “, if any, approved under title III of*  
12 *the Goals 2000: Educate America Act”;* and

13 *(ii) in subparagraph (E), by striking*  
14 *“, such as family literacy services” and in-*  
15 *serting “(including activities described in*  
16 *section 1118), such as family literacy serv-*  
17 *ices, in-school volunteer opportunities, or*  
18 *parent membership on school-based leader-*  
19 *ship or management teams.”;* and

20 *(B) in paragraph (2)—*

21 *(i) in subparagraph (A)—*

22 *(I) in the matter preceding clause*  
23 *(i), by striking “Improving America’s*  
24 *Schools Act of 1994” and inserting*  
25 *“Educational Opportunities Act”;* and



1                   (II) in clause (iv), by inserting  
2                   “in a language the family can under-  
3                   stand” after “results”; and

4                   (ii) in subparagraph (C)—

5                   (I) in clause (i)(II), by striking  
6                   “Improving America’s Schools Act of  
7                   1994” and inserting “Educational Op-  
8                   portunities Act”; and

9                   (II) in clause (v), by striking “the  
10                  School-to-Work Opportunities Act of  
11                  1994” and inserting “part C of title  
12                  II”.

13 **SEC. 115. TARGETED ASSISTANCE SCHOOLS.**

14           Section 1115 (20 U.S.C. 6315) is amended—

15           (1) in subsection (b)—

16           (A) in paragraph (1)(A)(ii), by striking “,  
17           yet” and all that follows through “setting”; and

18           (B) in paragraph (2)—

19           (i) in subparagraph (B), insert “or in  
20           early childhood education services under  
21           this title,” after “program,”; and

22           (ii) in subparagraph (C)(i), by strik-  
23           ing “under part D (or its predecessor au-  
24           thority)”; and

25           (2) in subsection (c)(1)—

1           (A) by amending subparagraph (G) to read  
2 as follows:

3           “(G) provide opportunities for professional  
4 development with resources provided under this  
5 part, and to the extent practicable, from other  
6 sources, for teachers, principals, administrators,  
7 paraprofessionals, pupil services personnel, and  
8 parents, who work with participating children  
9 in programs under this section or in the regular  
10 education program; and”;

11           (B) in subparagraph (H), by striking “,  
12 such as family literacy services” and inserting  
13 “(including activities described in section 1118),  
14 such as family literacy services, in-school volun-  
15 teer opportunities, or parent membership on  
16 school-based leadership or management teams.”.

17 **SEC. 116. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.**

18           Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.)  
19 is amended by inserting after section 1115A (20 U.S.C.  
20 6316) the following:

21 **“SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.**

22           “(a) *IN GENERAL.*—If a student is eligible to be served  
23 under section 1115(b), or attends a school eligible for a  
24 schoolwide program under section 1114, and—

1           “(1) becomes a victim of a violent criminal of-  
 2           fense while in or on the grounds of a public elemen-  
 3           tary school or secondary school that the student at-  
 4           tends and that receives assistance under this part,  
 5           then the local educational agency shall allow such stu-  
 6           dent to transfer to another public school or public  
 7           charter school in the same State as the school where  
 8           the criminal offense occurred, that is selected by the  
 9           student’s parent unless allowing such transfer is  
 10          prohibited—

11                       “(A) under the provisions of a State or local  
 12                       law; or

13                       “(B) by a local educational agency policy  
 14                       that is approved by a local school board; or

15           “(2) the public school that the student attends  
 16           and that receives assistance under this part has been  
 17           designated as an unsafe public school, then the local  
 18           educational agency may allow such student to trans-  
 19           fer to another public school or public charter school  
 20           in the same State as the school where the criminal of-  
 21           fense occurred, that is selected by the student’s parent.

22           “(b) STATE EDUCATIONAL AGENCY DETERMINA-  
 23          TIONS.—

1           “(1) *The State educational agency shall deter-*  
2           *mine, based upon State law, what actions constitute*  
3           *a violent criminal offense for purposes of this section.*

4           “(2) *The State educational agency shall deter-*  
5           *mine which schools in the State are unsafe public*  
6           *schools.*

7           “(3) *The term ‘unsafe public schools’ means a*  
8           *public school that has serious crime, violence, illegal*  
9           *drug, and discipline problems, as indicated by condi-*  
10          *tions that may include high rates of—*

11                   “(A) *expulsions and suspensions of students*  
12                   *from school;*

13                   “(B) *referrals of students to alternative*  
14                   *schools for disciplinary reasons, to special pro-*  
15                   *grams or schools for delinquent youth, or to juve-*  
16                   *nile court;*

17                   “(C) *victimization of students or teachers*  
18                   *by criminal acts, including robbery, assault and*  
19                   *homicide;*

20                   “(D) *enrolled students who are under court*  
21                   *supervision for past criminal behavior;*

22                   “(E) *possession, use, sale or distribution of*  
23                   *illegal drugs;*

1           “(F) enrolled students who are attending  
2 school while under the influence of illegal drugs  
3 or alcohol;

4           “(G) possession or use of guns or other  
5 weapons;

6           “(H) participation in youth gangs; or

7           “(I) crimes against property, such as theft  
8 or vandalism.

9           “(c) *TRANSPORTATION COSTS.*—The local educational  
10 agency that serves the public school in which the violent  
11 criminal offense occurred or that serves the designated un-  
12 safe public school may use funds provided under this part  
13 to provide transportation services or to pay the reasonable  
14 costs of transportation for the student to attend the school  
15 selected by the student’s parent.

16           “(d) *SPECIAL RULE.*—Any school receiving assistance  
17 provided under this section shall comply with title VI of  
18 the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and  
19 not discriminate on the basis of race, color, or national ori-  
20 gin.

21           “(e) *PART B OF THE INDIVIDUALS WITH DISABILITIES*  
22 *EDUCATION ACT.*—Nothing in this section shall be con-  
23 strued to affect the requirements of part B of the Individ-  
24 uals with Disabilities Education Act (20 U.S.C. 1411 et  
25 seq.).

1           “(f) *MAXIMUM AMOUNT.*—*Notwithstanding any other*  
 2 *provision of this section, the amount of assistance provided*  
 3 *under this part for a student who elects a transfer under*  
 4 *this section shall not exceed the per pupil expenditures for*  
 5 *elementary or secondary school students as provided by the*  
 6 *local educational agency that serves the school involved in*  
 7 *the transfer.*”.

8   **SEC. 117. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY**  
 9                                   **AND SCHOOL IMPROVEMENT.**

10           *Section 1116 (20 U.S.C. 6317) is amended—*

11                           *(1) by amending subsection (a) to read as fol-*  
 12 *lows:*

13           “(a) *LOCAL REVIEW.*—

14                           “(1) *IN GENERAL.*—*Each local educational agen-*  
 15 *cy receiving funds under this part shall—*

16                                   “(A) *use the State assessments described in*  
 17 *the State plan;*

18                                   “(B) *use any additional measures or indi-*  
 19 *cators described in the local educational agency’s*  
 20 *plan to review annually the progress of each*  
 21 *school served under this part to determine wheth-*  
 22 *er the school is meeting, or making adequate*  
 23 *progress as defined in section 1111(b)(2)(A)(i)*  
 24 *toward enabling its students to meet the State’s*

1           *student performance standards described in the*  
2           *State plan; and*

3                   “(C) *provide the results of the local annual*  
4                   *review to schools so that the schools can contin-*  
5                   *ually refine the program of instruction to help*  
6                   *all children served under this part in those*  
7                   *schools meet the State’s student performance*  
8                   *standards.*

9                   “(2) *LOCAL REPORTS.—(A) Following the an-*  
10                  *nual review specified in paragraph (1)(B), each local*  
11                  *educational agency receiving funds under this part*  
12                  *shall prepare and disseminate an annual performance*  
13                  *report regarding each school that receives funds under*  
14                  *this part. The report, at a minimum, shall include*  
15                  *information regarding—*

16                           “(i) *each school’s performance in making*  
17                           *adequate yearly progress and whether the school*  
18                           *has been identified for school improvement;*

19                           “(ii) *the progress of each school in enabling*  
20                           *all students served under this part to meet the*  
21                           *State-determined levels of performance, including*  
22                           *the progress of economically disadvantaged stu-*  
23                           *dents and limited English proficient students,*  
24                           *except that this clause shall not apply to a State*  
25                           *if the State demonstrates that the State has an*

1           *insufficient number of economically disadvan-*  
2           *tagged or limited English proficient students; and*

3           *“(iii) any other information the local edu-*  
4           *cational agency determines appropriate (such as*  
5           *information on teacher quality, school safety,*  
6           *and drop-out rates).*

7           *“(B) The local educational agency shall publicize*  
8           *and disseminate the report to teachers and other staff,*  
9           *parents, students, and the community. Such report*  
10          *shall be concise and presented in a format and man-*  
11          *ner that parents can understand. The local edu-*  
12          *cational agency may issue individual school perform-*  
13          *ance reports directly to teachers and other staff, par-*  
14          *ents, students, and the community, or the local edu-*  
15          *cational agency may publicize and disseminate the*  
16          *report through a widely read or distributed medium,*  
17          *such as posting on the Internet or distribution to the*  
18          *media.*

19          *“(C) Information collected and reported under*  
20          *this section shall be collected and disseminated in a*  
21          *manner that protects the privacy of individuals.*

22          *“(D) In the case of a local educational agency*  
23          *for which the State report described in section*  
24          *1116(d) contains data about an individual school*  
25          *served by the local educational agency that is equiva-*



1        *lent to the data required by this subsection, such local*  
2        *educational agency shall not be required to prepare or*  
3        *distribute a report regarding such school under this*  
4        *paragraph.”;*

5                *(2) by amending subsection (c) to read as fol-*  
6        *lows:*

7        *“(c) SCHOOL IMPROVEMENT.—*

8                *“(1) IN GENERAL.—(A) A local educational*  
9        *agency shall identify for school improvement any*  
10        *school served under this part that for 2 consecutive*  
11        *years failed to make adequate yearly progress as de-*  
12        *finied in the State’s plan in section 1111, except that*  
13        *in the case of a targeted assistance program under*  
14        *section 1115, a local educational agency may review*  
15        *the progress of only those students in such school who*  
16        *are served under this part.*

17                *“(B) The 2 year period described in clause (i)*  
18        *shall include any continuous period of time imme-*  
19        *diately preceding the date of enactment of the Edu-*  
20        *cation Opportunities Act, during which a school did*  
21        *not make adequate yearly progress as defined in the*  
22        *State’s plan, as such plan was in effect on the day*  
23        *preceding the date of such enactment.*

24                *“(C) Before identifying a school for school im-*  
25        *provement under subparagraph (A), the local edu-*

1        *educational agency shall provide the school with an op-*  
2        *portunity to review the school-level data, including*  
3        *assessment data, on which such identification is*  
4        *based. The review period shall not exceed 30 days,*  
5        *and at the end of the review period the local edu-*  
6        *cational agency shall make a final determination as*  
7        *to the school improvement status of the school. If the*  
8        *school believes that such identification for school im-*  
9        *provement is in error for statistical or other sub-*  
10       *stantive reasons, such school may provide evidence to*  
11       *the local educational agency to support such belief.*

12            *“(2) SCHOOL PLAN.—(A) Each school identified*  
13        *under paragraph (1), in consultation with parents,*  
14        *the local educational agency, and the school support*  
15        *team or other outside experts, shall revise a school*  
16        *plan that addresses the fundamental teaching and*  
17        *learning needs in the school and—*

18            *“(i) describes the specific achievement prob-*  
19        *lems to be solved;*

20            *“(ii) includes research-based strategies, sup-*  
21        *ported with specific goals and objectives, that*  
22        *have the greatest likelihood of improving the per-*  
23        *formance of participating children in meeting*  
24        *the State’s student performance standards;*

1           “(iii) explains how those strategies will  
2 work to address the achievement problems identi-  
3 fied under clause (i);

4           “(iv) addresses the need for high-quality  
5 staff by setting goals for ensuring that high qual-  
6 ity professional development programs are sup-  
7 ported with funds under this part;

8           “(v) addresses the professional development  
9 needs of instructional staff by committing to  
10 spend not less than 10 percent of the funds re-  
11 ceived by the school under this part during 1 fis-  
12 cal year for professional development, which pro-  
13 fessional development shall increase the content  
14 knowledge of teachers and build the capacity of  
15 the teachers to align classroom instruction with  
16 challenging content standards and to bring all  
17 students to proficient or advanced levels of per-  
18 formance as determined by the State;

19           “(vi) identifies specific goals and objectives  
20 the school will undertake for making adequate  
21 yearly progress, which goals and objectives shall  
22 be consistent with State and local standards;

23           “(vii) specifies the responsibilities of the  
24 school and the local educational agency, includ-  
25 ing how the local educational agency will hold

1           *the school accountable for, and assist the school*  
2           *in, meeting the school’s obligations to provide en-*  
3           *riched and accelerated curricula, effective in-*  
4           *structional methods, high quality professional de-*  
5           *velopment, and timely and effective individual*  
6           *assistance, in partnership with parents; and*

7                   *“(viii) includes strategies to promote effec-*  
8                   *tive parental involvement in the school.*

9                   *“(B) The school shall submit the plan or revised*  
10           *plan to the local educational agency for approval*  
11           *within 3 months of being identified. The local edu-*  
12           *cational agency shall promptly subject the plan to a*  
13           *review process, work with the school to revise the plan*  
14           *as necessary, and approve the plan within 1 month*  
15           *of submission. The school shall implement the plan as*  
16           *soon as the plan is approved.*

17                   *“(3) PARENTAL NOTIFICATION.—Each school*  
18           *identified under paragraph (1) shall in understand-*  
19           *able language and form, promptly notify the parents*  
20           *of each student enrolled in the school that the school*  
21           *was designated by the local educational agency as*  
22           *needing improvement and provide with the*  
23           *notification—*

24                   *“(A) the reasons for such designation;*

1           “(B) information about opportunities for  
2           parents to participate in the school improvement  
3           process; and

4           “(C) an explanation of the option afforded  
5           to parents, pursuant to paragraph (6), to trans-  
6           fer their child to another public school, including  
7           a public charter school, that is not identified for  
8           school improvement.

9           “(4) *TECHNICAL ASSISTANCE.*—(A) For each  
10          school identified for school improvement under para-  
11          graph (1), the local educational agency shall provide  
12          technical assistance as the school develops and imple-  
13          ments its plan. Such technical assistance shall include  
14          effective methods and research-based instructional  
15          strategies.

16          “(B) Such technical assistance shall be designed  
17          to strengthen the core academic program for the stu-  
18          dents served under this part and addresses specific  
19          elements of student performance problems, including  
20          problems, if any, in implementing the parental in-  
21          volvement requirements described in section 1118, the  
22          professional development requirements described in  
23          section 1119, and the responsibilities of the school and  
24          local educational agency under the school plan.

1           “(5) *CORRECTIVE ACTION.*—*In order to help stu-*  
2           *dents served under this part meet challenging State*  
3           *standards, each local educational agency shall imple-*  
4           *ment a system of corrective action in accordance with*  
5           *the following:*

6                   “(A) *After providing technical assistance*  
7                   *under paragraph (4), the local educational agen-*  
8                   *cy may take corrective action at any time with*  
9                   *respect to a school that has been identified under*  
10                  *paragraph (1), but shall take corrective action*  
11                  *with respect to any school that fails to make ade-*  
12                  *quate yearly progress, as defined by the State, at*  
13                  *the end of the second year following the school’s*  
14                  *identification under paragraph (1) and shall*  
15                  *continue to provide technical assistance while in-*  
16                  *stituting any corrective action.*

17                  “(B) *Consistent with State and local law,*  
18                  *in the case of a school described in subparagraph*  
19                  *(A) for which corrective action is required, the*  
20                  *local educational agency shall not take less than*  
21                  *1 of the following corrective actions:*

22                          “(i) *Instituting and fully imple-*  
23                          *menting a new curriculum that is based on*  
24                          *State and local standards, including appro-*  
25                          *priate research-based professional develop-*

1                   *ment for all relevant staff that offers sub-*  
2                   *stantial promise of improving educational*  
3                   *achievement for low-performing students.*

4                   “(ii) *Restructuring the school, such as*  
5                   *by—*

6                                 “(I) *making alternative govern-*  
7                                 *ance arrangements (such as the cre-*  
8                                 *ation of a public charter school); or*

9                                 “(II) *creating schools within*  
10                                *schools or other small learning envi-*  
11                                *ronments.*

12                   “(iii) *Developing and implementing a*  
13                   *joint plan between the local educational*  
14                   *agency and the school that addresses specific*  
15                   *elements of student performance problems*  
16                   *and that specifies the responsibilities of the*  
17                   *local educational agency and the school*  
18                   *under the plan.*

19                                 “(iv) *Reconstituting the school staff.*

20                                 “(v) *Decreasing decisionmaking au-*  
21                                 *thority at the school level.*

22                   “(C) *Consistent with State and local law,*  
23                   *in the case of a school described in subparagraph*  
24                   *(A), the local educational agency may take the*  
25                   *following corrective actions:*

1                   “(i) *Deferring, reducing, or with-*  
2                   *holding funds.*

3                   “(ii) *Restructuring or abolishing the*  
4                   *school.*

5                   “(D) *A local educational agency may delay,*  
6                   *for a period not to exceed 1 year, implementa-*  
7                   *tion of corrective action if—*

8                   “(i) *the local educational agency as-*  
9                   *sesses the school’s performance and deter-*  
10                   *mines that the school is meeting the specific*  
11                   *State-determined yearly progress require-*  
12                   *ments in subjects and grades included in*  
13                   *the State assessments; and*

14                   “(ii) *the school will meet the State’s*  
15                   *criteria for adequate yearly progress within*  
16                   *1 year;*

17                   “(E) *The local educational agency shall*  
18                   *publish, and disseminate to the public and to*  
19                   *parents, in a format and, to the extent prac-*  
20                   *ticable, in a language that the parents can un-*  
21                   *derstand, any corrective action the local edu-*  
22                   *cational agency takes under this paragraph,*  
23                   *through such means as the Internet, the media,*  
24                   *and public agencies.*

25                   “(6) *PUBLIC SCHOOL CHOICE.—*



1                   “(A) *SCHOOLS IDENTIFIED FOR IMPROVE-*  
2                   *MENT.—*

3                   “(i) *SCHOOLS IDENTIFIED ON OR BE-*  
4                   *FORE ENACTMENT.—Not later than 6*  
5                   *months after the date of the enactment of*  
6                   *the Educational Opportunities Act, a local*  
7                   *educational agency shall provide all stu-*  
8                   *dents enrolled in a school identified (on or*  
9                   *before such date of enactment) under para-*  
10                   *graphs (1) and (5) with an option to trans-*  
11                   *fer to any other public school within the*  
12                   *local educational agency or any public*  
13                   *school consistent with subparagraph (B),*  
14                   *including a public charter school that has*  
15                   *not been identified for school improvement,*  
16                   *unless such option to transfer is*  
17                   *prohibited—*

18                   “(I) *under the provisions of a*  
19                   *State or local law; or*

20                   “(II) *by a local educational agen-*  
21                   *cy policy that is approved by a local*  
22                   *school board.*

23                   “(ii) *SCHOOLS IDENTIFIED AFTER EN-*  
24                   *ACTMENT.—Not later than 6 months after*  
25                   *the date on which a local educational agen-*

1            *cy identifies a school under paragraphs (1)*  
2            *and (5), the agency shall provide all stu-*  
3            *dents enrolled in such school with an option*  
4            *described in clause (i).*

5            *“(B) COOPERATIVE AGREEMENTS.—If all*  
6            *public schools in the local educational agency to*  
7            *which a child may transfer are identified under*  
8            *paragraphs (1) and (5), then the agency, to the*  
9            *extent practicable, shall establish a cooperative*  
10           *agreement with other local educational agencies*  
11           *in the area for the transfer, unless the transfer*  
12           *is prohibited under—*

13                    *“(i) the provisions of a State or local*  
14                    *law; or*

15                    *“(ii) a local educational agency policy*  
16                    *that is approved by a local school board.*

17            *“(C) TRANSPORTATION.—*

18                    *“(i) IN GENERAL.—The local edu-*  
19                    *cational agency in which the schools have*  
20                    *been identified under paragraph (1) may*  
21                    *use funds under this part to provide trans-*  
22                    *portation to students whose parents choose*  
23                    *to transfer their child or children to a dif-*  
24                    *ferent school.*

1                   “(ii) *CORRECTIVE ACTION.*—If a school  
2                   has been identified under paragraph (5), the  
3                   local educational agency shall provide such  
4                   students transportation (or the costs of  
5                   transportation) to schools not identified  
6                   under paragraph (1) or (5).

7                   “(iii) *MAXIMUM AMOUNT.*—Notwith-  
8                   standing any other provision of this para-  
9                   graph, the amount of assistance provided  
10                  under this part for a student who elects a  
11                  transfer under this paragraph shall not ex-  
12                  ceed the per pupil expenditures for elemen-  
13                  tary school or secondary school students as  
14                  provided by the local educational agency  
15                  that serves the school involved in the trans-  
16                  fer.

17                  “(D) *CONTINUE OPTION.*—Once a school is  
18                  no longer identified for school improvement, the  
19                  local educational agency shall continue to pro-  
20                  vide public school choice as an option to students  
21                  in such school for a period of not less than 2  
22                  years.

23                  “(7) *STATE EDUCATIONAL AGENCY RESPONSIBIL-*  
24                  *ITIES.*—If a State educational agency determines that  
25                  a local educational agency failed to carry out the

1        *local educational agency's responsibilities under this*  
2        *section, the State educational agency shall take into*  
3        *account such action as the State educational agency*  
4        *finds necessary, consistent with this section, to im-*  
5        *prove the affected schools and to ensure that the local*  
6        *educational agency carries out the local educational*  
7        *agency's responsibilities under this section.*

8                *“(8) SPECIAL RULE.—Schools that, for at least 2*  
9                *of the 3 years following identification under para-*  
10               *graph (1), make adequate progress toward meeting the*  
11               *State's proficient and advanced levels of performance*  
12               *shall no longer need to be identified for school im-*  
13               *provement.*

14               *“(9) WAIVERS.—The State educational agency*  
15               *shall review any waivers approved for a school des-*  
16               *ignated for improvement or corrective action prior to*  
17               *the date of enactment of the Educational Opportuni-*  
18               *ties Act and shall terminate any waiver approved by*  
19               *the State under the Educational Flexibility Partner-*  
20               *ship Act of 1999 if the State determines, after notice*  
21               *and an opportunity for a hearing, that the waiver is*  
22               *not helping such school to make yearly progress to*  
23               *meet the objectives and specific goals described in the*  
24               *school's improvement plan.”; and*

25               *(3) in subsection (d)—*

1           (A) by amending paragraph (1) to read as  
2           *follows:*

3           “(1) *IN GENERAL.—(A) A State educational*  
4           *agency shall annually review the progress of each*  
5           *local educational agency receiving funds under this*  
6           *part to determine whether schools receiving assistance*  
7           *under this part are making adequate progress as de-*  
8           *finied in section 1111(b)(2)(A)(ii) toward meeting the*  
9           *State’s student performance standards.*

10           “(B) *STATE REPORTS.—Following the annual*  
11           *review specified in subparagraph (A), each State edu-*  
12           *cational agency that receives funds under this part*  
13           *shall prepare and disseminate an annual performance*  
14           *report regarding each local educational agency that*  
15           *receives funds under this part.*

16           “(C) *CONTENTS.—The State, at a minimum,*  
17           *shall include in the report information on each local*  
18           *educational agency regarding—*

19                   “(i) *local educational agency performance*  
20                   *in making adequate yearly progress, including*  
21                   *the number and percentage of schools that did*  
22                   *and did not make adequate yearly progress;*

23                   “(ii) *the progress of the local educational*  
24                   *agency in enabling all students served under this*  
25                   *part to meet the State’s proficient and advanced*

1           *levels of performance, including the progress of*  
2           *economically disadvantaged students and limited*  
3           *English proficient students, except that this*  
4           *clause shall not apply to a State if the State*  
5           *demonstrates that the State has an insufficient*  
6           *number of economically disadvantaged or limited*  
7           *English proficient students; and*

8           *“(iii) any other information the State deter-*  
9           *mines appropriate (such as information on*  
10          *teacher quality, school safety, and drop-out*  
11          *rates).*

12          *“(D) PARENT AND PUBLIC DISSEMINATION.—The*  
13          *State shall publicize and disseminate to local edu-*  
14          *cational agencies, teachers and other staff, parents,*  
15          *students, and the community, the report. Such report*  
16          *shall be concise and presented in a format and man-*  
17          *ner that parents can understand. The State may issue*  
18          *local educational agency performance reports directly*  
19          *to the local educational agencies, teachers and other*  
20          *staff, parents, students, and the community or the*  
21          *State may publicize and disseminate the report*  
22          *through a widely read or distributed medium, such as*  
23          *posting on the Internet or distribution to the media.”.*

24                   *(B) by amending paragraph (4) to read as*  
25                   *follows:*

1           “(4) *LOCAL EDUCATIONAL AGENCY REVISIONS.—*  
2           *(A) Each local educational agency identified under*  
3           *paragraph (3) shall, not later than 3 months after*  
4           *being so identified, revise a local educational agency*  
5           *plan as described under section 1112. The plan*  
6           *shall—*

7                   “(i) *include specific State-determined year-*  
8                   *ly progress requirements in subjects and grades*  
9                   *to ensure that all students will meet proficient*  
10                   *levels of performance within 10 years;*

11                   “(ii) *address the fundamental teaching and*  
12                   *learning needs in the schools of that agency, and*  
13                   *the specific academic problems of low-performing*  
14                   *students including a determination of why the*  
15                   *local educational agency’s prior plan failed to*  
16                   *bring about increased student achievement and*  
17                   *performance;*

18                   “(iii) *incorporate research-based strategies*  
19                   *that strengthen the core academic program in the*  
20                   *local educational agency;*

21                   “(iv) *address the professional development*  
22                   *needs of the instructional staff by committing to*  
23                   *spend not less than 10 percent of the funds re-*  
24                   *ceived by the school under this part during 1 fis-*  
25                   *cal year for professional development, which pro-*

1           *professional development shall increase the content*  
2           *knowledge of teachers and build the capacity of*  
3           *the teachers to align classroom instruction with*  
4           *challenging content standards and to bring all*  
5           *students to proficient or advanced levels of per-*  
6           *formance as determined by the State;*

7           *“(v) identify specific goals and objectives*  
8           *the local educational agency will undertake for*  
9           *making adequate yearly progress, which goals*  
10          *and objectives shall be consistent with State*  
11          *standards;*

12          *“(vi) identify how the local educational*  
13          *agency will provide written notification to par-*  
14          *ents in a format, and to the extent practicable,*  
15          *in a language that the parents can understand;*

16          *“(vii) specify the responsibilities of the*  
17          *State educational agency and the local edu-*  
18          *cational agency under the plan; and*

19          *“(viii) include strategies to promote effective*  
20          *parental involvement in the school.”;*

21          *(C) by amending subparagraph (B) of*  
22          *paragraph (5) to read as follows:*

23          *“(B) Technical assistance provided under*  
24          *this section by the State educational agency or*  
25          *an entity authorized by such agency shall be*



1 supported by effective methods and research-  
2 based instructional strategies.”;

3 (D) in paragraph (6)—

4 (i) by amending subparagraph (B) to  
5 read as follows:

6 “(B)(i) Consistent with State and local law,  
7 in order to help students served under this part  
8 meet challenging State and local standards, each  
9 State educational agency shall implement a cor-  
10 rective action system in accordance with the fol-  
11 lowing:

12 “(I) After providing technical assist-  
13 ance as described under paragraph (5), the  
14 State educational agency—

15 “(aa) may take corrective action  
16 at any time with respect to a local  
17 educational agency that has been iden-  
18 tified under paragraph (3);

19 “(bb) shall take corrective action  
20 with respect to any local educational  
21 agency that fails to make adequate  
22 yearly progress, as defined by the  
23 State; and

1                   “(cc) shall continue to provide  
2                   technical assistance while imple-  
3                   menting any corrective action.

4                   “(II) Consistent with State and local  
5                   law, in the case of a local educational agen-  
6                   cy described under subclause (I), the State  
7                   educational agency shall not take less than  
8                   1 of the following corrective actions:

9                   “(aa) Instituting and fully imple-  
10                  menting a new curriculum that is  
11                  based on State and local standards, in-  
12                  cluding appropriate research-based  
13                  professional development for all rel-  
14                  evant staff that offers substantial  
15                  promise of improving educational  
16                  achievement for low-performing stu-  
17                  dents.

18                  “(bb) Restructuring the local edu-  
19                  cational agency.

20                  “(cc) Developing and imple-  
21                  menting a joint plan between the State  
22                  educational agency and the local edu-  
23                  cational agency that addresses specific  
24                  elements of student performance prob-  
25                  lems and that specifies the responsibil-

1 *ities of the State educational agency*  
2 *and the local educational agency under*  
3 *the plan.*

4 *“(dd) Reconstituting school dis-*  
5 *trict personnel.*

6 *“(ee) Making alternative govern-*  
7 *ance arrangements.*

8 *“(III) Consistent with State and local*  
9 *law, in the case of a local educational agen-*  
10 *cy described under subclause (I), the State*  
11 *educational agency may take 1 of the fol-*  
12 *lowing corrective actions:*

13 *“(aa) Deferring, reducing, or*  
14 *withholding funds.*

15 *“(bb) Restructuring or abolishing*  
16 *the local educational agency.*

17 *“(cc) Removal of particular*  
18 *schools from the jurisdiction of the*  
19 *local educational agency and establish-*  
20 *ment of alternative arrangements for*  
21 *public governance and supervision of*  
22 *such schools.*

23 *“(dd) Appointment by the State*  
24 *educational agency of a receiver or*  
25 *trustee to administer the affairs of the*

1                    *local educational agency in place of the*  
2                    *superintendent and school board.*

3                    *“(i) Notwithstanding clause (i), corrective*  
4                    *actions taken pursuant to this section shall not*  
5                    *include the actions described in subclauses (I),*  
6                    *(II), and (III) of clause (i) until the State has*  
7                    *developed assessments that meet the requirements*  
8                    *of paragraph (3)(C) of section 1111(b).”;* and

9                    *(ii) by striking subparagraph (C) and*  
10                    *inserting the following:*

11                    *“(C) HEARING.—Prior to implementing*  
12                    *any corrective action, the State educational*  
13                    *agency shall provide notice and a hearing to the*  
14                    *affected local educational agency, if State law*  
15                    *provides for such notice and hearing. The hear-*  
16                    *ing shall take place not later than 45 days fol-*  
17                    *lowing the decision to implement corrective ac-*  
18                    *tion.*

19                    *“(D) NOTIFICATION TO PARENTS.—The*  
20                    *State educational agency shall publish, and dis-*  
21                    *seminate to parents and the public, any correc-*  
22                    *tive action the State educational agency takes*  
23                    *under this paragraph through a widely read or*  
24                    *distributed medium.*

1           “(E) *DELAY.*—A State educational agency  
2 may delay, for a period not to exceed 1 year, im-  
3 plementation of corrective action if—

4           “(i) the State educational agency de-  
5 termines that the local educational agency  
6 is meeting the State-determined yearly  
7 progress requirements in subjects and grades  
8 included in the State assessments; and

9           “(ii) the schools within the local edu-  
10 cational agency will meet the State’s cri-  
11 teria for improvement within 1 year.

12           “(F) *WAIVERS.*—The State educational  
13 agency shall review any waivers approved prior  
14 to the date of enactment of the Educational Op-  
15 portunities Act for a local educational agency  
16 designated for improvement or corrective action  
17 and shall terminate any waiver approved by the  
18 State under the Educational Flexibility Partner-  
19 ship Act of 1999 if the State determines, after  
20 notice and an opportunity for a hearing, that  
21 the waiver is not helping the local educational  
22 agency make yearly progress to meet the objec-  
23 tives and specific goals described in the local  
24 educational agency’s improvement plan.”.

1 **SEC. 118. ASSISTANCE FOR SCHOOL SUPPORT AND IM-**  
2 **PROVEMENT.**

3 *Section 1117 (20 U.S.C. 6318) is amended—*

4 *(1) in subsection (a), by adding at the end the*  
5 *following:*

6 *“(3) PRIORITIES.—In carrying out this section,*  
7 *a State educational agency shall—*

8 *“(A) first, provide support and assistance to*  
9 *local educational agencies subject to corrective*  
10 *action described in section 1116 and assist*  
11 *schools, in accordance with section 1116, for*  
12 *which a local educational agency has failed to*  
13 *carry out its responsibilities under section 1116;*

14 *“(B) second, provide support and assistance*  
15 *to other local educational agencies and schools*  
16 *identified as in need of improvement under sec-*  
17 *tion 1116; and*

18 *“(C) third, provide support and assistance*  
19 *to other local educational agencies and schools*  
20 *participating under this part that need support*  
21 *and assistance in order to achieve the purpose of*  
22 *this part.”;*

23 *(2) in subsection (b), by striking “the com-*  
24 *prehensive regional technical assistance centers under*  
25 *part A of title XIII and” and inserting “comprehen-*  
26 *sive regional technical assistance centers, and”;* and

1           (3) *in subsection (c)—*

2                   (A) *by amending paragraph (1) to read as*  
3           *follows:*

4           “(1) *APPROACHES.—In order to achieve the pur-*  
5           *pose described in subsection (a), each such system*  
6           *shall provide technical assistance and support*  
7           *through such approaches as—*

8                   “(A) *school support teams which are com-*  
9           *posed of individuals who are knowledgeable*  
10           *about research and practice on teaching and*  
11           *learning, particularly about strategies for im-*  
12           *proving educational results for low-achieving*  
13           *children and persons knowledgeable about effec-*  
14           *tive parental involvement programs, including*  
15           *parents;*

16                   “(B) *the designation and use of distin-*  
17           *guished teachers and principals, chosen from*  
18           *schools served under this part that have been es-*  
19           *pecially successful in improving academic*  
20           *achievement;*

21                   “(C) *providing assistance to the local edu-*  
22           *cational agency or school in the implementation*  
23           *of research-based comprehensive school reform*  
24           *models; and*

1           “(D) a review process designed to increase  
2           the capacity of local educational agencies and  
3           schools to develop high-quality school improve-  
4           ment plans.”;

5           (B) in paragraph (2)—

6           (i) in subparagraph (A), by striking  
7           “part which” and all that follows through  
8           the period and inserting “part.”; and

9           (ii) in subparagraph (C)—

10           (I) by striking “and may” and  
11           inserting “(and may”;

12           (II) by striking “exemplary per-  
13           formance” and inserting “exemplary  
14           performance)”; and

15           (C) in paragraph (3)—

16           (i) in the paragraph heading, by strik-  
17           ing “EDUCATORS” and inserting “TEACH-  
18           ERS AND PRINCIPALS”;

19           (ii) by amending subparagraph (A) to  
20           read as follows:

21           “(A) The State may also recognize and pro-  
22           vide financial awards to teachers or principals  
23           in a school described in paragraph (2) whose  
24           students consistently make significant gains in  
25           academic achievement.”;



1                   (iii) in subparagraph (B), by striking  
2                   “educators” and inserting “teachers or  
3                   principals”; and

4                   (iv) by striking subparagraph (C).

5 **SEC. 119. PARENTAL INVOLVEMENT.**

6           Section 1118 (20 U.S.C. 6319) is amended—

7           (1) in subsection (a)(2)(B), by inserting “activi-  
8           ties to improve student achievement and student and  
9           school performance” after “involvement”;

10          (2) in subsection (b)(1)—

11               (A) in the first sentence, by inserting “(in  
12               a language parents can understand)” after “dis-  
13               tribute”; and

14               (B) in the second sentence, insert “shall be  
15               made available to the local community and”  
16               after “Such policy”;

17          (3) in subsection (e)—

18               (A) in paragraph (1), by striking “partici-  
19               pating parents in such areas as understanding  
20               the National” and inserting “parents of children  
21               served by the school or local educational agency,  
22               as appropriate, in understanding America’s”;

23               (B) in paragraph (14), by striking “and”  
24               after the semicolon;

1                   (C) by amending paragraph (15) to read as  
2                   *follows:*

3                   “(15) may establish a school district wide parent  
4                   *advisory council to advise the school and local edu-*  
5                   *catinal agency on all matters related to parental in-*  
6                   *volvement in programs supported under this section;*  
7                   *and”;* and

8                   (D) by adding at the end the following:

9                   “(16) shall provide such other reasonable support  
10                  *for parental involvement activities under this section*  
11                  *as parents may request, which may include emerging*  
12                  *technologies.”;*

13                  (4) in subsection (f), by striking “or with” and  
14                  inserting “, parents of migratory children, or parents  
15                  with”; and

16                  (5) by amending subsection (g) to read as fol-  
17                  lows:

18                  “(g) *INFORMATION FROM PARENTAL INFORMATION*  
19                  *AND RESOURCE CENTERS.—In a State where a parental*  
20                  *information and resource center is established to provide*  
21                  *training, information, and support to parents and individ-*  
22                  *uals who work with local parents, local educational agen-*  
23                  *cies, and schools receiving assistance under this part, each*  
24                  *school or local educational agency that receives assistance*  
25                  *under this part and is located in the State, shall assist par-*

1 *ents and parental organizations by informing such parents*  
 2 *and organizations of the existence and purpose of such cen-*  
 3 *ters, providing such parents and organizations with a de-*  
 4 *scription of the services and programs provided by such cen-*  
 5 *ters, advising parents on how to use such centers, and help-*  
 6 *ing parents to contact such centers.”.*

7 **SEC. 120. PROFESSIONAL DEVELOPMENT.**

8 *Section 1119 (20 U.S.C. 6320) is amended—*

9 *(1) in subsection (b)—*

10 *(A) in paragraph (1), by amending sub-*  
 11 *paragraph (A) to read as follows:*

12 *“(A) support professional development ac-*  
 13 *tivities that give teachers, principals, adminis-*  
 14 *trators, paraprofessionals, pupil services per-*  
 15 *sonnel, and parents the knowledge and skills to*  
 16 *provide students with the opportunity to meet*  
 17 *challenging State or local content standards and*  
 18 *student performance standards;”;*

19 *(B) by redesignating subparagraphs (B)*  
 20 *through (E) as subparagraphs (D) through (G),*  
 21 *respectively;*

22 *(C) by inserting after subparagraph (A) the*  
 23 *following:*

24 *“(B) advance teacher understanding of ef-*  
 25 *fective instructional strategies, based on research*

1           *for improving student achievement, at a min-*  
2           *imum in reading or language arts and mathe-*  
3           *matics;*

4           “(C) *be of sufficient intensity and duration*  
5           *(not to include 1-day or short-term workshops*  
6           *and conferences) to have a positive and lasting*  
7           *impact on the teacher’s performance in the class-*  
8           *room, except that this subparagraph shall not*  
9           *apply to an activity if such activity is 1 compo-*  
10          *nent of a long-term comprehensive professional*  
11          *development plan established by the teacher and*  
12          *the teacher’s supervisor based upon an assess-*  
13          *ment of the needs of the teacher, the needs of stu-*  
14          *dents, and the needs of the local educational*  
15          *agency;”;*

16          (D) *in subparagraph (E) (as so redesign-*  
17          *ated), by striking “title III of the Goals 2000:*  
18          *Educate America Act,”;*

19          (E) *in subparagraph (F) (as so redesign-*  
20          *ated), by striking “and” after the semicolon;*

21          (F) *in subparagraph (G) (as so redesign-*  
22          *ated), by striking the period and inserting a*  
23          *semicolon; and*

24          (G) *by adding at the end the following:*

1           “(H) to the extent appropriate, provide  
2           training for teachers in the use of technology and  
3           the applications of technology that are effectively  
4           used—

5                     “(i) in the classroom to improve teach-  
6                     ing and learning in the curriculum; and

7                     “(ii) in academic content areas in  
8                     which the teachers provide instruction;

9           “(I) be regularly evaluated for their impact  
10           on increased teacher effectiveness and improved  
11           student performance and achievement, with the  
12           findings of such evaluations used to improve the  
13           quality of professional development; and

14                   “(J) include strategies for identifying and  
15                   eliminating gender and racial bias in instruc-  
16                   tional materials, methods, and practices.”; and

17           (2) in subsection (g), by striking “title III of the  
18           Goals 2000: Educate America Act,” and inserting  
19           “other Acts”.

20 **SEC. 120A. PARTICIPATION OF CHILDREN ENROLLED IN**  
21 **PRIVATE SCHOOLS.**

22           (a) **AMENDMENTS.**—Section 1120 (20 U.S.C. 6321) is  
23           amended—

24                   (1) in subsection (a)—

1           (A) in paragraph (1), by inserting “that  
2 address their needs, and shall ensure that teach-  
3 ers and families of such children participate, on  
4 an equitable basis, in services and activities  
5 under sections 1118 and 1119” before the period;

6           (B) in paragraph (3), by inserting “and  
7 shall be provided in a timely manner” before the  
8 period; and

9           (C) in paragraph (4), insert “as determined  
10 by the local educational agency each year or  
11 every 2 years” before the period;

12       (2) in subsection (b)—

13           (A) in paragraph (1)—

14               (i) in subparagraph (C), by striking  
15 “and where” and inserting “, where, and by  
16 whom”;

17               (ii) by amending subparagraph (D) to  
18 read as follows:

19                   “(D) how the services will be assessed and  
20 how the results of that assessment will be used to  
21 improve those services;”;

22               (iii) in subparagraph (E), by striking  
23 the period and inserting “; and”; and

24               (iv) by adding at the end the following:

1           “(F) how and when the local educational  
2           agency will make decisions about the delivery of  
3           services to eligible private school children, in-  
4           cluding a thorough consideration and analysis of  
5           the views of private school officials regarding the  
6           provision of contract services through potential  
7           third party providers, and if the local edu-  
8           cational agency disagrees with the views of the  
9           private school officials on such provision of serv-  
10          ices, the local educational agency shall provide  
11          in writing to such private school officials an  
12          analysis of the reasons why the local educational  
13          agency has chosen not to so provide such serv-  
14          ices.”; and

15                 (B) by adding at the end the following:

16                 “(4) CONSULTATION.—Each local educational  
17                 agency shall provide to the State educational agency,  
18                 and maintain in the local educational agency’s  
19                 records, a written affirmation signed by officials of  
20                 each participating private school that the consultation  
21                 required by this section has occurred. If a private  
22                 school declines in writing to have eligible children in  
23                 the private school participate in services provided  
24                 under this section, the local educational agency is not  
25                 required to further consult with the private school of-

1 *officials or to document the local educational agency's*  
2 *consultation with the private school officials until the*  
3 *private school officials request in writing such con-*  
4 *sultation. The local educational agency shall inform*  
5 *the private school each year of the opportunity for eli-*  
6 *gible children to participate in services provided*  
7 *under this section.*

8 *“(5) COMPLIANCE.—A private school official*  
9 *shall have the right to appeal to the State educational*  
10 *agency the decision of a local educational agency as*  
11 *to whether consultation provided for in this section*  
12 *was meaningful and timely, and whether due consid-*  
13 *eration was given to the views of the private school*  
14 *official. If the private school official wishes to appeal*  
15 *the decision, the basis of the claim of noncompliance*  
16 *with this section by the local educational agencies*  
17 *shall be provided to the State educational agency, and*  
18 *the local educational agency shall forward the appro-*  
19 *propriate documentation to the State educational agen-*  
20 *cy.”;*

21 *(3) by redesignating subsections (c), (d), and (e)*  
22 *as subsections (d), (e), and (f), respectively; and*

23 *(4) by inserting after subsection (b) the fol-*  
24 *lowing:*



1       “(c) *ALLOCATION FOR EQUITABLE SERVICE TO PRI-*  
 2 *VATE SCHOOL STUDENTS.—*

3               “(1) *CALCULATION.—A local educational agency*  
 4 *shall have the final authority, consistent with this sec-*  
 5 *tion, to calculate the number of private school chil-*  
 6 *dren, ages 5 through 17, who are low-income by—*

7                       “(A) *using the same measure of low-income*  
 8 *used to count public school children;*

9                       “(B) *using the results of a survey that, to*  
 10 *the extent possible, protects the identity of fami-*  
 11 *lies of private school students, and allowing such*  
 12 *survey results to be extrapolated if complete ac-*  
 13 *tual data are unavailable; or*

14                       “(C) *applying the low-income percentage of*  
 15 *each participating public school attendance area,*  
 16 *determined pursuant to this section, to the num-*  
 17 *ber of private school children who reside in that*  
 18 *school attendance area.*

19               “(2) *COMPLAINT PROCESS.—Any dispute regard-*  
 20 *ing low-income data for private school students shall*  
 21 *be subject to the complaint process authorized in sec-*  
 22 *tion 10105.”;*

23                       (5) *in subsection (e) (as so redesignated),*

24                               (A) *in paragraph (2), by striking “14505*  
 25 *and 14506” and inserting “10105 and 10106”;*

1           (B) by redesignating paragraphs (1) and  
2           (2) (as so amended) as subparagraphs (A) and  
3           (B), respectively;

4           (C) by striking “If a” and inserting the fol-  
5           lowing:

6           “(1) *IN GENERAL.—If a*”; and

7           (D) by adding at the end the following:

8           “(2) *DETERMINATION.—In making the deter-*  
9           *mination under paragraph (1), the Secretary shall*  
10           *consider 1 or more factors, including the quality, size,*  
11           *scope, or location of the program, or the opportunity*  
12           *of eligible children to participate in the program.”;*  
13           *and*

14           (6) by repealing subsection (f) (as so redesign-  
15           nated).

16           (b) *EFFECTIVE DATE.—The amendment made by sub-*  
17           *section (a)(4) shall take effect on September 30, 2003.*

18           (c) *CONFORMING AMENDMENT.—Section 1120A(a) (20*  
19           *U.S.C. 6322(a)) is amended by striking “14501 of this Act”*  
20           *and inserting “10101”.*

21           **SEC. 120B. EARLY CHILDHOOD EDUCATION.**

22           Section 1120B (20 U.S.C. 6321) is amended—

23           (1) by amending the section heading to read as  
24           follows:

1 **“SEC. 1120B. COORDINATION REQUIREMENTS; EARLY**  
2 **CHILDHOOD EDUCATION SERVICES.”;**

3 (2) *in subsection (c), by striking “Head Start*  
4 *Act Amendments of 1994” and inserting “Head Start*  
5 *Amendments of 1998”; and*

6 (3) *by adding at the end the following:*

7 “(d) *EARLY CHILDHOOD SERVICES.—A local edu-*  
8 *cational agency may use funds received under this part to*  
9 *provide preschool services—*

10 *“(1) directly to eligible preschool children in all*  
11 *or part of its school district;*

12 *“(2) through any school participating in the*  
13 *local educational agency’s program under this part;*  
14 *or*

15 *“(3) through a contract with a local Head Start*  
16 *agency, an eligible entity operating an Even Start*  
17 *program, a State-funded preschool program, or a*  
18 *comparable public early childhood development pro-*  
19 *gram.*

20 “(e) *EARLY CHILDHOOD EDUCATION PROGRAMS.—*  
21 *Early childhood education programs operated with funds*  
22 *provided under this part may be operated and funded joint-*  
23 *ly with Even Start programs under part B of this title,*  
24 *Head Start programs, or State-funded preschool programs.*  
25 *Early childhood education programs funded under this part*  
26 *shall—*

1           “(1) focus on the developmental needs of partici-  
 2           pating children, including their social, cognitive, and  
 3           language-development needs, and use research-based  
 4           approaches that build on competencies that lead to  
 5           school success, particularly in language and literacy  
 6           development and in reading;

7           “(2) teach children to understand and use lan-  
 8           guage in order to communicate for various purposes;

9           “(3) enable children to develop and demonstrate  
 10          an appreciation of books; and

11          “(4) in the case of children with limited English  
 12          proficiency, enable the children to progress toward ac-  
 13          quisition of the English language.”.

14 **SEC. 120C. ALLOCATIONS.**

15          Subpart 2 of part A of title I (20 U.S.C. 6331 et seq.)  
 16 is amended to read as follows:

17                                   **“Subpart 2—Allocations**

18 **“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE**

19                                   **SECRETARY OF THE INTERIOR.**

20          “(a) *RESERVATION OF FUNDS.*—From the amount ap-  
 21 propriated for any fiscal year under section 1002(a), the  
 22 Secretary shall reserve a total of 1 percent to provide assist-  
 23 ance to—

24           “(1) the outlying areas on the basis of their re-  
 25          spective need for such assistance according to such

1 *criteria as the Secretary determines will best carry*  
2 *out the purpose of this part; and*

3 *“(2) the Secretary of the Interior in the amount*  
4 *necessary to make payments pursuant to subsection*  
5 *(c).*

6 *“(b) ASSISTANCE TO THE OUTLYING AREAS.—*

7 *“(1) IN GENERAL.—From amounts made avail-*  
8 *able under subsection (a)(1) in each fiscal year the*  
9 *Secretary shall make grants to local educational agen-*  
10 *cies in the outlying areas.*

11 *“(2) COMPETITIVE GRANTS.—*

12 *“(A) IN GENERAL.—For fiscal years 2000*  
13 *and 2001, the Secretary shall reserve \$5,000,000*  
14 *from the amounts made available under sub-*  
15 *section (a)(1) to award grants, on a competitive*  
16 *basis, to local educational agencies in the Freely*  
17 *Associated States. The Secretary shall award*  
18 *such grants according to the recommendations of*  
19 *the Pacific Region Educational Laboratory*  
20 *which shall conduct a competition for such*  
21 *grants.*

22 *“(B) USES.—Except as provided in sub-*  
23 *paragraph (C), grant funds awarded under this*  
24 *paragraph only may be used—*

1                   “(i) for programs described in this Act,  
2                   including teacher training, curriculum de-  
3                   velopment, instructional materials, or gen-  
4                   eral school improvement and reform; and

5                   “(ii) to provide direct educational serv-  
6                   ices.

7                   “(C) *ADMINISTRATIVE COSTS.*—The Sec-  
8                   retary may provide 5 percent of the amount  
9                   made available for grants under this paragraph  
10                  to the Pacific Region Educational Laboratory to  
11                  pay the administrative costs of the Pacific Re-  
12                  gion Educational Laboratory regarding activi-  
13                  ties assisted under this paragraph.

14                  “(c) *ALLOTMENT TO THE SECRETARY OF THE INTE-*  
15                  *RIOR.*—

16                  “(1) *IN GENERAL.*—The amount reserved for  
17                  payments to the Secretary of the Interior under sub-  
18                  section (a)(2) for any fiscal year shall be, as deter-  
19                  mined pursuant to criteria established by the Sec-  
20                  retary, the amount necessary to meet the special edu-  
21                  cational needs of—

22                  “(A) Indian children on reservations served  
23                  by elementary schools and secondary schools for  
24                  Indian children operated or supported by the De-  
25                  partment of the Interior; and

1           “(B) *out-of-State Indian children in ele-*  
 2           *mentary schools and secondary schools in local*  
 3           *educational agencies under special contracts with*  
 4           *the Department of the Interior.*

5           “(2) *PAYMENTS.—From the amount reserved for*  
 6           *payments to the Secretary of the Interior under sub-*  
 7           *section (a)(2), the Secretary of the Interior shall make*  
 8           *payments to local educational agencies, upon such*  
 9           *terms as the Secretary determines will best carry out*  
 10          *the purposes of this part, with respect to out-of-State*  
 11          *Indian children described in paragraph (1)(B). The*  
 12          *amount of such payment may not exceed, for each*  
 13          *such child, the greater of—*

14                 “(A) *40 percent of the average per-pupil ex-*  
 15                 *penditure in the State in which the agency is lo-*  
 16                 *cated; or*

17                 “(B) *48 percent of such expenditure in the*  
 18                 *United States.*

19   **“SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRA-**  
 20                 **TION GRANTS, AND TARGETED GRANTS.**

21           “(a) *IN GENERAL.—For each of the fiscal years 2001*  
 22   *through 2005—*

23                 “(1) *the amount appropriated to carry out this*  
 24                 *part that is less than or equal to the amount appro-*

1         *appropriated to carry out section 1124 for fiscal year 2000,*  
2         *shall be allocated in accordance with section 1124;*

3            *“(2) the amount appropriated to carry out this*  
4         *part that is not used under paragraph (1) that equals*  
5         *the amount appropriated to carry out section 1124A*  
6         *for fiscal year 2000, shall be allocated in accordance*  
7         *with section 1124A; and*

8            *“(3) any amount appropriated to carry out this*  
9         *part for the fiscal year for which the determination*  
10        *is made that is not used to carry out paragraphs (1)*  
11        *and (2) shall be allocated in accordance with section*  
12        *1125.*

13        *“(b) ADJUSTMENTS WHERE NECESSITATED BY AP-*  
14        *PROPRIATIONS.—*

15            *“(1) IN GENERAL.—If the sums made available*  
16         *under this part for any fiscal year are insufficient to*  
17         *pay the full amounts that all local educational agen-*  
18         *cies in States are eligible to receive under sections*  
19         *1124, 1124A, and 1125 for such year, the Secretary*  
20         *shall ratably reduce the allocations to such local edu-*  
21         *cational agencies, subject to subsections (c) and (d).*

22            *“(2) ADDITIONAL FUNDS.—If additional funds*  
23         *become available for making payments under sections*  
24         *1124, 1124A, and 1125 for such fiscal year, alloca-*  
25         *tions that were reduced under paragraph (1) shall be*



1       *increased on the same basis as the allocations were re-*  
2       *duced.*

3       “(c) *HOLD-HARMLESS AMOUNTS.*—

4             “(1) *IN GENERAL.*—*For each fiscal year the*  
5       *amount made available to each local educational*  
6       *agency under each of sections 1124, 1124A, and 1125*  
7       *shall be not less than—*

8             “(A) *95 percent of the amount made avail-*  
9       *able to the local educational agency under each*  
10       *such section for the preceding fiscal year if the*  
11       *number of children counted for grants under sec-*  
12       *tion 1124 is not less than 30 percent of the total*  
13       *number of children aged 5 to 17 years, inclusive,*  
14       *served by the local educational agency;*

15            “(B) *90 percent of the amount made avail-*  
16       *able to the local educational agency under each*  
17       *such section for the preceding fiscal year if such*  
18       *percentage is not less than 15 percent and not*  
19       *more than 30 percent; and*

20            “(C) *85 percent of the amount made avail-*  
21       *able to the local educational agency under each*  
22       *such section for the preceding fiscal year if such*  
23       *percentage is less than 15 percent.*

24            “(2) *SPECIAL RULES.*—*If sufficient funds are*  
25       *appropriated, the hold-harmless amounts described in*

1        *paragraph (1) shall be paid to all local educational*  
2        *agencies that received grants under section 1124,*  
3        *1124A, or 1125 for the preceding fiscal year, regard-*  
4        *less of whether the local educational agency meets the*  
5        *minimum eligibility criteria provided in section*  
6        *1124(b), 1124A(a)(1)(A), or 1125(a), respectively, ex-*  
7        *cept that a local educational agency that does not*  
8        *meet such minimum eligibility criteria for 5 consec-*  
9        *utive years shall no longer be eligible to receive a hold-*  
10       *harmless amount under this subsection.*

11            *“(3) COUNTY CALCULATION BASIS.—Any fiscal*  
12        *year for which the Secretary calculates grants on the*  
13        *basis of population data for counties, the Secretary*  
14        *shall apply the hold-homeless percentages in para-*  
15        *graphs (1) and (2) to counties, and if the Secretary’s*  
16        *allocation for a county is not sufficient to meet the*  
17        *hold-harmless requirements of this subsection for every*  
18        *local educational agency within that county, then the*  
19        *State educational agency shall reallocate funds pro-*  
20        *portionately from all other local educational agencies*  
21        *in the State that receive funds for the fiscal year in*  
22        *excess of the hold-harmless amounts specified in this*  
23        *paragraph.*

24            *“(d) RATABLE REDUCTIONS.—*

1           “(1) *IN GENERAL.*—*If the sums made available*  
2           *under this part for any fiscal year are insufficient to*  
3           *pay the full amounts that all States are eligible to re-*  
4           *ceive under subsection (c) for such year, the Secretary*  
5           *shall ratably reduce such amounts for such year.*

6           “(2) *ADDITIONAL FUNDS.*—*If additional funds*  
7           *become available for making payments under sub-*  
8           *section (c) for such fiscal year, amounts that were re-*  
9           *duced under paragraph (1) shall be increased on the*  
10          *same basis as such amounts reduced.*

11 **“SEC. 1123. DEFINITIONS.**

12          *“In this subpart:*

13               “(1) *FREELY ASSOCIATED STATES.*—*The term*  
14               *‘Freely Associated States’ means the Republic of the*  
15               *Marshall Islands, the Federated States of Micronesia,*  
16               *and the Republic of Palau.*

17               “(2) *OUTLYING AREAS.*—*The term ‘outlying*  
18               *areas’ means the United States Virgin Islands, Guam,*  
19               *American Samoa, and the Commonwealth of the*  
20               *Northern Mariana Islands.*

21               “(3) *STATE.*—*The term ‘State’ means each of the*  
22               *several States of the United States, the District of Co-*  
23               *lumbia, and the Commonwealth of Puerto Rico.*

1 **“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**  
2 **CIES.**

3 *“(a) AMOUNT OF GRANTS.—*

4 *“(1) GRANTS FOR LOCAL EDUCATIONAL AGEN-*  
5 *CIES AND PUERTO RICO.—Except as provided in*  
6 *paragraph (4) and in section 1126, the grant that a*  
7 *local educational agency is eligible to receive under*  
8 *this section for a fiscal year is the amount determined*  
9 *by multiplying—*

10 *“(A) the number of children counted under*  
11 *subsection (c); and*

12 *“(B) 40 percent of the average per-pupil ex-*  
13 *penditure in the State, except that the amount*  
14 *determined under this subparagraph shall not be*  
15 *less than 32 percent, and not more than 48 per-*  
16 *cent, of the average per-pupil expenditure in the*  
17 *United States.*

18 *“(2) CALCULATION OF GRANTS.—*

19 *“(A) ALLOCATIONS TO LOCAL EDUCATIONAL*  
20 *AGENCIES.—The Secretary shall calculate grants*  
21 *under this section on the basis of the number of*  
22 *children counted under subsection (c) for local*  
23 *educational agencies, unless the Secretary and*  
24 *the Secretary of Commerce determine that some*  
25 *or all of those data are unreliable or that their*

1           *use would be otherwise inappropriate, in which*  
 2           *case—*

3                   “(i) *the Secretary and the Secretary of*  
 4                   *Commerce shall publicly disclose the reasons*  
 5                   *for their determination in detail; and*

6                   “(ii) *paragraph (3) shall apply.*

7                   “(B) *ALLOCATIONS TO LARGE AND SMALL*  
 8           *LOCAL EDUCATIONAL AGENCIES.—*

9                   “(i) *LARGE LOCAL EDUCATIONAL*  
 10           *AGENCIES.—In the case of an allocation*  
 11           *under this section to a large local edu-*  
 12           *cational agency, the amount of the grant*  
 13           *under this section for the large local edu-*  
 14           *cational agency shall be the amount deter-*  
 15           *mined under paragraph (1).*

16                   “(ii) *SMALL LOCAL EDUCATIONAL*  
 17           *AGENCIES.—*

18                   “(I) *IN GENERAL.—In the case of*  
 19           *an allocation under this section to a*  
 20           *small local educational agency the*  
 21           *State educational agency may—*

22                   “(aa) *distribute grants under*  
 23           *this section in amounts deter-*  
 24           *mined by the Secretary under*  
 25           *paragraph (1); or*

1                   “(bb) use an alternative  
2                   method approved by the Secretary  
3                   to distribute the portion of the  
4                   State’s total grants under this sec-  
5                   tion that is based on those small  
6                   local educational agencies.

7                   “(II) ALTERNATIVE METHOD.—  
8                   An alternative method under subclause  
9                   (I)(bb) shall be based on population  
10                  data that the State educational agency  
11                  determines best reflect the current dis-  
12                  tribution of children in poor families  
13                  among the State’s small local edu-  
14                  cational agencies that meet the min-  
15                  imum number of children to qualify  
16                  described in subsection (b).

17                  “(III) APPEAL.—If a small local  
18                  educational agency is dissatisfied with  
19                  the determination of the amount of its  
20                  grant by the State educational agency  
21                  under subclause (I)(bb), the small local  
22                  educational agency may appeal the de-  
23                  termination to the Secretary, who shall  
24                  respond within 45 days of receiving the  
25                  appeal.

1                   “(iii)       DEFINITIONS.—In       this  
2                   subparagraph—

3                   “(I) the term ‘large local edu-  
4                   cational agency’ means a local edu-  
5                   cational agency serving a school dis-  
6                   trict with a total population of 20,000  
7                   or more; and

8                   “(II) the term ‘small local edu-  
9                   cational agency’ means a local edu-  
10                  cational agency serving a school dis-  
11                  trict with a total population of less  
12                  than 20,000.

13                  “(3) ALLOCATIONS TO COUNTIES.—

14                  “(A) IN GENERAL.—For any fiscal year to  
15                  which this paragraph applies, the Secretary shall  
16                  calculate grants under this section on the basis  
17                  of the number of children counted under section  
18                  1124(c) for counties, and State educational agen-  
19                  cies shall allocate county amounts to local edu-  
20                  cational agencies, in accordance with regulations  
21                  promulgated by the Secretary.

22                  “(B) APPLICATION.—In any State in which  
23                  a large number of local educational agencies  
24                  overlap county boundaries, or for which the  
25                  State believes the State has data that would bet-

1            *ter target funds than allocating the funds by*  
2            *county, the State educational agency may apply*  
3            *to the Secretary for authority to make the alloca-*  
4            *tions under this part for a particular fiscal year*  
5            *directly to local educational agencies without re-*  
6            *gard to counties.*

7            “(C) *ALLOCATIONS TO LOCAL EDUCATIONAL*  
8            *AGENCIES.—If the Secretary approves its appli-*  
9            *cation under subparagraph (B), the State edu-*  
10           *cational agency shall provide the Secretary an*  
11           *assurance that the allocations will be made—*

12                    *“(i) using precisely the same factors*  
13                    *for determining a grant as are used under*  
14                    *this section; or*

15                    *“(ii) using data that the State edu-*  
16                    *cational agency submits to the Secretary for*  
17                    *approval that more accurately target pov-*  
18                    *erty.*

19            “(D) *APPEAL.—The State educational agen-*  
20            *cy shall provide the Secretary an assurance that*  
21            *a procedure is or will be established through*  
22            *which local educational agencies that are dissat-*  
23            *isfied with determinations under subparagraph*  
24            *(B) may appeal directly to the Secretary for a*  
25            *final determination.*



1           “(4) *PUERTO RICO.*—For each fiscal year, the  
 2           Secretary shall determine the percentage which the  
 3           average per-pupil expenditure in the Commonwealth  
 4           of Puerto Rico is of the lowest average per-pupil ex-  
 5           penditure of any of the 50 States. The grant which  
 6           the Commonwealth of Puerto Rico shall be eligible to  
 7           receive under this section for a fiscal year shall be the  
 8           amount arrived at by multiplying the number of chil-  
 9           dren counted under subsection (c) for the Common-  
 10          wealth of Puerto Rico by the product of—

11                       “(A) the percentage determined under the  
 12                       preceding sentence; and

13                       “(B) 32 percent of the average per-pupil ex-  
 14                       penditure in the United States.

15          “(b) *MINIMUM NUMBER OF CHILDREN TO QUALIFY.*—  
 16          A local educational agency is eligible for a basic grant  
 17          under this section for any fiscal year only if the number  
 18          of children counted under subsection (c) for that agency is—

19                       “(1) 10 or more; and

20                       “(2) more than 2 percent of the total school-age  
 21          population in the school district of the local edu-  
 22          cational agency.

23          “(c) *CHILDREN TO BE COUNTED.*—

1           “(1) *CATEGORIES OF CHILDREN.*—*The number*  
2           *of children to be counted for purposes of this section*  
3           *is the aggregate of—*

4                   “(A) *the number of children aged 5 to 17,*  
5                   *inclusive, in the school district of the local edu-*  
6                   *cational agency from families below the poverty*  
7                   *level as determined under paragraphs (2) and*  
8                   *(3);*

9                   “(B) *the number of children aged 5 to 17,*  
10                   *inclusive, in the school district of such agency*  
11                   *from families above the poverty level as deter-*  
12                   *mined under paragraph (4); and*

13                   “(C) *the number of children determined*  
14                   *under paragraph (4) for the preceding year as*  
15                   *described in that paragraph, or for the second*  
16                   *preceding year, as the Secretary finds appro-*  
17                   *priate) aged 5 to 17, inclusive, in the school dis-*  
18                   *trict of such agency in institutions for neglected*  
19                   *and delinquent children and youth (other than*  
20                   *such institutions operated by the United States),*  
21                   *but not counted pursuant to chapter 1 of subpart*  
22                   *2 of part C of title III for the purposes of a*  
23                   *grant to a State agency, or being supported in*  
24                   *foster homes with public funds.*

1           “(2) *DETERMINATION OF NUMBER OF CHIL-*  
2           *DREN.—For the purposes of this section, the Secretary*  
3           *shall determine the number of children aged 5 to 17,*  
4           *inclusive, from families below the poverty level on the*  
5           *basis of the most recent satisfactory data, described in*  
6           *paragraph (3), available from the Department of*  
7           *Commerce. The District of Columbia and the Com-*  
8           *monwealth of Puerto Rico shall be treated as indi-*  
9           *vidual local educational agencies. If a local edu-*  
10          *cational agency contains 2 or more counties in their*  
11          *entirety, then each county will be treated as if such*  
12          *county were a separate local educational agency for*  
13          *purposes of calculating grants under this part. The*  
14          *total of grants for such counties shall be allocated to*  
15          *such a local educational agency, which local edu-*  
16          *cational agency shall distribute to schools in each*  
17          *county within such agency a share of the local edu-*  
18          *cational agency’s total grant that is no less than the*  
19          *county’s share of the population counts used to cal-*  
20          *culate the local educational agency’s grant.*

21          “(3) *POPULATION UPDATES.—In fiscal year*  
22          *2001 and every 2 years thereafter, the Secretary shall*  
23          *use updated data on the number of children, aged 5*  
24          *to 17, inclusive, from families below the poverty level*  
25          *for counties or local educational agencies, published*

1       *by the Department of Commerce, unless the Secretary*  
2       *and the Secretary of Commerce determine that use of*  
3       *the updated population data would be inappropriate*  
4       *or unreliable. If the Secretary and the Secretary of*  
5       *Commerce determine that some or all of the data re-*  
6       *ferred to in this paragraph are inappropriate or un-*  
7       *reliable, the Secretary and the Secretary of Commerce*  
8       *shall publicly disclose their reasons. In determining*  
9       *the families which are below the poverty level, the Sec-*  
10       *retary shall utilize the criteria of poverty used by the*  
11       *Bureau of the Census in compiling the most recent de-*  
12       *cennial census, in such form as those criteria have*  
13       *been updated by increases in the Consumer Price*  
14       *Index for all urban consumers, published by the Bu-*  
15       *reau of Labor Statistics.*

16               “(4) *OTHER CHILDREN TO BE COUNTED.—For*  
17       *purposes of this section, the Secretary shall determine*  
18       *the number of children aged 5 to 17, inclusive, from*  
19       *families above the poverty level on the basis of the*  
20       *number of such children from families receiving an*  
21       *annual income, in excess of the current criteria of*  
22       *poverty, from payments under a State program fund-*  
23       *ed under part A of title IV of the Social Security Act.*  
24       *In making such determinations the Secretary shall*  
25       *utilize the criteria of poverty used by the Bureau of*

1        *the Census in compiling the most recent decennial*  
2        *census for a family of 4 in such form as those criteria*  
3        *have been updated by increases in the Consumer Price*  
4        *Index for all urban consumers, published by the Bu-*  
5        *reau of Labor Statistics. The Secretary shall deter-*  
6        *mine the number of children aged 5 through 17 living*  
7        *in institutions for neglected or delinquent children, or*  
8        *being supported in foster homes with public funds, on*  
9        *the basis of the caseload data for the month of October*  
10       *of the preceding fiscal year (using, in the case of chil-*  
11       *dren described in the preceding sentence, the criteria*  
12       *of poverty and the form of such criteria required by*  
13       *such sentence which were determined for the calendar*  
14       *year preceding such month of October) or, to the ex-*  
15       *tent that such data are not available to the Secretary*  
16       *before January of the calendar year in which the Sec-*  
17       *retary's determination is made, then on the basis of*  
18       *the most recent reliable data available to the Sec-*  
19       *retary at the time of such determination. The Sec-*  
20       *retary of Health and Human Services shall collect*  
21       *and transmit the information required by this sub-*  
22       *paragraph to the Secretary not later than January 1*  
23       *of each year. For the purpose of this section, the Sec-*  
24       *retary shall consider all children who are in correc-*

1        *tional institutions to be living in institutions for de-*  
2        *linquent children.*

3            “(5) *ESTIMATE.*—When requested by the Sec-  
4        *retary, the Secretary of Commerce shall make a spe-*  
5        *cial updated estimate of the number of children of*  
6        *such ages who are from families below the poverty*  
7        *level (as determined under paragraph (2)) in each*  
8        *school district, and the Secretary is authorized to pay*  
9        *(either in advance or by way of reimbursement) the*  
10       *Secretary of Commerce the cost of making this special*  
11       *estimate. The Secretary of Commerce shall give con-*  
12       *sideration to any request of the chief executive of a*  
13       *State for the collection of additional census informa-*  
14       *tion. For purposes of this section, the Secretary shall*  
15       *consider all children who are in correctional institu-*  
16       *tions to be living in institutions for delinquent chil-*  
17       *dren.*

18            “(d) *STATE MINIMUM.*—Notwithstanding section 1122,  
19       *the aggregate amount allotted for all local educational agen-*  
20       *cies within a State may not be less than the lesser of—*

21            “(1) *0.25 percent of the total amount made*  
22        *available to carry out this section for such fiscal year;*  
23        *or*

24            “(2) *the average of—*

1           “(A) 0.25 percent of the total amount made  
2 available to carry out this section for such fiscal  
3 year; and

4           “(B) the number of children in such State  
5 counted under subsection (c) in the fiscal year  
6 multiplied by 150 percent of the national aver-  
7 age per-pupil payment made with funds avail-  
8 able under this section for that fiscal year.

9 **“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDU-**  
10 **CATIONAL AGENCIES.**

11       “(a) *ELIGIBILITY FOR AND AMOUNT OF GRANTS.*—

12           “(1) *ELIGIBILITY.*—

13           “(A) *IN GENERAL.*—*Except as otherwise*  
14 *provided in this paragraph, each local edu-*  
15 *cational agency in a State that is eligible for a*  
16 *grant under section 1124 for any fiscal year is*  
17 *eligible for an additional grant under this sec-*  
18 *tion for that fiscal year if the number of children*  
19 *counted under section 1124(c) who are served by*  
20 *the agency exceeds—*

21           “(i) 6,500; or

22           “(ii) 15 percent of the total number of  
23 children aged 5 through 17 served by the  
24 agency.

1           “(B) *MINIMUM.*—*Notwithstanding section*  
2           *1122, no State shall receive under this section an*  
3           *amount that is less than the lesser of—*

4                   “(i) *0.25 percent of the total amount*  
5                   *made available to carry out this section for*  
6                   *such fiscal year; or*

7                   “(ii) *the average of—*

8                           “(I) *0.25 percent of the sums*  
9                           *available to carry out this section for*  
10                           *such fiscal year; and*

11                           “(II) *the greater of—*

12                                   “(aa) *\$340,000; or*

13                                   “(bb) *the number of children*  
14                                   *in such State counted for purposes*  
15                                   *of this section in that fiscal year*  
16                                   *multiplied by 150 percent of the*  
17                                   *national average per-pupil pay-*  
18                                   *ment made with funds available*  
19                                   *under this section for that fiscal*  
20                                   *year.*

21           “(2) *DETERMINATION.*—*For each county or local*  
22           *educational agency eligible to receive an additional*  
23           *grant under this section for any fiscal year the Sec-*  
24           *retary shall determine the product of—*



1           “(A) *the number of children counted under*  
2           *section 1124(c) for that fiscal year; and*

3           “(B) *the amount in section 1124(a)(1)(B)*  
4           *for all States except the Commonwealth of Puerto*  
5           *Rico, and the amount in section 1124(a)(3) for*  
6           *the Commonwealth of Puerto Rico.*

7           “(3) *AMOUNT.—The amount of the additional*  
8           *grant for which an eligible local educational agency*  
9           *or county is eligible under this section for any fiscal*  
10          *year shall be an amount that bears the same ratio to*  
11          *the amount available to carry out this section for that*  
12          *fiscal year as the product determined under para-*  
13          *graph (2) for such local educational agency for that*  
14          *fiscal year bears to the sum of such products for all*  
15          *local educational agencies in the United States for*  
16          *that fiscal year.*

17          “(4) *LOCAL ALLOCATIONS.—*

18                 “(A) *IN GENERAL.—Grant amounts under*  
19                 *this section shall be calculated in the same man-*  
20                 *ner as grant amounts are calculated under sec-*  
21                 *tion 1124(a) (2) and (3).*

22                 “(B) *SPECIAL RULE.—For any fiscal year*  
23                 *for which the Secretary allocates funds under*  
24                 *this section on the basis of counties, a State may*  
25                 *reserve not more than 2 percent of the amount*

1           *made available to the State under this section for*  
2           *any fiscal year to make grants to local edu-*  
3           *cational agencies that meet the criteria in para-*  
4           *graph (1)(A) (i) or (ii) but that are in ineligible*  
5           *counties.*

6           “(b) *RATABLE REDUCTION RULE.*—*If the sums avail-*  
7           *able under subsection (a) for any fiscal year for making*  
8           *payments under this section are not sufficient to pay in*  
9           *full the total amounts which all States are eligible to receive*  
10           *under subsection (a) for such fiscal year, the maximum*  
11           *amounts that all States are eligible to receive under sub-*  
12           *section (a) for such fiscal year shall be ratably reduced. In*  
13           *the case that additional funds become available for making*  
14           *such payments for any fiscal year during which the pre-*  
15           *ceding sentence is applicable, such reduced amounts shall*  
16           *be increased on the same basis as they were reduced.*

17           “(c) *STATES RECEIVING 0.25 PERCENT OR LESS.*—*In*  
18           *States that receive 0.25 percent or less of the total amount*  
19           *made available to carry out this section for a fiscal year,*  
20           *the State educational agency shall allocate such funds*  
21           *among the local educational agencies in the State—*

22                   “(1) *in accordance with paragraphs (2) and (4)*  
23           *of subsection (a); or*

24                   “(2) *based on their respective concentrations and*  
25           *numbers of children counted under section 1124(c),*

1 *except that only those local educational agencies with*  
 2 *concentrations or numbers of children counted under*  
 3 *section 1124(c) that exceed the statewide average per-*  
 4 *centage of such children or the statewide average*  
 5 *number of such children shall receive any funds on*  
 6 *the basis of this paragraph.*

7 **“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL**  
 8 **AGENCIES.**

9 *“(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGEN-*  
 10 *CIES.—*

11 *“(1) IN GENERAL.—A local educational agency*  
 12 *in a State is eligible to receive a targeted grant under*  
 13 *this section for any fiscal year if—*

14 *“(A) the number of children in the local*  
 15 *educational agency counted under section*  
 16 *1124(c), before application of the weighted child*  
 17 *count described in subsection (c), is at least 10;*  
 18 *and*

19 *“(B) if the number of children counted for*  
 20 *grants under section 1124(c), before application*  
 21 *of the weighted child count described in sub-*  
 22 *section (c), is at least 5 percent of the total num-*  
 23 *ber of children aged 5 to 17 years, inclusive, in*  
 24 *the school district of the local educational agen-*  
 25 *cy.*

1           “(2) *SPECIAL RULE.*—*For any fiscal year for*  
 2 *which the Secretary allocates funds under this section*  
 3 *on the basis of counties, funds made available as a re-*  
 4 *sult of applying this subsection shall be reallocated by*  
 5 *the State educational agency to other eligible local*  
 6 *educational agencies in the State in proportion to the*  
 7 *distribution of other funds under this section.*

8           “(b) *GRANTS FOR LOCAL EDUCATIONAL AGENCIES,*  
 9 *THE DISTRICT OF COLUMBIA, AND THE COMMONWEALTH*  
 10 *OF PUERTO RICO.*—

11           “(1) *IN GENERAL.*—*The amount of the grant*  
 12 *that a local educational agency in a State (other than*  
 13 *the Commonwealth of Puerto Rico) is eligible to re-*  
 14 *ceive under this section for any fiscal year shall be*  
 15 *the product of—*

16           “(A) *the weighted child count determined*  
 17 *under subsection (c); and*

18           “(B) *the amount of the grant the local edu-*  
 19 *cational agency is eligible to receive under sec-*  
 20 *tion 1124(a)(1).*

21           “(2) *PUERTO RICO.*—*For each fiscal year, the*  
 22 *amount of the grant the Commonwealth of Puerto*  
 23 *Rico is eligible to receive under this section shall be*  
 24 *equal to the number of children counted under sub-*  
 25 *section (c) for the Commonwealth of Puerto Rico,*

1 *multiplied by the amount determined in section*  
 2 *1124(a)(4) for the Commonwealth of Puerto Rico.*

3 *“(c) WEIGHTED CHILD COUNT.—*

4 *“(1) WEIGHTS FOR ALLOCATIONS TO COUN-*  
 5 *TIES.—*

6 *“(A) IN GENERAL.—For each fiscal year for*  
 7 *which the Secretary uses county population data*  
 8 *to calculate grants, the weighted child count used*  
 9 *to determine a county’s allocation under this sec-*  
 10 *tion is the larger of the 2 amounts determined*  
 11 *under subparagraphs (B) and (C).*

12 *“(B) BY PERCENTAGE OF CHILDREN.—The*  
 13 *amount referred to in subparagraph (A) is deter-*  
 14 *mined by adding—*

15 *“(i) the number of children determined*  
 16 *under section 1124(c) for that county who*  
 17 *constitute not more than 12.20 percent, in-*  
 18 *clusive, of the county’s total population*  
 19 *aged 5 to 17, inclusive, multiplied by 1.0;*

20 *“(ii) the number of such children who*  
 21 *constitute more than 12.20 percent, but not*  
 22 *more than 17.70 percent, of such popu-*  
 23 *lation, multiplied by 1.75;*

24 *“(iii) the number of such children who*  
 25 *constitute more than 17.70 percent, but not*

1           *more than 22.80 percent, of such popu-*  
2           *lation, multiplied by 2.5;*

3           “(iv) *the number of such children who*  
4           *constitute more than 22.80 percent, but not*  
5           *more than 29.70 percent, of such popu-*  
6           *lation, multiplied by 3.25; and*

7           “(v) *the number of such children who*  
8           *constitute more than 29.70 percent of such*  
9           *population, multiplied by 4.0.*

10          “(C) *BY NUMBER OF CHILDREN.—The*  
11          *amount referred to in subparagraph (A) is deter-*  
12          *mined by adding—*

13               “(i) *the number of children determined*  
14               *under section 1124(c) who constitute not*  
15               *more than 1,917, inclusive, of the county’s*  
16               *total population aged 5 to 17, inclusive,*  
17               *multiplied by 1.0;*

18               “(ii) *the number of such children be-*  
19               *tween 1,918 and 5,938, inclusive, in such*  
20               *population, multiplied by 1.5;*

21               “(iii) *the number of such children be-*  
22               *tween 5,939 and 20,199, inclusive, in such*  
23               *population, multiplied by 2.0;*

1                   “(iv) *the number of such children be-*  
 2                   *tween 20,200 and 77,999, inclusive, in such*  
 3                   *population, multiplied by 2.5; and*

4                   “(v) *the number of such children in ex-*  
 5                   *cess of 77,999 in such population, multi-*  
 6                   *plied by 3.0.*

7                   “(D) *PUERTO RICO.—Notwithstanding sub-*  
 8                   *paragraph (A), the weighting factor for the Com-*  
 9                   *monwealth of Puerto Rico under this paragraph*  
 10                  *shall not be greater than the total number of*  
 11                  *children counted under section 1124(c) multi-*  
 12                  *plied by 1.72.*

13                  “(2) *WEIGHTS FOR ALLOCATIONS TO LOCAL EDU-*  
 14                  *CATIONAL AGENCIES.—*

15                  “(A) *IN GENERAL.—For each fiscal year for*  
 16                  *which the Secretary uses local educational agen-*  
 17                  *cy data, the weighted child count used to deter-*  
 18                  *mine a local educational agency’s grant under*  
 19                  *this section is the larger of the 2 amounts deter-*  
 20                  *mined under subparagraphs (B) and (C).*

21                  “(B) *BY PERCENTAGE OF CHILDREN.—The*  
 22                  *amount referred to in subparagraph (A) is deter-*  
 23                  *mined by adding—*

24                         “(i) *the number of children determined*  
 25                         *under section 1124(c) for that local edu-*

1            *cational agency who constitute not more*  
2            *than 14.265 percent, inclusive, of the agen-*  
3            *cy's total population aged 5 to 17, inclusive,*  
4            *multiplied by 1.0;*

5            *“(ii) the number of such children who*  
6            *constitute more than 14.265 percent, but not*  
7            *more than 21.553 percent, of such popu-*  
8            *lation, multiplied by 1.75;*

9            *“(iii) the number of such children who*  
10           *constitute more than 21.553 percent, but not*  
11           *more than 29.223 percent, of such popu-*  
12           *lation, multiplied by 2.5;*

13           *“(iv) the number of such children who*  
14           *constitute more than 29.223 percent, but not*  
15           *more than 36.538 percent, of such popu-*  
16           *lation, multiplied by 3.25; and*

17           *“(v) the number of such children who*  
18           *constitute more than 36.538 percent of such*  
19           *population, multiplied by 4.0.*

20           *“(C) BY NUMBER OF CHILDREN.—The*  
21           *amount referred to in subparagraph (A) is deter-*  
22           *mined by adding—*

23           *“(i) the number of children determined*  
24           *under section 1124(c) who constitute not*  
25           *more than 575, inclusive, of the agency's*



1           total population aged 5 to 17, inclusive,  
2           multiplied by 1.0;

3           “(ii) the number of such children be-  
4           tween 576 and 1,870, inclusive, in such  
5           population, multiplied by 1.5;

6           “(iii) the number of such children be-  
7           tween 1,871 and 6,910, inclusive, in such  
8           population, multiplied by 2.0;

9           “(iv) the number of such children be-  
10          tween 6,911 and 42,000, inclusive, in such  
11          population, multiplied by 2.5; and

12          “(v) the number of such children in ex-  
13          cess of 42,000 in such population, multi-  
14          plied by 3.0.

15          “(D) PUERTO RICO.—Notwithstanding sub-  
16          paragraph (A), the weighting factor for the Com-  
17          monwealth of Puerto Rico under this paragraph  
18          shall not be greater than the total number of  
19          children counted under section 1124(c) multi-  
20          plied by 1.72.

21          “(d) CALCULATION OF GRANT AMOUNTS.—Grant  
22          amounts under this section shall be calculated in the same  
23          manner as grant amounts are calculated under section  
24          1124(a) (2) and (3).

1       “(e) *STATE MINIMUM.*—*Notwithstanding any other*  
 2 *provision of this section or section 1122, from the total*  
 3 *amount available for any fiscal year to carry out this sec-*  
 4 *tion, each State shall be allotted not less than the lesser of—*

5               “(1) *0.25 percent of the total amount made*  
 6 *available to carry out this section for such fiscal year;*

7       *or*

8               “(2) *the average of—*

9                       “(A) *0.25 percent of the total amount made*  
 10 *available to carry out this section for such fiscal*  
 11 *year; and*

12                      “(B) *150 percent of the national average*  
 13 *grant under this section per child described in*  
 14 *section 1124(c), without application of a weight-*  
 15 *ed child count, multiplied by the State’s total*  
 16 *number of children described in section 1124(c),*  
 17 *without application of a weighted child count.*

18 **“SEC. 1125A. EDUCATION FINANCE INCENTIVE PROGRAM.**

19       “(a) *GRANTS.*—*From funds appropriated under sub-*  
 20 *section (e) the Secretary is authorized to make grants to*  
 21 *States, from allotments under subsection (b), to carry out*  
 22 *the purposes of this part.*

23       “(b) *DISTRIBUTION BASED UPON FISCAL EFFORT AND*  
 24 *EQUITY.*—

25               “(1) *IN GENERAL.*—

1           “(A) *IN GENERAL.*—*Except as provided in*  
2           *subparagraph (B), funds appropriated pursuant*  
3           *to subsection (e) shall be allotted to each State*  
4           *based upon the number of children aged 5 to 17,*  
5           *inclusive, in such State multiplied by the prod-*  
6           *uct of—*

7                     “(i) *such State’s effort factor described*  
8                     *in paragraph (2); multiplied by*

9                     “(ii) *1.30 minus such State’s equity*  
10                    *factor described in paragraph (3).*

11           “(B) *MINIMUM.*—*For each fiscal year no*  
12           *State shall receive under this section less than*  
13           *0.25 percent of the total amount appropriated*  
14           *under subsection (e) for the fiscal year.*

15           “(2) *EFFORT FACTOR.*—

16                    “(A) *IN GENERAL.*—*Except as provided in*  
17                    *subparagraph (B), the effort factor for a State*  
18                    *shall be determined in accordance with the suc-*  
19                    *ceeding sentence, except that such factor shall not*  
20                    *be less than 0.95 nor greater than 1.05. The ef-*  
21                    *fort factor determined under this sentence shall*  
22                    *be a fraction the numerator of which is the prod-*  
23                    *uct of the 3-year average per-pupil expenditure*  
24                    *in the State multiplied by the 3-year average per*  
25                    *capita income in the United States and the de-*

1           nominator of which is the product of the 3-year  
 2           average per capita income in such State multi-  
 3           plied by the 3-year average per-pupil expendi-  
 4           ture in the United States.

5           “(B) COMMONWEALTH OF PUERTO RICO.—  
 6           The effort factor for the Commonwealth of Puerto  
 7           Rico shall be equal to the lowest effort factor cal-  
 8           culated under subparagraph (A) for any State.

9           “(3) EQUITY FACTOR.—

10           “(A) DETERMINATION.—

11           “(i) IN GENERAL.—Except as provided  
 12           in subparagraph (B), the Secretary shall  
 13           determine the equity factor under this sec-  
 14           tion for each State in accordance with  
 15           clause (ii).

16           “(ii) COMPUTATION.—

17           “(I) IN GENERAL.—For each  
 18           State, the Secretary shall compute a  
 19           weighted coefficient of variation for the  
 20           per-pupil expenditures of local edu-  
 21           cational agencies in accordance with  
 22           subclauses (II), (III), (IV), and (V).

23           “(II) VARIATION.—In computing  
 24           coefficients of variation, the Secretary  
 25           shall weigh the variation between per-

1            *pupil expenditures in each local edu-*  
2            *cational agency and the average per-*  
3            *pupil expenditures in the State accord-*  
4            *ing to the number of pupils served by*  
5            *the local educational agency.*

6            “(III) *NUMBER OF PUPILS.—In*  
7            *determining the number of pupils*  
8            *under this paragraph served by each*  
9            *local educational agency and in each*  
10           *State, the Secretary shall multiply the*  
11           *number of children from low-income*  
12           *families by a factor of 1.4.*

13           “(IV) *ENROLLMENT REQUIRE-*  
14           *MENT.—In computing coefficients of*  
15           *variation, the Secretary shall include*  
16           *only those local educational agencies*  
17           *with an enrollment of more than 200*  
18           *students.*

19           “(V) *SEPARATE COEFFICIENTS.—*  
20           *The Secretary shall compute separate*  
21           *coefficients of variation for elementary*  
22           *schools, secondary schools, and unified*  
23           *local educational agencies and shall*  
24           *combine such coefficients into a single*  
25           *weighted average coefficient for the*

1           *State by multiplying each coefficient*  
2           *by the total enrollments of the local*  
3           *educational agencies in each group,*  
4           *adding such products, and dividing*  
5           *such sum by the total enrollments of*  
6           *the local educational agencies in the*  
7           *State.*

8           “(B) *SPECIAL RULE.*—*The equity factor for*  
9           *a State that meets the disparity standard de-*  
10          *scribed in section 222.162 of title 34, Code of*  
11          *Federal Regulations (as such section was in ef-*  
12          *fect on the day preceding the date of enactment*  
13          *of the Educational Opportunities Act) or a State*  
14          *with only 1 local educational agency shall be not*  
15          *greater than 0.10.*

16          “(C) *REVISIONS.*—*The Secretary may revise*  
17          *each State’s equity factor as necessary based on*  
18          *the advice of independent education finance*  
19          *scholars to reflect other need-based costs of local*  
20          *educational agencies in addition to low-income*  
21          *student enrollment, such as differing geographic*  
22          *costs, costs associated with students with disabili-*  
23          *ties, children with limited English-proficiency*  
24          *or other meaningful educational needs, which de-*  
25          *serve additional support. In addition, after ob-*

1           *taining the advice of independent education fi-*  
2           *nance scholars, the Secretary may revise each*  
3           *State's equity factor to incorporate other valid*  
4           *and accepted methods to achieve adequacy of*  
5           *educational opportunity that may not be re-*  
6           *flected in a coefficient of variation method.*

7           “(c) *USE OF FUNDS.—All funds awarded to each State*  
8           *under this section shall be allocated to local educational*  
9           *agencies and schools on a basis consistent with the distribu-*  
10          *tion of other funds to such agencies and schools under sec-*  
11          *tions 1124, 1124A, and 1125 to carry out activities under*  
12          *this part.*

13          “(d) *MAINTENANCE OF EFFORT.—*

14                 “(1) *IN GENERAL.—Except as provided in para-*  
15                 *graph (2), a State is entitled to receive its full allot-*  
16                 *ment of funds under this section for any fiscal year*  
17                 *if the Secretary finds that either the combined fiscal*  
18                 *effort per student or the aggregate expenditures within*  
19                 *the State with respect to the provision of free public*  
20                 *education for the fiscal year preceding the fiscal year*  
21                 *for which the determination is made was not less*  
22                 *than 90 percent of such combined fiscal effort or ag-*  
23                 *gregate expenditures for the second fiscal year pre-*  
24                 *ceding the fiscal year for which the determination is*  
25                 *made.*

1           “(2) *REDUCTION OF FUNDS.*—*The Secretary*  
2           *shall reduce the amount of funds awarded to any*  
3           *State under this section in any fiscal year in the*  
4           *exact proportion to which the State fails to meet the*  
5           *requirements of paragraph (1) by falling below 90*  
6           *percent of both the fiscal effort per student and aggre-*  
7           *gate expenditures (using the measure most favorable*  
8           *to the State), and no such lesser amount shall be used*  
9           *for computing the effort required under paragraph (1)*  
10          *for subsequent years.*

11           “(3) *WAIVERS.*—*The Secretary may waive, for 1*  
12          *fiscal year only, the requirements of this subsection if*  
13          *the Secretary determines that such a waiver would be*  
14          *equitable due to exceptional or uncontrollable cir-*  
15          *cumstances such as a natural disaster or a precipi-*  
16          *tous and unforeseen decline in the financial resources*  
17          *of the State.*

18           “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
19          *authorized to be appropriated to carry out this section*  
20          *\$200,000,000 for fiscal year 2001 and such sums as may*  
21          *be necessary for each of the 4 succeeding fiscal years.*

22          **“SEC. 1126. SPECIAL ALLOCATION PROCEDURES.**

23           “(a) *ALLOCATIONS FOR NEGLECTED CHILDREN.*—

24           “(1) *IN GENERAL.*—*If a State educational agen-*  
25          *cy determines that a local educational agency in the*



1     *State is unable or unwilling to provide for the special*  
2     *educational needs of children who are living in insti-*  
3     *tutions for neglected or delinquent children as de-*  
4     *scribed in section 1124(c)(1)(C), the State educational*  
5     *agency shall, if such agency assumes responsibility for*  
6     *the special educational needs of such children, receive*  
7     *the portion of such local educational agency's alloca-*  
8     *tion under sections 1124, 1124A, and 1125 that is at-*  
9     *tributable to such children.*

10           “(2) *SPECIAL RULE.—If the State educational*  
11     *agency does not assume such responsibility, any other*  
12     *State or local public agency that does assume such re-*  
13     *sponsibility shall receive that portion of the local edu-*  
14     *cational agency's allocation.*

15           “(b) *ALLOCATIONS AMONG LOCAL EDUCATIONAL*  
16     *AGENCIES.—The State educational agency may allocate the*  
17     *amounts of grants under sections 1124, 1124A, and 1125*  
18     *among the affected local educational agencies—*

19           “(1) *if 2 or more local educational agencies*  
20     *serve, in whole or in part, the same geographical*  
21     *area;*

22           “(2) *if a local educational agency provides free*  
23     *public education for children who reside in the school*  
24     *district of another local educational agency; or*

1           “(3) to reflect the merger, creation, or change of  
2           boundaries of 1 or more local educational agencies.

3           “(c) *REALLOCATION*.—If a State educational agency  
4           determines that the amount of a grant a local educational  
5           agency would receive under sections 1124, 1124A, and 1125  
6           is more than such local educational agency will use, the  
7           State educational agency shall make the excess amount  
8           available to other local educational agencies in the State  
9           that need additional funds in accordance with criteria es-  
10          tablished by the State educational agency.

11          “**SEC. 1127. CARRYOVER AND WAIVER.**

12          “(a) *LIMITATION ON CARRYOVER*.—Notwithstanding  
13          section 421 of the General Education Provisions Act or any  
14          other provision of law, not more than 15 percent of the  
15          funds allocated to a local educational agency for any fiscal  
16          year under this subpart (but not including funds received  
17          through any reallocation under this subpart) may remain  
18          available for obligation by such agency for one additional  
19          fiscal year.

20          “(b) *WAIVER*.—A State educational agency may, once  
21          every 3 years, waive the percentage limitation in subsection  
22          (a) if—

23                  “(1) the agency determines that the request of a  
24                  local educational agency is reasonable and necessary;  
25                  or

1           “(2) supplemental appropriations for this sub-  
2           part become available.

3           “(c) *EXCLUSION.*—*The percentage limitation under*  
4 *subsection (a) shall not apply to any local educational*  
5 *agency that receives less than \$50,000 under this subpart*  
6 *for any fiscal year.*”.

7   **SEC. 120D. ESTABLISHMENT OF THE CHILD CENTERED PRO-**  
8                                   **GRAM.**

9           *Part A of title I (20 U.S.C. 6311 et seq.) is amended*  
10 *by adding at the end the following:*

11                           **“Subpart 3—Child Centered Program**

12   **“SEC. 1131. DEFINITIONS.**

13           *“In this subpart:*

14                   “(1) *ELIGIBLE CHILD.*—*The term ‘eligible child’*  
15 *means a child who—*

16                           “(A) *is eligible to be counted under section*  
17 *1124(c); or*

18                           “(B)(i) *the State or participating local edu-*  
19 *cational agency elects to serve under this sub-*  
20 *part; and*

21                           “(ii) *is a child eligible to be served under*  
22 *this part pursuant to section 1115(b).*

23                   “(2) *PARTICIPATING LOCAL EDUCATIONAL AGEN-*  
24 *CY.*—*The term ‘participating local educational agen-*  
25 *cy’ means a local educational agency that elects under*

1 *section 1133(b) to carry out a child centered program*  
 2 *under this subpart.*

3 “(3) *SCHOOL.*—*The term ‘school’ means an in-*  
 4 *stitutional day or residential school that provides ele-*  
 5 *mentary or secondary education, as determined under*  
 6 *State law, except that such term does not include any*  
 7 *school that provides education beyond grade 12.*

8 “(4) *SUPPLEMENTAL EDUCATION SERVICES.*—  
 9 *The term ‘supplemental education services’ means*  
 10 *educational services intended—*

11 “(A) *to meet the individual educational*  
 12 *needs of eligible children; and*

13 “(B) *to enable eligible children to meet chal-*  
 14 *lenging State curriculum, content, and student*  
 15 *performance standards.*

16 “(5) *TUTORIAL ASSISTANCE PROVIDERS.*—*The*  
 17 *term ‘tutorial assistance provider’ means a public or*  
 18 *private entity that—*

19 “(A) *has a record of effectiveness in pro-*  
 20 *viding tutorial assistance to school children; or*

21 “(B) *uses instructional practices based on*  
 22 *scientific research.*

23 **“SEC. 1132. CHILD CENTERED PROGRAM FUNDING.**

24 “(a) *FUNDING.*—*Notwithstanding any other provision*  
 25 *of law, not more than 10 States and not more than 20 par-*

1 *ticipating local educational agencies may use the funds*  
2 *made available under subparts 1 and 2, and shall use the*  
3 *funds made available under subsection (c), to carry out a*  
4 *child centered program under this subpart.*

5       “(b) *PARTICIPATING LOCAL EDUCATIONAL AGENCY*  
6 *ELECTION.*—

7               “(1) *IN GENERAL.*—*If a State does not carry out*  
8 *a child centered program under this subpart or does*  
9 *not have an application approved under section 1134*  
10 *for a fiscal year, a local educational agency in the*  
11 *State may elect to carry out a child centered program*  
12 *under this subpart, and the Secretary shall provide*  
13 *the funds that the local educational agency (with an*  
14 *application approved under section 1134) is eligible*  
15 *to receive under subparts 1 and 2, and subsection (c),*  
16 *directly to the local educational agency to enable the*  
17 *local educational agency to carry out the child cen-*  
18 *tered program.*

19               “(2) *SUBMISSION APPROVAL.*—*In order to be eli-*  
20 *gible to carry out a child centered program under this*  
21 *subpart a participating local educational agency shall*  
22 *obtain from the State approval of the submission, but*  
23 *not the contents, of the application submitted under*  
24 *section 1134.*

25       “(c) *INCENTIVE GRANTS.*—

1           “(1) *IN GENERAL.*—*From amounts appropriated*  
2           *under paragraph (3) for a fiscal year the Secretary*  
3           *shall award grants to each State, or participating*  
4           *local educational agency described in subsection (b),*  
5           *that elects to carry out a child centered program*  
6           *under this subpart and has an application approved*  
7           *under section 1134, to enable the State or partici-*  
8           *pating local educational agency to carry out the child*  
9           *centered program.*

10           “(2) *AMOUNT.*—*Each State or participating*  
11           *local educational agency that elects to carry out a*  
12           *child centered program under this subpart and has an*  
13           *application approved under section 1134 for a fiscal*  
14           *year shall receive a grant in an amount that bears*  
15           *the same relation to the amount appropriated under*  
16           *paragraph (3) for the fiscal year as the amount the*  
17           *State or participating local educational agency re-*  
18           *ceived under subparts 1 and 2 for the fiscal year*  
19           *bears to the amount all States and participating local*  
20           *educational agencies carrying out a child centered*  
21           *program under this subpart received under subparts*  
22           *1 and 2 for the fiscal year.*

23           “(3) *AUTHORIZATION OF APPROPRIATIONS.*—  
24           *There are authorized to be appropriated \$500,000,000*

1       to carry out this subsection for fiscal year 2000 and  
2       each of the 4 succeeding fiscal years.

3       **“SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS.**

4       “(a) *USES.*—Each State or participating local edu-  
5       cational agency with an application approved under sec-  
6       tion 1134 shall use funds made available under subparts  
7       1 and 2, and subsection (c), to carry out a child centered  
8       program under which—

9               “(1) the State or participating local educational  
10       agency establishes a per pupil amount based on the  
11       number of eligible children in the State or the school  
12       district served by the participating local educational  
13       agency; and

14               “(2) the State or participating local educational  
15       agency may vary the per pupil amount to take into  
16       account factors that may include—

17                       “(A) variations in the cost of providing  
18       supplemental education services in different  
19       parts of the State or the school district served by  
20       the participating local educational agency;

21                       “(B) the cost of providing services to pupils  
22       with different educational needs; or

23                       “(C) the desirability of placing priority on  
24       selected grades; and

1           “(3) in the case of a child centered program for  
2           eligible children at a public school, the State or the  
3           participating local educational agency makes avail-  
4           able, not later than 3 months after the beginning of  
5           the school year, the per pupil amount determined  
6           under paragraphs (1) and (2) to the public school in  
7           which an eligible child is enrolled, which per pupil  
8           amount shall be used for supplemental education serv-  
9           ices for the eligible child that are—

10                   “(A) subject to subparagraph (B), provided  
11                   by the school directly or through the provision of  
12                   supplemental education services with any gov-  
13                   ernmental or nongovernmental agency, school,  
14                   postsecondary educational institution, or other  
15                   entity, including a private organization or busi-  
16                   ness; or

17                   “(B) if directed by the parent of an eligible  
18                   child, provided by the school or local educational  
19                   agency through a school-based program or  
20                   through the provision of supplemental education  
21                   services with a tutorial service provider, and in  
22                   the case that a parent directs that the services be  
23                   provided through a tutorial assistance provider,  
24                   the school or local educational agency shall en-  
25                   sure that the provider selected by the parent is



1           *reimbursed (not to exceed the per pupil amount)*  
2           *for their tutorial services following notification*  
3           *to the school or local educational agency by the*  
4           *parent that those services were provided in a sat-*  
5           *isfactory manner.*

6           “(b) *SCHOOLWIDE PROGRAMS.—*

7                 “(1) *IN GENERAL.—In the case of a public school*  
8                 *in which 50 percent of the students enrolled in the*  
9                 *school are eligible children, the public school may use*  
10                *funds provided under this subpart, in combination*  
11                *with other Federal, State, and local funds, to carry*  
12                *out a schoolwide program to upgrade the entire edu-*  
13                *cational program in the school.*

14               “(2) *PLAN.—If the public school elects to use*  
15                *funds provided under this part in accordance with*  
16                *paragraph (1), and does not have a plan approved by*  
17                *the Secretary under section 1114(b)(2), the public*  
18                *school shall develop and adopt a comprehensive plan*  
19                *for reforming the entire educational program of the*  
20                *public school that—*

21                         “(A) *incorporates—*

22                                 “(i) *strategies for improving achieve-*  
23                                 *ment for all children to meet the State’s*  
24                                 *proficient and advanced levels of perform-*  
25                                 *ance described in section 1111(b);*

1           “(ii) instruction by highly qualified  
2           staff;

3           “(iii) professional development for  
4           teachers and aides in content areas in  
5           which the teachers or aides provide instruc-  
6           tion and, where appropriate, professional  
7           development for pupil services personnel,  
8           parents, and principals, and other staff to  
9           enable all children in the school to meet the  
10          State’s student performance standards; and

11          “(iv) activities to ensure that eligible  
12          children who experience difficulty mastering  
13          any of the standards described in section  
14          1111(b) during the course of the school year  
15          shall be provided with effective, timely addi-  
16          tional assistance;

17          “(B) describes the school’s use of funds pro-  
18          vided under this subpart and from other sources  
19          to implement the activities described in subpara-  
20          graph (A);

21          “(C) includes a list of State and local edu-  
22          cational agency programs and other Federal pro-  
23          grams that will be included in the schoolwide  
24          program;

1           “(D) describes how the school will provide  
2           individual student assessment results, including  
3           an interpretation of those results, to the parents  
4           of an eligible child who participates in the as-  
5           sessment; and

6           “(E) describes how and where the school  
7           will obtain technical assistance services and a  
8           description of such services.

9           “(3) SPECIAL RULE.—In the case of a public  
10          school operating a schoolwide program under this  
11          subsection, the Secretary may, through publication of  
12          a notice in the Federal Register, exempt child cen-  
13          tered programs under this section from statutory or  
14          regulatory requirements of any other noncompetitive  
15          formula grant program administered by the Sec-  
16          retary, or any discretionary grant program adminis-  
17          tered by the Secretary (other than formula or discre-  
18          tionary grant programs under the Individuals with  
19          Disabilities Education Act), to support the schoolwide  
20          program, if the intent and purposes of such other  
21          noncompetitive or discretionary programs are met.

22          “(c) PRIVATE SCHOOL CHILDREN.—A State or par-  
23          ticipating local educational agency carrying out a child  
24          centered program under this subpart shall ensure that eligi-  
25          ble children who are enrolled in a private school receive sup-

1 *plemental education services in the same manner as such*  
2 *services are provided under section 1120.*

3 “(d) *OPEN ENROLLMENT.*—

4 “(1) *IN GENERAL.*—*In order to be eligible to*  
5 *carry out a child centered program under this sub-*  
6 *part a State or participating local educational agen-*  
7 *cy shall operate a statewide or school district wide,*  
8 *respectively, open enrollment program that permits*  
9 *parents to enroll their child in any public school in*  
10 *the State or school district, respectively, if space is*  
11 *available in the public school and the child meets the*  
12 *qualifications for attendance at the public school.*

13 “(2) *WAIVER.*—*The Secretary may waive para-*  
14 *graph (1) for a State or participating local edu-*  
15 *catinal agency if the State or agency, respectively,*  
16 *demonstrates that parents served by the State or*  
17 *agency, respectively—*

18 “(A) *have sufficient options to enroll their*  
19 *child in multiple public schools; or*

20 “(B) *will have sufficient options to use the*  
21 *per pupil amount made available under this sub-*  
22 *part to purchase supplemental education services*  
23 *from multiple tutorial assistance providers or*  
24 *schools.*

25 “(e) *PARENT INVOLVEMENT.*—

1           “(1) *IN GENERAL.*—Any public school receiving  
2 funds under this subpart shall convene an annual  
3 meeting at a convenient time. All parents of eligible  
4 children shall be invited and encouraged to attend the  
5 meeting, in order to explain to the parents the activi-  
6 ties assisted under this subpart and the requirements  
7 of this subpart. At the meeting, the public school shall  
8 explain to parents how the school will use funds pro-  
9 vided under this subpart to enable eligible children  
10 enrolled at the school to meet challenging State cur-  
11 riculum, content, and student performance standards.  
12 In addition, the public school shall inform parents of  
13 their right to choose to have supplemental education  
14 services provided under this subpart to an eligible  
15 child through a school-based program or a tutorial as-  
16 sistance provider.

17           “(2) *INFORMATION.*—Any public school receiving  
18 funds under this subpart shall provide to parents a  
19 description and explanation of the curriculum in use  
20 at the school, the forms of assessment used to measure  
21 student progress, and the proficiency levels students  
22 are expected to meet.

23 **“SEC. 1134. APPLICATION.**

24           “(a) *IN GENERAL.*—Each State or participating local  
25 educational agency desiring to carry out a child centered

1 *program under this subpart shall submit an application to*  
2 *the Secretary at such time, in such manner, and accom-*  
3 *panied by such information as the Secretary may require.*

4 *Each such application shall contain—*

5         *“(1) a detailed description of the program to be*  
6         *assisted, including an assurance that—*

7                 *“(A) the per pupil amount established*  
8                 *under section 1133(a) will follow each eligible*  
9                 *child described in that section to the school or tu-*  
10                *torial assistance provider of the parent’s choice;*

11                *“(B) funds made available under this sub-*  
12                *part will be spent in accordance with the re-*  
13                *quirements of this subpart; and*

14                *“(C) parents have the option to select to*  
15                *have their child receive the supplemental edu-*  
16                *cation services from multiple tutorial assistance*  
17                *providers and schools;*

18         *“(2) an assurance that the State or participating*  
19         *local educational agency will publish in a widely*  
20         *read or distributed medium an annual report card*  
21         *that contains—*

22                *“(A) information regarding the academic*  
23                *progress of all students served by the State or*  
24                *participating local educational agency in meet-*  
25                *ing State standards, including students assisted*

1           *under this subpart, with results disaggregated by*  
2           *race, family income, and limited English pro-*  
3           *ficiency, if such disaggregation can be performed*  
4           *in a statistically sound manner; and*

5           *“(B) such other information as the State or*  
6           *participating local educational agency may re-*  
7           *quire;*

8           *“(3) a description of how the State or partici-*  
9           *parting local educational agency will make available,*  
10          *to parents of children participating in the child cen-*  
11          *tered program, annual school report cards, with re-*  
12          *sults disaggregated by race, family income, and lim-*  
13          *ited English proficiency, for schools in the State or in*  
14          *the school district of the participating local edu-*  
15          *cational agency;*

16          *“(4) in the case of an application from a par-*  
17          *ticipating local educational agency, an assurance that*  
18          *the participating local educational agency has noti-*  
19          *fied the State regarding the submission of the appli-*  
20          *cation;*

21          *“(5) a description of specific measurable objec-*  
22          *tives for improving the student performance of stu-*  
23          *dents served under this subpart;*

1           “(6) a description of the process by which the  
2           State or participating local educational agency will  
3           measure progress in meeting the objectives;

4           “(7)(A) in the case of an application from a  
5           State, an assurance that the State meets the require-  
6           ments of subsections (a), (b) and (f) of section 1111  
7           as applied to activities assisted under this subpart;  
8           and

9           “(B) in the case of an application from a par-  
10          ticipating local educational agency, an assurance that  
11          the State’s application under section 1111 met the re-  
12          quirements of subsections (a), (b) and (f) of such sec-  
13          tion; and

14          “(8) an assurance that each local educational  
15          agency serving a school that receives funds under this  
16          subpart will meet the requirements of subsections (a)  
17          and (c) of section 1116 as applied to activities as-  
18          sisted under this subpart.

19       **“SEC. 1135. ADMINISTRATIVE PROVISIONS.**

20          “(a) *PROGRAM DURATION.*—A State or participating  
21          local educational agency shall carry out a child centered  
22          program under this subpart for a period of 5 years.

23          “(b) *ADMINISTRATIVE COSTS.*—A State may reserve 2  
24          percent of the funds made available to the State under this  
25          subpart, and a participating local educational agency may



1 *reserve 5 percent of the funds made available to the partici-*  
 2 *pating local educational agency under this subpart, to pay*  
 3 *the costs of administrative expenses of the child centered*  
 4 *program. The costs may include costs of providing technical*  
 5 *assistance to schools receiving funds under this subpart, in*  
 6 *order to increase the opportunity for all students in the*  
 7 *schools to meet the State’s content standards and student*  
 8 *performance standards. The technical assistance may be*  
 9 *provided directly by the State educational agency, local*  
 10 *educational agency, or, with a local educational agency’s*  
 11 *approval, by an institution of higher education, by a pri-*  
 12 *vate nonprofit organization, by an educational service*  
 13 *agency, by a comprehensive regional assistance center, or*  
 14 *by another entity with experience in helping schools im-*  
 15 *prove student achievement.*

16       “(c) *REPORTS.*—

17               “(1) *ANNUAL REPORTS.*—

18                       “(A) *IN GENERAL.*—*The State educational*  
 19 *agency serving each State, and each partici-*  
 20 *pating local educational agency, carrying out a*  
 21 *child centered program under this subpart shall*  
 22 *submit to the Secretary an annual report, that*  
 23 *is consistent with data provided under section*  
 24 *1134(a)(2)(A), regarding the performance of eli-*

1            *gible children receiving supplemental education*  
2            *services under this subpart.*

3            “(B) *DATA.*—*Not later than 2 years after*  
4            *establishing a child centered program under this*  
5            *subpart and each year thereafter, each State or*  
6            *participating local educational agency shall in-*  
7            *clude in the annual report data on student*  
8            *achievement for eligible children served under*  
9            *this subpart with results disaggregated by race,*  
10           *family income, and limited English proficiency,*  
11           *demonstrating the degree to which measurable*  
12           *progress has been made toward meeting the objec-*  
13           *tives described in section 1134(a)(5).*

14           “(C) *DATA ASSURANCES.*—*Each annual re-*  
15           *port shall include—*

16                    “(i) *an assurance from the managers of*  
17                    *the child centered program that data used*  
18                    *to measure student achievement under sub-*  
19                    *paragraph (B) is reliable, complete, and ac-*  
20                    *curate, as determined by the State or par-*  
21                    *ticipating local educational agency; or*

22                    “(ii) *a description of a plan for im-*  
23                    *proving the reliability, completeness, and*  
24                    *accuracy of such data as determined by the*

1           *State or participating local educational*  
2           *agency.*

3           “(2) *SECRETARY’S REPORT.*—*The Secretary shall*  
4           *make each annual report available to Congress, the*  
5           *public, and the Comptroller General of the United*  
6           *States (for purposes of the evaluation described in sec-*  
7           *tion 1136).*

8           “(d) *TERMINATION.*—*Three years after the date a*  
9           *State or participating local educational agency establishes*  
10          *a child centered program under this subpart the Secretary*  
11          *shall review the performance of the State or participating*  
12          *local educational agency in meeting the objectives described*  
13          *in section 1134(a)(5). The Secretary, after providing notice*  
14          *and an opportunity for a hearing, may terminate the au-*  
15          *thority of the State or participating local educational agen-*  
16          *cy to operate a child centered program under this subpart*  
17          *if the State or participating local educational agency sub-*  
18          *mitted data that indicated the State or participating local*  
19          *educational agency has not made any progress in meeting*  
20          *the objectives.*

21          “(e) *TREATMENT OF AMOUNTS RECEIVED.*—*The per*  
22          *pupil amount provided under this subpart for an eligible*  
23          *child shall not be treated as income of the eligible child or*  
24          *the parent of the eligible child for purposes of Federal tax*

1 *laws, or for determining the eligibility for or amount of*  
2 *any other Federal assistance.*

3 **“SEC. 1136. EVALUATION.**

4 *“(a) ANNUAL EVALUATION.—*

5 *“(1) CONTRACT.—The Comptroller General of the*  
6 *United States shall enter into a contract, with an*  
7 *evaluating entity that has demonstrated experience in*  
8 *conducting evaluations, for the conduct of an ongoing*  
9 *rigorous evaluation of child centered programs under*  
10 *this subpart.*

11 *“(2) ANNUAL EVALUATION REQUIREMENT.—The*  
12 *contract described in paragraph (1) shall require the*  
13 *evaluating entity entering into such contract to annu-*  
14 *ally evaluate each child centered program under this*  
15 *subpart in accordance with the evaluation criteria de-*  
16 *scribed in subsection (b).*

17 *“(3) TRANSMISSION.—The contract described in*  
18 *paragraph (1) shall require the evaluating entity en-*  
19 *tering into such contract to transmit to the Comp-*  
20 *troller General of the United States the findings of*  
21 *each annual evaluation under paragraph (2).*

22 *“(b) EVALUATION CRITERIA.—The Comptroller Gen-*  
23 *eral of the United States, in consultation with the Sec-*  
24 *retary, shall establish minimum criteria for evaluating the*

1 *child centered programs under this subpart. Such criteria*  
2 *shall provide for a description of—*

3           “(1) *the implementation of each child centered*  
4 *program under this subpart;*

5           “(2) *the effects of the programs on the level of pa-*  
6 *rental participation and satisfaction with the pro-*  
7 *grams; and*

8           “(3) *the effects of the programs on the edu-*  
9 *cational achievement of eligible children participating*  
10 *in the programs.*

11 **“SEC. 1137. REPORTS.**

12           “(a) *REPORTS BY COMPTROLLER GENERAL.—*

13           “(1) *INTERIM REPORTS.—Three years after the*  
14 *date of enactment of this subpart the Comptroller*  
15 *General of the United States shall submit an interim*  
16 *report to Congress on the findings of the annual eval-*  
17 *uations under section 1136(a)(2) for each child cen-*  
18 *tered program assisted under this subpart. The report*  
19 *shall contain a copy of the annual evaluation under*  
20 *section 1136(a)(2) of each child centered program*  
21 *under this subpart.*

22           “(2) *FINAL REPORT.—The Comptroller General*  
23 *shall submit a final report to Congress, not later than*  
24 *March 1, 2006, that summarizes the findings of the*  
25 *annual evaluations under section 1136(a)(2).”.*

1 **“SEC. 1138. LIMITATION ON CONDITIONS; PREEMPTION.**2 *“Nothing in this subpart shall be construed—*3 *“(1) to authorize or permit an officer or em-*  
4 *ployee of the Federal Government to mandate, direct,*  
5 *or control a State, local educational agency, or*  
6 *school’s specific instructional content or student per-*  
7 *formance standards and assessments, curriculum, or*  
8 *program of instruction, as a condition of eligibility to*  
9 *receive funds under this subpart; and*10 *“(2) to preempt any provision of a State con-*  
11 *stitution or State statute that pertains to the expendi-*  
12 *ture of State funds in or by religious institutions.”.*13 ***PART B—EVEN START FAMILY LITERACY***  
14 ***PROGRAMS***15 ***SEC. 121. EVEN START FAMILY LITERACY PROGRAMS.***16 *(a) PROGRAM AUTHORIZED.—*17 *(1) RESERVATION FOR MIGRANT PROGRAMS,*  
18 *OUTLYING AREAS, AND INDIAN TRIBES.—Section*  
19 *1202(a) (20 U.S.C. 6362(a)) is amended—*20 *(A) in paragraph (1), by inserting “(or, if*  
21 *such appropriated amount exceeds \$250,000,000,*  
22 *6 percent of such amount)” after “1002(b)”;*23 *(B) in paragraph (2), by striking “If the*  
24 *amount of funds made available under this sub-*  
25 *section exceeds \$4,600,000,” and inserting “After*

1           *the date of the enactment of the Educational Op-*  
2           *portunities Act,”; and*

3                   *(C) by adding at the end the following:*

4           “(3) *COORDINATION OF PROGRAMS FOR AMER-*  
5           *ICAN INDIANS.—The Secretary shall ensure that pro-*  
6           *grams under paragraph (1)(C) are coordinated with*  
7           *family literacy programs operated by the Bureau of*  
8           *Indian Affairs in order to avoid duplication and to*  
9           *encourage the dissemination of information on high-*  
10           *quality family literacy programs serving American*  
11           *Indians.”.*

12           (2) *RESERVATION FOR FEDERAL ACTIVITIES.—*  
13           *Section 1202(b) (20 U.S.C. 6362(b)) is amended to*  
14           *read as follows:*

15           “(b) *RESERVATION FOR FEDERAL ACTIVITIES.—*

16                   “(1) *EVALUATION, TECHNICAL ASSISTANCE, PRO-*  
17           *GRAM IMPROVEMENT, AND REPLICATION ACTIVI-*  
18           *TIES.—From amounts appropriated under section*  
19           *1002(b), the Secretary may reserve not more than 3*  
20           *percent of such amounts or the amount reserved to*  
21           *carry out the activities described in paragraphs (1)*  
22           *and (2) of subsection (a) for the fiscal year 1994,*  
23           *whichever is greater, for purposes of—*

24                           “(A) *carrying out the evaluation required*  
25                   *by section 1209; and*

1           “(B) providing, through grants or contracts  
2           with eligible organizations, technical assistance,  
3           program improvement, and replication activi-  
4           ties.

5           “(2) *RESEARCH*.—In the case of fiscal years  
6           2001 through 2005, if the amounts appropriated  
7           under section 1002(b) for any of such years exceed  
8           such amounts appropriated for the preceding fiscal  
9           year, the Secretary shall reserve from such excess  
10          amount \$2,000,000 or 50 percent, whichever is less, to  
11          carry out section 1211.”.

12          (3) *RESERVATION FOR GRANTS*.—Section 1202(c)  
13          (20 U.S.C. 6362(c)) is amended—

14                 (A) in the subsection heading, by striking  
15                 “FOR GRANTS” and inserting “FOR STATEWIDE  
16                 FAMILY LITERACY INITIATIVES”; and

17                 (B) by striking “From funds reserved under  
18                 section 2260(b)(3), the Secretary shall” and in-  
19                 serting “From funds appropriated under section  
20                 1002(b) for any fiscal year, the Secretary may”.

21          (c) *STATE PLAN*.—Part B of title I (20 U.S.C. 6361  
22          et seq.) is amended by inserting after section 1202 (20  
23          U.S.C. 6362) the following:



1 **“SEC. 1202A. STATE PLAN.**

2       “(a) *CONTENTS.*—*Each State that desires to receive a*  
3 *grant under this part shall submit a plan to the Secretary*  
4 *containing such budgetary and other information as the*  
5 *Secretary may require. Each plan shall—*

6               “(1) *include the State’s indicators of program*  
7 *quality developed under section 1210, or if the State*  
8 *has not completed work on those indicators, describe*  
9 *the State’s progress in developing the indicators;*

10              “(2) *describe how the State is using, or will use,*  
11 *the indicators to monitor, evaluate, and improve*  
12 *projects the State assists under this part, and to de-*  
13 *cide whether to continue to assist those projects;*

14              “(3) *describe how the State will help each pro-*  
15 *gram assisted under this part ensure the full imple-*  
16 *mentation of the program elements described in sec-*  
17 *tion 1205, including how the State will encourage*  
18 *local programs to use technology, such as distance*  
19 *learning, to improve program access and the intensity*  
20 *of services, especially for isolated populations;*

21              “(4) *describe how the State will conduct competi-*  
22 *tion for subgrants, including the application of the*  
23 *criteria described in section 1208; and*

24              “(5) *describe how the State will coordinate re-*  
25 *sources, especially among State agencies, to improve*  
26 *family literacy services in the State.*

1       “(b) *DURATION.*—*Each State plan shall—*

2               “(1) *be submitted for the first year for which this*  
3 *part is in effect after the date of enactment of the*  
4 *Educational Opportunities Act;*

5               “(2) *remain in effect for the duration of the*  
6 *State’s participation under this part; and*

7               “(3) *be periodically reviewed and revised by the*  
8 *State, as necessary.”.*

9       “(d) *USES OF FUNDS.*—*Section 1204 (20 U.S.C. 6364)*  
10 *is amended—*

11               “(1) *in subsection (b)(1)(A)—*

12                       “(A) *in clause (iv), by striking “and” after*  
13 *the semicolon; and*

14                       “(B) *by striking clause (v) and inserting the*  
15 *following:*

16                               “(v) *50 percent in the fifth, sixth, sev-*  
17 *enth, and eighth such years; and*

18                               “(vi) *35 percent in any subsequent*  
19 *such year.”; and*

20               “(2) *by adding at the end the following:*

21       “(c) *USE OF FUNDS FOR FAMILY LITERACY SERV-*  
22 *ICES.—*

23               “(1) *IN GENERAL.*—*A State may use a portion*  
24 *of funds received under this part to assist eligible en-*  
25 *tities receiving a subgrant under section 1203(b) in*

1        *improving the quality of family literacy services pro-*  
2        *vided under Even Start programs under this part, ex-*  
3        *cept that in no case may a State’s use of funds for*  
4        *this purpose for a fiscal year result in a decrease*  
5        *from the level of activities and services provided to*  
6        *program participants in the preceding year.*

7                *“(2) PRIORITY.—In carrying out paragraph (1),*  
8        *a State shall give priority to programs that were of*  
9        *low quality, as evaluated based on the indicators of*  
10        *program quality developed by the State under section*  
11        *1210.*

12                *“(3) TECHNICAL ASSISTANCE AND TRAINING.—*  
13        *Assistance under paragraph (1) shall be in the form*  
14        *of technical assistance and training, provided by a*  
15        *State through a grant, contract, or cooperative agree-*  
16        *ment with an entity that has experience in offering*  
17        *high quality training and technical assistance to fam-*  
18        *ily literacy providers.”.*

19        *(e) PROGRAM ELEMENTS.—Section 1205 (20 U.S.C.*  
20        *6365) is amended—*

21                *(1) by amending paragraph (4) to read as fol-*  
22        *lows:*

23                *“(4) provide high-quality, intensive family lit-*  
24        *eracy services using instructional approaches that the*  
25        *best available research on reading indicates will be*

1 *most effective in building adult literacy and chil-*  
2 *dren’s language development and reading ability;”;*

3 *(2) by amending paragraph (7) to read as fol-*  
4 *lows:*

5 *“(7) use methods that ensure that participating*  
6 *families successfully complete the program,*  
7 *including—*

8 *“(A) operating a year-round program, in-*  
9 *cluding continuing to provide some instructional*  
10 *services for participants during the summer*  
11 *months;*

12 *“(B) providing developmentally appropriate*  
13 *educational services for at least a 3-year age*  
14 *range of children;*

15 *“(C) encouraging participating families to*  
16 *regularly attend and remain in the program for*  
17 *a sufficient time to meet their program goals;*  
18 *and*

19 *“(D) promoting the continuity of family lit-*  
20 *eracy services across critical points in the lives*  
21 *of children and their parents so that those indi-*  
22 *viduals can retain and improve their edu-*  
23 *cational outcomes;”;*

24 *(3) by amending paragraph (10) to read as fol-*  
25 *lows:*

1           “(10) provide for an independent evaluation of  
2           the program to be used for program improvement.”;

3           (4) by redesignating paragraphs (9) and (10) (as  
4           so amended) as paragraphs (10) and (11), respec-  
5           tively; and

6           (5) by inserting after paragraph (8) the fol-  
7           lowing:

8           “(9) use instructional programs based on sci-  
9           entifically based reading research (as defined in sec-  
10          tion 2252) for children and, to the extent such re-  
11          search is available, for adults;”.

12          (f) *ELIGIBLE PARTICIPANTS.*—Section 1206(b) (20  
13          U.S.C. 6366(b)) is amended by adding at the end the fol-  
14          lowing:

15          “(3) *CHILDREN 8 YEARS OF AGE OR OLDER.*—If  
16          an Even Start program assisted under this part col-  
17          laborates with a program under part A, and funds re-  
18          ceived under such part A program contribute to pay-  
19          ing the cost of providing programs under this part to  
20          children 8 years of age or older, the Even Start pro-  
21          gram, notwithstanding subsection (a)(2), may permit  
22          the participation of children 8 years of age or older.”.

23          (g) *APPLICATION.*—

24          (1) *PLAN.*—Section 1207(c)(1)(F) (20 U.S.C.  
25          6367(c)(1)(F)) is amended—

1           (A) by striking “Act, the Goals 2000: Edu-  
2           cate America Act,” and inserting “Act”; and

3           (B) by striking “14306” and inserting  
4           “6506”.

5           (2) CONSOLIDATED APPLICATION.—Section  
6           1207(d) (20 U.S.C. 6367(d)) is amended by striking  
7           “14302” and inserting “6502”.

8           (h) AWARD OF SUBGRANTS.—

9           (1) REVIEW PANEL.—The matter preceding sub-  
10          paragraph (A) of section 1208(a)(3) (20 U.S.C.  
11          6368(a)(3)) is amended—

12           (A) by inserting “and one individual with  
13           expertise in family literacy programs.” after  
14           “education professional,”; and

15           (B) by striking “and one or more of the fol-  
16           lowing individuals:” and inserting “The review  
17           panel may include other individuals such as one  
18           or more of the following:”.

19           (2) CONTINUING ELIGIBILITY; FEDERAL  
20          SHARE.—Section 1208(b) (20 U.S.C. 6368(b)) is  
21          amended—

22           (A) by striking paragraph (3) and inserting  
23           the following:

24           “(3) CONTINUING ELIGIBILITY.—In awarding  
25          subgrant funds to continue a program under this part

1 after the first year, the State educational agency shall  
2 review the progress of each eligible entity in meeting  
3 the goals of the program referred to in section  
4 1207(c)(1)(A) and shall evaluate the program based  
5 on the indicators of program quality developed by the  
6 State under section 1210.”; and

7 (B) in paragraph (5)—

8 (i) in subparagraph (A), by striking  
9 the last sentence; and

10 (ii) by amending subparagraph (B) to  
11 read as follows:

12 “(B) The Federal share of any subgrant renewed  
13 under subparagraph (A) shall be limited in accord-  
14 ance with section 1204(b).”.

15 (i) INDICATORS OF PROGRAM QUALITY.—Section 1210  
16 (20 U.S.C. 6369a) is amended—

17 (1) in the matter preceding paragraph (1), by  
18 striking “Each” and inserting “Not later than Sep-  
19 tember 30, 2000, each”; and

20 (2) by adding at the end the following:

21 “(3) With respect to a program’s implementation  
22 of high-quality, intensive family literacy services, spe-  
23 cific levels of intensity of those services and the dura-  
24 tion of individuals’ participation that are necessary  
25 to result in the outcomes described in paragraphs (1)

1        *and (2), which levels the State periodically shall re-*  
 2        *view and revise as needed to achieve those outcomes.”.*

3        *(j) RESEARCH.—Section 1211 (20 U.S.C. 6369b) is*  
 4        *amended to read as follows:*

5        **“SEC. 1211. RESEARCH.**

6        *“(a) IN GENERAL.—From amounts reserved under sec-*  
 7        *tion 1202(b)(2), the Secretary, in consultation with the Na-*  
 8        *tional Institute for Literacy and other appropriate organi-*  
 9        *zations, may carry out, directly or through grants or con-*  
 10       *tracts, research on family literacy services, including—*

11            *“(1) scientifically based research on the develop-*  
 12            *ment of reading and literacy in young children;*

13            *“(2) the most effective ways of improving the lit-*  
 14            *eracy skills of adults with reading difficulties; and*

15            *“(3) how family literacy services can best pro-*  
 16            *vide parents with the knowledge and skills the parents*  
 17            *need to support their children’s literacy development.*

18        *“(b) DISSEMINATION.—The Secretary shall ensure the*  
 19        *dissemination, through the National Institute for Literacy*  
 20        *and other appropriate means, of the results of the research*  
 21        *conducted under subsection (a).”.*

22        **PART C—EDUCATION OF MIGRATORY CHILDREN**

23        **SEC. 131. PROGRAM PURPOSE.**

24        *Section 1301 (20 U.S.C. 6391) is amended—*



1           (1) by redesignating paragraphs (2) through (5)  
2 as paragraphs (3) through (7), respectively;

3           (2) by inserting after paragraph (1) the fol-  
4 lowing:

5           “(2) ensure that migratory children who move  
6 among the States are not penalized in any manner  
7 by disparities among the States in curriculum, grad-  
8 uation requirements, and State student performance  
9 and content standards;”;

10          (3) in paragraph (5) (as so redesignated), by  
11 striking “and” after the semicolon;

12          (4) in paragraph (6) (as so redesignated), by  
13 striking the period and inserting “; and”; and

14          (5) by adding at the end the following:

15          “(7) ensure that migratory children receive full  
16 and appropriate opportunities to meet the same chal-  
17 lenging State content and student performance stand-  
18 ards that all children are expected to meet.”.

19 **SEC. 132. STATE APPLICATION.**

20          Section 1304 (20 U.S.C. 6394) is amended—

21          (1) in subsection (b)—

22                (A) in paragraph (1), by striking “a com-  
23 prehensive” and all that follows through “1306;”  
24 and inserting “the full range of services that are  
25 available for migratory children from appro-

1           *priate local, State, and Federal educational pro-*  
2           *grams;”;*

3                   *(B) by redesignating paragraphs (2)*  
4           *through (6) as paragraphs (3) through (7), re-*  
5           *spectively; and*

6                   *(C) by inserting after paragraph (1) the fol-*  
7           *lowing:*

8                   *“(2) a description of joint planning efforts that*  
9           *will be made with respect to programs assisted under*  
10          *this Act, local, State, and Federal programs, and bi-*  
11          *lingual education programs under part A of title*  
12          *VII;”;* and

13                   *(2) in subsection (c), by amending paragraph*  
14          *(3) to read as follows:*

15                   *“(3) in the planning and operation of programs*  
16          *and projects at both the State and local agency oper-*  
17          *ating level there is consultation with parent advisory*  
18          *councils for programs of one school year in duration,*  
19          *and that all such programs and projects are carried*  
20          *out—*

21                   *“(A) in a manner consistent with section*  
22          *1118 unless extraordinary circumstances make*  
23          *implementation with such section impractical;*  
24          *and*

1                   “(B) in a format and language understand-  
2                   able to the parents;”.

3 **SEC. 133. COMPREHENSIVE PLAN.**

4       Section 1306(a)(1) (20 U.S.C. 6396(a)(1)) is  
5 amended—

6                   (1) in subparagraph (A)—

7                   (A) by striking “the Goals 2000: Educate  
8                   America Act,”; and

9                   (B) by striking “14306” and inserting  
10                  “6506”; and

11                  (2) in subparagraph (B), by striking “14302;”  
12                  and inserting “6502, if—

13                         “(i) the special needs of migratory  
14                         children are specifically addressed in the  
15                         comprehensive State plan;

16                         “(ii) the comprehensive State plan is  
17                         developed in collaboration with parents of  
18                         migratory children; and

19                         “(iii) the comprehensive State plan-  
20                         ning is not used to supplant State efforts  
21                         regarding, or administrative funding for,  
22                         this part;”.

23 **SEC. 134. COORDINATION.**

24       Section 1308 (20 U.S.C. 6398) is amended—

1           (1) *by amending subsection (b) to read as fol-*  
2       *lows:*

3       “(b) *ACCESS TO INFORMATION ON MIGRANT STU-*  
4       *DENTS.—*

5           “(1) *NATIONAL SYSTEM.—(A) The Secretary*  
6       *shall establish a national system for electronically ex-*  
7       *changing, among the States, health and educational*  
8       *information regarding all students served under this*  
9       *part. Such information shall include—*

10           “(i) *immunization records and other health*  
11       *information;*

12           “(ii) *elementary and secondary academic*  
13       *history (including partial credit), credit accrual,*  
14       *and results from State assessments required*  
15       *under this title;*

16           “(iii) *other academic information essential*  
17       *to ensuring that migrant children achieve to*  
18       *high standards; and*

19           “(iv) *eligibility for services under the Indi-*  
20       *viduals with Disabilities Education Act.*

21           “(B) *The Secretary shall publish, not later than*  
22       *120 days after the date of enactment of the Edu-*  
23       *cational Opportunities Act, a notice in the Federal*  
24       *Register seeking public comment on the proposed data*  
25       *elements that each State receiving funds under this*

1 *part shall be required to collect for purposes of elec-*  
2 *tronic transfer of migrant student information, the*  
3 *requirements for immediate electronic access to such*  
4 *information, and the educational agencies eligible to*  
5 *access such information.*

6 *“(C) Such system of electronic access to migrant*  
7 *student information shall be operational not later*  
8 *than 1 year after the date of enactment of the Edu-*  
9 *cational Opportunities Act.*

10 *“(D) For the purpose of carrying out this sub-*  
11 *section in any fiscal year, the Secretary shall reserve*  
12 *not more than \$10,000,000 of the amount appro-*  
13 *priated to carry out this part for such year.*

14 *“(2) REPORT TO CONGRESS.—(A) Not later than*  
15 *April 30, 2002, the Secretary shall report to the Com-*  
16 *mittee on Health, Education, Labor, and Pensions of*  
17 *the Senate and the Committee on Education and the*  
18 *Workforce of the House of Representatives the Sec-*  
19 *retary’s findings and recommendations regarding*  
20 *services under this part, and shall include in this re-*  
21 *port, recommendations for the interim measures that*  
22 *may be taken to ensure continuity of services under*  
23 *this part.*

24 *“(B) The Secretary shall assist States in devel-*  
25 *oping effective methods for the transfer of student*

1       *records and in determining the number of students or*  
 2       *full-time equivalent students in each State if such in-*  
 3       *terim measures are required.”.*

4               (2) *in subsection (c), by striking “\$6,000,000”*  
 5       *and inserting “\$10,000,000”;*

6               (3) *in subsection (d)(1), by striking*  
 7       *“\$1,500,000” and inserting “\$3,000,000”; and*

8               (4) *by adding at the end the following:*

9       “(e) *DATA COLLECTION.—The Secretary shall direct*  
 10 *the National Center for Education Statistics to collect data*  
 11 *on migratory children.”.*

12                       **PART D—PARENTAL ASSISTANCE**

13 **SEC. 141. PARENTAL ASSISTANCE.**

14       *Part D of title I (20 U.S.C. 6421 et seq.) is amended*  
 15 *to read as follows:*

16                       **“PART D—PARENTAL ASSISTANCE**

17 **“SEC. 1401. PARENTAL INFORMATION AND RESOURCE CEN-**  
 18 **TERS.**

19       “(a) *PURPOSE.—The purpose of this part is—*

20               “(1) *to provide leadership, technical assistance,*  
 21 *and financial support to nonprofit organizations and*  
 22 *local educational agencies to help the organizations*  
 23 *and agencies implement successful and effective pa-*  
 24 *rental involvement policies, programs, and activities*  
 25 *that lead to improvements in student performance;*

1           “(2) to strengthen partnerships among parents  
2           (including parents of preschool age children), teach-  
3           ers, principals, administrators, and other school per-  
4           sonnel in meeting the educational needs of children;

5           “(3) to develop and strengthen the relationship  
6           between parents and the school;

7           “(4) to further the developmental progress pri-  
8           marily of children assisted under this part; and

9           “(5) to coordinate activities funded under this  
10          part with parental involvement initiatives funded  
11          under section 1118 and other provisions of this Act.

12         “(b) GRANTS AUTHORIZED.—

13                 “(1) IN GENERAL.—The Secretary is authorized  
14                 to award grants in each fiscal year to nonprofit orga-  
15                 nizations, and nonprofit organizations in consortia  
16                 with local educational agencies, to establish school-  
17                 linked or school-based parental information and re-  
18                 source centers that provide training, information, and  
19                 support to—

20                         “(A) parents of children enrolled in elemen-  
21                         tary schools and secondary schools;

22                         “(B) individuals who work with the parents  
23                         described in subparagraph (A); and

24                         “(C) State educational agencies, local edu-  
25                         cational agencies, schools, organizations that

1           *support family-school partnerships (such as par-*  
2           *ent-teacher associations), and other organizations*  
3           *that carry out parent education and family in-*  
4           *volvement programs.*

5           “(2) *AWARD RULE.—In awarding grants under*  
6           *this part, the Secretary shall ensure that such grants*  
7           *are distributed in all geographic regions of the United*  
8           *States.*

9   **“SEC. 1402. APPLICATIONS.**

10          “(a) *GRANTS APPLICATIONS.—*

11               “(1) *IN GENERAL.—Each nonprofit organization*  
12               *or nonprofit organization in consortium with a local*  
13               *educational agency that desires a grant under this*  
14               *part shall submit an application to the Secretary at*  
15               *such time and in such manner as the Secretary shall*  
16               *require.*

17               “(2) *CONTENTS.—Each application submitted*  
18               *under paragraph (1), at a minimum, shall include*  
19               *assurances that the organization or consortium will—*

20                       “(A)(i) *be governed by a board of directors*  
21                       *the membership of which includes parents; or*

22                       “(ii) *be an organization or consortium that*  
23                       *represents the interests of parents;*

24                       “(B) *establish a special advisory committee*  
25                       *the membership of which includes—*



1           “(i) parents described in section  
2           1401(b)(1)(A);

3           “(ii) representatives of education pro-  
4           fessionals with expertise in improving serv-  
5           ices for disadvantaged children; and

6           “(iii) representatives of local elemen-  
7           tary schools and secondary schools who may  
8           include students and representatives from  
9           local youth organizations;

10          “(C) use at least  $\frac{1}{2}$  of the funds provided  
11          under this part in each fiscal year to serve areas  
12          with high concentrations of low-income families  
13          in order to serve parents who are severely educa-  
14          tionally or economically disadvantaged;

15          “(D) operate a center of sufficient size,  
16          scope, and quality to ensure that the center is  
17          adequate to serve the parents in the area;

18          “(E) serve both urban and rural areas;

19          “(F) design a center that meets the unique  
20          training, information, and support needs of par-  
21          ents described in section 1401(b)(1)(A), particu-  
22          larly such parents who are educationally or eco-  
23          nomically disadvantaged;

24          “(G) demonstrate the capacity and expertise  
25          to conduct the effective training, information

1           *and support activities for which assistance is*  
2           *sought;*

3           “(H) *network with—*

4                 “(i) *local educational agencies and*  
5                 *schools;*

6                 “(ii) *parents of children enrolled in el-*  
7                 *ementary schools and secondary schools;*

8                 “(iii) *parent training and information*  
9                 *centers assisted under section 682 of the In-*  
10                 *dividuals with Disabilities Education Act;*

11                 “(iv) *clearinghouses; and*

12                 “(v) *other organizations and agencies;*

13           “(I) *focus on serving parents described in*  
14           *section 1401(b)(1)(A) who are parents of low-in-*  
15           *come, minority, and limited English proficient,*  
16           *children;*

17           “(J) *use part of the funds received under*  
18           *this part to establish, expand, or operate Parents*  
19           *as Teachers programs or Home Instruction for*  
20           *Preschool Youngsters programs;*

21           “(K) *provide assistance to parents in such*  
22           *areas as understanding State and local stand-*  
23           *ards and measures of student and school per-*  
24           *formance; and*

1                   “(L) *work with State and local educational*  
2                   *agencies to determine parental needs and deliv-*  
3                   *ery of services.*

4                   “(b) *GRANT RENEWAL.—For each fiscal year after the*  
5                   *first fiscal year an organization or consortium receives as-*  
6                   *sistance under this part, the organization or consortium*  
7                   *shall demonstrate in the application submitted for such fis-*  
8                   *cal year after the first fiscal year that a portion of the serv-*  
9                   *ices provided by the organization or consortium is sup-*  
10                  *ported through non-Federal contributions, which contribu-*  
11                  *tions may be in cash or in kind.*

12                  **“SEC. 1403. USES OF FUNDS.**

13                  “(a) *IN GENERAL.—Grant funds received under this*  
14                  *part shall be used—*

15                         “(1) *to assist parents in participating effectively*  
16                         *in their children’s education and to help their chil-*  
17                         *dren meet State and local standards, such as assisting*  
18                         *parents—*

19                                 “(A) *to engage in activities that will im-*  
20                                 *prove student performance, including under-*  
21                                 *standing the accountability systems in place*  
22                                 *within their State educational agency and local*  
23                                 *educational agency and understanding their*  
24                                 *children’s educational performance in compari-*  
25                                 *son to State and local standards;*

1           “(B) to provide followup support for their  
2 children’s educational achievement;

3           “(C) to communicate effectively with teach-  
4 ers, principals, counselors, administrators, and  
5 other school personnel;

6           “(D) to become active participants in the  
7 development, implementation, and review of  
8 school-parent compacts, parent involvement poli-  
9 cies, and school planning and improvement;

10           “(E) to participate in the design and provi-  
11 sion of assistance to students who are not mak-  
12 ing adequate educational progress;

13           “(F) to participate in State and local deci-  
14 sionmaking; and

15           “(G) to train other parents;

16           “(2) to obtain information about the range of op-  
17 tions, programs, services, and resources available at  
18 the national, State, and local levels to assist parents  
19 and school personnel who work with parents;

20           “(3) to help the parents learn and use the tech-  
21 nology applied in their children’s education;

22           “(4) to plan, implement, and fund activities for  
23 parents that coordinate the education of their children  
24 with other Federal programs that serve their children  
25 or their families; and

1           “(5) to provide support for State or local edu-  
2           cational personnel if the participation of such per-  
3           sonnel will further the activities assisted under the  
4           grant.

5           “(b) *PERMISSIVE ACTIVITIES.*—Grant funds received  
6           under this part may be used to assist schools with activities  
7           such as—

8           “(1) developing and implementing their plans or  
9           activities under sections 1118 and 1119; and

10           “(2) developing and implementing school im-  
11           provement plans, including addressing problems that  
12           develop in the implementation of sections 1118 and  
13           1119.

14           “(3) providing information about assessment  
15           and individual results to parents in a manner and  
16           a language the family can understand;

17           “(4) coordinating the efforts of Federal, State,  
18           and local parent education and family involvement  
19           initiatives; and

20           “(5) providing training, information, and sup-  
21           port to—

22           “(A) State educational agencies;

23           “(B) local educational agencies and schools,  
24           especially those local educational agencies and  
25           schools that are low performing; and

1                   “(C) organizations that support family-  
2                   school partnerships.

3           “(c) *GRANDFATHER CLAUSE.*—The Secretary shall use  
4 funds made available under this part to continue to make  
5 grant or contract payments to each entity that was awarded  
6 a multiyear grant or contract under title IV of the Goals  
7 2000: Educate America Act (as such title was in effect on  
8 the day before the date of enactment of the Educational Op-  
9 portunities Act) for the duration of the grant or contract  
10 award.

11 **“SEC. 1404. TECHNICAL ASSISTANCE.**

12           “The Secretary shall provide technical assistance, by  
13 grant or contract, for the establishment, development, and  
14 coordination of parent training, information, and support  
15 programs and parental information and resource centers.

16 **“SEC. 1405. REPORTS.**

17           “(a) *INFORMATION.*—Each organization or consortium  
18 receiving assistance under this part shall submit to the Sec-  
19 retary, on an annual basis, information concerning the pa-  
20 rental information and resource centers assisted under this  
21 part, including—

22                   “(1) the number of parents (including the num-  
23 ber of minority and limited English proficient par-  
24 ents) who receive information and training;

1           “(2) *the types and modes of training, informa-*  
2           *tion, and support provided under this part;*

3           “(3) *the strategies used to reach and serve par-*  
4           *ents of minority and limited English proficient chil-*  
5           *dren, parents with limited literacy skills, and other*  
6           *parents in need of the services provided under this*  
7           *part;*

8           “(4) *the parental involvement policies and prac-*  
9           *tices used by the center and an evaluation of whether*  
10           *such policies and practices are effective in improving*  
11           *home-school communication, student achievement, stu-*  
12           *dent and school performance, and parental involve-*  
13           *ment in school planning, review, and improvement;*  
14           *and*

15           “(5) *the effectiveness of the activities that local*  
16           *educational agencies and schools are carrying out*  
17           *with regard to parental involvement and other activi-*  
18           *ties assisted under this Act that lead to improved stu-*  
19           *dent achievement and improved student and school*  
20           *performance.*

21           “(b) *DISSEMINATION.—The Secretary annually shall*  
22           *disseminate, widely to the public and to Congress, the infor-*  
23           *mation that each organization or consortium submits under*  
24           *subsection (a) to the Secretary.*

1 **“SEC. 1406. GENERAL PROVISIONS.**2 *“Notwithstanding any other provision of this part—*3 *“(1) no person, including a parent who educates*  
4 *a child at home, a public school parent, or a private*  
5 *school parent, shall be required to participate in any*  
6 *program of parent education or developmental screen-*  
7 *ing pursuant to the provisions of this part; and*8 *“(2) no program or center assisted under this*  
9 *part shall take any action that infringes in any man-*  
10 *ner on the right of a parent to direct the education*  
11 *of their children.”.*12 **PART E—GENERAL PROVISIONS; COMPREHEN-**  
13 **SIVE SCHOOL REFORM; ASSISTANCE TO AD-**  
14 **DRESS SCHOOL DROPOUT PROBLEMS**15 **SEC. 151. GENERAL PROVISIONS; COMPREHENSIVE SCHOOL**  
16 **REFORM; ASSISTANCE TO ADDRESS SCHOOL**  
17 **DROPOUT PROBLEMS.**18 *Part A of title I (20 U.S.C. 6311) is amended—*

- 19
- (1) by redesignating part F as part H;*
- 
- 20
- (2) by redesignating sections 1601 through 1604*
- 
- 21
- as sections 1901 through 1904, respectively; and*
- 
- 22
- (3) by inserting after part E the following:*

23 **“PART F—COMPREHENSIVE SCHOOL REFORM**24 **“SEC. 1601. PURPOSE.**25 *“The purpose of this part is to provide financial incen-*  
26 *tives for schools to develop comprehensive school reforms*



1 *based upon promising and effective practices and research-*  
2 *based programs that emphasize basic academics and paren-*  
3 *tal involvement so that all children can meet challenging*  
4 *State content and student performance standards.*

5 **“SEC. 1602. PROGRAM AUTHORIZATION.**

6 “(a) *PROGRAM AUTHORIZED.*—

7 “(1) *IN GENERAL.*—*The Secretary is authorized*  
8 *to award grants to State educational agencies, from*  
9 *allotments under paragraph (2), to enable the State*  
10 *educational agencies to award subgrants to local edu-*  
11 *cational agencies to carry out the purpose described*  
12 *in section 1601.*

13 “(2) *ALLOTMENTS.*—

14 “(A) *RESERVATIONS.*—*Of the amount ap-*  
15 *propriated under section 1002(h) for a fiscal*  
16 *year, the Secretary may reserve—*

17 “(i) *not more than 1 percent to provide*  
18 *assistance to schools supported by the Bu-*  
19 *reau of Indian Affairs and in the United*  
20 *States Virgin Islands, Guam, American*  
21 *Samoa, and the Commonwealth of the*  
22 *Northern Mariana Islands according to*  
23 *their respective needs for assistance under*  
24 *this part; and*

1           “(ii) not more than 1 percent to con-  
2           duct national evaluation activities described  
3           in section 1607.

4           “(B) *IN GENERAL.*—Of the amount appro-  
5           priated under section 1002(h) that remains after  
6           making the reservation under subparagraph (A)  
7           for a fiscal year, the Secretary shall allot to each  
8           State for the fiscal year an amount that bears  
9           the same ratio to the remainder for that fiscal  
10          year as the amount made available under section  
11          1124 to the State for the preceding fiscal year  
12          bears to the total amount made available under  
13          section 1124 to all States for that year.

14          “(C) *REALLOTMENT.*—If a State does not  
15          apply for funds under this section, the Secretary  
16          shall reallocate such funds to other States that do  
17          not apply in proportion to the amount allotted  
18          to such other States under subparagraph (B).

19       **“SEC. 1603. STATE APPLICATIONS.**

20          “(a) *IN GENERAL.*—Each State educational agency  
21          that desires to receive a grant under this section shall sub-  
22          mit an application to the Secretary at such time, in such  
23          manner, and containing such information as the Secretary  
24          may reasonably require.

1       “(b) *CONTENTS.—Each such application shall*  
2 *describe—*

3               “(1) *the process and selection criteria by which*  
4 *the State educational agency, using expert review,*  
5 *will select local educational agencies to receive sub-*  
6 *grants under this section;*

7               “(2) *how the State educational agency will en-*  
8 *sure that only comprehensive school reforms that are*  
9 *based on promising and effective practices and re-*  
10 *search-based programs receive funds under this part;*

11              “(3) *how the State educational agency will dis-*  
12 *seminate information on comprehensive school re-*  
13 *forms that are based on promising and effective prac-*  
14 *tices and research-based programs;*

15              “(4) *how the State educational agency will*  
16 *evaluate the implementation of such reforms and*  
17 *measure the extent to which the reforms have resulted*  
18 *in increased student academic performance; and*

19              “(5) *how the State educational agency will make*  
20 *available technical assistance to a local educational*  
21 *agency or consortia of local educational agencies in*  
22 *evaluating, developing, and implementing comprehen-*  
23 *sive school reform.*

1 **“SEC. 1604. STATE USE OF FUNDS.**

2       “(a) *IN GENERAL.*—*Except as provided in subsection*  
3 *(e), a State educational agency that receives a grant under*  
4 *this part shall use the grant funds to award subgrants, on*  
5 *a competitive basis, to local educational agencies or con-*  
6 *sortia of local educational agencies in the State that receive*  
7 *funds under part A.*

8       “(b) *SUBGRANT REQUIREMENTS.*—*A subgrant to a*  
9 *local educational agency or consortium shall be—*

10           “(1) *of sufficient size and scope to support the*  
11 *initial costs for the particular comprehensive school*  
12 *reform plan selected or designed by each school identi-*  
13 *fied in the application of the local educational agency*  
14 *or consortium;*

15           “(2) *in an amount not less than \$50,000 for each*  
16 *participating school; and*

17           “(3) *renewable for 2 additional 1-year periods*  
18 *after the initial 1-year grant is made if the school is*  
19 *making substantial progress in the implementation of*  
20 *reforms.*

21       “(c) *PRIORITY.*—*A State educational agency, in*  
22 *awarding subgrants under this part, shall give priority to*  
23 *local educational agencies or consortia that—*

24           “(1) *plan to use the funds in schools identified*  
25 *as being in need of improvement or corrective action*  
26 *under section 1116(c); and*

1           “(2) *demonstrate a commitment to assist schools*  
2           *with budget allocation, professional development, and*  
3           *other strategies necessary to ensure the comprehensive*  
4           *school reforms are properly implemented and are sus-*  
5           *tained in the future.*

6           “(d) *GRANT CONSIDERATION.—In awarding subgrants*  
7           *under this part, the State educational agency shall take into*  
8           *consideration the equitable distribution of subgrants to dif-*  
9           *ferent geographic regions within the State, including urban*  
10           *and rural areas, and to schools serving elementary school*  
11           *and secondary students.*

12           “(e) *ADMINISTRATIVE COSTS.—A State educational*  
13           *agency that receives a grant under this part may reserve*  
14           *not more than 5 percent of the grant funds for administra-*  
15           *tive, evaluation, and technical assistance expenses.*

16           “(f) *SUPPLEMENT.—Funds made available under this*  
17           *part shall be used to supplement, and not supplant, any*  
18           *other Federal, State, or local funds that would otherwise*  
19           *be available to carry out the activities assisted under this*  
20           *part.*

21           “(g) *REPORTING.—Each State educational agency*  
22           *that receives a grant under this part shall provide to the*  
23           *Secretary such information as the Secretary may require,*  
24           *including the names of local educational agencies and*  
25           *schools receiving assistance under this part, the amount of*

1 *the assistance, and a description of the comprehensive school*  
2 *reform model selected and used.*

3 **“SEC. 1605. LOCAL APPLICATIONS.**

4       “(a) *IN GENERAL.*—*Each local educational agency or*  
5 *consortium of local educational agencies desiring a*  
6 *subgrant under this section shall submit an application to*  
7 *the State educational agency at such time, in such manner,*  
8 *and containing such information as the State educational*  
9 *agency may reasonably require.*

10       “(b) *CONTENTS.*—*Each such application shall—*

11               “(1) *identify the schools, that are eligible for as-*  
12 *sistance under part A, that plan to implement a com-*  
13 *prehensive school reform program, including the pro-*  
14 *jected costs of such a program;*

15               “(2) *describe the promising and effective prac-*  
16 *tices and research-based programs that such schools*  
17 *will implement;*

18               “(3) *describe how the local educational agency or*  
19 *consortium will provide technical assistance and sup-*  
20 *port for the effective implementation of the promising*  
21 *and effective practices and research-based school re-*  
22 *forms selected by such schools; and*

23               “(4) *describe how the local educational agency or*  
24 *consortium will evaluate the implementation of such*

1        *reforms and measure the results achieved in improv-*  
2        *ing student academic performance.*

3        **“SEC. 1606. LOCAL USE OF FUNDS.**

4        *“(a) USES OF FUNDS.—A local educational agency or*  
5        *consortium that receives a subgrant under this section shall*  
6        *provide the subgrant funds to schools, that are eligible for*  
7        *assistance under part A and served by the agency, to enable*  
8        *the schools to implement a comprehensive school reform pro-*  
9        *gram for—*

10            *“(1) employing innovative strategies for student*  
11            *learning, teaching, and school management that are*  
12            *based on promising and effective practices and re-*  
13            *search-based programs and have been replicated suc-*  
14            *cessfully in schools with diverse characteristics;*

15            *“(2) integrating a comprehensive design for effec-*  
16            *tive school functioning, including instruction, assess-*  
17            *ment, classroom management, professional develop-*  
18            *ment, parental involvement, and school management,*  
19            *that aligns the school’s curriculum, technology, and*  
20            *professional development into a comprehensive reform*  
21            *plan for schoolwide change designed to enable all stu-*  
22            *dents to meet challenging State content and student*  
23            *performance standards and addresses needs identified*  
24            *through a school needs assessment;*

1           “(3) *providing high quality and continuous*  
2 *teacher and staff professional development;*

3           “(4) *the inclusion of measurable goals for student*  
4 *performance;*

5           “(5) *support for teachers, principals, adminis-*  
6 *trators, and other school personnel staff;*

7           “(6) *meaningful community and parental in-*  
8 *volvement initiatives that will strengthen school im-*  
9 *provement activities;*

10           “(7) *using high quality external technical sup-*  
11 *port and assistance from an entity that has experi-*  
12 *ence and expertise in schoolwide reform and improve-*  
13 *ment, which may include an institution of higher*  
14 *education;*

15           “(8) *evaluating school reform implementation*  
16 *and student performance; and*

17           “(9) *identification of other resources, including*  
18 *Federal, State, local, and private resources, that shall*  
19 *be used to coordinate services that will support and*  
20 *sustain the school reform effort.*

21           “(b) *SPECIAL RULE.—A school that receives funds to*  
22 *develop a comprehensive school reform program shall not*  
23 *be limited to using the approaches identified or developed*  
24 *by the Secretary, but may develop the school’s own com-*



1 *prehensive school reform programs for schoolwide change as*  
2 *described in subsection (a).*

3 **“SEC. 1607. NATIONAL EVALUATION AND REPORTS.**

4       “(a) *IN GENERAL.*—*The Secretary shall develop a plan*  
5 *for a national evaluation of the programs assisted under*  
6 *this part.*

7       “(b) *EVALUATION.*—*The national evaluation shall—*

8               “(1) *evaluate the implementation and results*  
9 *achieved by schools after 3 years of implementing*  
10 *comprehensive school reforms; and*

11               “(2) *assess the effectiveness of comprehensive*  
12 *school reforms in schools with diverse characteristics.*

13       “(c) *REPORTS.*—*Prior to the completion of the na-*  
14 *tional evaluation, the Secretary shall submit an interim re-*  
15 *port describing implementation activities for the Com-*  
16 *prehensive School Reform Program, which began in 1998,*  
17 *to the Committee on Education and the Workforce, and the*  
18 *Committee on Appropriations of the House of Representa-*  
19 *tives, and the Committee on Health, Education, Labor, and*  
20 *Pensions, and the Committee on Appropriations of the Sen-*  
21 *ate.*

1       **“PART G—ASSISTANCE TO ADDRESS SCHOOL**  
2                                   **DROPOUT PROBLEMS**

3       **“SEC. 1701. PURPOSE.**

4           *“The purpose of this part is to provide for school drop-*  
5 *out prevention and reentry and to raise academic achieve-*  
6 *ment levels by providing grants, to schools through State*  
7 *educational agencies, that—*

8                   *“(1) challenge all children to attain their highest*  
9                   *academic potential; and*

10                   *“(2) ensure that all students have substantial*  
11 *and ongoing opportunities to do so through*  
12 *schoolwide programs proven effective in school drop-*  
13 *out prevention.*

14       **“Subpart 1—Coordinated National Strategy**

15       **“SEC. 1711. NATIONAL ACTIVITIES.**

16           *“(a) IN GENERAL.—The Secretary is authorized—*

17                   *“(1) to collect systematic data on the participa-*  
18 *tion in the programs described in paragraph (2)(C)*  
19 *of individuals disaggregated within each State, local*  
20 *educational agency, and school by gender, by each*  
21 *major racial and ethnic group, by English proficiency*  
22 *status, by migrant status, by students with disabili-*  
23 *ties as compared to nondisabled students, and by eco-*  
24 *nomically disadvantaged students as compared to stu-*  
25 *dents who are not economically disadvantaged;*

1           “(2) to establish and to consult with an inter-  
2           agency working group which shall—

3                   “(A) address inter- and intra-agency pro-  
4                   gram coordination issues at the Federal level  
5                   with respect to school dropout prevention and  
6                   middle school and secondary school reentry, as-  
7                   sess the targeting of existing Federal services to  
8                   students who are most at risk of dropping out of  
9                   school, and the cost-effectiveness of various pro-  
10                  grams and approaches used to address school  
11                  dropout prevention;

12                  “(B) describe the ways in which State and  
13                  local agencies can implement effective school  
14                  dropout prevention programs using funds from a  
15                  variety of Federal programs, including the pro-  
16                  grams under this title and the School-to-Work  
17                  Opportunities Act of 1994; and

18                  “(C) address all Federal programs with  
19                  school dropout prevention or school reentry ele-  
20                  ments or objectives, programs under title I of  
21                  this Act, the School-to-Work Opportunities Act of  
22                  1994, part B of title IV of the Job Training  
23                  Partnership Act, subtitle C of title I of the Work-  
24                  force Investment Act of 1998, and other pro-  
25                  grams; and

1           “(3) carry out a national recognition program  
2           in accordance with subsection (b) that recognizes  
3           schools that have made extraordinary progress in low-  
4           ering school dropout rates under which a public mid-  
5           dle school or secondary school from each State will be  
6           recognized.

7           “(b) *RECOGNITION PROGRAM.*—

8           “(1) *NATIONAL GUIDELINES.*—The Secretary  
9           shall develop uniform national guidelines for the rec-  
10          ognition program which shall be used to recognize  
11          schools from nominations submitted by State edu-  
12          cational agencies.

13          “(2) *ELIGIBLE SCHOOLS.*—The Secretary may  
14          recognize under the recognition program any public  
15          middle school or secondary school (including a charter  
16          school) that has implemented comprehensive reforms  
17          regarding the lowering of school dropout rates for all  
18          students at that school.

19          “(3) *SUPPORT.*—The Secretary may make mone-  
20          tary awards to schools recognized under the recogni-  
21          tion program in amounts determined by the Sec-  
22          retary. Amounts received under this section shall be  
23          used for dissemination activities within the school  
24          district or nationally.

1     **“Subpart 2—National School Dropout Prevention**  
2                                     **Initiative**

3     **“SEC. 1721. PROGRAM AUTHORIZED.**

4             “(a) *ALLOTMENTS TO STATES.*—

5                     “(1) *IN GENERAL.*—From the sum made avail-  
6             able under section 1732(b) for a fiscal year the Sec-  
7             retary shall make an allotment to each State in an  
8             amount that bears the same relation to the sum as the  
9             amount the State received under this title for the pre-  
10            ceding fiscal year bears to the amount received by all  
11            States under this title for the preceding fiscal year.

12                    “(2) *DEFINITION OF STATE.*—In this subpart,  
13            the term ‘State’ means each of the several States of the  
14            United States, the District of Columbia, the Common-  
15            wealth of Puerto Rico, the United States Virgin Is-  
16            lands, Guam, American Samoa, the Commonwealth of  
17            the Northern Mariana Islands, the Republic of the  
18            Marshall Islands, the Federated States of Micronesia,  
19            and the Republic of Palau.

20                    “(b) *GRANTS.*—From amounts made available to a  
21            State under subsection (a), the State educational agency  
22            may award grants to public middle schools or secondary  
23            schools, that have school dropout rates which are in the  
24            highest  $\frac{1}{3}$  of all school dropout rates in the State, to enable  
25            the schools to pay only the startup and implementation  
26            costs of effective, sustainable, coordinated, and whole school

1 *dropout prevention programs that involve activities such*  
2 *as—*

3           “(1) *professional development;*

4           “(2) *obtaining curricular materials;*

5           “(3) *release time for professional staff;*

6           “(4) *planning and research;*

7           “(5) *remedial education;*

8           “(6) *reduction in pupil-to-teacher ratios;*

9           “(7) *efforts to meet State student achievement*  
10 *standards;*

11           “(8) *counseling and mentoring for at-risk stu-*  
12 *dents; and*

13           “(9) *comprehensive school reform models.*

14           “(c) *AMOUNT.—*

15           “(1) *IN GENERAL.—Subject to subsection (d) and*  
16 *except as provided in paragraph (2), a grant under*  
17 *this subpart shall be awarded—*

18           “(A) *in the first year that a school receives*  
19 *a grant payment under this subpart, in an*  
20 *amount that is not less than \$50,000 and not*  
21 *more than \$100,000, based on factors such as—*

22           “(i) *school size;*

23           “(ii) *costs of the model or set of preven-*  
24 *tion and reentry strategies being imple-*  
25 *mented; and*

1                   “(iii) local cost factors such as poverty  
2                   rates;

3                   “(B) in the second such year, in an amount  
4                   that is not less than 75 percent of the amount the  
5                   school received under this subpart in the first  
6                   such year;

7                   “(C) in the third year, in an amount that  
8                   is not less than 50 percent of the amount the  
9                   school received under this subpart in the first  
10                  such year; and

11                  “(D) in each succeeding year in an amount  
12                  that is not less than 30 percent of the amount the  
13                  school received under this subpart in the first  
14                  such year.

15                  “(2) INCREASES.—The Secretary shall increase  
16                  the amount awarded to a school under this subpart  
17                  by 10 percent if the school creates smaller learning  
18                  communities within the school and the creation is cer-  
19                  tified by the State educational agency.

20                  “(d) DURATION.—A grant under this subpart shall be  
21                  awarded for a period of 3 years, and may be continued  
22                  for a period of 2 additional years if the State educational  
23                  agency determines, based on the annual reports described  
24                  in section 1727(a), that significant progress has been made  
25                  in lowering the school dropout rate for students partici-

1 *pating in the program assisted under this subpart com-*  
2 *pared to students at similar schools who are not partici-*  
3 *pating in the program.*

4 **“SEC. 1722. STRATEGIES AND CAPACITY BUILDING.**

5       “(a) *STRATEGIES.*—*Each school receiving a grant*  
6 *under this subpart shall implement research-based, sustain-*  
7 *able, and widely replicated, strategies for school dropout*  
8 *prevention and reentry that address the needs of an entire*  
9 *school population rather than a subset of students. The*  
10 *strategies may include—*

11               “(1) *specific strategies for targeted purposes,*  
12 *such as effective early intervention programs designed*  
13 *to identify at-risk students, effective programs encom-*  
14 *passing traditionally underserved students, including*  
15 *racial and ethnic minorities and pregnant and par-*  
16 *enting teenagers, designed to prevent such students*  
17 *from dropping out of school, and effective programs to*  
18 *identify and encourage youth who have already*  
19 *dropped out of school to reenter school and complete*  
20 *their secondary education; and*

21               “(2) *approaches such as breaking larger schools*  
22 *down into smaller learning communities and other*  
23 *comprehensive reform approaches, creating alternative*  
24 *school programs, developing clear linkages to career*  
25 *skills and employment, and addressing specific gate-*



1 *keeper hurdles that often limit student retention and*  
 2 *academic success.*

3 “(b) *CAPACITY BUILDING.*—

4 “(1) *IN GENERAL.*—*The Secretary, through a*  
 5 *contract with a non-Federal entity, shall conduct a*  
 6 *capacity building and design initiative in order to*  
 7 *increase the types of proven strategies for dropout*  
 8 *prevention and reentry that address the needs of an*  
 9 *entire school population rather than a subset of stu-*  
 10 *dents.*

11 “(2) *NUMBER AND DURATION.*—

12 “(A) *NUMBER.*—*The Secretary shall award*  
 13 *not more than 5 contracts under this subsection.*

14 “(B) *DURATION.*—*The Secretary shall*  
 15 *award a contract under this section for a period*  
 16 *of not more than 5 years.*

17 “(c) *SUPPORT FOR EXISTING REFORM NETWORKS.*—

18 “(1) *IN GENERAL.*—*The Secretary shall provide*  
 19 *appropriate support to eligible entities to enable the*  
 20 *eligible entities to provide training, materials, devel-*  
 21 *opment, and staff assistance to schools assisted under*  
 22 *this subpart.*

23 “(2) *DEFINITION OF ELIGIBLE ENTITY.*—*The*  
 24 *term ‘eligible entity’ means an entity that, prior to*

1       *the date of enactment of the Educational Opportuni-*  
 2       *ties Act—*

3               “(A) *provided training, technical assistance,*  
 4               *and materials to 100 or more elementary schools*  
 5               *or secondary schools; and*

6               “(B) *developed and published a specific*  
 7               *educational program or design for use by the*  
 8               *schools.*

9       **“SEC. 1723. SELECTION OF SCHOOLS.**

10       “(a) *SCHOOL APPLICATION.—*

11               “(1) *IN GENERAL.—Each school desiring a grant*  
 12               *under this subpart shall submit an application to the*  
 13               *State educational agency at such time, in such man-*  
 14               *ner, and accompanied by such information as the*  
 15               *State educational agency may require.*

16               “(2) *CONTENTS.—Each application submitted*  
 17               *under paragraph (1) shall—*

18               “(A) *contain a certification from the local*  
 19               *educational agency serving the school that—*

20                       “(i) *the school has the highest number*  
 21                       *or rates of school dropouts in the age group*  
 22                       *served by the local educational agency;*

23                       “(ii) *the local educational agency is*  
 24                       *committed to providing ongoing operational*  
 25                       *support, for the school’s comprehensive re-*

- 1           *form plan to address the problem of school*  
2           *dropouts, for a period of 5 years; and*  
3           “(iii) *the local educational agency will*  
4           *support the plan, including—*  
5                     “(I) *release time for teacher train-*  
6                     *ing;*  
7                     “(II) *efforts to coordinate activi-*  
8                     *ties for feeder schools; and*  
9                     “(III) *encouraging other schools*  
10            *served by the local educational agency*  
11            *to participate in the plan;*  
12            “(B) *demonstrate that the faculty and ad-*  
13            *ministration of the school have agreed to apply*  
14            *for assistance under this subpart, and provide*  
15            *evidence of the school’s willingness and ability to*  
16            *use the funds under this subpart, including pro-*  
17            *viding an assurance of the support of 80 percent*  
18            *or more of the professional staff at the school;*  
19            “(C) *describe the instructional strategies to*  
20            *be implemented, how the strategies will serve all*  
21            *students, and the effectiveness of the strategies;*  
22            “(D) *describe a budget and timeline for im-*  
23            *plementing the strategies;*  
24            “(E) *contain evidence of coordination with*  
25            *existing resources;*

1           “(F) provide an assurance that funds pro-  
2           vided under this subpart will supplement and  
3           not supplant other Federal, State, and local  
4           funds;

5           “(G) describe how the activities to be as-  
6           sisted conform with research-based knowledge  
7           about school dropout prevention and reentry;  
8           and

9           “(H) demonstrate that the school and local  
10          educational agency have agreed to conduct a  
11          schoolwide program under section 1114.

12          “(b) *STATE AGENCY REVIEW AND AWARD.*—The State  
13          educational agency shall review applications and award  
14          grants to schools under subsection (a) according to a review  
15          by a panel of experts on school dropout prevention.

16          “(c) *ELIGIBILITY.*—A school is eligible to receive a  
17          grant under this subpart if the school is—

18                 “(1) a public school (including a public alter-  
19                 native school)—

20                         “(A) that is eligible to receive assistance  
21                         under part A, including a comprehensive sec-  
22                         ondary school, a vocational or technical sec-  
23                         ondary school, and a charter school; and

24                         “(B)(i) that serves students 50 percent or  
25                         more of whom are low-income individuals; or

1           “(i) with respect to which the feeder schools  
2           that provide the majority of the incoming stu-  
3           dents to the school serve students 50 percent or  
4           more of whom are low-income individuals; or  
5           “(2) participating in a schoolwide program  
6           under section 1114 during the grant period.

7           “(d) *COMMUNITY-BASED ORGANIZATIONS.*—A school  
8           that receives a grant under this subpart may use the grant  
9           funds to secure necessary services from a community-based  
10          organization, including private sector entities, if—

11           “(1) the school approves the use;

12           “(2) the funds are used to provide school dropout  
13          prevention and reentry activities related to schoolwide  
14          efforts; and

15           “(3) the community-based organization has dem-  
16          onstrated the organization’s ability to provide effec-  
17          tive services as described in section 107(a) of the Job  
18          Training Partnership Act, or section 122 of the Work-  
19          force Investment Act of 1998.

20          “(e) *COORDINATION.*—Each school that receives a  
21          grant under this subpart shall coordinate the activities as-  
22          sisted under this subpart with other Federal programs, such  
23          as programs assisted under chapter 1 of subpart 2 of part  
24          A of title IV of the Higher Education Act of 1965 and the  
25          School-to-Work Opportunities Act of 1994.

1 **“SEC. 1724. DISSEMINATION ACTIVITIES.**

2 *“Each school that receives a grant under this subpart*  
3 *shall provide information and technical assistance to other*  
4 *schools within the school district, including presentations,*  
5 *document-sharing, and joint staff development.*

6 **“SEC. 1725. PROGRESS INCENTIVES.**

7 *“Notwithstanding any other provision of law, each*  
8 *local educational agency that receives funds under this title*  
9 *shall use such funding to provide assistance to schools served*  
10 *by the agency that have not made progress toward lowering*  
11 *school dropout rates after receiving assistance under this*  
12 *subpart for 2 fiscal years.*

13 **“SEC. 1726. SCHOOL DROPOUT RATE CALCULATION.**

14 *“For purposes of calculating a school dropout rate*  
15 *under this subpart, a school shall use—*

16 *“(1) the annual event school dropout rate for stu-*  
17 *dents leaving a school in a single year determined in*  
18 *accordance with the National Center for Education*  
19 *Statistics’ Common Core of Data, if available; or*

20 *“(2) in other cases, a standard method for calcu-*  
21 *lating the school dropout rate as determined by the*  
22 *State educational agency.*

23 **“SEC. 1727. REPORTING AND ACCOUNTABILITY.**

24 *“(a) REPORTING.—In order to receive funding under*  
25 *this subpart for a fiscal year after the first fiscal year a*  
26 *school receives funding under this subpart, the school shall*

1 *provide, on an annual basis, to the Secretary a report re-*  
 2 *garding the status of the implementation of activities fund-*  
 3 *ed under this subpart, the outcome data for students at*  
 4 *schools assisted under this subpart disaggregated in the*  
 5 *same manner as information under section 1711(a) (such*  
 6 *as dropout rates), and certification of progress from the eli-*  
 7 *gible entity whose strategies the school is implementing.*

8       “(b) *ACCOUNTABILITY.*—*On the basis of the reports*  
 9 *submitted under subsection (a), the Secretary shall evaluate*  
 10 *the effect of the activities assisted under this subpart on*  
 11 *school dropout prevention compared to a control group.*

12 **“SEC. 1728. STATE RESPONSIBILITIES.**

13       “(a) *UNIFORM DATA COLLECTION.*—*Within 1 year*  
 14 *after the date of enactment of the Educational Opportuni-*  
 15 *ties Act, a State educational agency that receives funds*  
 16 *under this part shall report to the Secretary and statewide,*  
 17 *all school district and school data regarding school dropout*  
 18 *rates in the State disaggregated in the same manner as in-*  
 19 *formation under section 1711(a), according to procedures*  
 20 *that conform with the National Center for Education Sta-*  
 21 *tistics’ Common Core of Data.*

22       “(b) *ATTENDANCE-NEUTRAL FUNDING POLICIES.*—  
 23 *Within 2 years after the date of enactment of the Edu-*  
 24 *cational Opportunities Act, a State educational agency that*  
 25 *receives funds under this part shall develop and implement*





1 *determined to be low-income in accordance with*  
 2 *measures described in section 1113(a)(5).*

3 “(2) *SCHOOL DROPOUT.*—*The term ‘school drop-*  
 4 *out’ has the meaning given the term in section 4(17)*  
 5 *of the School-to-Work Opportunities Act of 1994.*

6 **“SEC. 1732. AUTHORIZATION OF APPROPRIATIONS.**

7 “(a) *SUBPART 1.*—*There are authorized to be appro-*  
 8 *priated to carry out subpart 1, \$5,000,000 for fiscal year*  
 9 *2001 and such sums as may be necessary for each of the*  
 10 *4 succeeding fiscal years.*

11 “(b) *SUBPART 2.*—*There are authorized to be appro-*  
 12 *priated to carry out subpart 2, \$145,000,000 for fiscal year*  
 13 *2001 and such sums as may be necessary for each of the*  
 14 *4 succeeding fiscal years, of which—*

15 “(1) *\$125,000,000 shall be available to carry out*  
 16 *section 1721; and*

17 “(2) *\$20,000,000 shall be available to carry out*  
 18 *section 1722.”*

19 **TITLE II—PROFESSIONAL**  
 20 **DEVELOPMENT FOR TEACHERS**

21 **SEC. 201. TEACHER QUALITY.**

22 *Title II (20 U.S.C. 6601 et seq.) is amended by strik-*  
 23 *ing the title heading and all that follows through part A*  
 24 *and inserting the following:*

1       **“TITLE II—TEACHER QUALITY**

2               **“PART A—TEACHER EMPOWERMENT**

3       **“SEC. 2001. PURPOSE.**

4               *“The purpose of this part is to provide grants to States*  
 5 *and local educational agencies, in order to assist their ef-*  
 6 *forts to increase student academic achievement and student*  
 7 *performance through such strategies as improving teacher*  
 8 *quality.*

9                       **“Subpart 1—Grants to States**

10       **“SEC. 2011. FORMULA GRANTS TO STATES.**

11               *“(a) IN GENERAL.—In the case of each State that, in*  
 12 *accordance with section 2014, submits to the Secretary and*  
 13 *obtains approval of an application for a fiscal year, the*  
 14 *Secretary shall make a grant for the year to the State for*  
 15 *the uses specified in section 2012. The grant shall consist*  
 16 *of the allotment determined for the State under subsection*  
 17 *(b).*

18               **“(b) DETERMINATION OF AMOUNT OF ALLOTMENT.—**

19                       **“(1) RESERVATION OF FUNDS.—**

20                               **“(A) IN GENERAL.—From the total amount**  
 21 *made available to carry out this subpart for any*  
 22 *fiscal year, the Secretary shall reserve—*

23                                       *“(i) 1/2 of 1 percent for allotments for*  
 24 *the United States Virgin Islands, Guam,*  
 25 *American Samoa, and the Commonwealth*

1           *of the Northern Mariana Islands, to be dis-*  
 2           *tributed among those outlying areas on the*  
 3           *basis of their relative need, as determined*  
 4           *by the Secretary in accordance with the*  
 5           *purpose of this part; and*

6           “(ii)  $\frac{1}{2}$  of 1 percent for the Secretary  
 7           of the Interior for programs under this part  
 8           for professional development activities for  
 9           teachers and other staff in schools operated  
 10          or funded by the Bureau of Indian Affairs.

11          “(B) *LIMITATION.*—*In reserving an amount*  
 12          *for the purposes described in clauses (i) and (ii)*  
 13          *of subparagraph (A) for a fiscal year, the Sec-*  
 14          *retary shall not reserve more than the total*  
 15          *amount the outlying areas and the schools oper-*  
 16          *ated or funded by the Bureau of Indian Affairs*  
 17          *received under the authorities described in para-*  
 18          *graph (2)(A)(i) for fiscal year 2000.*

19          “(2) *STATE ALLOTMENTS.*—

20                 “(A) *HOLD HARMLESS.*—

21                         “(i) *IN GENERAL.*—*Subject to subpara-*  
 22                         *graph (B), from the total amount made*  
 23                         *available to carry out this subpart for any*  
 24                         *fiscal year and not reserved under para-*  
 25                         *graph (1), the Secretary shall allot to each*

1           *of the 50 States, the District of Columbia,*  
2           *and the Commonwealth of Puerto Rico an*  
3           *amount equal to the total amount that such*  
4           *State received for fiscal year 2000 under—*

5                   “(I) *section 2202(b) of this Act*  
6                   *(as in effect on the day before the date*  
7                   *of enactment of the Educational Op-*  
8                   *portunities Act); and*

9                   “(II) *section 310 of the Depart-*  
10                   *ment of Education Appropriations Act,*  
11                   *2000 (as enacted by section 1000(a)(4)*  
12                   *of division B of Public Law 106–113).*

13                   “(i) *RATABLE REDUCTION.—If the*  
14                   *total amount made available to carry out*  
15                   *this subpart for any fiscal year and not re-*  
16                   *reserved under paragraph (1) is insufficient*  
17                   *to pay the full amounts that all States are*  
18                   *eligible to receive under clause (i) for any*  
19                   *fiscal year, the Secretary shall ratably re-*  
20                   *duce such amounts for such fiscal year.*

21                   “(B) *ALLOTMENT OF ADDITIONAL FUNDS.—*

22                   “(i) *IN GENERAL.—Subject to clause*  
23                   *(ii), for any fiscal year for which the total*  
24                   *amount made available to carry out this*  
25                   *subpart and not reserved under paragraph*

1           (1) exceeds the total amount made available  
2           to the 50 States, the District of Columbia,  
3           and the Commonwealth of Puerto Rico for  
4           fiscal year 2000 under the authorities de-  
5           scribed in subparagraph (A)(i), the Sec-  
6           retary shall allot to each of those States the  
7           sum of—

8                   “(I) an amount that bears the  
9                   same relationship to 50 percent of the  
10                  excess amount as the number of indi-  
11                  viduals age 5 through 17 in the State,  
12                  as determined by the Secretary on the  
13                  basis of the most recent satisfactory  
14                  data, bears to the number of those indi-  
15                  viduals in all such States, as so deter-  
16                  mined; and

17                   “(II) an amount that bears the  
18                   same relationship to 50 percent of the  
19                   excess amount as the number of indi-  
20                   viduals age 5 through 17 from families  
21                   with incomes below the poverty line in  
22                   the State, as determined by the Sec-  
23                   retary on the basis of the most recent  
24                   satisfactory data, bears to the number

1                   of those individuals in all such States,  
2                   as so determined.

3                   “(ii) *EXCEPTION.*—No State receiving  
4                   an allotment under clause (i) may receive  
5                   less than  $\frac{1}{2}$  of 1 percent of the total excess  
6                   amount allotted under clause (i) for a fiscal  
7                   year.

8                   “(3) *REALLOTMENT.*—If any State does not  
9                   apply for an allotment under this subsection for any  
10                  fiscal year, the Secretary shall reallot such amount to  
11                  the remaining States in accordance with this sub-  
12                  section.

13   **“SEC. 2012. ALLOCATIONS WITHIN STATES.**

14                  “(a) *USE OF FUNDS.*—Each State receiving a grant  
15                  under this subpart shall use the funds provided under the  
16                  grant in accordance with this section to carry out activities  
17                  for the improvement of teaching and learning.

18                  “(b) *REQUIRED AND AUTHORIZED EXPENDITURES.*—

19                         “(1) *REQUIRED EXPENDITURES.*—The Secretary  
20                         may make a grant to a State under this subpart only  
21                         if the State agrees to expend not less than 90 percent  
22                         of the amount of the funds provided under the grant  
23                         for the purpose of making subgrants to local edu-  
24                         cational agencies and eligible partnerships (as defined  
25                         in section 2021(e)), in accordance with subsection (c).

1           “(2) *AUTHORIZED EXPENDITURES.*—A State  
 2           that receives a grant under this subpart may expend  
 3           a portion equal to not more than 10 percent of the  
 4           amount of the funds provided under the grant for 1  
 5           or more of the authorized State activities described in  
 6           section 2013 or to make grants to eligible partner-  
 7           ships to enable the partnerships to carry out subpart  
 8           2 (but not more than 5 percent of such portion may  
 9           be used for planning and administration related to  
 10          carrying out such purpose).

11          “(c) *DISTRIBUTION OF SUBGRANTS TO LOCAL EDU-*  
 12          *CATIONAL AGENCIES AND ELIGIBLE PARTNERSHIPS.*—

13           “(1) *ALLOCATIONS TO LOCAL EDUCATIONAL*  
 14          *AGENCIES.*—

15           “(A) *IN GENERAL.*—A State receiving a  
 16          grant under this subpart shall distribute a por-  
 17          tion equal to 95 percent of the amount described  
 18          in subsection (b)(1) by allocating to each eligible  
 19          local educational agency the sum of—

20                   “(i) an amount that bears the same re-  
 21                   lationship to 25 percent of the portion as  
 22                   the number of individuals enrolled in public  
 23                   and private nonprofit elementary schools  
 24                   and secondary schools in the geographic  
 25                   area served by the agency bears to the num-

1           *ber of those individuals in the geographic*  
2           *areas served by all the local educational*  
3           *agencies in the State; and*

4           “(i) *an amount that bears the same*  
5           *relationship to 75 percent of the portion as*  
6           *the number of individuals age 5 through 17*  
7           *from families with incomes below the pov-*  
8           *erty line, in the geographic area served by*  
9           *the agency, as determined by the Secretary*  
10          *on the basis of the most recent satisfactory*  
11          *data, bears to the number of those individ-*  
12          *uals in the geographic areas served by all*  
13          *the local educational agencies in the State,*  
14          *as so determined.*

15          “(B) *USE OF FUNDS.—The State shall make*  
16          *subgrants to local educational agencies from allo-*  
17          *cations made under this paragraph to enable the*  
18          *agencies to carry out subpart 3.*

19          “(2) *COMPETITIVE SUBGRANTS TO ELIGIBLE*  
20          *PARTNERSHIPS.—*

21          “(A) *COMPETITIVE PROCESS.—A State re-*  
22          *ceiving a grant under this subpart shall transfer*  
23          *a portion equal to 5 percent of the amount de-*  
24          *scribed in subsection (b)(1) to the State agency*



1           *for higher education, which shall distribute the*  
2           *portion through a competitive process.*

3           “(B) *PARTICIPANTS.*—*The competitive proc-*  
4           *ess carried out under subparagraph (A) shall be*  
5           *open to eligible partnerships (as defined in sec-*  
6           *tion 2021(e)).*

7           “(C) *USE OF FUNDS.*—*In distributing funds*  
8           *under this paragraph, the State agency for high-*  
9           *er education shall make subgrants to the eligible*  
10          *partnerships to enable the partnerships to carry*  
11          *out subpart 2 (but not more than 5 percent of*  
12          *the funds made available to the eligible partner-*  
13          *ships through the subgrants may be used for*  
14          *planning and administration related to carrying*  
15          *out such purpose).*

16   **“SEC. 2013. STATE USE OF FUNDS.**

17          “(a) *AUTHORIZED STATE ACTIVITIES.*—*The author-*  
18          *ized State activities referred to in section 2012(b)(2) are*  
19          *the following:*

20                 “(1) *Reforming teacher certification (including*  
21                 *recertification) or licensing requirements to ensure*  
22                 *that—*

23                         “(A) *teachers have the necessary teaching*  
24                         *skills and academic content knowledge in the*

1           *academic subjects in which the teachers are as-*  
2           *signed to teach;*

3           *“(B) the requirements are aligned with the*  
4           *State’s challenging State content standards; and*

5           *“(C) teachers have the knowledge and skills*  
6           *necessary to help students meet challenging State*  
7           *student performance standards.*

8           *“(2) Carrying out programs that—*

9           *“(A) include support during the initial*  
10          *teaching experience, such as mentoring pro-*  
11          *grams; and*

12          *“(B) establish, expand, or improve alter-*  
13          *native routes to State certification of teachers for*  
14          *highly qualified individuals with a baccalaureate*  
15          *degree, including mid-career professionals from*  
16          *other occupations, paraprofessionals, former*  
17          *military personnel, and recent college or univer-*  
18          *sity graduates with records of academic distinc-*  
19          *tion who demonstrate the potential to become*  
20          *highly effective teachers.*

21          *“(3) Developing and implementing effective*  
22          *mechanisms to assist local educational agencies and*  
23          *schools in effectively recruiting and retaining highly*  
24          *qualified and effective teachers and principals.*

1           “(4) *Developing or improving systems of per-*  
2 *formance measures to evaluate the effectiveness of pro-*  
3 *fessional development programs and activities in im-*  
4 *proving teacher quality, skills, and content knowledge,*  
5 *and increasing student academic achievement and*  
6 *student performance.*

7           “(5) *Developing or improving systems to evalu-*  
8 *ate the impact of teachers on student academic*  
9 *achievement and student performance.*

10           “(6) *Providing technical assistance to local edu-*  
11 *cational agencies consistent with this part.*

12           “(7) *Funding projects to promote reciprocity of*  
13 *teacher certification or licensure between or among*  
14 *States, except that no reciprocity agreement developed*  
15 *under this paragraph or developed using funds pro-*  
16 *vided under this part may lead to the weakening of*  
17 *any State teaching certification or licensing require-*  
18 *ment.*

19           “(8) *Developing or assisting local educational*  
20 *agencies or eligible partnerships (as defined in section*  
21 *2021(e)) in the development and utilization of proven,*  
22 *innovative strategies to deliver intensive professional*  
23 *development programs and activities that are both*  
24 *cost-effective and easily accessible, such as through the*  
25 *use of technology and distance learning.*

1           “(9) *Supporting activities to encourage and sup-*  
2           *port teachers seeking national board certification*  
3           *from the National Board for Professional Teaching*  
4           *Standards or other recognized entities.*

5           “(10) *Providing professional development activi-*  
6           *ties involving training in advanced placement in-*  
7           *struction.*

8           “(b) *COORDINATION.—A State that receives a grant to*  
9           *carry out this subpart and a grant under section 202 of*  
10          *the Higher Education Act of 1965 shall coordinate the ac-*  
11          *tivities carried out under this section and the activities car-*  
12          *ried out under that section 202.*

13          **“SEC. 2014. APPLICATIONS BY STATES.**

14          “(a) *IN GENERAL.—To be eligible to receive a grant*  
15          *under this subpart, a State shall submit an application to*  
16          *the Secretary at such time, in such manner, and containing*  
17          *such information as the Secretary may reasonably require.*

18          “(b) *CONTENTS.—Each application submitted under*  
19          *this section shall include the following:*

20                  “(1) *A description of how the State will ensure*  
21                  *that a local educational agency receiving a subgrant*  
22                  *to carry out subpart 3 will comply with the require-*  
23                  *ments of such subpart.*

1           “(2)(A) *An assurance that the State will meas-*  
2           *ure the annual progress of the local educational agen-*  
3           *cies and schools in the State with respect to—*

4                   “(i) *improving student academic achieve-*  
5                   *ment and student performance, in accordance*  
6                   *with content standards and student performance*  
7                   *standards established under part A of title I;*

8                   “(ii) *closing academic achievement gaps, re-*  
9                   *flected in disaggregated data described in section*  
10                   *1111(b)(3)(I), between minority and non-minor-*  
11                   *ity groups and low-income and non-low-income*  
12                   *groups; and*

13                   “(iii) *improving performance on other spe-*  
14                   *cific indicators for professional development,*  
15                   *such as increasing the percentage of classes in*  
16                   *core academic subjects that are taught by highly*  
17                   *qualified teachers.*

18           “(B) *An assurance that the State will require*  
19           *each local educational agency and school in the State*  
20           *receiving funds under this part to publicly report in-*  
21           *formation on the agency’s or school’s annual progress,*  
22           *measured as described in subparagraph (A).*

23           “(3) *A description of how the State will hold the*  
24           *local educational agencies and schools accountable for*

1       *making annual progress as described in paragraph*  
2       *(2), subject to part A of title I.*

3               “(4)(A) *A description of how the State will co-*  
4       *ordinate professional development activities author-*  
5       *ized under this part with professional development*  
6       *activities provided under other Federal, State, and*  
7       *local programs, including those authorized under—*

8                       “(i) *titles I and IV, part A of title V, and*  
9                       *part A of title VII; and*

10                      “(ii) *where applicable, the Individuals with*  
11                      *Disabilities Education Act, the Carl D. Perkins*  
12                      *Vocational and Technical Education Act of 1998,*  
13                      *and title II of the Higher Education Act of 1965.*

14               “(B) *A description of the comprehensive strategy*  
15       *that the State will use as part of the effort to carry*  
16       *out the coordination, to ensure that teachers, para-*  
17       *professionals, and principals are trained in the utili-*  
18       *zation of technology so that technology and technology*  
19       *applications are effectively used in the classroom to*  
20       *improve teaching and learning in all curriculum*  
21       *areas and academic subjects, as appropriate.*

22               “(5) *A description of how the State will encour-*  
23       *age the development of proven, innovative strategies to*  
24       *deliver intensive professional development programs*  
25       *that are both cost-effective and easily accessible, such*

1       *as through the use of technology and distance learn-*  
2       *ing.*

3               “(6) *A description of how the activities to be car-*  
4       *ried out by the State under this subpart will be based*  
5       *on a review of relevant research and an explanation*  
6       *of why the activities are expected to improve student*  
7       *performance and outcomes.*

8               “(c) *APPLICATION SUBMISSION.—A State application*  
9       *submitted to the Secretary under this section shall be ap-*  
10       *proved by the Secretary unless the Secretary makes a writ-*  
11       *ten determination, within 90 days after receiving the appli-*  
12       *cation, that the application is in violation of the provisions*  
13       *of this Act.*

14       **“Subpart 2—Subgrants to Eligible Partnerships**

15       **“SEC. 2021. PARTNERSHIP GRANTS.**

16               “(a) *IN GENERAL.—From the portion described in sec-*  
17       *tion 2012(c)(2)(A), the State agency for higher education,*  
18       *working in conjunction with the State educational agency*  
19       *(if such agencies are separate), shall award subgrants on*  
20       *a competitive basis under section 2012(c) to eligible part-*  
21       *nerships to enable such partnerships to carry out activities*  
22       *described in subsection (b). The State agency for higher edu-*  
23       *cation shall ensure that such subgrants shall be equitably*  
24       *distributed by geographic area within the State, or ensure*

1 *that eligible partnerships in all geographic areas within the*  
2 *State are served through the grants.*

3       “(b) *USE OF FUNDS.—An eligible partnership that re-*  
4 *ceives funds under section 2012 shall use the funds for—*

5               “(1) *professional development activities in core*  
6 *academic subjects to ensure that teachers, paraprofes-*  
7 *sionals, and, if appropriate, principals have content*  
8 *knowledge in the academic subjects that the teachers*  
9 *teach; and*

10              “(2) *developing and providing assistance to local*  
11 *educational agencies and individuals who are teach-*  
12 *ers, paraprofessionals or principals of public and pri-*  
13 *vate schools served by each such agency, for sustained,*  
14 *high-quality professional development activities*  
15 *that—*

16                   “(A) *ensure that the agencies and individ-*  
17 *uals are able to use State content standards, per-*  
18 *formance standards, and assessments to improve*  
19 *instructional practices and improve student aca-*  
20 *ademic achievement and student performance; and*

21                   “(B) *may include intensive programs de-*  
22 *signed to prepare such individuals who will re-*  
23 *turn to a school to provide such instruction to*  
24 *other such individuals within such school.*



1       “(c) *SPECIAL RULE.*—No single participant in an eli-  
2 gible partnership may use more than 50 percent of the funds  
3 made available to the partnership under section 2012.

4       “(d) *COORDINATION.*—An eligible partnership that re-  
5 ceives a grant to carry out this subpart and a grant under  
6 section 203 of the Higher Education Act of 1965 shall co-  
7 ordinate the activities carried out under this section and  
8 the activities carried out under that section 203.

9       “(e) *ELIGIBLE PARTNERSHIP.*—In this section, the  
10 term ‘eligible partnership’ means an entity that—

11               “(1) shall include—

12                       “(A) a private or State institution of higher  
13 education and the division of the institution that  
14 prepares teachers;

15                       “(B) a school of arts and sciences; and

16                       “(C) a high need local educational agency;  
17 and

18               “(2) may include other local educational agen-  
19 cies, a public charter school, a public or private ele-  
20 mentary school or secondary school, an educational  
21 service agency, a public or private nonprofit edu-  
22 cational organization, other institutions of higher  
23 education, a school of arts and sciences within such  
24 an institution, the division of such an institution that  
25 prepares teachers, a nonprofit cultural organization,



1                   to be in effect until such time as the waiver  
2                   otherwise would have ceased to be effective.

3                   “(B) *PROFESSIONAL DEVELOPMENT ACTIVITIES.*—Each local educational agency that re-  
4                   ceives a subgrant to carry out this subpart shall  
5                   use a portion of the funds made available  
6                   through the subgrant for professional develop-  
7                   ment activities that give teachers, paraprofes-  
8                   sionals, and principals the knowledge and skills  
9                   to provide students with the opportunity to meet  
10                  challenging State or local content standards and  
11                  student performance standards. Such activities  
12                  shall be consistent with section 2032.

14               “(b) *ALLOWABLE ACTIVITIES.*—Each local educational  
15               agency that receives a subgrant to carry out this subpart  
16               may use the funds made available through the subgrant to  
17               carry out the following activities:

18                   “(1) *Recruiting and hiring certified or licensed*  
19                   *teachers, including teachers certified through State*  
20                   *and local alternative routes, in order to reduce class*  
21                   *size, or hiring special education teachers.*

22                   “(2) *Initiatives to assist in recruitment of highly*  
23                   *qualified teachers who will be assigned teaching posi-*  
24                   *tions within their fields, including—*

1           “(A) providing signing bonuses or other fi-  
2           nancial incentives, such as differential pay, for  
3           teachers to teach in academic subjects in which  
4           there exists a shortage of such teachers within a  
5           school or the area served by the local educational  
6           agency;

7           “(B) establishing programs that—

8                 “(i) recruit professionals from other  
9                 fields and provide such professionals with  
10                alternative routes to teacher certification;  
11                and

12               “(ii) provide increased opportunities  
13               for minorities, individuals with disabilities,  
14               and other individuals underrepresented in  
15               the teaching profession; and

16           “(C) implementing hiring policies that en-  
17           sure comprehensive recruitment efforts as a way  
18           to expand the applicant pool of teachers, such as  
19           identifying teachers certified through alternative  
20           routes, and by implementing a system of inten-  
21           sive screening designed to hire the most qualified  
22           applicants.

23           “(3) Initiatives to promote retention of highly  
24           qualified teachers and principals, including—

1           “(A) programs that provide mentoring to  
2           newly hired teachers, such as mentoring from  
3           master teachers, and to newly hired principals;  
4           and

5           “(B) programs that provide other incen-  
6           tives, including financial incentives, to retain  
7           teachers who have a record of success in helping  
8           low-achieving students improve their academic  
9           success.

10          “(4) Programs and activities that are designed  
11          to improve the quality of the teacher force, and the  
12          abilities of paraprofessionals and principals, such  
13          as—

14               “(A) innovative professional development  
15               programs (which may be through partnerships  
16               including institutions of higher education), in-  
17               cluding programs that train teachers, para-  
18               professionals, and principals to utilize tech-  
19               nology to improve teaching and learning, that  
20               are consistent with the requirements of section  
21               2032;

22               “(B) development and utilization of proven,  
23               cost-effective strategies for the implementation of  
24               professional development activities, such as

1 through the utilization of technology and dis-  
2 tance learning;

3 “(C) professional development programs  
4 that provide instruction in how to teach children  
5 with different learning styles, particularly chil-  
6 dren with disabilities and children with special  
7 learning needs (including children who are gifted  
8 and talented); and

9 “(D) professional development programs  
10 that provide instruction in how best to discipline  
11 children in the classroom and identify early and  
12 appropriate interventions to help children de-  
13 scribed in subparagraph (C) to learn.

14 “(5) Activities that provide teacher opportunity  
15 payments, consistent with section 2033.

16 **“SEC. 2032. PROFESSIONAL DEVELOPMENT FOR TEACHERS.**

17 “(a) *LIMITATION RELATING TO CURRICULUM AND*  
18 *ACADEMIC SUBJECTS.—*

19 “(1) *IN GENERAL.—Except as provided in para-*  
20 *graph (2), funds made available to carry out this sub-*  
21 *part may be provided for a teacher, paraprofessional,*  
22 *or principal, and a professional development activity,*  
23 *only if the activity is—*

1           “(A) *directly related to the curriculum and*  
2           *academic subjects in which a teacher provides*  
3           *instruction; or*

4           “(B) *designed to enhance the ability of a*  
5           *teacher, paraprofessional, or principal to under-*  
6           *stand and use State standards for the academic*  
7           *subjects in which a teacher provides instruction.*

8           “(2) *EXCEPTION.—Paragraph (1) shall not be*  
9           *construed to prohibit the use of the funds for profes-*  
10          *sional development activities that provide instruction*  
11          *described in subparagraphs (C) and (D) of section*  
12          *2031(b)(4).*

13          “(b) *OTHER REQUIREMENTS.—Professional develop-*  
14          *ment activities provided under this subpart—*

15                 “(1) *shall be tied to challenging State or local*  
16                 *content standards and student performance stand-*  
17                 *ards;*

18                 “(2) *shall be tied to strategies and programs that*  
19                 *demonstrate effectiveness in increasing student aca-*  
20                 *ademic achievement and student performance, or sub-*  
21                 *stantially increasing the knowledge and teaching*  
22                 *skills of the teachers participating in the activities;*

23                 “(3) *in the case of activities for teachers, shall be*  
24                 *of sufficient intensity and duration to have a positive*  
25                 *and lasting impact on the performance of a teacher*

1 *in the classroom (which shall not include 1-day or*  
2 *short-term workshops and conferences), except that*  
3 *this paragraph shall not apply to an activity if such*  
4 *activity is 1 component described in a long-term com-*  
5 *prehensive professional development plan established*  
6 *by the teacher and the teacher’s supervisor based upon*  
7 *an assessment of the needs of the teacher, the students*  
8 *of the teacher, and the local educational agency in-*  
9 *volved; and*

10 *“(4) shall be developed with extensive participa-*  
11 *tion of teachers, paraprofessionals, and principals of*  
12 *schools to be served under this part.*

13 *“(c) ACCOUNTABILITY AND REQUIRED PAYMENTS.—*

14 *“(1) IN GENERAL.—If, at the end of any fiscal*  
15 *year, a State determines that a local educational*  
16 *agency has failed to make progress in accordance with*  
17 *section 2014(b)(2) during the fiscal year, the State*  
18 *shall notify the local educational agency that the*  
19 *agency shall be subject to the requirement of para-*  
20 *graph (3).*

21 *“(2) TECHNICAL ASSISTANCE.—A local edu-*  
22 *cational agency that receives notification pursuant to*  
23 *paragraph (1) may request technical assistance from*  
24 *the State in order to provide the opportunity for such*



1 *local educational agency to make progress in accord-*  
2 *ance with section 2014(b)(2).*

3 “(3) *REQUIREMENT TO PROVIDE TEACHER OP-*  
4 *PORTUNITY PAYMENTS.—*

5 “(A) *IN GENERAL.—A local educational*  
6 *agency that receives notification pursuant to*  
7 *paragraph (1) with respect to any 2 consecutive*  
8 *fiscal years shall expend under section 2033 for*  
9 *the succeeding fiscal year a proportion of the*  
10 *funds made available to the agency to carry out*  
11 *this subpart equal to the proportion of such*  
12 *funds expended by the agency for professional de-*  
13 *velopment activities for the second fiscal year for*  
14 *which the agency received the notification.*

15 “(B) *REQUESTS.—On request by a group of*  
16 *teachers in schools served by the local edu-*  
17 *cational agency, the agency shall use a portion*  
18 *of the funds provided to the agency to carry out*  
19 *this subpart, to provide payments in accordance*  
20 *with section 2033.*

21 “(4) *SPECIAL RULE.—*

22 “(A) *SUBSEQUENT YEARS OF PROGRESS.—*  
23 *A local educational agency that receives notifica-*  
24 *tion from the State pursuant to paragraph (1)*  
25 *with respect to a fiscal year and makes progress*

1           *in accordance with section 2014(b)(2) for at least*  
2           *the 2 subsequent years shall not be required to*  
3           *provide payments in accordance with section*  
4           *2033 for the next subsequent year.*

5           “(B) *SUBSEQUENT YEARS WITHOUT*  
6           *PROGRESS.—A local educational agency that re-*  
7           *ceives notification from the State pursuant to*  
8           *paragraph (1) with respect to a fiscal year and*  
9           *fails to make progress in accordance with section*  
10          *2014(b)(2) for at least the 2 subsequent fiscal*  
11          *years shall request the technical assistance de-*  
12          *scribed in paragraph (2) from the State for the*  
13          *next subsequent year.*

14          “(d) *DEFINITION.—In this section, the term ‘profes-*  
15          *sional development activity’ means an activity described in*  
16          *subsection (a)(2) or (b)(4) of section 2031.*

17          **“SEC. 2033. TEACHER OPPORTUNITY PAYMENTS.**

18          “(a) *IN GENERAL.—A local educational agency receiv-*  
19          *ing funds to carry out this subpart may (or in the case*  
20          *of section 2032(c)(3), shall) provide payments directly to*  
21          *a teacher or a group of teachers seeking opportunities to*  
22          *participate in a professional development activity of their*  
23          *choice that meets the criteria set forth in subsections (a)*  
24          *and (b) of section 2032.*

1       “(b) *NOTICE TO TEACHERS.*—*Each local educational*  
2 *agency distributing payments under this section—*

3           “(1) *shall establish and implement a timely*  
4 *process through which proper notice of availability of*  
5 *the payments will be given to all teachers in schools*  
6 *served by the agency; and*

7           “(2) *shall develop a process through which teach-*  
8 *ers will be specifically recommended by principals to*  
9 *participate in such opportunities by virtue of—*

10           “(A) *the teachers’ lack of full certification*  
11 *or licensing to teach the academic subjects in*  
12 *which the teachers teach; or*

13           “(B) *the teachers’ need for additional assist-*  
14 *ance to ensure that their students make progress*  
15 *toward meeting challenging State content stand-*  
16 *ards and student performance standards.*

17       “(c) *SELECTION OF TEACHERS.*—*In the event ade-*  
18 *quate funding is not available to provide payments under*  
19 *this section to all teachers seeking such payments, or rec-*  
20 *ommended under subsection (b)(2), a local educational*  
21 *agency shall establish procedures for selecting teachers for*  
22 *the payments, which shall provide priority for those teach-*  
23 *ers recommended under subsection (b)(2).*

24       “(d) *ELIGIBLE ACTIVITY.*—*A teacher receiving a pay-*  
25 *ment under this section shall have the choice of attending*

1 *any professional development activity that meets the cri-*  
 2 *teria set forth in subsections (a) and (b) of section 2032,*  
 3 *as determined by the State involved.*

4 **“SEC. 2034. LOCAL APPLICATIONS.**

5       “(a) *IN GENERAL.*—*A local educational agency seeking*  
 6 *to receive a subgrant from a State to carry out this subpart*  
 7 *shall submit an application to the State at such time as*  
 8 *the State shall require.*

9       “(b) *LOCAL APPLICATION CONTENTS.*—*The local ap-*  
 10 *plication described in subsection (a) shall include, at a*  
 11 *minimum, the following:*

12               “(1) *A description of how the local educational*  
 13 *agency intends to use funds provided to carry out this*  
 14 *subpart.*

15               “(2) *An assurance that the local educational*  
 16 *agency will target funds to schools served by the local*  
 17 *educational agency that—*

18                       “(A) *have the lowest proportions of highly*  
 19 *qualified teachers;*

20                       “(B) *are identified for school improvement*  
 21 *under section 1116(c); or*

22                       “(C) *are identified for school improvement*  
 23 *in accordance with other measures of school*  
 24 *quality as determined and documented by the*  
 25 *local educational agency.*

1           “(3) *A description of how the local educational*  
2 *agency will coordinate professional development ac-*  
3 *tivities authorized under this subpart with profes-*  
4 *sional development activities provided through other*  
5 *Federal, State, and local programs, including those*  
6 *authorized under—*

7                   “(A) *titles I and IV, part A of title V, and*  
8 *part A of title VII; and*

9                   “(B) *where applicable, the Individuals with*  
10 *Disabilities Education Act, the Carl D. Perkins*  
11 *Vocational and Technical Education Act of 1998,*  
12 *and title II of the Higher Education Act of 1965.*

13           “(4) *A description of how the local educational*  
14 *agency will integrate funds received to carry out this*  
15 *subpart with funds received under part A of title V*  
16 *that are used for professional development to train*  
17 *teachers, paraprofessionals, and principals in how to*  
18 *use technology to improve learning and teaching.*

19           “(5) *A description of how the local educational*  
20 *agency has collaborated with teachers, paraprofes-*  
21 *sionals, principals, and parents in the preparation of*  
22 *the application.*

23           “(6) *A description of how the activities to be car-*  
24 *ried out by the local educational agency under this*  
25 *subpart will be based on a review of relevant research*

1        *and an explanation of why the activities are expected*  
 2        *to improve student performance and outcomes.*

3                    **“Subpart 4—National Activities**

4        **“SEC. 2041. ALTERNATIVE ROUTES TO TEACHING AND PRO-**  
 5                    **MOTING EXCELLENCE IN TEACHING.**

6        *“(a) TEACHER EXCELLENCE ACADEMIES.—*

7                    *“(1) IN GENERAL.—The Secretary may award*  
 8        *grants on a competitive basis to eligible consortia to*  
 9        *carry out activities described in this subsection.*

10                    *“(2) USE OF FUNDS.—*

11                    *“(A) IN GENERAL.—An eligible consortium*  
 12        *receiving funds under this subsection shall use*  
 13        *the funds to pay the costs associated with the es-*  
 14        *tablishment or expansion of a teacher academy,*  
 15        *in an elementary school or secondary school fa-*  
 16        *cility, that carries out—*

17                    *“(i) the activities promoting alter-*  
 18        *native routes to teacher certification speci-*  
 19        *fied in subparagraph (B); or*

20                    *“(ii) the model professional develop-*  
 21        *ment activities specified in subparagraph*  
 22        *(C).*

23                    *“(B) PROMOTING ALTERNATIVE ROUTES TO*  
 24        *TEACHER CERTIFICATION.—The activities pro-*  
 25        *moting alternative routes to teacher certification*

1 shall, to the extent practicable, provide opportu-  
2 nities for highly qualified individuals with a  
3 baccalaureate degree (including mid-career pro-  
4 fessionals from other occupations, paraprofes-  
5 sionals, former military personnel, and recent  
6 college or university graduates with records of  
7 academic distinction) to enter the teaching field,  
8 through activities such as—

9 “(i) providing stipends, in exchange  
10 for fulfillment of a reasonable service re-  
11 quirement, to the highly qualified individ-  
12 uals, to permit the individuals to fill teach-  
13 ing needs in academic subjects in which  
14 there is a demonstrated shortage of teachers;

15 “(ii) providing for the recruitment and  
16 hiring of master teachers to mentor and  
17 train student teachers within such acad-  
18 emies; or

19 “(iii) carrying out other activities that  
20 promote and strengthen alternative routes to  
21 teacher certification.

22 “(C) *MODEL PROFESSIONAL DEVELOP-*  
23 *MENT.*—*The model professional development ac-*  
24 *tivities shall be activities providing ongoing pro-*

1           *professional development opportunities for teachers,*  
2           *such as—*

3                   “(i) *innovative programs and model*  
4                   *curricula in the area of professional devel-*  
5                   *opment, which may serve as models to be*  
6                   *disseminated to other schools and local edu-*  
7                   *cational agencies; and*

8                   “(ii) *the development of innovative*  
9                   *techniques for evaluating the effectiveness of*  
10                   *professional development programs.*

11           “(3) *GRANT FOR SPECIAL CONSORTIUM.—In*  
12           *making grants under this subsection, the Secretary*  
13           *shall award not less than 1 grant to an eligible con-*  
14           *sortium that—*

15                   “(A) *includes a high need local educational*  
16                   *agency located in a rural area; and*

17                   “(B) *proposes activities that involve the ex-*  
18                   *tensive use of distance learning in order to pro-*  
19                   *vide the applicable course work to student teach-*  
20                   *ers.*

21           “(4) *SPECIAL RULE.—No single participant in*  
22           *an eligible consortium may use more than 50 percent*  
23           *of the funds made available to the consortium under*  
24           *this subsection.*



1           “(5) *APPLICATION.*—*To be eligible to receive a*  
 2           *grant under this subsection, an eligible consortium*  
 3           *shall submit an application to the Secretary at such*  
 4           *time, in such manner, and containing such informa-*  
 5           *tion as the Secretary may reasonably require.*

6           “(6) *ELIGIBLE CONSORTIUM.*—*In this subsection,*  
 7           *the term ‘eligible consortium’ means a consortium for*  
 8           *a State that—*

9                   “(A) *shall include—*

10                           “(i) *the State agency responsible for*  
 11                           *certifying or licensing teachers;*

12                           “(ii) *not less than 1 high need local*  
 13                           *educational agency;*

14                           “(iii) *a school of arts and sciences; and*

15                           “(iv) *an institution that prepares*  
 16                           *teachers; and*

17                   “(B) *may include local educational agen-*  
 18                   *cies, public charter schools, public or private ele-*  
 19                   *mentary schools or secondary schools, edu-*  
 20                   *cational service agencies, public or private non-*  
 21                   *profit educational organizations, museums, or*  
 22                   *businesses.*

23           “(b) *NATIONAL BOARD FOR PROFESSIONAL TEACHING*  
 24           *STANDARDS.*—

1           “(1) *NATIONAL BOARD CERTIFICATION.*—*The*  
2           *Secretary may award grants to the National Board*  
3           *for Professional Teaching Standards to enable the*  
4           *Board to complete a system of national board certifi-*  
5           *cation. The Secretary may award grants for fiscal*  
6           *year 2001.*

7           “(2) *ADVANCED CERTIFICATION OR*  
8           *CREDENTIALING.*—*The Secretary may support activi-*  
9           *ties to encourage and support teachers seeking ad-*  
10           *vanced certification or advanced credentialing*  
11           *through high quality professional teacher enhance-*  
12           *ment programs designed to improve teaching and*  
13           *learning.*

14           “(c) *TEACHER TRAINING IN MATHEMATICS AND*  
15           *SCIENCE.*—

16           “(1) *IN GENERAL.*—*The Secretary may award*  
17           *grants, on a competitive basis, to eligible entities to*  
18           *support and promote the establishment of teacher*  
19           *training programs relating to the core subject areas*  
20           *of mathematics and science.*

21           “(2) *USE OF FUNDS.*—*The programs shall in-*  
22           *clude teacher training with respect to the establish-*  
23           *ment of mentoring programs, model programs, or*  
24           *other programs, that encourage students, including*  
25           *young women, to pursue demanding careers and post-*

1       *secondary degrees in mathematics and science, includ-*  
2       *ing engineering and technology.*

3               “(3) *DEVELOPMENT.*—*In carrying out a teacher*  
4       *training program under this section, the eligible enti-*  
5       *ty may carry out a program jointly developed by the*  
6       *entity and by a business, an industry, or an institu-*  
7       *tion of higher education.*

8               “(4) *APPLICATION.*—*To be eligible to receive a*  
9       *grant under this subsection, an entity shall submit an*  
10       *application to the Secretary at such time, in such*  
11       *manner, and containing such information as the Sec-*  
12       *retary may require.*

13               “(d) *EISENHOWER NATIONAL CLEARINGHOUSE FOR*  
14       *MATHEMATICS AND SCIENCE EDUCATION.*—

15               “(1) *IN GENERAL.*—*The Secretary may award a*  
16       *grant or contract, in consultation with the Director*  
17       *of the National Science Foundation, to an entity to*  
18       *continue the Eisenhower National Clearinghouse for*  
19       *Mathematics and Science Education (referred to in*  
20       *this subsection as the ‘Clearinghouse’).*

21               “(2) *USE OF FUNDS.*—

22               “(A) *IN GENERAL.*—*The Clearinghouse may*  
23       *use the funds made available through the grant*  
24       *or contract to carry out the functions of the*

1           *Clearinghouse, as of the date of enactment of the*  
2           *Educational Opportunities Act.*

3           “(B) *LANGUAGE ARTS; SOCIAL STUDIES.*—  
4           *The Clearinghouse may also use the funds to pro-*  
5           *vide information and resources in the areas of*  
6           *language arts and social studies.*

7           “(C) *QUALITATIVE AND EVALUATIVE MATE-*  
8           *RIALS AND PROGRAMS.*—*The Clearinghouse may*  
9           *also use the funds to collect (in consultation with*  
10          *the Secretary, national teacher associations, pro-*  
11          *fessional associations, and other reviewers and*  
12          *developers of educational materials and pro-*  
13          *grams) qualitative and evaluative materials and*  
14          *programs for the Clearinghouse, review the eval-*  
15          *uation of the materials and programs, rank the*  
16          *effectiveness of the materials and programs on*  
17          *the basis of the evaluations, and distribute the*  
18          *results of the reviews to teachers in an easily ac-*  
19          *cessible manner. Nothing in this subparagraph*  
20          *shall be construed to permit the Clearinghouse to*  
21          *directly conduct an evaluation of the qualitative*  
22          *and evaluative materials or programs.*

23          “(e) *TROOPS-TO-TEACHERS PROGRAM.*—

24                 “(1) *PURPOSE.*—*The purpose of this subsection*  
25                 *is to authorize a mechanism for the funding and ad-*

1        *ministration of the Troops-to-Teachers Program es-*  
2        *tablished by the Troops-to-Teachers Program Act of*  
3        *1999 (title XVII of the National Defense Authoriza-*  
4        *tion Act for Fiscal Year 2000).*

5                *“(2) TRANSFER OF FUNDS FOR ADMINISTRATION*  
6        *OF PROGRAM.—To the extent that funds are made*  
7        *available under this Act for the Troops-to-Teachers*  
8        *Program, the Secretary of Education shall use the*  
9        *funds to enter into a contract with the Defense Activ-*  
10        *ity for Non-Traditional Education Support of the De-*  
11        *partment of Defense. The Defense Activity shall use*  
12        *the amounts made available through the contract to*  
13        *perform the actual administration of the Troops-to-*  
14        *Teachers Program, including the selection of partici-*  
15        *pants in the Program under section 1704 of the*  
16        *Troops-to-Teachers Program Act of 1999. The Sec-*  
17        *retary of Education may retain a portion of the*  
18        *funds to identify local educational agencies with con-*  
19        *centrations of children from low-income families or*  
20        *with teacher shortages and States with alternative*  
21        *certification or licensure requirements, as required by*  
22        *section 1702 of such Act.*

1                                   **“Subpart 5—Funding**

2   **“SEC. 2051. AUTHORIZATION OF APPROPRIATIONS.**

3           “(a) *FISCAL YEAR 2001.*—*There are authorized to be*  
 4 *appropriated to carry out this part \$2,000,000,000 for fis-*  
 5 *cal year 2001, of which \$40,000,000 shall be available to*  
 6 *carry out subpart 4.*

7           “(b) *OTHER FISCAL YEARS.*—*There are authorized to*  
 8 *be appropriated to carry out this part such sums as may*  
 9 *be necessary for each of fiscal years 2002 through 2005.*

10                                   **“Subpart 6—General Provisions**

11   **“SEC. 2061. DEFINITIONS.**

12           *“In this part:*

13                   “(1) *ARTS AND SCIENCES.*—*The term ‘arts and*  
 14 *sciences’ has the meaning given the term in section*  
 15 *201(b) of the Higher Education Act of 1965.*

16                   “(2) *CORE ACADEMIC SUBJECTS.*—*The term ‘core*  
 17 *academic subjects’ means those subjects listed under*  
 18 *the third of the America’s Education Goals.*

19                   “(3) *HIGHLY QUALIFIED.*—*The term ‘highly*  
 20 *qualified’ means—*

21                                   “(A) *with respect to an elementary school*  
 22 *teacher, a teacher—*

23   “(i) *with an academic major in the*  
 24 *arts and sciences; or*

1                   “(ii) who can demonstrate competence  
2                   through a high level of performance in core  
3                   academic subjects; and

4                   “(B) with respect to a secondary school  
5                   teacher, a teacher—

6                   “(i) with an academic major in the  
7                   academic subject in which the teacher teach-  
8                   es or in a related field;

9                   “(ii) who can demonstrate a high level  
10                  of competence through rigorous academic  
11                  subject tests; or

12                  “(iii) who can demonstrate competence  
13                  through a high level of performance in rel-  
14                  evant content areas.

15                  “(4) *HIGH NEED LOCAL EDUCATIONAL AGEN-*  
16                  *CY.—The term ‘high need local educational agency’*  
17                  *has the meaning given the term in section 201(b) of*  
18                  *the Higher Education Act of 1965.*

19                  “(5) *OUT-OF-FIELD TEACHER.—The term ‘out-of-*  
20                  *field teacher’ means a teacher—*

21                  “(A) teaching an academic subject for which  
22                  the teacher is not highly qualified, as determined  
23                  by the State involved; or

1           “(B) who did not receive a degree from an  
2           institution of higher education with a major or  
3           minor in the field in which the teacher teaches.

4           “(6) *POVERTY LINE*.—The term ‘poverty line’  
5           means the poverty line (as defined by the Office of  
6           Management and Budget and revised annually in ac-  
7           cordance with section 673(2) of the Community Serv-  
8           ices Block Grant Act) applicable to a family of the  
9           size involved.

10          “(7) *STATE*.—The term ‘State’, used with respect  
11          to an individual, entity, or agency, means—

12                 “(A) except as provided in subparagraph  
13                 (B), the Governor of a State (as defined in sec-  
14                 tion 3); or

15                 “(B) in the case of a State (as so defined)  
16                 for which the constitution or law of the State  
17                 designates another individual, entity, or agency  
18                 in the State to be responsible for elementary and  
19                 secondary education programs, such individual,  
20                 entity, or agency.”.

21 **SEC. 202. LEADERSHIP EDUCATION AND DEVELOPMENT**  
22 **PROGRAM.**

23           Part B of title II (20 U.S.C. 6641 et seq.) is amended  
24 to read as follows:



1           **“PART B—LEADERSHIP EDUCATION AND**  
2                           **DEVELOPMENT PROGRAM**

3   **“SEC. 2201. LEADERSHIP PROGRAMS.**

4           “(a) *DEFINITION.*—*In this section, the term ‘school*  
5 *leader’ means an elementary school or secondary school su-*  
6 *perintendent, principal, assistant principal, or teacher, or*  
7 *another individual in a management or leadership position*  
8 *with a State or region of a State whose work directly im-*  
9 *pacts teaching and learning relating to elementary or sec-*  
10 *ondary education.*

11          “(b) *GRANTS.*—*The Secretary shall award grants to*  
12 *eligible entities (including State educational agencies, insti-*  
13 *tutions of higher education, local educational agencies, and*  
14 *nonprofit educational organizations) and consortia of such*  
15 *entities to enable such entities or consortia to pay for the*  
16 *Federal share of the cost of providing professional develop-*  
17 *ment services for school leaders to develop or enhance the*  
18 *leadership skills of the school leaders. In providing the serv-*  
19 *ices, the entities and consortia shall work in cooperation*  
20 *with school leaders and other appropriate individuals.*

21          “(c) *AWARD BASIS.*—*The Secretary shall award a*  
22 *grant under this section to an eligible entity or consortium*  
23 *on the basis of criteria that include—*

24                   “(1) *the quality of the proposed use of the grant*  
25           *funds;*

1           “(2) *the educational need of the State, commu-*  
2           *nity, or region to be served under the grant; and*

3           “(3) *the need for equitable distribution of the*  
4           *grants among urban and rural communities and*  
5           *school districts, and equitable geographic representa-*  
6           *tion of regions of the United States.*

7           “(d) *APPLICATION.—To be eligible to receive a grant*  
8           *under this section, an eligible entity or consortium shall*  
9           *prepare and submit to the Secretary an application at such*  
10          *time, in such manner, and containing such information as*  
11          *the Secretary may require, including an assurance that*  
12          *school leaders were involved in developing the application*  
13          *and determining the proposed use of the grant funds.*

14          “(e) *USE OF FUNDS.—*

15                 “(1) *IN GENERAL.—An eligible entity or consor-*  
16                 *tium that receives a grant under this section shall use*  
17                 *funds received through the grant to provide assistance*  
18                 *for training, education, and other activities to in-*  
19                 *crease the leadership and other skills of school leaders.*

20                 “(2) *SPECIFIC ACTIVITIES.—In order to improve*  
21                 *the quality of education delivered to the children in*  
22                 *the State, community, or region in which the entity*  
23                 *or consortium is located, the entity or consortium*  
24                 *shall use the funds received through the grant for ac-*  
25                 *tivities that include—*

1           “(A) providing school leaders with effective  
2 leadership, management, and instructional skills  
3 and practices;

4           “(B) enhancing and developing the school  
5 management and business skills of school leaders;

6           “(C) improving the understanding of school  
7 leaders of the effective use of educational tech-  
8 nology;

9           “(D) improving the knowledge of school  
10 leaders regarding challenging State content and  
11 performance standards;

12           “(E) encouraging highly qualified individ-  
13 uals to become school leaders and developing and  
14 enhancing the instructional, leadership, school  
15 management, parent and community involve-  
16 ment, mentoring, and staff evaluation skills of  
17 school leaders; and

18           “(F) establishing sustained and rigorous  
19 support for mentorships and for developing a  
20 network of school leaders within the State with  
21 the goal of strengthening and improving the  
22 leadership of school leaders.

23           “(f) FEDERAL SHARE.—

1           “(1) *IN GENERAL.*—*The Federal share of the cost*  
 2           *described in subsection (b) shall be not more than 80*  
 3           *percent.*

4           “(2) *NON-FEDERAL SHARE.*—*An entity or con-*  
 5           *sortium may provide the non-Federal share of the cost*  
 6           *in cash or in kind, fairly evaluated, including plant,*  
 7           *equipment, or services.*

8           “(3) *WAIVERS.*—*The Secretary may grant waiv-*  
 9           *ers of paragraph (1) for entities or consortia serving*  
 10          *low-income areas, as determined by the Secretary.*

11          “(g) *AUTHORIZATION OF APPROPRIATIONS.*—*There*  
 12          *are authorized to be appropriated to carry out this section*  
 13          *\$100,000,000 for fiscal year 2001 and such sums as may*  
 14          *be necessary for the 4 subsequent fiscal years.”.*

15          **SEC. 203. READING EXCELLENCE.**

16          “(a) *PART HEADING.*—*The part heading for part C of*  
 17          *title II (20 U.S.C. 6661 et seq.) is amended to read as fol-*  
 18          *lows:*

19                  **“PART C—READING EXCELLENCE ACT”.**

20          “(b) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*  
 21          *2260(a) (20 U.S.C. 6661i(a)) is amended by adding at the*  
 22          *end the following:*

23                  “(3) *FISCAL YEARS 2001 THROUGH 2004.*—*There*  
 24          *are authorized to be appropriated to carry out this*  
 25          *part \$280,000,000 for fiscal year 2001 and such sums*

1       *as may be necessary for the 4 subsequent fiscal*  
2       *years.”.*

3       (c) *SHORT TITLE.*—*Part C of title II (20 U.S.C. 6661*  
4 *et seq.) is amended by adding at the end the following:*

5       **“SEC. 2261. SHORT TITLE.**

6       *“This part may be cited as the ‘Reading Excellence*  
7 *Act’.”.*

8       **SEC. 204. NATIONAL WRITING PROJECT.**

9       *Part D of title II (20 U.S.C. 6671 et seq.) is amended*  
10 *to read as follows:*

11       **“PART D—NATIONAL WRITING PROJECT**

12       **“SEC. 2301. PURPOSE.**

13       *“The purpose of this part is—*

14               *“(1) to support and promote the expansion of the*  
15 *National Writing Project network of sites so that*  
16 *teachers in every region of the United States will have*  
17 *access to a National Writing Project program;*

18               *“(2) to ensure the consistent high quality of the*  
19 *programs through ongoing review, evaluation, and*  
20 *provision of technical assistance;*

21               *“(3) to support and promote the establishment of*  
22 *programs to disseminate information on effective*  
23 *practices and research findings about the teaching of*  
24 *writing; and*

1           “(4) to coordinate activities assisted under this  
2           part with other activities assisted under this Act.

3   **“SEC. 2302. NATIONAL WRITING PROJECT.**

4           “(a) *AUTHORIZATION.*—The Secretary is authorized to  
5           make a grant to the National Writing Project (referred to  
6           in this section as the ‘grantee’), a nonprofit educational or-  
7           ganization that has, as the primary purpose of the organi-  
8           zation, the improvement of the quality of student writing  
9           and learning, to support the establishment and operation  
10          of teacher training programs to improve the teaching and  
11          uses of writing for learning in the Nation’s classrooms.

12          “(b) *REQUIREMENTS OF GRANT.*—The grant agree-  
13          ment for the grant shall provide that—

14                 “(1) the grantee will enter into contracts with  
15                 institutions of higher education or other nonprofit  
16                 educational providers (referred to individually in this  
17                 section as a ‘contractor’) under which the contractors  
18                 will agree to establish, operate, and provide the non-  
19                 Federal share of the cost of establishing and operating  
20                 teacher training programs concerning effective ap-  
21                 proaches and processes for the teaching of writing;

22                 “(2) funds made available by the Secretary to  
23                 the grantee under this section will be used to pay for  
24                 the Federal share of the cost of establishing and oper-

1        *ating teacher training programs as provided in para-*  
2        *graph (1); and*

3            *“(3) the grantee will meet such other conditions*  
4        *and standards as the Secretary determines to be nec-*  
5        *essary to assure compliance with the provisions of*  
6        *this section and will provide such technical assistance*  
7        *as may be necessary to carry out the provisions of*  
8        *this section.*

9            *“(c) TEACHER TRAINING PROGRAMS.—In operating a*  
10        *teacher training program authorized in subsection (a), a*  
11        *contractor shall—*

12            *“(1) conduct the program during the school year*  
13        *and during the summer months;*

14            *“(2) train teachers who teach kindergarten,*  
15        *grades 1 through 12, and college;*

16            *“(3) select teachers to become members of a Na-*  
17        *tional Writing Project teacher network, for which each*  
18        *member will conduct writing workshops for other*  
19        *teachers in the area served by a National Writing*  
20        *Project site; and*

21            *“(4) encourage teachers from all disciplines to*  
22        *participate in such a teacher training program.*

23            *“(d) FEDERAL SHARE.—*

24            *“(1) IN GENERAL.—In this section, except as*  
25        *provided in paragraph (2) or (3), the term ‘Federal*

1       *share' means, with respect to the cost of establishing*  
2       *and operating teacher training programs authorized*  
3       *in subsection (a), 50 percent of such cost to the con-*  
4       *tractor.*

5               “(2) *WAIVER.—The Secretary may waive the*  
6       *provisions of paragraph (1) on a case-by-case basis if*  
7       *the National Advisory Board described in subsection*  
8       *(e) determines, on the basis of financial need, that*  
9       *such waiver is necessary.*

10              “(3) *MAXIMUM.—The Federal share of the cost*  
11       *described in subsection (b) may not exceed \$100,000*  
12       *for any 1 contractor, or \$200,000 for a statewide pro-*  
13       *gram administered by any 1 contractor in at least 5*  
14       *sites throughout the State.*

15              “(e) *NATIONAL ADVISORY BOARD.—*

16              “(1) *ESTABLISHMENT.—The National Writing*  
17       *Project shall establish and operate a National Advi-*  
18       *sory Board.*

19              “(2) *COMPOSITION.—The National Advisory*  
20       *Board established pursuant to paragraph (1) shall*  
21       *consist of—*

22                      “(A) *national educational leaders;*

23                      “(B) *leaders in the field of writing; and*

24                      “(C) *such other individuals as the National*  
25       *Writing Project determines to be necessary.*



1           “(3) *DUTIES.—The National Advisory Board es-*  
2           *tablished pursuant to paragraph (1) shall—*

3                   “(A) *advise the National Writing Project on*  
4                   *national issues related to student writing and*  
5                   *the teaching of writing;*

6                   “(B) *review the activities and programs of*  
7                   *the National Writing Project; and*

8                   “(C) *support the continued development of*  
9                   *the National Writing Project.*

10          “(f) *TEACHER TRAINING EVALUATION.—*

11                   “(1) *IN GENERAL.—*

12                   “(A) *EVALUATION.—The Secretary shall*  
13                   *conduct an independent evaluation by grant or*  
14                   *contract of the teacher training programs ad-*  
15                   *ministered pursuant to this section in accord-*  
16                   *ance with part B of title X. In conducting the*  
17                   *evaluation, the Secretary shall determine the*  
18                   *amount of funds expended by the National Writ-*  
19                   *ing Project and each contractor receiving assist-*  
20                   *ance under this section for administrative costs.*

21                   “(B) *REPORT.—The Secretary shall submit*  
22                   *a report containing the results of such evalua-*  
23                   *tion, including the amount determined by the*  
24                   *Secretary under subparagraph (A), to the appro-*  
25                   *priate committees of Congress.*

1           “(2) *FUNDING LIMITATION.*—*The Secretary shall*  
2           *reserve not more than \$150,000 from the total amount*  
3           *appropriated pursuant to the authority of subsection*  
4           *(h) for fiscal year 2001 and the 4 subsequent fiscal*  
5           *years to conduct the evaluation described in para-*  
6           *graph (1).*

7           “(g) *APPLICATION REVIEW.*—

8           “(1) *REVIEW BOARD.*—*The National Writing*  
9           *Project shall establish and operate a National Review*  
10          *Board that shall consist of—*

11                   “(A) *leaders in the field of research in writ-*  
12                   *ing; and*

13                   “(B) *such other individuals as the National*  
14                   *Writing Project determines to be necessary.*

15          “(2) *DUTIES.*—*The National Review Board*  
16          *shall—*

17                   “(A) *review all applications for assistance*  
18                   *submitted under this section; and*

19                   “(B) *recommend applications for assistance*  
20                   *submitted under this section for funding by the*  
21                   *National Writing Project.*

22          “(h) *AUTHORIZATION OF APPROPRIATIONS.*—*There*  
23          *are authorized to be appropriated to carry out this section,*  
24          *\$15,000,000 for fiscal year 2001, and such sums as may*  
25          *be necessary for each of the 4 subsequent fiscal years.”.*

1 **SEC. 205. GENERAL PROVISIONS.**

2 *Title II (20 U.S.C. 6601 et seq.) is amended—*

3 *(1) by redesignating part E as part G; and*

4 *(2) by repealing sections 2401 and 2402 and in-*  
5 *serting the following:*

6 **“SEC. 2601. PROHIBITION ON MANDATORY NATIONAL CER-**  
7 **TIFICATION OR LICENSING OF TEACHERS.**

8 *“(a) PROHIBITION ON MANDATORY TESTING, CERTIFI-*  
9 *CATION, OR LICENSING.—Notwithstanding any other provi-*  
10 *sion of law, the Secretary may not use Federal funds to*  
11 *plan, develop, implement, or administer any mandatory*  
12 *national teacher test or mandatory method of certification*  
13 *or licensing.*

14 *“(b) PROHIBITION ON WITHHOLDING FUNDS.—The*  
15 *Secretary may not withhold funds from any State or local*  
16 *educational agency if such State or local educational agency*  
17 *fails to adopt a specific method of teacher certification or*  
18 *licensing.*

19 **“SEC. 2602. HOME SCHOOLS.**

20 *“Nothing in this title shall be construed to permit,*  
21 *allow, encourage, or authorize any Federal control over any*  
22 *aspect of any private, religious, or home school, whether a*  
23 *home school is treated as a private school or home school*  
24 *under the law of the State involved, except that the Sec-*  
25 *retary may require that funds provided to a school under*  
26 *this title be used for the purposes described in this title.*

1 *This section shall not be construed to bar private, religious,*  
2 *or home schools from participating in or receiving pro-*  
3 *grams or services under this title.”.*

4 **SEC. 206. NEW CENTURY PROGRAM AND DIGITAL EDU-**  
5 **CATION CONTENT COLLABORATIVE.**

6 *Title II is amended by inserting before part G (20*  
7 *U.S.C. 6701 et seq.) the following:*

8 **“PART E—THE NEW CENTURY PROGRAM FOR DIS-**  
9 **TRIBUTED TEACHER PROFESSIONAL DEVEL-**  
10 **OPMENT**

11 **“SEC. 2401. PROJECT AUTHORIZED.**

12 *“(a) PURPOSE.—It is the purpose of this part to carry*  
13 *out a program designed to assist elementary school and sec-*  
14 *ondary school teachers in preparing all students for achiev-*  
15 *ing State content standards.*

16 *“(b) GRANTS.—The Secretary may make a grant to*  
17 *a nonprofit telecommunications entity, or a partnership of*  
18 *such entities, for the purpose of carrying out a national*  
19 *telecommunications-based program to improve teaching in*  
20 *core curriculum areas to achieve the purpose described in*  
21 *subsection (a).*

22 **“SEC. 2402. APPLICATION.**

23 *“(a) IN GENERAL.—Each nonprofit telecommuni-*  
24 *cations entity, or partnership of such entities, desiring a*

1 grant under this part shall submit an application to the  
2 Secretary. Each such application shall—

3           “(1) demonstrate that the applicant will use the  
4 public broadcasting infrastructure and school digital  
5 networks, where available, to deliver video and data  
6 in an integrated service to train teachers in the use  
7 of standards-based curricula materials and learning  
8 technologies;

9           “(2) provide an assurance that the project for  
10 which the assistance is being sought will be conducted  
11 in cooperation with appropriate State educational  
12 agencies, local educational agencies, national, State,  
13 or local nonprofit public telecommunications entities,  
14 and national education professional associations that  
15 have developed content standards in the relevant sub-  
16 ject areas;

17           “(3) provide an assurance that a significant por-  
18 tion of the benefits available for elementary schools  
19 and secondary schools from the project for which the  
20 assistance is being sought will be available to schools  
21 of local educational agencies which have a high per-  
22 centage of children counted under section 1124(c);  
23 and

24           “(4) contain such additional assurances as the  
25 Secretary may reasonably require.

1       “(b) *APPROVAL, NUMBER OF SITES.*—*In approving*  
 2 *applications under this section, the Secretary shall ensure*  
 3 *that the program authorized by this part is conducted at*  
 4 *elementary school and secondary school sites in at least 15*  
 5 *States.*

6       “**SEC. 2403. AUTHORIZATION OF APPROPRIATIONS.**

7       “*There are authorized to be appropriated to carry out*  
 8 *this part, \$20,000,000 for fiscal year 2001, and such sums*  
 9 *as may be necessary for each of the 4 subsequent fiscal*  
 10 *years.*

11       “**PART F—DIGITAL EDUCATION CONTENT**

12                               **COLLABORATIVE**

13       “**SEC. 2501. DIGITAL EDUCATION CONTENT COLLABO-**  
 14                               **RATIVE.**

15       “(a) *IN GENERAL.*—*The Secretary may award grants*  
 16 *to, or enter into contracts or cooperative agreements with,*  
 17 *eligible entities described in section 2502(b) to develop,*  
 18 *produce, and distribute educational and instructional video*  
 19 *programming that is designed for use by kindergarten*  
 20 *through grade 12 schools and based on State standards.*

21       “(b) *AVAILABILITY.*—*In awarding grants, contracts, or*  
 22 *cooperative agreements under subsection (a), the Secretary*  
 23 *shall ensure that eligible entities enter into multiyear con-*  
 24 *tent development collaborative arrangements with State*  
 25 *educational agencies, local educational agencies, institu-*

1 tions of higher education, businesses, or other agencies and  
2 organizations.

3 **“SEC. 2502. EDUCATIONAL PROGRAMMING.**

4       “(a) *AWARDS.*—The Secretary shall award grants,  
5 contracts, or cooperative agreements under this part to eli-  
6 gible entities to facilitate the development of educational  
7 programming that shall—

8               “(1) include student assessment tools to provide  
9 feedback on student performance;

10              “(2) include built-in teacher utilization and sup-  
11 port components to ensure that teachers understand  
12 and can easily use the content of the programming  
13 with group instruction or for individual student use;

14              “(3) be created for, or adaptable to, State content  
15 standards; and

16              “(4) be capable of distribution through digital  
17 broadcasting and school digital networks.

18       “(b) *ELIGIBLE ENTITIES.*—To be eligible to receive a  
19 grant, contract, or cooperative agreement under section  
20 2501(a), an entity shall be a local public telecommuni-  
21 cations entity as defined in section 397(12) of the Commu-  
22 nications Act of 1934 that is able to demonstrate a capacity  
23 for the development and distribution of educational and in-  
24 structural television programming of high quality.

1       “(c) *COMPETITIVE BASIS.*—Grants, contracts, or coop-  
2       erative agreements under this part shall be awarded on a  
3       competitive basis as determined by the Secretary.

4       “(d) *DURATION.*—Each grant, contract, or cooperative  
5       agreement under this part shall be awarded for a period  
6       of 3 years in order to allow time for the creation of a sub-  
7       stantial body of significant content.

8       **“SEC. 2503. APPLICATIONS.**

9       “Each eligible entity desiring a grant, contract, or co-  
10      operative agreement under this part shall submit an appli-  
11      cation to the Secretary at such time, in such manner, and  
12      accompanied by such information as the Secretary may  
13      reasonably require.

14      **“SEC. 2504. MATCHING REQUIREMENT.**

15      “An eligible entity receiving a grant, contract, or coop-  
16      erative agreement under this part shall contribute to the  
17      activities assisted under this part non-Federal matching  
18      funds in an amount equal to not less than 100 percent of  
19      the amount of the grant, contract, or cooperative agreement.  
20      Non-Federal funds may include funds provided from a non-  
21      Federal source for the transition to digital broadcasting, as  
22      well as in-kind contributions.

23      **“SEC. 2505. ADMINISTRATIVE COSTS.**

24      “With respect to the implementation of this part, enti-  
25      ties receiving a grant, contract, or cooperative agreement



1 *under this part may use not more than 5 percent of the*  
 2 *amounts received under the grant, contract, or cooperative*  
 3 *agreement for the normal and customary expenses of ad-*  
 4 *ministering the grant.*

5 **“SEC. 2506. AUTHORIZATION OF APPROPRIATIONS.**

6 *“There are authorized to be appropriated to carry out*  
 7 *this part, \$25,000,000 for fiscal year 2001, and such sums*  
 8 *as may be necessary for each of the 4 subsequent fiscal*  
 9 *years.”.*

10 **SEC. 207. CONFORMING AMENDMENTS.**

11 *(a) ED-FLEX PROGRAMS.—Section 4(b)(2) of the Edu-*  
 12 *cation Flexibility Partnership Act of 1999 (20 U.S.C.*  
 13 *5891b(b)(2)) is amended by striking “Part B of title II”*  
 14 *and inserting “Subparts 1, 2, and 3 of part A of title II”.*

15 *(b) WAIVER AUTHORITY OF SECRETARY OF EDU-*  
 16 *CATION.—Section 502(b)(2) of the School-to-Work Opportu-*  
 17 *nities Act of 1994 (20 U.S.C. 6212(b)(2)) is amended by*  
 18 *striking “part A of title II” and inserting “subpart 4 of*  
 19 *part A of title II”.*

20 **TITLE III—ENRICHMENT**  
 21 **INITIATIVES**

22 **SEC. 301. ENRICHMENT INITIATIVES.**

23 *Title III (20 U.S.C. 6801 et seq.) is amended to read*  
 24 *as follows:*

1           **“TITLE III—ENRICHMENT**  
 2                                   **INITIATIVES**

3   **“PART A—21ST CENTURY COMMUNITY LEARNING**  
 4                                   **CENTERS**

5   **“SEC. 3101. SHORT TITLE.**

6           *“This part may be cited as the “21st Century Commu-*  
 7   *nity Learning Centers Act”.*

8   **“SEC. 3102. PURPOSE.**

9           *It is the purpose of this part—*

10           *“(1) to provide local public schools with the op-*  
 11   *portunity to serve as centers for the delivery of edu-*  
 12   *cation and human resources for all members of com-*  
 13   *munities;*

14           *“(2) to enable public schools, primarily in rural*  
 15   *and inner city communities, to collaborate with other*  
 16   *public and nonprofit agencies and organizations,*  
 17   *local businesses, educational entities (such as voca-*  
 18   *tional and adult education programs, school-to-work*  
 19   *programs, community colleges, and universities), rec-*  
 20   *reational, cultural, and other community and human*  
 21   *service entities, to meet the needs of, and expand the*  
 22   *opportunities available to, the residents of the commu-*  
 23   *nities served by such schools;*

24           *“(3) to use school facilities, equipment, and re-*  
 25   *sources so that communities can promote a more effi-*

1        *cient use of public education facilities, especially in*  
2        *rural and inner city areas where limited financial re-*  
3        *sources have enhanced the necessity for local public*  
4        *schools to become social service centers;*

5            *“(4) to enable schools to become centers of life-*  
6        *long learning; and*

7            *“(5) to enable schools to provide educational op-*  
8        *portunities for individuals of all ages.*

9        **“SEC. 3103. PROGRAM AUTHORIZATION.**

10        *“(a) GRANTS BY THE SECRETARY.—The Secretary is*  
11        *authorized, in accordance with the provisions of this part,*  
12        *to award grants to rural and inner-city public elementary*  
13        *or secondary schools, or consortia of such schools, to enable*  
14        *such schools or consortia to plan, implement, or to expand*  
15        *projects that benefit the educational, health, social service,*  
16        *cultural, and recreational needs of a rural or inner-city*  
17        *community.*

18        *“(b) EQUITABLE DISTRIBUTION.—In awarding grants*  
19        *under this part, the Secretary shall assure an equitable dis-*  
20        *tribution of assistance among the States, among urban and*  
21        *rural areas of the United States, and among urban and*  
22        *rural areas of a State.*

23        *“(c) GRANT PERIOD.—The Secretary shall award*  
24        *grants under this part for a period not to exceed 3 years.*

1       “(d) *AMOUNT.*—*The Secretary shall not award a grant*  
2 *under this part in any fiscal year in an amount less than*  
3 *\$35,000.*

4       “**SEC. 3104. APPLICATION REQUIRED.**

5       “(a) *APPLICATION.*—*To be eligible to receive a grant*  
6 *under this part, an elementary or secondary school or con-*  
7 *sortium shall submit an application to the Secretary at*  
8 *such time, in such manner, and accompanied by such infor-*  
9 *mation as the Secretary may reasonably prescribe. Each*  
10 *such application shall include—*

11               “(1) *a comprehensive local plan that enables the*  
12 *school or consortium to serve as a center for the deliv-*  
13 *ery of education and human resources for members of*  
14 *a community;*

15               “(2) *an evaluation of the needs, available re-*  
16 *sources, and goals and objectives for the proposed*  
17 *project in order to determine which activities will be*  
18 *undertaken to address such needs; and*

19               “(3) *a description of the proposed project,*  
20 *including—*

21                       “(A) *a description of the mechanism that*  
22 *will be used to disseminate information in a*  
23 *manner that is understandable and accessible to*  
24 *the community;*

1           “(B) identification of Federal, State, and  
2 local programs to be merged or coordinated so  
3 that public resources may be maximized;

4           “(C) a description of the collaborative ef-  
5 forts to be undertaken by community-based orga-  
6 nizations, related public agencies, businesses, or  
7 other appropriate organizations;

8           “(D) a description of how the school or con-  
9 sortium will serve as a delivery center for exist-  
10 ing and new services, especially for interactive  
11 telecommunication used for education and pro-  
12 fessional training; and

13           “(E) an assurance that the school or consor-  
14 tium will establish a facility utilization policy  
15 that specifically states—

16                   “(i) the rules and regulations applica-  
17 ble to building and equipment use; and

18                   “(ii) supervision guidelines.

19           “(b) *PRIORITY.*—The Secretary shall give priority to  
20 applications describing projects that offer a broad selection  
21 of services which address the needs of the community.

22 **“SEC. 3105. USES OF FUNDS.**

23           “Grants awarded under this part may be used to plan,  
24 implement, or expand community learning centers which  
25 include not less than four of the following activities:

1           “(1) *Literacy education programs.*

2           “(2) *Senior citizen programs.*

3           “(3) *Children’s day care services.*

4           “(4) *Integrated education, health, social service,*  
5 *recreational, or cultural programs.*

6           “(5) *Summer and weekend school programs in*  
7 *conjunction with recreation programs.*

8           “(6) *Nutrition and health programs.*

9           “(7) *Expanded library service hours to serve*  
10 *community needs.*

11           “(8) *Telecommunications and technology edu-*  
12 *cation programs for individuals of all ages.*

13           “(9) *Parenting skills education programs.*

14           “(10) *Support and training for child day care*  
15 *providers.*

16           “(11) *Employment counseling, training, and*  
17 *placement.*

18           “(12) *Services for individuals who leave school*  
19 *before graduating from secondary school, regardless of*  
20 *the age of such individual.*

21           “(13) *Services for individuals with disabilities.*

22 **“SEC. 3106. DEFINITION.**

23           “*For the purpose of this part, the term ‘community*  
24 *learning center’ means an entity within a public elemen-*  
25 *tary or secondary school building that—*

1           “(1) provides educational, recreational, health,  
2           and social service programs for residents of all ages  
3           within a local community; and

4           “(2) is operated by a local educational agency in  
5           conjunction with local governmental agencies, busi-  
6           nesses, vocational education programs, institutions of  
7           higher education, community colleges, and cultural,  
8           recreational, and other community and human serv-  
9           ice entities.

10 **“SEC. 3107. AUTHORIZATION OF APPROPRIATIONS.**

11           “*There are authorized to be appropriated \$500,000,000*  
12 *for fiscal year 2001, and such sums as may be necessary*  
13 *for each of the four succeeding fiscal years, to carry out*  
14 *this part.*

15           **“PART B—INITIATIVES FOR NEGLECTED,**  
16           **DELINQUENT, OR AT RISK STUDENTS**

17 **“Subpart 1—Prevention and Intervention Programs**  
18 **for Children and Youth Who Are Neglected, De-**  
19 **linquent, or at Risk of Dropping Out**

20 **“SEC. 3321. PURPOSE; PROGRAM AUTHORIZED.**

21           “(a) *PURPOSE.—It is the purpose of this subpart—*

22           “*(1) to improve educational services for children*  
23 *in local and State institutions for neglected or delin-*  
24 *quent children and youth so that such children and*  
25 *youth have the opportunity to meet the same chal-*





1       “(b) *LOCAL SUBGRANTS.*—*Each State shall retain, for*  
 2 *purposes of carrying out chapter 2, funds generated*  
 3 *throughout the State under part A of title I based on youth*  
 4 *residing in local correctional facilities, or attending com-*  
 5 *munity day programs for delinquent children and youth.*

6                   **“Chapter 1—State Agency Programs**

7       **“SEC. 3331. ELIGIBILITY.**

8       “A State agency is eligible for assistance under this  
 9 chapter if such State agency is responsible for providing  
 10 free public education for children—

11               “(1) *in institutions for neglected or delinquent*  
 12 *children and youth;*

13               “(2) *attending community day programs for ne-*  
 14 *glected or delinquent children and youth; or*

15               “(3) *in adult correctional institutions.*

16       **“SEC. 3332. ALLOCATION OF FUNDS.**

17       “(a) *SUBGRANTS TO STATE AGENCIES.*—

18               “(1) *IN GENERAL.*—*Each State agency described*  
 19 *in section 3331 (other than an agency in the Com-*  
 20 *monwealth of Puerto Rico) is eligible to receive a*  
 21 *subgrant under this subpart, for each fiscal year, an*  
 22 *amount equal to the product of—*

23                   “(A) *the number of neglected or delinquent*  
 24 *children and youth described in section 3331*  
 25 *who—*

1           “(i) are enrolled for at least 15 hours  
2           per week in education programs in adult  
3           correctional institutions; and

4           “(ii) are enrolled for at least 20 hours  
5           per week—

6                   “(I) in education programs in in-  
7                   stitutions for neglected or delinquent  
8                   children and youth; or

9                   “(II) in community day programs  
10                  for neglected or delinquent children  
11                  and youth; and

12                  “(B) 40 percent of the average per-pupil ex-  
13                  penditure in the State, except that the amount  
14                  determined under this subparagraph shall not be  
15                  less than 32 percent, nor more than 48 percent,  
16                  of the average per-pupil expenditure in the  
17                  United States.

18                  “(2) SPECIAL RULE.—The number of neglected  
19                  or delinquent children and youth determined under  
20                  paragraph (1) shall—

21                   “(A) be determined by the State agency by  
22                   a deadline set by the Secretary, except that no  
23                   State agency shall be required to determine the  
24                   number of such children and youth on a specific  
25                   date set by the Secretary; and

1                   “(B) be adjusted, as the Secretary deter-  
 2                   mines is appropriate, to reflect the relative  
 3                   length of such agency’s annual programs.

4                   “(b) *SUBGRANTS TO STATE AGENCIES IN PUERTO*  
 5 *RICO.*—For each fiscal year, the amount of the subgrant  
 6 for which a State agency in the Commonwealth of Puerto  
 7 Rico is eligible under this subpart shall be equal to—

8                   “(1) the number of children and youth counted  
 9                   under subsection (a)(1)(A) for the Commonwealth of  
 10                  Puerto Rico; multiplied by

11                  “(2) the product of—

12                   “(A) the percentage that the average per-  
 13                   pupil expenditure in the Commonwealth of Puer-  
 14                   to Rico is of the lowest average per-pupil expend-  
 15                   iture of any of the 50 States; and

16                   “(B) 32 percent of the average per-pupil ex-  
 17                   penditure in the United States.

18                  “(c) *RATABLE REDUCTIONS IN CASE OF INSUFFICIENT*  
 19 *APPROPRIATIONS.*—If the amount appropriated for any fis-  
 20 cal year for subgrants under subsections (a) and (b) is in-  
 21 sufficient to pay the full amount for which all State agen-  
 22 cies are eligible under such subsections, the Secretary shall  
 23 ratably reduce each such amount.

1 **“SEC. 3333. STATE REALLOCATION OF FUNDS.**

2       *“If a State educational agency determines that a State*  
 3 *agency does not need the full amount of the subgrant for*  
 4 *which such State agency is eligible under this subpart for*  
 5 *any fiscal year, the State educational agency may reallocate*  
 6 *the amount that will not be needed to other eligible State*  
 7 *agencies that need additional funds to carry out the purpose*  
 8 *of this subpart, in such amounts as the State educational*  
 9 *agency shall determine.*

10 **“SEC. 3334. STATE PLAN AND STATE AGENCY APPLICA-**  
 11 **TIONS.**

12       *“(a) STATE PLAN.—*

13           *“(1) IN GENERAL.—Each State educational*  
 14 *agency that desires to receive a grant under this sub-*  
 15 *part shall submit, for approval by the Secretary, a*  
 16 *plan for meeting the needs of neglected and delinquent*  
 17 *children and youth and, where applicable, children*  
 18 *and youth at risk of dropping out of school, that is*  
 19 *integrated with other programs under this Act, or*  
 20 *other Acts, as appropriate, consistent with section*  
 21 *6506.*

22           *“(2) CONTENTS.—Each such State plan shall—*

23           *“(A) describe the program goals, objectives,*  
 24 *and performance measures established by the*  
 25 *State that will be used to assess the effectiveness*

1           *of the program in improving academic and voca-*  
2           *tional skills of children in the program;*

3           “(B) *provide that, to the extent feasible,*  
4           *such children will have the same opportunities to*  
5           *learn as such children would have if such chil-*  
6           *dren were in the schools of local educational*  
7           *agencies in the State; and*

8           “(C) *contain assurances that the State edu-*  
9           *cational agency will—*

10           “(i) *ensure that programs assisted*  
11           *under this subpart will be carried out in ac-*  
12           *cordance with the State plan described in*  
13           *this subsection;*

14           “(ii) *carry out the evaluation require-*  
15           *ments of section 3351;*

16           “(iii) *ensure that the State agencies re-*  
17           *ceiving subgrants under this chapter comply*  
18           *with all applicable statutory and regulatory*  
19           *requirements; and*

20           “(iv) *provide such other information as*  
21           *the Secretary may reasonably require.*

22           “(3) *DURATION OF THE PLAN.—Each State plan*  
23           *shall—*

24           “(A) *remain in effect for the duration of the*  
25           *State’s participation under this subpart; and*

1           “(B) be periodically reviewed and revised  
2           by the State, as necessary, to reflect changes in  
3           the State’s strategies and programs under this  
4           subpart.

5           “(b) *SECRETARIAL APPROVAL; PEER REVIEW.*—

6           “(1) *IN GENERAL.*—*The Secretary shall approve*  
7           *each State plan that meets the requirements of this*  
8           *subpart.*

9           “(2) *PEER REVIEW.*—*The Secretary may review*  
10          *any State plan with the assistance and advice of in-*  
11          *dividuals with relevant expertise.*

12          “(c) *STATE AGENCY APPLICATIONS.*—*Any State agen-*  
13          *cy that desires to receive funds to carry out a program*  
14          *under this chapter shall submit an application to the State*  
15          *educational agency that—*

16                 “(1) *describes the procedures to be used, con-*  
17                 *sistent with the State plan under section 1111, to as-*  
18                 *sess the educational needs of the children to be served;*

19                 “(2) *provides assurances that in making services*  
20                 *available to youth in adult correctional institutions,*  
21                 *priority will be given to such youth who are likely to*  
22                 *complete incarceration within a 2-year period;*

23                 “(3) *describes the program, including a budget*  
24                 *for the first year of the program, with annual updates*  
25                 *to be provided to the State educational agency;*

1           “(4) describes how the program will meet the  
2 goals and objectives of the State plan;

3           “(5) describes how the State agency will consult  
4 with experts and provide the necessary training for  
5 appropriate staff, to ensure that the planning and op-  
6 eration of institution-wide projects under section 3336  
7 are of high quality;

8           “(6) describes how the agency will carry out the  
9 evaluation requirements of section 10201 and how the  
10 results of the most recent evaluation are used to plan  
11 and improve the program;

12           “(7) includes data showing that the agency has  
13 maintained the fiscal effort required of a local edu-  
14 cational agency, in accordance with section 10101;

15           “(8) describes how the programs will be coordi-  
16 nated with other appropriate State and Federal pro-  
17 grams, such as programs under title I of the Work-  
18 force Investment Act of 1998, vocational education  
19 programs, State and local dropout prevention pro-  
20 grams, and special education programs;

21           “(9) describes how appropriate professional de-  
22 velopment will be provided to teachers and other staff;

23           “(10) designates an individual in each affected  
24 institution to be responsible for issues relating to the

1       *transition of children and youth from the institution*  
2       *to locally operated programs;*

3               “(11) describes how the agency will, endeavor to  
4       *coordinate with businesses for training and men-*  
5       *toring for participating children and youth;*

6               “(12) provides assurances that the agency will  
7       *assist in locating alternative programs through which*  
8       *students can continue their education if students are*  
9       *not returning to school after leaving the correctional*  
10       *facility;*

11              “(13) provides assurances that the agency will  
12       *work with parents to secure parents’ assistance in im-*  
13       *proving the educational achievement of their children*  
14       *and preventing their children’s further involvement in*  
15       *delinquent activities;*

16              “(14) provides assurances that the agency works  
17       *with special education youth in order to meet an ex-*  
18       *isting individualized education program and an as-*  
19       *surance that the agency will notify the youth’s local*  
20       *school if the youth—*

21                      “(A) is identified as in need of special edu-  
22                      *cation services while the youth is in the facility;*  
23                      *and*

24                      “(B) intends to return to the local school;



1           “(15) provides assurances that the agency will  
2           work with youth who dropped out of school before en-  
3           tering the facility to encourage the youth to reenter  
4           school once the term of the youth has been completed  
5           or provide the youth with the skills necessary to gain  
6           employment, continue the education of the youth, or  
7           achieve a secondary school diploma or its recognized  
8           equivalent if the youth does not intend to return to  
9           school;

10           “(16) provides assurances that teachers and other  
11           qualified staff are also trained to work with children  
12           with disabilities and other students with special needs  
13           taking into consideration the unique needs of such  
14           students;

15           “(17) describes any additional services provided  
16           to children and youth, such as career counseling, and  
17           assistance in securing student loans and grants; and

18           “(18) provides assurances that the program  
19           under this chapter will be coordinated with any pro-  
20           grams operated under the Juvenile Justice and Delin-  
21           quency Prevention Act of 1974 or other comparable  
22           programs, if applicable.

23   **“SEC. 3335. USE OF FUNDS.**

24           “(a) USES.—

1           “(1) *IN GENERAL.*—A State agency shall use  
2 funds received under this chapter only for programs  
3 and projects that—

4           “(A) are consistent with the State plan  
5 under section 3334(a); and

6           “(B) concentrate on providing participants  
7 with the knowledge and skills needed to make a  
8 successful transition to secondary school comple-  
9 tion, further education, or employment.

10          “(2) *PROGRAMS AND PROJECTS.*—Such programs  
11 and projects—

12          “(A) may include the acquisition of equip-  
13 ment;

14          “(B) shall be designed to support edu-  
15 cational services that—

16               “(i) except for institution-wide projects  
17 under section 3336, are provided to children  
18 and youth identified by the State agency as  
19 failing, or most at risk of failing, to meet  
20 the State’s challenging State content stand-  
21 ards and challenging State student perform-  
22 ance standards;

23               “(ii) supplement and improve the  
24 quality of the educational services provided

1           to such children and youth by the State  
2           agency; and

3                   “(iii) afford such children and youth  
4           an opportunity to learn to such challenging  
5           State standards;

6                   “(C) shall be carried out in a manner con-  
7           sistent with section 1120A and part F of title I;  
8           and

9                   “(D) may include the costs of meeting the  
10          evaluation requirements of section 10201.

11          “(b) *SUPPLEMENT, NOT SUPPLANT.*—A program  
12 under this chapter that supplements the number of hours  
13 of instruction students receive from State and local sources  
14 shall be considered to comply with the supplement, not sup-  
15 plant requirement of section 1120A without regard to the  
16 subject areas in which instruction is given during those  
17 hours.

18          **“SEC. 3336. INSTITUTION-WIDE PROJECTS.**

19          “A State agency that provides free public education  
20 for children and youth in an institution for neglected or  
21 delinquent children and youth (other than an adult correc-  
22 tional institution) or attending a community-day program  
23 for such children may use funds received under this subpart  
24 to serve all children in, and upgrade the entire educational  
25 effort of, that institution or program if the State agency

1 *has developed, and the State educational agency has ap-*  
2 *proved, a comprehensive plan for that institution or pro-*  
3 *gram that—*

4           “(1) *provides for a comprehensive assessment of*  
5 *the educational needs of all youth in the institution*  
6 *or program serving juveniles;*

7           “(2) *provides for a comprehensive assessment of*  
8 *the educational needs of youth aged 20 and younger*  
9 *in adult facilities who are expected to complete incar-*  
10 *ceration within a two-year period;*

11           “(3) *describes the steps the State agency has*  
12 *taken, or will take, to provide all youth under age 21*  
13 *with the opportunity to meet challenging State con-*  
14 *tent standards and challenging State student perform-*  
15 *ance standards in order to improve the likelihood that*  
16 *the youths will complete secondary school, attain a*  
17 *secondary diploma or its recognized equivalent, or*  
18 *find employment after leaving the institution;*

19           “(4) *describes the instructional program, pupil*  
20 *services, and procedures that will be used to meet the*  
21 *needs described in paragraph (1), including, to the*  
22 *extent feasible, the provision of mentors for students;*

23           “(5) *specifically describes how such funds will be*  
24 *used;*

1           “(6) describes the measures and procedures that  
2           will be used to assess student progress;

3           “(7) describes how the agency has planned, and  
4           will implement and evaluate, the institution-wide or  
5           program-wide project in consultation with personnel  
6           providing direct instructional services and support  
7           services in institutions or community-day programs  
8           for neglected or delinquent children and personnel  
9           from the State educational agency; and

10           “(8) includes an assurance that the State agency  
11           has provided for appropriate training for teachers  
12           and other instructional and administrative personnel  
13           to enable such teachers and personnel to carry out the  
14           project effectively.

15   **“SEC. 3337. THREE-YEAR PROGRAMS OR PROJECTS.**

16           *“If a State agency operates a program or project under  
17           this chapter in which individual children are likely to par-  
18           ticipate for more than one year, the State educational agen-  
19           cy may approve the State agency’s application for a  
20           subgrant under this subpart for a period of not more than  
21           three years.*

22   **“SEC. 3338. TRANSITION SERVICES.**

23           *“(a) TRANSITION SERVICES.—Each State agency shall  
24           reserve not more than 10 percent of the amount such agency  
25           receives under this chapter for any fiscal year to support*

1 *projects that facilitate the transition of children and youth*  
 2 *from State-operated institutions to local educational agen-*  
 3 *cies.*

4       “(b) *CONDUCT OF PROJECTS.*—*A project supported*  
 5 *under this section may be conducted directly by the State*  
 6 *agency, or through a contract or other arrangement with*  
 7 *one or more local educational agencies, other public agen-*  
 8 *cies, or private nonprofit organizations.*

9       “(c) *LIMITATION.*—*Any funds reserved under sub-*  
 10 *section (a) shall be used only to provide transitional edu-*  
 11 *cational services, which may include pupil services and*  
 12 *mentoring, to neglected and delinquent children and youth*  
 13 *in schools other than State-operated institutions.*

14       “(d) *CONSTRUCTION.*—*Nothing in this section shall be*  
 15 *construed to prohibit a school that receives funds under sub-*  
 16 *section (a) from serving neglected and delinquent children*  
 17 *and youth simultaneously with students with similar edu-*  
 18 *cational needs, in the same educational settings where ap-*  
 19 *propriate.*

20                   **“Chapter 2—Local Agency Programs**

21 **“SEC. 3341. PURPOSE.**

22       “*The purpose of this chapter is to support the oper-*  
 23 *ation of local educational agency programs that involve col-*  
 24 *laboration with locally operated correctional facilities to—*

1           “(1) carry out high quality education programs  
2           to prepare youth for secondary school completion,  
3           training, and employment, or further education;

4           “(2) provide activities to facilitate the transition  
5           of such youth from the correctional program to fur-  
6           ther education or employment; and

7           “(3) operate dropout prevention programs in  
8           local schools for youth at risk of dropping out of  
9           school and youth returning from correctional facili-  
10          ties.

11 **“SEC. 3342. PROGRAMS OPERATED BY LOCAL EDU-**  
12 **CATIONAL AGENCIES.**

13           “(a) *LOCAL SUBGRANTS.*—With funds made available  
14 under section 3322(b), the State educational agency shall  
15 award subgrants to local educational agencies with high  
16 numbers or percentages of youth residing in locally operated  
17 (including county operated) correctional facilities for youth  
18 (including facilities involved in community day programs).

19           “(b) *SPECIAL RULE.*—A local educational agency  
20 which includes a correctional facility that operates a school  
21 is not required to operate a dropout prevention program  
22 if more than 30 percent of the youth attending such facility  
23 will reside outside the boundaries of the local educational  
24 agency upon leaving such facility.

1           “(c) *NOTIFICATION.*—A State educational agency shall  
 2 *notify local educational agencies within the State of the eli-*  
 3 *gibility of such agencies to receive a subgrant under this*  
 4 *chapter.*

5           “**SEC. 3343. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

6           “*Eligible local educational agencies desiring assistance*  
 7 *under this chapter shall submit an application to the State*  
 8 *educational agency, containing such information as the*  
 9 *State educational agency may require. Each such applica-*  
 10 *tion shall include—*

11                   “(1) *a description of the program to be assisted;*

12                   “(2) *a description of formal agreements*  
 13 *between—*

14                           “(A) *the local educational agency; and*

15                           “(B) *correctional facilities and alternative*  
 16 *school programs serving youth involved with the*  
 17 *juvenile justice system to operate programs for*  
 18 *delinquent youth;*

19                   “(3) *as appropriate, a description of how par-*  
 20 *ticipating schools will coordinate with facilities work-*  
 21 *ing with delinquent youth to ensure that such youth*  
 22 *are participating in an education program com-*  
 23 *parable to one operating in the local school such*  
 24 *youth would attend;*



1           “(4) as appropriate, a description of the dropout  
2           prevention program operated by participating schools  
3           and the types of services such schools will provide to  
4           at-risk youth in participating schools and youth re-  
5           turning from correctional facilities;

6           “(5) as appropriate, a description of the youth  
7           expected to be served by the dropout prevention pro-  
8           gram and how the school will coordinate existing edu-  
9           cational programs to meet unique education needs;

10          “(6) as appropriate, a description of how schools  
11          will coordinate with existing social and health serv-  
12          ices to meet the needs of students at risk of dropping  
13          out of school and other participating students, includ-  
14          ing prenatal health care and nutrition services related  
15          to the health of the parent and child, parenting and  
16          child development classes, child care, targeted re-entry  
17          and outreach programs, referrals to community re-  
18          sources, and scheduling flexibility;

19          “(7) as appropriate, a description of any part-  
20          nerships with local businesses to develop training and  
21          mentoring services for participating students;

22          “(8) as appropriate, a description of how the  
23          program will involve parents in efforts to improve the  
24          educational achievement of their children, assist in

1        *dropout prevention activities, and prevent the involve-*  
2        *ment of their children in delinquent activities;*

3                *“(9) a description of how the program under this*  
4        *chapter will be coordinated with other Federal, State,*  
5        *and local programs, such as programs under title I*  
6        *of the Workforce Investment Act of 1998 and voca-*  
7        *tional education programs serving at-risk youth;*

8                *“(10) a description of how the program will be*  
9        *coordinated with programs operated under the Juve-*  
10        *nile Justice and Delinquency Prevention Act of 1974*  
11        *and other comparable programs, if applicable;*

12                *“(11) as appropriate, a description of how*  
13        *schools will work with probation officers to assist in*  
14        *meeting the needs of youth returning from correc-*  
15        *tional facilities;*

16                *“(12) a description of efforts participating*  
17        *schools will make to ensure correctional facilities*  
18        *working with youth are aware of a child’s existing in-*  
19        *dividualized education program; and*

20                *“(13) as appropriate, a description of the steps*  
21        *participating schools will take to find alternative*  
22        *placements for youth interested in continuing their*  
23        *education but unable to participate in a regular pub-*  
24        *lic school program.*

1 **“SEC. 3344. USES OF FUNDS.**

2       *“Funds provided to local educational agencies under*  
3 *this chapter may be used, where appropriate, for—*

4               *“(1) dropout prevention programs which serve*  
5 *youth at educational risk, including pregnant and*  
6 *parenting teens, youth who have come in contact with*  
7 *the juvenile justice system, youth at least one year be-*  
8 *hind their expected grade level, migrant youth, immi-*  
9 *grant youth, students with limited-English pro-*  
10 *ficiency and gang members;*

11               *“(2) the coordination of health and social serv-*  
12 *ices for such individuals if there is a likelihood that*  
13 *the provision of such services, including day care and*  
14 *drug and alcohol counseling, will improve the likeli-*  
15 *hood such individuals will complete their education;*  
16 *and*

17               *“(3) programs to meet the unique education*  
18 *needs of youth at risk of dropping out of school, which*  
19 *may include vocational education, special education,*  
20 *career counseling, and assistance in securing student*  
21 *loans or grants.*

1 **“SEC. 3345. PROGRAM REQUIREMENTS FOR CORRECTIONAL**  
2 **FACILITIES RECEIVING FUNDS UNDER THIS**  
3 **SECTION.**

4 *“Each correctional facility having an agreement with*  
5 *a local educational agency under section 3343(2) to provide*  
6 *services to youth under this chapter shall—*

7 *“(1) where feasible, ensure educational programs*  
8 *in juvenile facilities are coordinated with the stu-*  
9 *dent’s home school, particularly with respect to spe-*  
10 *cial education students with an individualized edu-*  
11 *cation program;*

12 *“(2) notify the local school of a youth if the*  
13 *youth is identified as in need of special education*  
14 *services while in the facility;*

15 *“(3) where feasible, provide transition assistance*  
16 *to help the youth stay in school, including coordina-*  
17 *tion of services for the family, counseling, assistance*  
18 *in accessing drug and alcohol abuse prevention pro-*  
19 *grams, tutoring, and family counseling;*

20 *“(4) provide support programs which encourage*  
21 *youth who have dropped out of school to reenter school*  
22 *once their term has been completed or provide such*  
23 *youth with the skills necessary for such youth to gain*  
24 *employment or seek a secondary school diploma or its*  
25 *recognized equivalent;*

1           “(5) work to ensure such facilities are staffed  
2           with teachers and other qualified staff who are  
3           trained to work with children with disabilities and  
4           other students with special needs taking into consider-  
5           ation the unique needs of such children and students;

6           “(6) ensure educational programs in correctional  
7           facilities are related to assisting students to meet high  
8           educational standards;

9           “(7) use, to the extent possible, technology to as-  
10          sist in coordinating educational programs between the  
11          juvenile facility and the community school;

12          “(8) where feasible, involve parents in efforts to  
13          improve the educational achievement of their children  
14          and prevent the further involvement of such children  
15          in delinquent activities;

16          “(9) coordinate funds received under this pro-  
17          gram with other local, State, and Federal funds avail-  
18          able to provide services to participating youth, such  
19          as funds made available under title I of the Workforce  
20          Investment Act of 1998, and vocational education  
21          funds;

22          “(10) coordinate programs operated under this  
23          chapter with activities funded under the Juvenile Jus-  
24          tice and Delinquency Prevention Act of 1974 and  
25          other comparable programs, if applicable; and

1           “(11) if appropriate, work with local businesses  
2           to develop training and mentoring programs for par-  
3           ticipating youth.

4   **“SEC. 3346. ACCOUNTABILITY.**

5           *“The State educational agency may—*

6           *“(1) reduce or terminate funding for projects*  
7           *under this chapter if a local educational agency does*  
8           *not show progress in reducing dropout rates for male*  
9           *students and for female students over a 3-year period;*  
10          *and*

11          *“(2) require juvenile facilities to demonstrate,*  
12          *after receiving assistance under this chapter for 3*  
13          *years, that there has been an increase in the number*  
14          *of youth returning to school, obtaining a secondary*  
15          *school diploma or its recognized equivalent, or obtain-*  
16          *ing employment after such youth are released.*

17                           **“Chapter 3—General Provisions**

18   **“SEC. 3351. PROGRAM EVALUATIONS.**

19          *“(a) SCOPE OF EVALUATION.—Each State agency or*  
20          *local educational agency that conducts a program under*  
21          *chapter 1 or 2 shall evaluate the program, disaggregating*  
22          *data on participation by sex, and if feasible, by race, eth-*  
23          *nicity, and age, not less than once every three years to deter-*  
24          *mine the program’s impact on the ability of participants*  
25          *to—*

1           “(1) maintain and improve educational achieve-  
2           ment;

3           “(2) accrue school credits that meet State re-  
4           quirements for grade promotion and secondary school  
5           graduation;

6           “(3) make the transition to a regular program or  
7           other education program operated by a local edu-  
8           cational agency; and

9           “(4) complete secondary school (or secondary  
10          school equivalency requirements) and obtain employ-  
11          ment after leaving the institution.

12          “(b) *EVALUATION MEASURES.*—*In conducting each*  
13 *evaluation under subsection (a), a State agency or local*  
14 *educational agency shall use multiple and appropriate*  
15 *measures of student progress.*

16          “(c) *EVALUATION RESULTS.*—*Each State agency and*  
17 *local educational agency shall—*

18           “(1) submit evaluation results to the State edu-  
19           cational agency; and

20           “(2) use the results of evaluations under this sec-  
21           tion to plan and improve subsequent programs for  
22           participating children and youth.

23          **“SEC. 3352. DEFINITIONS.**

24          *“In this subpart:*

1           “(1) *ADULT CORRECTIONAL INSTITUTION.*—*The*  
2           *term ‘adult correctional institution’ means a facility*  
3           *in which persons are confined as a result of a conviction*  
4           *for a criminal offense, including persons under*  
5           *21 years of age.*

6           “(2) *AT-RISK YOUTH.*—*The term ‘at-risk youth’*  
7           *means school aged youth who are at risk of academic*  
8           *failure, have drug or alcohol problems, are pregnant*  
9           *or are parents, have come into contact with the juvenile*  
10           *justice system in the past, are at least one year*  
11           *behind the expected grade level for the age of the*  
12           *youth, have limited-English proficiency, are gang*  
13           *members, have dropped out of school in the past, or*  
14           *have high absenteeism rates at school.*

15           “(3) *COMMUNITY DAY PROGRAM.*—*The term*  
16           *‘community day program’ means a regular program*  
17           *of instruction provided by a State agency at a community*  
18           *day school operated specifically for neglected*  
19           *or delinquent children and youth.*

20           “(4) *INSTITUTION FOR NEGLECTED OR DELIN-*  
21           *QUENT CHILDREN AND YOUTH.*—*The term ‘institution*  
22           *for neglected or delinquent children and youth’*  
23           *means—*

24                     “(A) *a public or private residential facility,*  
25                     *other than a foster home, that is operated for the*



1           *care of children who have been committed to the*  
 2           *institution or voluntarily placed in the institu-*  
 3           *tion under applicable State law, due to abandon-*  
 4           *ment, neglect, or death of their parents or guard-*  
 5           *ians; or*

6                   *“(B) a public or private residential facility*  
 7           *for the care of children who have been adju-*  
 8           *dicated to be delinquent or in need of super-*  
 9           *vision.*

10   **“SEC. 3353. AUTHORIZATION OF APPROPRIATIONS.**

11           *“There are authorized to be appropriated \$42,000,000*  
 12   *for fiscal year 2001, and such sums as may be necessary*  
 13   *for each of the four succeeding fiscal years, to carry out*  
 14   *this part.*

15    **“PART C—GIFTED AND TALENTED CHILDREN**

16   **“SEC. 3401. SHORT TITLE.**

17           *“This part may be cited as the ‘Jacob K. Javits Gifted*  
 18   *and Talented Students Education Act’.*

19   **“SEC. 3402. STATEMENT OF PURPOSE.**

20           *“(a) PURPOSE.—The purpose of this part is—*

21                   *“(1) to provide grants to State educational agen-*  
 22    *cies and local public schools for the support of pro-*  
 23    *grams, classes, and other services designed to meet the*  
 24    *needs of the Nation’s gifted and talented students in*  
 25    *elementary schools and secondary schools;*

1           “(2) to encourage the development of rich and  
2           challenging curricula for all students through the ap-  
3           propriate application and adaptation of materials  
4           and instructional methods developed under this part;  
5           and

6           “(3) to supplement and make more effective the  
7           expenditure of State and local funds for the education  
8           of gifted and talented students.

9   **“SEC. 3403. CONSTRUCTION.**

10          “Nothing in this part shall be construed to prohibit  
11          a recipient of funds under this part from serving gifted and  
12          talented students simultaneously with students with similar  
13          educational needs, in the same educational setting where  
14          appropriate.

15   **“SEC. 3404. AUTHORIZATION OF APPROPRIATIONS; TRIG-**  
16   **GER.**

17          “(a) *AUTHORIZATION OF APPROPRIATIONS.*—There  
18          are authorized to be appropriated to carry out this part  
19          \$155,000,000 for fiscal year 2001 and such sums as may  
20          be necessary for each of the 4 succeeding fiscal years.

21          “(b) *TRIGGER.*—Notwithstanding any other provision  
22          of this part, if the amount appropriated under subsection  
23          (a) for a fiscal year is less than \$50,000,000, then the Sec-  
24          retary shall use such amount to carry out part B of title

1 *X (as such part was in effect on the day before the date*  
2 *of enactment of the Educational Opportunities Act).*

3 **“SEC. 3405. ALLOTMENT TO STATES.**

4       “(a) *RESERVATION.*—*From the funds appropriated*  
5 *under section 3404(a) for any fiscal year, the Secretary*  
6 *shall reserve not more than 1 percent for payments to the*  
7 *outlying areas to be allotted to the outlying areas in accord-*  
8 *ance with their respective needs for assistance under this*  
9 *part.*

10       “(b) *ALLOTMENT.*—*From the funds appropriated*  
11 *under section 3404(a) that are not reserved under sub-*  
12 *section (a), the Secretary shall allot to each State an*  
13 *amount that bears the same relation to the funds as the*  
14 *school-age population of the State bears to the school-age*  
15 *population of all States, except that no State shall receive*  
16 *an allotment that is less than 0.50 percent of the funds.*

17       “(c) *GRANDFATHER CLAUSE.*—*If the amount appro-*  
18 *priated under section 3404(a) for a fiscal year is*  
19 *\$50,000,000 or more, then the Secretary shall use such*  
20 *amount to continue to make grant or contract payments*  
21 *to each entity that was awarded a multiyear grant or con-*  
22 *tract under part B of title X (as such part was in effect*  
23 *on the day before the date of enactment of the Educational*  
24 *Opportunities Act) for the duration of the grant or contract*  
25 *award.*

1 **“SEC. 3406. STATE APPLICATIONS.**

2       “(a) *APPLICATION REQUIREMENTS.*—*Any State that*  
3 *desires to receive assistance under this part shall submit*  
4 *to the Secretary an application that—*

5               “(1) *designates the State educational agency as*  
6 *the agency responsible for the administration and su-*  
7 *per vision of programs assisted under this part;*

8               “(2) *contains an assurance of the State edu-*  
9 *cat ional agency’s ability to provide matching funds*  
10 *for the activities to be assisted under this part in an*  
11 *amount equal to not less than 20 percent of the grant*  
12 *funds to be received, provided in cash or in-kind;*

13               “(3) *provides for a biennial submission of data*  
14 *regarding the use of funds under this part, the types*  
15 *of services furnished under this part, and how the*  
16 *services impacted the individuals assisted under this*  
17 *part;*

18               “(4) *provides that the State educational agency*  
19 *will keep such records and provide such information*  
20 *to the Secretary as may be required for fiscal audit*  
21 *and program evaluation (consistent with all State*  
22 *educational agency fiscal audit and program evalua-*  
23 *tion responsibilities under this Act);*

24               “(5) *contains an assurance that there is compli-*  
25 *ance with the requirements of this part; and*

1           “(6) provides for timely public notice and public  
2           dissemination of the data submitted pursuant to  
3           paragraph (3).

4           “(b) DURATION AND AMENDMENTS.—An application  
5           filed by the State under subsection (a) shall be for a period  
6           not to exceed 3 years.

7           **“SEC. 3407. STATE USES OF FUNDS.**

8           “(a) IN GENERAL.—A State educational agency shall  
9           not use more than 10 percent of the funds made available  
10          under this part for—

11           “(1) establishment and implementation of a peer  
12          review process for grant applications under this part;

13           “(2) supervision of the awarding of funds to  
14          local educational agencies or consortia thereof to sup-  
15          port gifted and talented students from all economic,  
16          ethnic, and racial backgrounds, including such stu-  
17          dents of limited English proficiency and such students  
18          with disabilities;

19           “(3) planning, supervision, and processing of  
20          funds made available under this section;

21           “(4) monitoring, evaluation, and dissemination  
22          of programs and activities assisted under this part,  
23          including the submission of an annual report to the  
24          Secretary that describes the number of students served  
25          and the education activities assisted under the grant;

1           “(5) *providing technical assistance under this*  
2           *part; and*

3           “(6) *supplementing, but not supplanting, the*  
4           *amount of State and local funds expended for the edu-*  
5           *cation of, and related services provided for, the edu-*  
6           *cation of gifted and talented students.*

7           “(b) *PARENTAL SUPPORT.—A State educational agen-*  
8           *cy shall not use more than 2 percent of the funds made*  
9           *available under this part for providing information, edu-*  
10           *cation, and support to parents of gifted and talented chil-*  
11           *dren to enhance the parents’ ability to participate in deci-*  
12           *sions regarding their children’s educational programs.*

13           **“SEC. 3408. DISTRIBUTION TO LOCAL EDUCATIONAL AGEN-**  
14           **CIES.**

15           “(a) *GRANT COMPETITION.—A State educational*  
16           *agency shall use not less than 88 percent of the funds made*  
17           *available under this part to award grants, on a competitive*  
18           *basis, to local educational agencies or consortia thereof to*  
19           *support programs, classes, and other services designed to*  
20           *meet the needs of gifted and talented students.*

21           “(b) *SIZE OF GRANT.—A State educational agency*  
22           *shall award a grant under this part for any fiscal year*  
23           *in an amount sufficient to meet the needs of the students*  
24           *to be served under the grant.*

1 **“SEC. 3409. LOCAL APPLICATION REQUIREMENTS.**

2       “(a) *APPLICATION.*—*To be eligible to receive a grant*  
3 *under this part the local educational agency or consortium*  
4 *shall submit an application to the State educational agen-*  
5 *cy.*

6       “(b) *CONTENTS.*—*Each such application shall*  
7 *include—*

8               “(1) *an assurance that the funds received under*  
9 *this part will be used to identify and support gifted*  
10 *and talented students, including gifted and talented*  
11 *students from all economic, ethnic, and racial back-*  
12 *grounds, including such students of limited English*  
13 *proficiency, and such students with disabilities;*

14               “(2) *a description of how the local educational*  
15 *agency or consortium will meet the educational needs*  
16 *of gifted and talented students, including the training*  
17 *of personnel in the education of gifted and talented*  
18 *students.*

19 **“SEC. 3410. LOCAL USES OF FUNDS.**

20       “*Grants awarded under this part shall be used by local*  
21 *educational agencies or consortia to carry out 1 or more*  
22 *of the following activities to benefit gifted and talented stu-*  
23 *dents:*

24               “(1) *PROFESSIONAL DEVELOPMENT PRO-*  
25 *GRAMS.*—*Developing and implementing programs to*  
26 *address State and local needs for inservice training*

1        *activities for general educators, specialists in gifted*  
2        *and talented education, administrators, school coun-*  
3        *selors, or other school personnel.*

4            “(2) *IDENTIFICATION OF STUDENTS.—Delivery*  
5        *of services to gifted and talented students who may*  
6        *not be identified and served through traditional as-*  
7        *essment methods, including economically disadvan-*  
8        *taged individuals, individuals of limited English pro-*  
9        *ficiency, and individuals with disabilities.*

10           “(3) *MODEL PROJECTS.—Supporting and imple-*  
11        *menting innovative strategies such as cooperative*  
12        *learning, service learning, peer tutoring, independent*  
13        *study, and adapted curriculum used by schools or*  
14        *consortia.*

15           “(4) *EMERGING TECHNOLOGIES.—Assisting*  
16        *schools or consortia of schools, that do not have the re-*  
17        *sources to otherwise provide gifted and talented*  
18        *courses, to provide the courses through new and*  
19        *emerging technologies, including distance learning*  
20        *curriculum packages, except that funds under this*  
21        *part shall not be used for the purchase or upgrading*  
22        *of technological hardware.*



1 **“SEC. 3411. PARTICIPATION OF PRIVATE SCHOOL CHIL-**  
2 **DREN AND TEACHERS.**

3 *“In awarding grants under this part the Secretary*  
4 *shall ensure, where appropriate, that provision is made for*  
5 *the equitable participation of students and teachers in pri-*  
6 *vate, nonprofit elementary schools and secondary schools,*  
7 *including the participation of teachers and other personnel*  
8 *in professional development programs serving such chil-*  
9 *dren.*

10 **“SEC. 3412. ESTABLISHMENT OF NATIONAL CENTER.**

11 *“(a) PURPOSE.—The purposes of a National Center for*  
12 *Research and Development in the Education of Gifted and*  
13 *Talented Children and Youth are—*

14 *“(1) to develop, disseminate, and evaluate model*  
15 *projects and activities for serving gifted and talented*  
16 *students;*

17 *“(2) to conduct research regarding innovative*  
18 *methods for identifying and educating gifted and tal-*  
19 *ented students; and*

20 *“(3) to provide technical assistance programs*  
21 *that will further the education of gifted and talented*  
22 *students, including how gifted and talented programs,*  
23 *where appropriate, may be adapted for use by all stu-*  
24 *dents.*

25 *“(b) CENTER ESTABLISHED.—The Secretary shall es-*  
26 *tablish a National Center for Research and Development*

1 *in the Education of Gifted and Talented Children and*  
2 *Youth through grants to or contracts with 1 or more institu-*  
3 *tions of higher education, State educational agencies, or a*  
4 *consortia of such institutions and agencies.*

5       “(c) *DIRECTOR.*—*The National Center shall have a Di-*  
6 *rector. The Secretary may authorize the Director to carry*  
7 *out such functions of the National Center as may be agreed*  
8 *upon through arrangements with other institutions of high-*  
9 *er education, and State educational agencies or local edu-*  
10 *cational agencies.*

11       “(d) *GRANDFATHER CLAUSE.*—*If the amount appro-*  
12 *priated under section 3404(a) for a fiscal year is*  
13 *\$50,000,000 or more, then the Secretary shall use such*  
14 *amount to continue to make grant or contract payments*  
15 *to each entity that was awarded a multiyear grant or con-*  
16 *tract under section 10204(c) (as such section was in effect*  
17 *on the day before the date of enactment of the Educational*  
18 *Opportunities Act) for the duration of the grant or contract*  
19 *award.*

20       “(e) *FUNDING.*—*The Secretary may use not more than*  
21 *30 percent of the funds made available under section*  
22 *3404(a) for any fiscal year to carry out this section.*

**“PART D—ARTS IN EDUCATION****“Subpart 1—Arts Education****“SEC. 3511. SUPPORT FOR ARTS EDUCATION.**

“(a) *PURPOSES.*—*The purposes of this subpart are to—*

“(1) *support systemic education reform by strengthening arts education as an integral part of the elementary school and secondary school curriculum;*

“(2) *help ensure that all students have the opportunity to learn to challenging State content standards and challenging State student performance standards in the arts;*

“(3) *support the national effort to enable all students to demonstrate competence in the arts in accordance with the America’s Education Goals;*

“(4) *support model partnership programs between schools and nonprofit cultural organizations designed to contribute to overall achievement for students and complement curriculum-based arts instruction in the classroom; and*

“(5) *support projects and programs in the performing arts through arrangements with the John F. Kennedy Center for the Performing Arts, and support model projects and programs that assure the partici-*

1        *pation in the arts and education programs for indi-*  
2        *viduals with disabilities through VSA Arts.*

3        “(b) *ELIGIBLE RECIPIENTS.*—*In order to carry out the*  
4        *purposes of this subpart, the Secretary is authorized to*  
5        *award grants to, or enter into contracts or cooperative*  
6        *agreements with—*

7                “(1) *State educational agencies;*

8                “(2) *local educational agencies;*

9                “(3) *institutions of higher education;*

10               “(4) *museums and other cultural institutions;*

11        *and*

12               “(5) *other public and private agencies, institu-*  
13        *tions, and organizations.*

14        “(c) *AUTHORIZED ACTIVITIES.*—*Funds under this*  
15        *subpart may be used for—*

16               “(1) *the development and dissemination of model*  
17        *arts education programs or model arts education as-*  
18        *essments based on high standards;*

19               “(2) *the development and implementation of cur-*  
20        *riculum frameworks for arts education;*

21               “(3) *the development of model preservice and in-*  
22        *service professional development programs for arts*  
23        *educators and other instructional staff;*

24               “(4) *supporting collaborative activities with*  
25        *other Federal agencies or institutions involved in arts*

1       *education, such as the National Endowment for the*  
2       *Arts, the Institute of Museum and Library Services,*  
3       *the John F. Kennedy Center for the Performing Arts,*  
4       *VSA Arts, and the National Gallery of Art;*

5             “(5) *supporting model projects and programs in*  
6       *the performing arts for children and youth through*  
7       *arrangements made with the John F. Kennedy Center*  
8       *for the Performing Arts;*

9             “(6) *supporting model projects and programs by*  
10       *VSA Arts that assure the participation in main-*  
11       *stream settings in arts and education programs of in-*  
12       *dividuals with disabilities; and*

13            “(7) *supporting collaborative projects between*  
14       *schools, and nonprofit cultural organizations with ex-*  
15       *pertise in music, dance, literature, theater and the*  
16       *visual arts, for model school arts programs.*

17       “(d) *COORDINATION.—*

18            “(1) *IN GENERAL.—A recipient of funds under*  
19       *this subpart, to the extent possible, shall coordinate*  
20       *projects assisted under this subpart with appropriate*  
21       *activities of public and private cultural agencies, in-*  
22       *stitutions, and organizations, including museums,*  
23       *arts education associations, libraries, and theaters.*

24            “(2) *SPECIAL RULE.—In carrying out this sub-*  
25       *part, the Secretary shall coordinate with the National*

1       *Endowment for the Arts, the Institute of Museum and*  
2       *Library Services, the John F. Kennedy Center for the*  
3       *Performing Arts, VSA Arts, and the National Gallery*  
4       *of Art.*

5       “(e) *AUTHORIZATION.*—

6               “(1) *IN GENERAL.*—*For the purpose of carrying*  
7       *out this subpart, there are authorized to be appro-*  
8       *priated \$25,000,000 for fiscal year 2001 and such*  
9       *sums as may be necessary for each of the 4 succeeding*  
10       *fiscal years.*

11               “(2) *SPECIAL RULE.*—*If the amount appro-*  
12       *priated under paragraph (1) for any fiscal year is*  
13       *\$10,000,000 or less, then such amount shall only be*  
14       *available to carry out the activities described in para-*  
15       *graphs (5) and (6) of subsection (c).*

16       **“Subpart 2—Cultural Partnerships for At-Risk Youth**

17       **“SEC. 3521. PURPOSE.**

18               *“The purpose of this subpart is to award grants to eli-*  
19       *gible entities to improve the educational performance and*  
20       *potential of at-risk youth by providing comprehensive and*  
21       *coordinated educational and cultural services.*

22       **“SEC. 3522. PROGRAM AUTHORIZED.**

23               “(a) *IN GENERAL.*—*The Secretary is authorized to*  
24       *award grants to eligible entities to pay the Federal share*  
25       *of the costs of the activities described in section 3523.*

1       “(b) *SPECIAL REQUIREMENTS.*—

2               “(1) *IN GENERAL.*—*The Secretary shall award*  
3 *grants under this subpart only to eligible entities car-*  
4 *rying out programs designed to—*

5                       “(A) *promote and enhance educational and*  
6 *cultural activities;*

7                       “(B) *provide multiyear services to at-risk*  
8 *youth and to integrate community cultural re-*  
9 *sources into in-school and after-school edu-*  
10 *cational programs;*

11                      “(C) *provide integration of community cul-*  
12 *tural resources into the regular curriculum and*  
13 *school day;*

14                      “(D) *focus school and cultural resources in*  
15 *the community on coordinated cultural services*  
16 *to address the needs of at-risk youth;*

17                      “(E) *provide effective cultural programs to*  
18 *facilitate the transition from preschool programs*  
19 *to elementary school programs, including pro-*  
20 *grams under the Head Start Act and part C of*  
21 *the Individuals with Disabilities Education Act;*

22                      “(F) *facilitate school-to-work transition*  
23 *from secondary schools and alternative schools to*  
24 *job training, higher education and employment*

1           *through educational programs and activities that*  
2           *utilize school resources;*

3           “(G) *increase parental and community in-*  
4           *volvement in the educational, social, and cul-*  
5           *tural development of at-risk youth; or*

6           “(H)(i) *develop programs and strategies*  
7           *that provide high-quality coordinated edu-*  
8           *cational and cultural services; and*

9           “(ii) *provide a model to replicate such serv-*  
10          *ices in other schools and communities.*

11          “(2) *PARTNERSHIP.—An interagency partner-*  
12          *ship comprised of the Secretary, the Chairman of the*  
13          *National Endowment for the Humanities, the Chair-*  
14          *man of the National Endowment for the Arts, and the*  
15          *Director of the Institute of Museum and Library*  
16          *Services, or their designees, shall establish criteria*  
17          *and procedures for awarding grants, including the es-*  
18          *tablishment of panels to review the applications, and*  
19          *shall administer the grants program authorized by*  
20          *this section. The Secretary shall publish such criteria*  
21          *and procedures in the Federal Register.*

22          “(3) *COORDINATION.—Grants may only be*  
23          *awarded under this subpart to eligible entities that*  
24          *agree to coordinate activities carried out under other*  
25          *Federal, State, and local grants, received by the mem-*



1        *bers of the partnership for purposes and target popu-*  
 2        *lations described in this subpart, into an integrated*  
 3        *service delivery system located at a school, cultural, or*  
 4        *other community-based site accessible to and utilized*  
 5        *by at-risk youth.*

6            “(4) *ELIGIBLE ENTITIES.*—*For purposes of this*  
 7        *subpart, the term ‘eligible entity’ means a partner-*  
 8        *ship between or among—*

9            “(A)(i) *one or more local educational agen-*  
 10        *cies; or*

11            “(ii) *one or more individual schools that*  
 12        *are eligible to participate in a schoolwide pro-*  
 13        *gram under section 1114; and*

14            “(B) *at least 1 institution of higher edu-*  
 15        *cation, museum, local arts agency, or nonprofit*  
 16        *cultural organization or institution with exper-*  
 17        *tise in music, dance, theater, creative writing, or*  
 18        *visual arts, that is accessible to individuals with-*  
 19        *in the school district of such local educational*  
 20        *agency or school, and that has a history of pro-*  
 21        *viding quality services to the community, which*  
 22        *may include—*

23            “(i) *nonprofit institutions of higher*  
 24        *education, museums, libraries, performing,*  
 25        *presenting and exhibiting arts organiza-*

1                    *tions, literary arts organizations, State and*  
2                    *local arts organizations, cultural institu-*  
3                    *tions, and zoological and botanical organi-*  
4                    *zations; or*

5                    *“(ii) private for-profit entities with a*  
6                    *history of training youth in the arts.*

7                    *“(5) GEOGRAPHIC DISTRIBUTION.—In awarding*  
8                    *grants under this subpart the Secretary, to the extent*  
9                    *feasible, shall ensure an equitable geographic distribu-*  
10                   *tion of the grants.*

11                   *“(6) DURATION.—Grants made under this sub-*  
12                   *part may be renewable for a maximum of 5 years if*  
13                   *the Secretary determines that the eligible recipient*  
14                   *has made satisfactory progress toward the achieve-*  
15                   *ment of the program objectives described in the appli-*  
16                   *cation.*

17                   *“(7) MODELS.—The Secretary, in consultation*  
18                   *with the Chairman of the National Endowment for*  
19                   *the Humanities, the Chairman of the National En-*  
20                   *dowment for the Arts, and the Director of the Insti-*  
21                   *tute of Museum and Library Services, or their des-*  
22                   *ignees, shall submit successful models developed under*  
23                   *this subpart to the National Diffusion Network for re-*  
24                   *view.*

1       “(c) *TARGET POPULATION.*—*To be eligible for a grant*  
2 *under this subpart an eligible entity shall support activities*  
3 *under this part that serve—*

4               “(1) *students enrolled in schools participating in*  
5 *a schoolwide program under section 1114 and the*  
6 *families of such students to the extent practicable;*

7               “(2) *out-of-school at-risk youth; or*

8               “(3) *a combination of in-school and out-of-school*  
9 *at-risk youth.*

10 **“SEC. 3523. AUTHORIZED ACTIVITIES.**

11       “(a) *IN GENERAL.*—*Grants awarded under this sub-*  
12 *part may be used—*

13               “(1) *to develop, acquire, implement, and expand*  
14 *school-based coordinated educational and cultural*  
15 *programs to strengthen the educational performance*  
16 *and potential of in-school or out-of-school at-risk*  
17 *youth through grants, cooperative agreements or con-*  
18 *tracts, or through the provision of services;*

19               “(2) *to provide at-risk youth with integrated cul-*  
20 *tural activities designed to improve academic achieve-*  
21 *ment and the transition of such students to all levels*  
22 *of education from prekindergarten to secondary school*  
23 *and beyond;*

24               “(3) *to work with school personnel on staff devel-*  
25 *opment activities that—*

1           (A) encourage the integration of arts into  
2           the curriculum; and

3           (B) to the greatest extent practicable, are  
4           tied to challenging State content standards and  
5           challenging State student performance standards;

6           “(4) for cultural programs that encourage the ac-  
7           tive participation of parents in the education of their  
8           children; and

9           “(5) for assistance that allows local artists to  
10          work with at-risk youth in schools.

11         “(b) APPLICATIONS.—

12                 “(1) IN GENERAL.—Each eligible entity desiring  
13                 a grant under this subpart shall submit an applica-  
14                 tion to the Secretary at such time, in such manner,  
15                 and accompanied by such information as the Sec-  
16                 retary may reasonably require.

17                 “(2) CONTENTS.—Each application submitted  
18                 pursuant to paragraph (1) shall—

19                         “(A) describe the cultural entity or entities  
20                         that will participate in the partnership;

21                         “(B) describe the target population to be  
22                         served;

23                         “(C) describe the services to be provided;

24                         “(D) describe a plan for evaluating the suc-  
25                         cess of the program;

1           “(E) in the case of each local educational  
2 agency or school participating in the partner-  
3 ship, describe how the activities assisted under  
4 this subpart will be perpetuated beyond the du-  
5 ration of the grant;

6           “(F) describe the manner in which the eligi-  
7 ble entity will improve the educational achieve-  
8 ment or potential of at-risk youth through more  
9 effective coordination of cultural services in the  
10 community;

11           “(G) describe the overall and operational  
12 goals of the program;

13           “(H) describe the nature and location of all  
14 planned sites where services will be delivered and  
15 a description of services which will be provided  
16 at each site; and

17           “(I) describe training that will be provided  
18 to individuals who are not trained to work with  
19 youth, and how teachers will be involved.

20 **“SEC. 3524. PAYMENTS; AMOUNTS OF AWARD; COST SHARE;**  
21 **LIMITATIONS.**

22           “(a) PAYMENTS.—

23           “(1) IN GENERAL.—The Secretary shall pay to  
24 each eligible recipient having an application ap-

1        *proved under section 3523(b) the Federal share of the*  
2        *cost of the activities described in the application.*

3            “(2) *SPECIAL RULE.*—

4            “(A) *IN GENERAL.*—*Grants awarded under*  
5        *this subpart shall be of sufficient size, scope, and*  
6        *quality to be effective.*

7            “(B) *NONDUPLICATION.*—*The Secretary*  
8        *shall award grants under this subpart so as to*  
9        *ensure nonduplication of services provided by*  
10       *grant recipients and services provided by—*

11            “(i) *the National Endowment for the*  
12            *Humanities;*

13            “(ii) *the National Endowment for the*  
14            *Arts; and*

15            “(iii) *the Institute of Museum and Li-*  
16            *brary Services.*

17            “(b) *COST SHARE.*—

18            “(1) *FEDERAL SHARE.*—*The Federal share of the*  
19        *cost of activities assisted under a grant under this*  
20        *subpart shall be 80 percent of the cost of carrying out*  
21        *the activities.*

22            “(2) *NON-FEDERAL SHARE.*—*The non-Federal*  
23        *share of the cost of activities assisted under a grant*  
24        *under this subpart shall be 20 percent of the cost of*  
25        *carrying out the activities, and may be provided in*

1       *cash or in kind, fairly evaluated, including the provi-*  
2       *sion of equipment, services, or facilities.*

3       “(c) *LIMITATIONS.*—

4               “(1) *SUPPLEMENT AND NOT SUPPLANT.*—*Grant*  
5       *funds awarded under this part shall be used to sup-*  
6       *plement not supplant the amount of funds made*  
7       *available from non-Federal sources, for the activities*  
8       *assisted under this subpart, in amounts that exceed*  
9       *the amounts expended for such activities in the year*  
10       *preceding the year for which the grant is awarded.*

11              “(2) *EVALUATION; REPLICATION; ADMINISTRA-*  
12       *TIVE COSTS.*—

13                   “(A) *SECRETARY.*—*The Secretary may re-*  
14       *serve not more than 5 percent of the grant funds*  
15       *received under this subpart in each fiscal year*  
16       *for the costs of evaluation and replication of pro-*  
17       *grams funded under this subpart.*

18                   “(B) *ELIGIBLE RECIPIENTS.*—*Each eligible*  
19       *recipient may reserve not more than 5 percent of*  
20       *any grant funds received under this subpart in*  
21       *each fiscal year for the costs of administration,*  
22       *including review and evaluation of each program*  
23       *assisted under this subpart.*

1 **“SEC. 3525. AUTHORIZATION OF APPROPRIATIONS.**

2       *“There are authorized to be appropriated to carry out*  
3 *this subpart, \$45,000,000 for fiscal year 2001, and such*  
4 *sums as may be necessary for each of the 4 succeeding fiscal*  
5 *years.*

6 **“PART E—ADVANCED PLACEMENT PROGRAMS**

7 **“SEC. 3601. SHORT TITLE.**

8       *“This part may be cited as the ‘Access to High Stand-*  
9 *ards Act’.*

10 **“SEC. 3602. FINDINGS AND PURPOSES.**

11       *“(a) FINDINGS.—Congress finds that—*

12               *“(1) far too many students are not being pro-*  
13 *vided sufficient academic preparation in secondary*  
14 *school, which results in limited employment opportu-*  
15 *nities, college dropout rates of over 25 percent for the*  
16 *first year of college, and remediation for almost one-*  
17 *third of incoming college freshmen;*

18               *“(2) there is a growing consensus that raising*  
19 *academic standards, establishing high academic ex-*  
20 *pectations, and showing concrete results are at the*  
21 *core of improving public education;*

22               *“(3) modeling academic standards on the well-*  
23 *known program of advanced placement courses is an*  
24 *approach that many education leaders and almost*  
25 *half of all States have endorsed;*



1           “(4) advanced placement programs already are  
2           providing 30 different college-level courses, serving al-  
3           most 60 percent of all secondary schools, reaching  
4           over 1,000,000 students (of whom 80 percent attend  
5           public schools, 55 percent are females, and 30 percent  
6           are minorities), and providing test scores that are ac-  
7           cepted for college credit at over 3,000 colleges and  
8           universities, every university in Germany, France,  
9           and Austria, and most institutions in Canada and  
10          the United Kingdom;

11           “(5) 24 States are now funding programs to in-  
12          crease participation in advanced placement pro-  
13          grams, including 19 States that provide funds for ad-  
14          vanced placement teacher professional development, 3  
15          States that require that all public secondary schools  
16          offer advanced placement courses, 10 States that pay  
17          the fees for advanced placement tests for some or all  
18          students, and 4 States that require that their public  
19          universities grant uniform academic credit for scores  
20          of 3 or better on advanced placement tests; and

21           “(6) the State programs described in paragraph  
22          (5) have shown the responsiveness of schools and stu-  
23          dents to such programs, raised the academic stand-  
24          ards for both students participating in such programs  
25          and other children taught by teachers who are in-

1 *involved in advanced placement courses, and shown tre-*  
2 *mendous success in increasing enrollment, achieve-*  
3 *ment, and minority participation in advanced place-*  
4 *ment programs.*

5 *“(b) PURPOSES.—The purposes of this part are—*

6 *“(1) to encourage more of the 600,000 students*  
7 *who take advanced placement courses but do not take*  
8 *advanced placement exams each year to demonstrate*  
9 *their achievements through taking the exams;*

10 *“(2) to build on the many benefits of advanced*  
11 *placement programs for students, which benefits may*  
12 *include the acquisition of skills that are important to*  
13 *many employers, Scholastic Aptitude Tests (SAT)*  
14 *scores that are 100 points above the national aver-*  
15 *ages, and the achievement of better grades in sec-*  
16 *ondary school and in college than the grades of stu-*  
17 *dents who have not participated in the programs;*

18 *“(3) to support State and local efforts to raise*  
19 *academic standards through advanced placement pro-*  
20 *grams, and thus further increase the number of stu-*  
21 *dents who participate and succeed in advanced place-*  
22 *ment programs;*

23 *“(4) to increase the availability and broaden the*  
24 *range of schools that have advanced placement pro-*  
25 *grams, which programs are still often distributed un-*

1 *evenly among regions, States, and even secondary*  
2 *schools within the same school district, while also in-*  
3 *creasing and diversifying student participation in the*  
4 *programs;*

5 *“(5) to build on the State programs described in*  
6 *subsection (a)(5) and demonstrate that larger and*  
7 *more diverse groups of students can participate and*  
8 *succeed in advanced placement programs;*

9 *“(6) to provide greater access to advanced place-*  
10 *ment courses for low-income and other disadvantaged*  
11 *students;*

12 *“(7) to provide access to advanced placement*  
13 *courses for secondary school juniors at schools that do*  
14 *not offer advanced placement programs, increase the*  
15 *rate of secondary school juniors and seniors who par-*  
16 *ticipate in advanced placement courses to 25 percent*  
17 *of the secondary school student population, and in-*  
18 *crease the numbers of students who receive advanced*  
19 *placement test scores for which college academic credit*  
20 *is awarded; and*

21 *“(8) to increase the participation of low-income*  
22 *individuals in taking advanced placement tests*  
23 *through the payment or partial payment of the costs*  
24 *of the advanced placement test fees.*

1 **“SEC. 3603. FUNDING DISTRIBUTION RULE.**

2 *“From amounts appropriated under section 3608 for*  
3 *a fiscal year, the Secretary shall give first priority to fund-*  
4 *ing activities under section 3606, and shall distribute any*  
5 *remaining funds not so applied according to the following*  
6 *ratio:*

7 *“(1) Seventy percent of the remaining funds*  
8 *shall be available to carry out section 3604.*

9 *“(2) Thirty percent of the remaining funds shall*  
10 *be available to carry out section 3605.*

11 **“SEC. 3604. ADVANCED PLACEMENT PROGRAM GRANTS.**

12 *“(a) GRANTS AUTHORIZED.—*

13 *“(1) IN GENERAL.—From amounts appropriated*  
14 *under section 3608 and made available under section*  
15 *3603(1) for a fiscal year, the Secretary shall award*  
16 *grants, on a competitive basis, to eligible entities to*  
17 *enable the eligible entities to carry out the authorized*  
18 *activities described in subsection (c).*

19 *“(2) DURATION AND PAYMENTS.—*

20 *“(A) DURATION.—The Secretary shall*  
21 *award a grant under this section for a period of*  
22 *3 years.*

23 *“(B) PAYMENTS.—The Secretary shall make*  
24 *grant payments under this section on an annual*  
25 *basis.*

1           “(3) *DEFINITION OF ELIGIBLE ENTITY.*—*In this*  
2           *section, the term ‘eligible entity’ means a State edu-*  
3           *catational agency, or a local educational agency, in the*  
4           *State.*

5           “(b) *PRIORITY.*—*In awarding grants under this sec-*  
6           *tion the Secretary shall give priority to eligible entities sub-*  
7           *mitting applications under subsection (d) that*  
8           *demonstrate—*

9           “(1) *a pervasive need for access to advanced*  
10           *placement incentive programs;*

11           “(2) *the involvement of business and community*  
12           *organizations in the activities to be assisted;*

13           “(3) *the availability of matching funds from*  
14           *State or local sources to pay for the cost of activities*  
15           *to be assisted;*

16           “(4) *a focus on developing or expanding ad-*  
17           *vanced placement programs and participation in the*  
18           *core academic areas of English, mathematics, and*  
19           *science; and*

20           “(5)(A) *in the case of an eligible entity that is*  
21           *a State educational agency, the State educational*  
22           *agency carries out programs in the State that*  
23           *target—*

1           “(i) local educational agencies serving  
2 schools with a high concentration of low-income  
3 students; or

4           “(ii) schools with a high concentration of  
5 low-income students; or

6           “(B) in the case of an eligible entity that is a  
7 local educational agency, the local educational agency  
8 serves schools with a high concentration of low-income  
9 students.

10          “(c) *AUTHORIZED ACTIVITIES.*—An eligible entity  
11 may use grant funds under this section to expand access  
12 for low-income individuals to advanced placement incentive  
13 programs that involve—

14           “(1) teacher training;

15           “(2) preadvanced placement course development;

16           “(3) curriculum coordination and articulation  
17 between grade levels that prepare students for ad-  
18 vanced placement courses;

19           “(4) curriculum development;

20           “(5) books and supplies; and

21           “(6) any other activity directly related to ex-  
22 panding access to and participation in advanced  
23 placement incentive programs particularly for low-in-  
24 come individuals.

1       “(d) *APPLICATION.—Each eligible entity desiring a*  
2 *grant under this section shall submit an application to the*  
3 *Secretary at such time, in such manner, and accompanied*  
4 *by such information as the Secretary may require.*

5       “(e) *DATA COLLECTION AND REPORTING.—*

6           “(1) *DATA COLLECTION.—Each eligible entity re-*  
7 *ceiving a grant under this section shall annually re-*  
8 *port to the Secretary—*

9                   “(A) *the number of students taking ad-*  
10 *vanced placement courses who are served by the*  
11 *eligible entity;*

12                   “(B) *the number of advanced placement*  
13 *tests taken by students served by the eligible enti-*  
14 *ty;*

15                   “(C) *the scores on the advanced placement*  
16 *tests; and*

17                   “(D) *demographic information regarding*  
18 *individuals taking the advanced placement*  
19 *courses and tests disaggregated by race, eth-*  
20 *nicity, sex, English proficiency status, and socio-*  
21 *economic status.*

22           “(2) *REPORT.—The Secretary shall annually*  
23 *compile the information received from each eligible*  
24 *entity under paragraph (1) and report to Congress*  
25 *regarding the information.*

1 **“SEC. 3605. ON-LINE ADVANCED PLACEMENT COURSES.**

2       “(a) *GRANTS AUTHORIZED.*—*From amounts appro-*  
3 *priated under section 3608 and made available under sec-*  
4 *tion 3603(2) for a fiscal year, the Secretary shall award*  
5 *grants to State educational agencies to enable such agencies*  
6 *to award grants to local educational agencies to provide*  
7 *students with on-line advanced placement courses.*

8       “(b) *STATE EDUCATIONAL AGENCY APPLICATIONS.*—

9               “(1) *APPLICATION REQUIRED.*—*Each State edu-*  
10 *cational agency desiring a grant under this section*  
11 *shall submit an application to the Secretary at such*  
12 *time, in such manner, and accompanied by such in-*  
13 *formation as the Secretary may require.*

14               “(2) *AWARD BASIS.*—*The Secretary shall award*  
15 *grants under this section on a competitive basis.*

16       “(c) *GRANTS TO LOCAL EDUCATIONAL AGENCIES.*—

17 *Each State educational agency receiving a grant award*  
18 *under subsection (b) shall award grants to local educational*  
19 *agencies within the State to carry out activities described*  
20 *in subsection (e). In awarding grants under this subsection,*  
21 *the State educational agency shall give priority to local*  
22 *educational agencies that—*

23               “(1) *serve high concentrations of low-income stu-*  
24 *dents;*

25               “(2) *serve rural areas; and*



1           “(3) *the State educational agency determines*  
2           *would not have access to on-line advanced placement*  
3           *courses without assistance provided under this sec-*  
4           *tion.*

5           “(d) *CONTRACTS.—A local educational agency that re-*  
6           *ceives a grant under this section may enter into a contract*  
7           *with a nonprofit or for-profit organization to provide the*  
8           *on-line advanced placement courses, including contracting*  
9           *for necessary support services.*

10          “(e) *USES.—Grant funds provided under this section*  
11          *may be used to purchase the on-line curriculum, to train*  
12          *teachers with respect to the use of on-line curriculum, or*  
13          *to purchase course materials.*

14          “**SEC. 3606. ADVANCED PLACEMENT INCENTIVE PROGRAM.**

15          “(a) *GRANTS AUTHORIZED.—From amounts appro-*  
16          *priated under section 3608 and made available under sec-*  
17          *tion 3603 for a fiscal year, the Secretary shall award grants*  
18          *to State educational agencies having applications approved*  
19          *under subsection (c) to enable the State educational agencies*  
20          *to reimburse low-income individuals to cover part or all*  
21          *of the costs of advanced placement test fees, if the low-in-*  
22          *come individuals—*

23                 “(1) *are enrolled in an advanced placement*  
24                 *class; and*

25                 “(2) *plan to take an advanced placement test.*

1       “(b) *AWARD BASIS.*—*In determining the amount of*  
2 *the grant awarded to each State educational agency under*  
3 *this section for a fiscal year, the Secretary shall consider*  
4 *the number of children eligible to be counted under section*  
5 *1124(c) in the State in relation to the number of such chil-*  
6 *dren so counted in all the States.*

7       “(c) *INFORMATION DISSEMINATION.*—*A State edu-*  
8 *cational agency shall disseminate information regarding*  
9 *the availability of advanced placement test fee payments*  
10 *under this section to eligible individuals through secondary*  
11 *school teachers and guidance counselors.*

12       “(d) *APPLICATIONS.*—*Each State educational agency*  
13 *desiring a grant under this section shall submit an applica-*  
14 *tion to the Secretary at such time, in such manner, and*  
15 *accompanied by such information as the Secretary may re-*  
16 *quire. At a minimum, each State educational agency appli-*  
17 *cation shall—*

18               “(1) *describe the advanced placement test fees the*  
19 *State educational agency will pay on behalf of low-*  
20 *income individuals in the State from grant funds*  
21 *made available under this section;*

22               “(2) *provide an assurance that any grant funds*  
23 *received under this section, other than funds used in*  
24 *accordance with subsection (e), shall be used only to*  
25 *pay for advanced placement test fees; and*

1           “(3) contain such information as the Secretary  
2           may require to demonstrate that the State will ensure  
3           that a student is eligible for payments under this sec-  
4           tion, including documentation required under chapter  
5           1 of subpart 2 of part A of title IV of the Higher  
6           Education Act of 1965 (20 U.S.C. 1070a–11 et seq.).

7           “(e) *ADDITIONAL USES OF FUNDS.*—If each eligible  
8           low-income individual in a State pays not more than a  
9           nominal fee to take an advanced placement test in a core  
10          subject, then a State educational agency may use grant  
11          funds made available under this section that remain after  
12          advanced placement test fees have been paid on behalf of  
13          all eligible low-income individuals in the State, for activi-  
14          ties directly related to increasing—

15                 “(1) the enrollment of low-income individuals in  
16                 advanced placement courses;

17                 “(2) the participation of low-income individuals  
18                 in advanced placement courses; and

19                 “(3) the availability of advanced placement  
20                 courses in schools serving high-poverty areas.

21           “(f) *SUPPLEMENT, NOT SUPPLANT.*—Grant funds pro-  
22          vided under this section shall supplement, and not sup-  
23          plant, other non-federal funds that are available to assist  
24          low-income individuals in paying for the cost of advanced  
25          placement test fees.

1       “(g) *REGULATIONS.*—*The Secretary shall prescribe*  
 2 *such regulations as are necessary to carry out this section.*

3       “(h) *REPORT.*—*Each State educational agency annu-*  
 4 *ally shall report to the Secretary information regarding—*

5               “(1) *the number of low-income individuals in the*  
 6 *State who received assistance under this section; and*

7               “(2) *any activities carried out pursuant to sub-*  
 8 *section (e).*

9       “(i) *DEFINITIONS.*—*In this section:*

10               “(1) *ADVANCED PLACEMENT TEST.*—*The term*  
 11 *‘advanced placement test’ includes only an advanced*  
 12 *placement test approved by the Secretary for the pur-*  
 13 *poses of this section.*

14               “(2) *LOW-INCOME INDIVIDUAL.*—*The term ‘low-*  
 15 *income individual’ has the meaning given the term in*  
 16 *section 402A(g)(2) of the Higher Education Act of*  
 17 *1965 (20 U.S.C. 1070a–11(g)(2)).*

18 **“SEC. 3607. DEFINITIONS.**

19       *“In this part:*

20               “(1) *ADVANCED PLACEMENT INCENTIVE PRO-*  
 21 *GRAM.*—*The term ‘advanced placement incentive pro-*  
 22 *gram’ means a program that provides advanced*  
 23 *placement activities and services to low-income indi-*  
 24 *viduals.*

1           “(2) *ADVANCED PLACEMENT TEST.*—*The term*  
2           *‘advanced placement test’ means an advanced place-*  
3           *ment test administered by the College Board or ap-*  
4           *proved by the Secretary.*

5           “(3) *HIGH CONCENTRATION OF LOW-INCOME*  
6           *STUDENTS.*—*The term ‘high concentration of low-in-*  
7           *come students’, used with respect to a State edu-*  
8           *cational agency, local educational agency or school,*  
9           *means an agency or school, as the case may be, that*  
10           *serves a student population 40 percent or more of*  
11           *whom are from families with incomes below the pov-*  
12           *erty level, as determined in the same manner as the*  
13           *determination is made under section 1124(c)(2).*

14           “(4) *LOW-INCOME INDIVIDUAL.*—*The term ‘low-*  
15           *income individual’ means, other than for purposes of*  
16           *section 3606, a low-income individual (as defined in*  
17           *section 402A(g)(2) of the Higher Education Act of*  
18           *1965 (20 U.S.C. 1070a–11(g)(2)) who is academically*  
19           *prepared to take successfully an advanced placement*  
20           *test as determined by a school teacher or advanced*  
21           *placement coordinator taking into consideration fac-*  
22           *tors such as enrollment and performance in an ad-*  
23           *vanced placement course or superior academic ability.*

24           “(5) *INSTITUTION OF HIGHER EDUCATION.*—*The*  
25           *term ‘institution of higher education’ has the meaning*

1       *given the term in section 101(a) of the Higher Edu-*  
2       *cation Act of 1965 (20 U.S.C. 1001(a)).*

3               “(6) *STATE.*—*The term ‘State’ means each of the*  
4       *several States of the United States, the District of Co-*  
5       *lumbia, the Commonwealth of Puerto Rico, Guam,*  
6       *American Samoa, the United States Virgin Islands,*  
7       *the Republic of the Marshall Islands, the Federated*  
8       *States of Micronesia, and the Republic of Palau.*

9       **“SEC. 3608. AUTHORIZATION OF APPROPRIATIONS.**

10       *“For the purpose of carrying out this part, there are*  
11       *authorized to be appropriated \$50,000,000 for fiscal year*  
12       *2001, and such sums as may be necessary for each of the*  
13       *4 succeeding fiscal years.”.*

14       **SEC. 302. DISSEMINATION OF ADVANCED PLACEMENT IN-**  
15               **FORMATION.**

16       *Each institution of higher education receiving Federal*  
17       *funds for research or for programs assisted under the High-*  
18       *er Education Act of 1965 (20 U.S.C. 1001 et seq.)—*

19               (1) *shall distribute to secondary school counselors*  
20       *or advanced placement coordinators in the State in-*  
21       *formation with respect to the amount and type of*  
22       *academic credit provided to students at the institu-*  
23       *tion of higher education for advanced placement test*  
24       *scores; and*

1           (2) shall standardize, not later than 4 years after  
2           the date of enactment of this Act, the form and man-  
3           ner in which the information described in subpara-  
4           graph (1) is disseminated by the various departments,  
5           offices, or other divisions of the institution of higher  
6           education.

7   **SEC. 303. TECHNICAL AND CONFORMING AMENDMENTS.**

8           Section 4 of the Education Flexibility Partnership Act  
9           of 1999 (20 U.S.C. 5891b) is amended—

10           (1) in subsection (b)(3), by striking “Subpart 2  
11           of part A of title III of the Elementary and Sec-  
12           ondary Education Act of 1965 (other than section  
13           3136 of such Act)” and inserting “Subpart 2 of part  
14           A of title V of the Elementary and Secondary Edu-  
15           cation Act of 1965 (other than section 5136 of such  
16           Act)”; and

17           (2) in subsection (d)(4), by striking “subpart 2  
18           of part A of title III of the Elementary and Sec-  
19           ondary Education Act of 1965 (other than section  
20           3136 of such Act)” and inserting “subpart 2 of part  
21           A of title V of the Elementary and Secondary Edu-  
22           cation Act of 1965 (other than section 5136 of such  
23           Act)”.

1 **TITLE IV—SAFE AND DRUG-FREE**  
 2 **SCHOOLS AND COMMUNITIES**

3 **SEC. 401. AMENDMENT TO THE ELEMENTARY AND SEC-**  
 4 **ONDARY EDUCATION ACT OF 1965.**

5 *Title IV (20 U.S.C. 7101 et seq.) is amended to read*  
 6 *as follows:*

7 **“TITLE IV—SAFE AND DRUG-**  
 8 **FREE SCHOOLS AND COMMU-**  
 9 **NITIES**

10 **“PART A—STATE GRANTS**

11 **“SEC. 4001. SHORT TITLE.**

12 *“This part may be cited as the ‘Safe and Drug-Free*  
 13 *Schools and Communities Act of 1994’.*

14 **“SEC. 4002. FINDINGS.**

15 *“Congress makes the following findings:*

16 *“(1) Every student should attend a school in a*  
 17 *drug- and violence-free learning environment.*

18 *“(2) The widespread illegal use of alcohol and*  
 19 *drugs among the Nation’s secondary school students,*  
 20 *and increasingly by students in elementary schools as*  
 21 *well, constitutes a grave threat to such students’ phys-*  
 22 *ical and mental well-being, and significantly impedes*  
 23 *the learning process. For example, data show that stu-*  
 24 *dents who drink tend to receive lower grades and are*



1        *more likely to miss school because of illness than stu-*  
2        *dents who do not drink.*

3                *“(3) Drug and violence prevention programs are*  
4        *essential components of a comprehensive strategy to*  
5        *promote school safety, youth development, positive*  
6        *school outcomes, and to reduce the demand for and il-*  
7        *legal use of alcohol, tobacco and drugs throughout the*  
8        *Nation. Schools, local organizations, parents, stu-*  
9        *dents, and communities throughout the Nation have a*  
10       *special responsibility to work together to combat the*  
11       *continuing epidemic of violence and illegal drug use*  
12       *and should measure the success of their programs*  
13       *against clearly defined goals and objectives.*

14               *“(4) Drug and violence prevention programs are*  
15       *most effective when implemented within a research-*  
16       *based, drug and violence prevention framework of*  
17       *proven effectiveness.*

18               *“(5) Research clearly shows that community con-*  
19       *texts contribute to substance abuse and violence.*

20               *“(6) Substance abuse and violence are intricately*  
21       *related and must be dealt with in a holistic manner.*

22               *“(7) Research has documented that parental be-*  
23       *havior and environment directly influence a child’s*  
24       *inclination to use alcohol, tobacco or drugs.*

1 **“SEC. 4003. PURPOSE.**

2       *“The purpose of this part is to support programs that*  
3 *prevent violence in and around schools and prevent the ille-*  
4 *gal use of alcohol, tobacco, and drugs, involve parents, and*  
5 *are coordinated with related Federal, State, school, and*  
6 *community efforts and resources, through the provision of*  
7 *Federal assistance to—*

8           *“(1) States for grants to local educational agen-*  
9 *cies and educational service agencies and consortia of*  
10 *such agencies to establish, operate, and improve local*  
11 *programs of school drug and violence prevention,*  
12 *early intervention, rehabilitation referral, and edu-*  
13 *cation in elementary and secondary schools for the de-*  
14 *velopment and implementation of policies that set*  
15 *clear and appropriate standards regarding the illegal*  
16 *use of alcohol, tobacco and drugs, and for violent be-*  
17 *havior (including intermediate and junior high*  
18 *schools);*

19           *“(2) States for grants to, and contracts with,*  
20 *community-based organizations and other public and*  
21 *private nonprofit agencies and organizations for pro-*  
22 *grams of drug and violence prevention including com-*  
23 *munity mobilization, early intervention, rehabilita-*  
24 *tion referral, and education;*

25           *“(3) States for development, training, technical*  
26 *assistance, and coordination activities; and*

1           “(4) public and private nonprofit organizations  
 2           to provide technical assistance, conduct training,  
 3           demonstrations, and evaluation, and to provide sup-  
 4           plementary services and community mobilization ac-  
 5           tivities for the prevention of drug use and violence  
 6           among students and youth.

7   **“SEC. 4004. FUNDING.**

8           “*There are authorized to be appropriated—*

9           “(1) \$700,000,000 for fiscal year 2001, and such  
 10          *sums as may be necessary for each of the 4 succeeding*  
 11          *fiscal years, for State grants under subpart 1;*

12          “(2) \$150,000,000 for fiscal year 2001, and such  
 13          *sums as may be necessary for each of the 4 succeeding*  
 14          *fiscal years, for national programs under subpart 2;*  
 15          *and*

16          “(3) \$75,000,000 for fiscal year 2001, and such  
 17          *sums as may be necessary for each of the 4 succeeding*  
 18          *fiscal years, for the National Coordinator Initiative*  
 19          *under section 4122.*

20   **“Subpart 1—STATE GRANTS FOR DRUG AND**  
 21    **VIOLENCE PREVENTION PROGRAMS**

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

23          “(a) *RESERVATIONS.—From the amount made avail-*  
 24          *able under section 4004(1) to carry out this subpart for each*  
 25          *fiscal year, the Secretary—*

1           “(1) shall reserve 1 percent of such amount for  
2           grants under this subpart to Guam, American  
3           Samoa, the Virgin Islands, and the Commonwealth of  
4           the Northern Mariana Islands, to be allotted in ac-  
5           cordance with the Secretary’s determination of their  
6           respective needs;

7           “(2) shall reserve 1 percent of such amount for  
8           the Secretary of the Interior to carry out programs  
9           under this part for Indian youth;

10           “(3) may reserve not more than \$2,000,000 for  
11           the national impact evaluation required by section  
12           4117(a); and

13           “(4) shall reserve 0.2 percent of such amount for  
14           programs for Native Hawaiians under section 4118.

15           “(b) STATE ALLOTMENTS.—

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

19           “(A) one-half of the remainder not reserved  
20           under subsection (a) according to the ratio be-  
21           tween the school-aged population of each State  
22           and the school-aged population of all the States;  
23           and

24           “(B) one-half of such remainder according  
25           to the ratio between the amount each State re-

1           *ceived under section 1124A for the preceding*  
2           *year and the sum of such amounts received by*  
3           *all the States.*

4           “(2) *MINIMUM.*—*For any fiscal year, no State*  
5           *shall be allotted under this subsection an amount that*  
6           *is less than one-half of 1 percent of the total amount*  
7           *allotted to all the States under this subsection.*

8           “(3) *REALLOTMENT.*—*The Secretary may reallocate*  
9           *any amount of any allotment to a State if the Sec-*  
10          *retary determines that the State will be unable to use*  
11          *such amount within 2 years of such allotment. Such*  
12          *reallocations shall be made on the same basis as allot-*  
13          *ments are made under paragraph (1).*

14          “(4) *DEFINITIONS.*—*In this subsection:*

15               “(A) *STATE.*—*The term ‘State’ means each*  
16               *of the 50 States, the District of Columbia, and*  
17               *the Commonwealth of Puerto Rico.*

18               “(B) *LOCAL EDUCATIONAL AGENCY.*—*The*  
19               *term ‘local educational agency’ includes edu-*  
20               *cational service agencies and consortia of such*  
21               *agencies.*

22               “(c) *LIMITATION.*—*Amounts appropriated under sec-*  
23               *tion 4004(2) for a fiscal year may not be increased above*  
24               *the amounts appropriated under such section for the pre-*  
25               *vious fiscal year unless the amounts appropriated under*

1 *section 4004(1) for the fiscal year involved are at least 10*  
2 *percent greater than the amounts appropriated under such*  
3 *section 4004(1) for the previous fiscal year.*

4 **“SEC. 4112. STATE APPLICATIONS.**

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

9 *“(1) contains a comprehensive plan for the use*  
10 *of funds by the State educational agency and the chief*  
11 *executive officer to provide safe, orderly, and drug-free*  
12 *schools and communities;*

13 *“(2) contains the results of the State’s needs as-*  
14 *essment for drug and violence prevention programs,*  
15 *which shall be based on the results of on-going State*  
16 *evaluation activities, including data on the incidence*  
17 *and prevalence, age of onset, perception of health risk,*  
18 *and perception of social disapproval of drug use and*  
19 *violence by youth in schools and communities and the*  
20 *prevalence of risk or protective factors, buffers or as-*  
21 *sets or other research-based variables in the school and*  
22 *community;*

23 *“(3) contains assurances that the sections of the*  
24 *application concerning the funds provided to the chief*  
25 *executive officer and the State educational agency*

1        *were developed together, with each such officer or*  
2        *State representative, in consultation and coordination*  
3        *with appropriate State officials and others, including*  
4        *the chief State school officer, the chief executive officer,*  
5        *the head of the State alcohol and drug abuse agency,*  
6        *the heads of the State health and mental health agen-*  
7        *cies, the head of the State criminal justice planning*  
8        *agency, the head of the State child welfare agency, the*  
9        *head of the State board of education, or their des-*  
10       *ignees, and representatives of parents, students, and*  
11       *community-based organizations;*

12            *“(4) contains an assurance that the State will*  
13        *cooperate with, and assist, the Secretary in con-*  
14        *ducting a national impact evaluation of programs re-*  
15        *quired by section 4117(a);*

16            *“(5) contains assurances that the State education*  
17        *agency and the Governor will develop their respective*  
18        *applications in consultation with an advisory council*  
19        *that includes, to the extent practicable, representatives*  
20        *from school districts, businesses, parents, youth, teach-*  
21        *ers, administrators, pupil services personnel, private*  
22        *schools, appropriate State agencies, community-based*  
23        *organization, the medical profession, law enforcement,*  
24        *the faith-based community and other groups with in-*

1        *terest and expertise in alcohol, tobacco, drug, and vio-*  
2        *lence prevention;*

3            *“(6) contains assurances that the State education*  
4        *agency and the Governor involve the representatives*  
5        *described in paragraph (5), on an ongoing basis, to*  
6        *review program evaluations and other relevant mate-*  
7        *rial and make recommendations to the State edu-*  
8        *cation agency and the Governor on how to improve*  
9        *their respective alcohol, tobacco, drug, and violence*  
10       *prevention programs;*

11           *“(7) contains a list of the State’s results-based*  
12        *performance measures for drug and violence preven-*  
13        *tion, that shall—*

14                *“(A) be focused on student behavior and at-*  
15        *titudes and be derived from the needs assessment;*

16                *“(B) include targets and due dates for the*  
17        *attainment of such performance measures; and*

18                *“(C) include a description of the procedures*  
19        *that the State will use to inform local edu-*  
20        *cational agencies of such performance measures*  
21        *for assessing and publicly reporting progress to-*  
22        *ward meeting such measures or revising them as*  
23        *needed; and*

24                *“(8) includes any other information the Sec-*  
25        *retary may require.*



1       “(b) *STATE EDUCATIONAL AGENCY FUNDS.*—A State’s  
2 *application under this section shall also contain a com-*  
3 *prehensive plan for the use of funds under section 4113(a)*  
4 *by the State educational agency that includes—*

5               “(1) *a plan for monitoring the implementation*  
6 *of, and providing technical assistance regarding, the*  
7 *drug and violence prevention programs conducted by*  
8 *local educational agencies in accordance with section*  
9 *4116*

10              “(2) *a description of how the State educational*  
11 *agency will use funds under section 4113(b), includ-*  
12 *ing how the agency will receive input from parents*  
13 *regarding the use of such funds;*

14              “(3) *a description of how the State educational*  
15 *agency will coordinate such agency’s activities under*  
16 *this subpart with the chief executive officer’s drug and*  
17 *violence prevention programs under this subpart and*  
18 *with the prevention efforts of other State agencies;*  
19 *and*

20              “(4) *a description of the procedures the State*  
21 *educational agency will use to review applications*  
22 *from and allocate funding to local educational agen-*  
23 *cies under section 4115 and how such review will re-*  
24 *ceive input from parents.*

1       “(c) *GOVERNOR’S FUNDS.*—A State’s application  
2 under this section shall also contain a comprehensive plan  
3 for the use of funds under section 4114(a) by the chief execu-  
4 tive officer that includes, with respect to each activity to  
5 be carried out by the State—

6               “(1) a description of how the chief executive offi-  
7 cer will coordinate such officer’s activities under this  
8 part with the State educational agency and other  
9 State agencies and organizations involved with drug  
10 and violence prevention efforts;

11               “(2) a description of how funds reserved under  
12 section 4114(a) will be used so as not to duplicate the  
13 efforts of the State educational agency and local edu-  
14 cational agencies with regard to the provision of  
15 school-based prevention efforts and services and how  
16 those funds will be used to serve populations not nor-  
17 mally served by the State educational agency, such as  
18 school dropouts and youth in detention centers;

19               “(3) a description of how the chief executive offi-  
20 cer will award funds under section 4114(a) and a  
21 plan for monitoring the performance of, and pro-  
22 viding technical assistance to, recipients of such  
23 funds;

24               “(4) a description of the special outreach activi-  
25 ties that will be carried out to maximize the partici-

1        *pation of community-based nonprofit organizations of*  
2        *demonstrated effectiveness which provide services in*  
3        *low-income communities;*

4            *“(5) a description of how funds will be used to*  
5        *support community-wide comprehensive drug and vi-*  
6        *olence prevention planning and community mobiliza-*  
7        *tion activities; and*

8            *“(6) a specific description of how input from*  
9        *parents will be sought regarding the use of funds*  
10       *under section 4114(a).*

11        *“(d) PEER REVIEW.—The Secretary shall use a peer*  
12       *review process in reviewing State applications under this*  
13       *section.*

14        *“(e) INTERIM APPLICATION.—Notwithstanding any*  
15       *other provisions of this section, a State may submit for fis-*  
16       *cal year 2000 a 1-year interim application and plan for*  
17       *the use of funds under this subpart that are consistent with*  
18       *the requirements of this section and contain such informa-*  
19       *tion as the Secretary may specify in regulations. The pur-*  
20       *pose of such interim application and plan shall be to afford*  
21       *the State the opportunity to fully develop and review such*  
22       *State’s application and comprehensive plan otherwise re-*  
23       *quired by this section. A State may not receive a grant*  
24       *under this subpart for a fiscal year subsequent to fiscal year*  
25       *2000 unless the Secretary has approved such State’s appli-*

1 *cation and comprehensive plan in accordance with this sub-*  
 2 *part.*

3 **“SEC. 4113. STATE AND LOCAL EDUCATIONAL AGENCY PRO-**  
 4 **GRAMS.**

5 *“(a) USE OF FUNDS.—An amount equal to 80 percent*  
 6 *of the total amount allocated to a State under section 4111*  
 7 *for each fiscal year shall be used by the State educational*  
 8 *agency and its local educational agencies for drug and vio-*  
 9 *lence prevention activities in accordance with this section.*

10 *“(b) STATE LEVEL PROGRAMS.—*

11 *“(1) IN GENERAL.—A State educational agency*  
 12 *shall use not more than 5 percent of the amount*  
 13 *available under subsection (a) for activities such as—*

14 *“(A) voluntary training and technical as-*  
 15 *sistance concerning drug and violence prevention*  
 16 *for local educational agencies and educational*  
 17 *service agencies, including teachers, administra-*  
 18 *tors, coaches and athletic directors, other staff,*  
 19 *parents, students, community leaders, health*  
 20 *service providers, local law enforcement officials,*  
 21 *and judicial officials;*

22 *“(B) the development, identification, dis-*  
 23 *semination, and evaluation of the most readily*  
 24 *available, accurate, and up-to-date drug and vio-*  
 25 *lence prevention curriculum materials (including*

1           *videotapes, software, and other technology-based*  
2           *learning resources), for consideration by local*  
3           *educational agencies;*

4           “(C) *making available to local educational*  
5           *agencies cost effective research-based programs*  
6           *for youth violence and drug abuse prevention;*

7           “(D) *demonstration projects in drug and vi-*  
8           *olence prevention, including service-learning*  
9           *projects;*

10          “(E) *training, technical assistance, and*  
11          *demonstration projects to address violence associ-*  
12          *ated with prejudice and intolerance;*

13          “(F) *financial assistance to enhance re-*  
14          *sources available for drug and violence preven-*  
15          *tion in areas serving large numbers of economi-*  
16          *cally disadvantaged children or sparsely popu-*  
17          *lated areas, or to meet other special needs con-*  
18          *sistent with the purposes of this subpart; and*

19          “(G) *the evaluation of activities carried out*  
20          *within the State under this part.*

21          “(2) *SPECIAL RULE.—A State educational agen-*  
22          *cy may carry out activities under this subsection di-*  
23          *rectly, or through grants or contracts.*

24          “(c) *STATE ADMINISTRATION.—*

1           “(1) *IN GENERAL.*—*A State educational agency*  
2           *may use not more than 5 percent of the amount re-*  
3           *reserved under subsection (a) for the administrative*  
4           *costs of carrying out its responsibilities under this*  
5           *part.*

6           “(2) *UNIFORM MANAGEMENT INFORMATION AND*  
7           *REPORTING SYSTEM.*—*In carrying out its responsibil-*  
8           *ities under this part, a State shall implement a uni-*  
9           *form management information and reporting system*  
10           *that includes information on the types of curricula,*  
11           *programs and services provided by the State, Gov-*  
12           *ernor, local education agencies, and other recipients of*  
13           *funds under this title.*

14           “(d) *LOCAL EDUCATIONAL AGENCY PROGRAMS.*—

15           “(1) *IN GENERAL.*—*A State educational agency*  
16           *shall distribute not less than 91 percent of the amount*  
17           *made available under subsection (a) for each fiscal*  
18           *year to local educational agencies in accordance with*  
19           *this subsection.*

20           “(2) *DISTRIBUTION.*—*A State educational agen-*  
21           *cy shall distribute amounts under paragraph (1) in*  
22           *accordance with any one of the following subpara-*  
23           *graphs:*

24           “(A) *ENROLLMENT AND COMBINATION AP-*  
25           *PROACH.*—*Of the amount distributed under*

1           *paragraph (1), a State educational agency shall*  
2           *distribute*

3                   “(i) *at least 70 percent of such amount*  
4                   *to local educational agencies, based on the*  
5                   *relative enrollments in public and private*  
6                   *nonprofit elementary and secondary schools*  
7                   *within the boundaries of such agencies; and*

8                   “(ii) *not to exceed 30 percent of any*  
9                   *amounts remaining after amounts are dis-*  
10                  *tributed under clause (i)—*

11                   “(I) *to each local educational*  
12                   *agency in an amount determined ap-*  
13                   *propriate by the State education agen-*  
14                   *cy; or*

15                   “(II) *to local educational agencies*  
16                   *that the State education agency deter-*  
17                   *mines have the greatest need for addi-*  
18                   *tional funds to carry out drug and vio-*  
19                   *lence prevention programs authorized*  
20                   *by this subpart.*

21                  “(B) *COMPETITIVE AND NEED APPROACH.—*  
22                  *Of the amount distributed under paragraph (1),*  
23                  *a State educational agency shall distribute*

24                   “(i) *not to exceed 70 percent of such*  
25                   *amount to local educational agencies that*

1           *the State agency determines, through a com-*  
2           *petitive process, have the greatest need for*  
3           *funds to carry out drug and violence pre-*  
4           *vention programs based on criteria estab-*  
5           *lished by the State agency and authorized*  
6           *under this subpart; and*

7           *“(i) at least 30 percent of any*  
8           *amounts remaining after amounts are dis-*  
9           *tributed under clause (i) to local education*  
10           *agencies that the State agency determines*  
11           *have a need for additional funds to carry*  
12           *out the program authorized under this sub-*  
13           *part.*

14           *“(3) CONSIDERATION OF OBJECTIVE DATA.—For*  
15           *purposes of paragraph (2), in determining which*  
16           *local educational agencies have the greatest need for*  
17           *funds, the State educational agency shall consider ob-*  
18           *jective data which may include—*

19           *“(A) high or increasing rates of alcohol or*  
20           *drug use among youth;*

21           *“(B) high or increasing rates of victimiza-*  
22           *tion of youth by violence and crime;*

23           *“(C) high or increasing rates of arrests and*  
24           *convictions of youth for violent or drug- or alco-*  
25           *hol-related crime;*



1                   “(D) *the extent of illegal gang activity;*

2                   “(E) *high or increasing incidence of vio-*  
3 *lence associated with prejudice and intolerance;*

4                   “(F) *high or increasing rates of referrals of*  
5 *youths to drug and alcohol abuse treatment and*  
6 *rehabilitation programs;*

7                   “(G) *high or increasing rates of referrals of*  
8 *youths to juvenile court;*

9                   “(H) *high or increasing rates of expulsions*  
10 *and suspensions of students from schools;*

11                   “(I) *high or increasing rates of reported*  
12 *cases of child abuse and domestic violence; and*

13                   “(J) *high or increasing rates of drug related*  
14 *emergencies or deaths.*

15           “(e) *REALLOCATION OF FUNDS.—If a local edu-*  
16 *cational agency chooses not to apply to receive the amount*  
17 *allocated to such agency under subsection (d), or if such*  
18 *agency’s application under section 4115 is disapproved by*  
19 *the State educational agency, the State educational agency*  
20 *shall reallocate such amount to one or more of its other local*  
21 *educational agencies.*

22           “(f) *RETURN OF FUNDS TO STATE EDUCATIONAL*  
23 *AGENCY; REALLOCATION.—*

24                   “(1) *RETURN.—Except as provided in para-*  
25 *graph (2), upon the expiration of the 1-year period*

1 *beginning on the date that a local educational agency*  
 2 *or educational service agency under this title receives*  
 3 *its allocation under this title—*

4 *“(A) such agency shall return to the State*  
 5 *educational agency any funds from such alloca-*  
 6 *tion that remain unobligated; and*

7 *“(B) the State educational agency shall re-*  
 8 *allocate any such amount to local educational*  
 9 *agencies or educational service agencies that have*  
 10 *plans for using such amount for programs or ac-*  
 11 *tivities on a timely basis.*

12 *“(2) REALLOCATION.—In any fiscal year, a local*  
 13 *educational agency, may retain for obligation in the*  
 14 *succeeding fiscal year—*

15 *“(A) an amount equal to not more than 25*  
 16 *percent of the allocation it receives under this*  
 17 *title for such fiscal year; or*

18 *“(B) upon a demonstration of good cause by*  
 19 *such agency or consortium, a greater amount ap-*  
 20 *proved by the State educational agency.*

21 **“SEC. 4114. GOVERNOR’S PROGRAMS.**

22 *“(a) USE OF FUNDS.—*

23 *“(1) IN GENERAL.—An amount equal to 20 per-*  
 24 *cent of the total amount allocated to a State under*  
 25 *section 4111(b)(1) for each fiscal year shall be used by*

1       *the chief executive officer of such State for drug and*  
2       *violence prevention programs and activities in ac-*  
3       *cordance with this section.*

4               “(2) *ADMINISTRATIVE COSTS.*—*A chief executive*  
5       *officer may use not more than 5 percent of the 20 per-*  
6       *cent described in paragraph (1) for the administra-*  
7       *tive costs incurred in carrying out the duties of such*  
8       *officer under this section. The chief executive officer of*  
9       *a State may use amounts under this paragraph to*  
10       *award grants to State, county, or local law enforce-*  
11       *ment agencies, including district attorneys, in con-*  
12       *sultation with local education agencies or community-*  
13       *based agencies, for the purposes of carrying out drug*  
14       *abuse and violence prevention activities.*

15              “(b) *STATE PLAN.*—*Amounts shall be used under this*  
16       *section in accordance with a State plan submitted by the*  
17       *chief executive office of the State. Such State plan shall*  
18       *contain—*

19                      “(1) *an objective analysis of the current use (and*  
20       *consequences of such use) of alcohol, tobacco, and con-*  
21       *trolled, illegal, addictive or harmful substances as well*  
22       *as the violence, safety, and discipline problems among*  
23       *students who attend schools in the State (including*  
24       *private school students who participate in the States’s*

1       *drug and violence prevention programs) that is based*  
2       *on ongoing local assessment or evaluation activities;*

3           “(2) *an analysis, based on data reasonably*  
4       *available at the time, of the prevalence of risk or pro-*  
5       *TECTIVE factors, buffers or assets or other research-based*  
6       *variables in schools and communities in the State;*

7           “(3) *a description of the research-based strategies*  
8       *and programs, which shall be used to prevent or re-*  
9       *duce drug use, violence, or disruptive behavior, which*  
10       *shall include—*

11           “(A) *a specification of the objectively meas-*  
12       *urable goals, objectives, and activities for the*  
13       *program;*

14           “(B) *a specification for how risk factors, if*  
15       *any, which have been identified will be targeted*  
16       *through research-based programs; and*

17           “(C) *a specification for how protective fac-*  
18       *tors, buffers, or assets, if any, will be targeted*  
19       *through research-based programs;*

20           “(4) *a specification for the method or methods by*  
21       *which measurements of program goals will be*  
22       *achieved; and*

23           “(5) *a specification for how the evaluation of the*  
24       *effectiveness of the prevention program will be as-*

1 *essed and how the results will be used to refine, im-*  
2 *prove, and strengthen the program.*

3 *“(c) PROGRAMS AUTHORIZED.—*

4 *“(1) IN GENERAL.—A chief executive officer shall*  
5 *use funds made available under subsection (a)(1) di-*  
6 *rectly for grants to or contracts with parent groups,*  
7 *schools, community action and job training agencies,*  
8 *community-based organizations, community anti-*  
9 *drug coalitions, law enforcement education partner-*  
10 *ships, and other public entities and private nonprofit*  
11 *organizations and consortia thereof. In making such*  
12 *grants and contracts, a chief executive officer shall*  
13 *give priority to programs and activities described in*  
14 *subsection (d) for—*

15 *“(A) children and youth who are not nor-*  
16 *mally served by State or local educational agen-*  
17 *cies; or*

18 *“(B) populations that need special services*  
19 *or additional resources (such as preschoolers,*  
20 *youth in juvenile detention facilities, runaway or*  
21 *homeless children and youth, pregnant and par-*  
22 *enting teenagers, and school dropouts).*

23 *“(2) PEER REVIEW.—Grants or contracts award-*  
24 *ed under this subsection shall be subject to a peer re-*  
25 *view process.*

1       “(d) *AUTHORIZED ACTIVITIES.*—*Grants and contracts*  
2 *under subsection (c) shall be used to carry out the com-*  
3 *prehensive State plan as required under section 4112(a)(1)*  
4 *through programs and activities such as—*

5               “(1) *disseminating information about drug and*  
6 *violence prevention;*

7               “(2) *the voluntary training of parents, law en-*  
8 *forcement officials, judicial officials, social service*  
9 *providers, health service providers and community*  
10 *leaders about drug and violence prevention, health*  
11 *education (as it relates to drug and violence preven-*  
12 *tion), early intervention, pupil services, or rehabilita-*  
13 *tion referral;*

14               “(3) *developing and implementing comprehen-*  
15 *sive, community-based drug and violence prevention*  
16 *programs that link community resources with schools*  
17 *and integrate services involving education, vocational*  
18 *and job skills training and placement, law enforce-*  
19 *ment, health, mental health, community service, serv-*  
20 *ice-learning, mentoring, and other appropriate serv-*  
21 *ices;*

22               “(4) *planning and implementing drug and vio-*  
23 *lence prevention activities that coordinate the efforts*  
24 *of State agencies with efforts of the State educational*  
25 *agency and its local educational agencies;*

1           “(5) activities to protect students traveling to  
2           and from school;

3           “(6) before-and-after school recreational, instruc-  
4           tional, cultural, and artistic programs that encourage  
5           drug- and violence-free lifestyles;

6           “(7) activities that promote the awareness of and  
7           sensitivity to alternatives to violence through courses  
8           of study that include related issues of intolerance and  
9           hatred in history;

10          “(8) developing and implementing activities to  
11          prevent and reduce violence associated with prejudice  
12          and intolerance;

13          “(9) developing and implementing strategies to  
14          prevent illegal gang activity;

15          “(10) coordinating and conducting school and  
16          community-wide violence and safety and drug abuse  
17          assessments and surveys;

18          “(11) service-learning projects that encourage  
19          drug- and violence-free lifestyles;

20          “(12) evaluating programs and activities as-  
21          sisted under this section;

22          “(13) developing and implementing community  
23          mobilization activities to undertake environmental  
24          change strategies related to substance abuse and vio-  
25          lence; and

1           “(14) *partnerships between local law enforcement*  
2           *agencies, including district attorneys, and local edu-*  
3           *cation agencies or community-based agencies.*

4   **“SEC. 4115. LOCAL APPLICATIONS.**

5           “(a) *APPLICATION REQUIRED.—*

6           “(1) *IN GENERAL.—In order to be eligible to re-*  
7           *ceive a distribution under section 4113(d) for any fis-*  
8           *cal year, a local educational agency shall submit, at*  
9           *such time as the State educational agency requires,*  
10          *an application to the State educational agency for*  
11          *approval. Such an application shall be amended, as*  
12          *necessary, to reflect changes in the local educational*  
13          *agency’s program.*

14          “(2) *DEVELOPMENT.—*

15               “(A) *CONSULTATION.—A local educational*  
16               *agency shall develop its application under sub-*  
17               *section (a)(1) in consultation with a local or*  
18               *substate regional advisory council that includes,*  
19               *to the extent possible, representatives of local gov-*  
20               *ernment, business, parents, students, teachers,*  
21               *pupil services personnel, appropriate State agen-*  
22               *cies, private schools, the medical profession, law*  
23               *enforcement, community-based organizations,*  
24               *and other groups with interest and expertise in*  
25               *drug and violence prevention.*



1           “(B) *DUTIES OF ADVISORY COUNCIL.*—*In*  
2           *addition to assisting the local educational agency*  
3           *to develop an application under this section, the*  
4           *advisory council established or designated under*  
5           *subparagraph (A) shall, on an ongoing basis—*

6                   “(i) *disseminate information about re-*  
7                   *search-based drug and violence prevention*  
8                   *programs, projects, and activities conducted*  
9                   *within the boundaries of the local edu-*  
10                  *cational agency;*

11                  “(ii) *advise the local educational agen-*  
12                  *cy regarding how best to coordinate such*  
13                  *agency’s activities under this subpart with*  
14                  *other related programs, projects, and activi-*  
15                  *ties;*

16                  “(iii) *ensure that a mechanism is in*  
17                  *place to enable local educational agencies to*  
18                  *have access to up-to-date information con-*  
19                  *cerning the agencies that administer related*  
20                  *programs, projects, and activities and any*  
21                  *changes in the law that alter the duties of*  
22                  *the local educational agencies with respect*  
23                  *to activities conducted under this subpart;*  
24                  *and*

1                   “(iv) review program evaluations and  
2                   other relevant material and make rec-  
3                   ommendations on an active and ongoing  
4                   basis to the local educational agency on how  
5                   to improve such agency’s drug and violence  
6                   prevention programs.

7                   “(b) CONTENTS OF APPLICATIONS.—An application  
8 under this section shall contain—

9                   “(1) an objective analysis of the current use (and  
10                  consequences of such use) of alcohol, tobacco, and con-  
11                  trolled, illegal, addictive or harmful substances as well  
12                  as the violence, safety, and discipline problems among  
13                  students who attend the schools of the applicant (in-  
14                  cluding private school students who participate in the  
15                  applicant’s drug and violence prevention program)  
16                  that is based on ongoing local assessment or evalua-  
17                  tion activities;

18                  “(2) an analysis, based on data reasonably  
19                  available at the time, of the prevalence of risk or pro-  
20                  tective factors, buffers or assets or other research-based  
21                  variables in the school and community;

22                  “(3) a description of the research-based strategies  
23                  and programs, which shall be used to prevent or re-  
24                  duce drug use, violence, or disruptive behavior, which  
25                  shall include—

1           “(A) a specification of the objectively meas-  
2           urable goals, objectives, and activities for the  
3           program, which shall include—

4                   “(i) reductions in the use of alcohol, to-  
5                   bacco, and illicit drugs and violence by  
6                   youth;

7                   “(ii) specific reductions in the preva-  
8                   lence of identified risk factors;

9                   “(iii) specific increases in the preva-  
10                  lence of protective factors, buffers, or assets  
11                  if any have been identified; or

12                  “(iv) other research-based goals, objec-  
13                  tives, and activities that are identified as  
14                  part of the application that are not other-  
15                  wise covered under clauses (i) through (iii);

16                  “(B) a specification for how risk factors, if  
17                  any, which have been identified will be targeted  
18                  through research-based programs; and

19                  “(C) a specification for how protective fac-  
20                  tors, buffers, or assets, if any, will be targeted  
21                  through research-based programs;

22                  “(4) a specification for the method or methods by  
23                  which measurements of program goals will be  
24                  achieved;

1           “(5) a specification for how the evaluation of the  
2           effectiveness of the prevention program will be as-  
3           sessed and how the results will be used to refine, im-  
4           prove, and strengthen the program;

5           “(6) an assurance that the applicant has, or the  
6           schools to be served have, a plan for keeping schools  
7           safe and drug-free that includes—

8                   “(A) appropriate and effective discipline  
9                   policies that prohibit disorderly conduct, the pos-  
10                  session of firearms and other weapons, and the  
11                  illegal use, possession, distribution, and sale of  
12                  tobacco, alcohol, and other drugs by students;

13                  “(B) security procedures at school and while  
14                  students are on the way to and from school;

15                  “(C) prevention activities that are designed  
16                  to create and maintain safe, disciplined, and  
17                  drug-free environments; and

18                  “(D) a crisis management plan for respond-  
19                  ing to violent or traumatic incidents on school  
20                  grounds; and

21           “(7) such other information and assurances as  
22           the State educational agency may reasonably require.

23           “(c) REVIEW OF APPLICATION.—

24                   “(1) IN GENERAL.—In reviewing local applica-  
25                  tions under this section, a State educational agency

1       *shall use a peer review process or other methods of as-*  
2       *suming the quality of such applications.*

3           “(2) *CONSIDERATIONS.—*

4               “(A) *IN GENERAL.—In determining whether*  
5       *to approve the application of a local educational*  
6       *agency under this section, a State educational*  
7       *agency shall consider the quality of the local edu-*  
8       *cational agency’s comprehensive plan under sub-*  
9       *section (b)(6) and the extent to which the pro-*  
10       *posed plan provides a thorough assessment of the*  
11       *substance abuse and violence problem, uses objec-*  
12       *tive data and the knowledge of a wide range of*  
13       *community members, develops measurable goals*  
14       *and objectives, and implements research-based*  
15       *programs that have been shown to be effective*  
16       *and meet identified needs.*

17               “(B) *DISAPPROVAL.—A State educational*  
18       *agency may disapprove a local educational agen-*  
19       *cy application under this section in whole or in*  
20       *part and may withhold, limit, or place restric-*  
21       *tions on the use of funds allotted to such a local*  
22       *educational agency in a manner the State edu-*  
23       *cational agency determines will best promote the*  
24       *purposes of this part, except that a local edu-*

1           *cational agency shall be afforded an opportunity*  
2           *to appeal any such disapproval.*

3   **“SEC. 4116. LOCAL DRUG AND VIOLENCE PREVENTION PRO-**  
4           **GRAMS.**

5           “(a) *PROGRAM REQUIREMENTS.*—*A local educational*  
6   *agency shall use funds received under this subpart to adopt*  
7   *and carry out a comprehensive drug and violence preven-*  
8   *tion program which shall—*

9           “(1) *be designed, for all students and school em-*  
10   *ployees, to—*

11           “(A) *prevent the use, possession, and dis-*  
12   *tribution of tobacco, alcohol, and illegal drugs by*  
13   *students and to prevent the illegal use, posses-*  
14   *sion, and distribution of such substances by*  
15   *school employees;*

16           “(B) *prevent violence and promote school*  
17   *safety; and*

18           “(C) *create a disciplined environment con-*  
19   *ducive to learning;*

20           “(2) *include activities to promote the involve-*  
21   *ment of parents and coordination with community*  
22   *groups and agencies, including the distribution of in-*  
23   *formation about the local educational agency’s needs,*  
24   *goals, and programs under this subpart;*

1           “(3) *implement activities which shall only*  
2           *include—*

3                   “(A) *a thorough assessment of the substance*  
4                   *abuse violence problem, using objective data and*  
5                   *the knowledge of a wide range of community*  
6                   *members;*

7                   “(B) *the development of measurable goals*  
8                   *and objectives;*

9                   “(C) *the implementation of research-based*  
10                   *programs that have been shown to be effective*  
11                   *and meet identified goals; and*

12                   “(D) *an evaluation of program activities;*  
13                   *and*

14                   “(4) *implement prevention programming activi-*  
15                   *ties within the context of a research-based prevention*  
16                   *framework.*

17           “(b) *USE OF FUNDS.—A comprehensive, age-appro-*  
18           *priate, developmentally-, and research-based drug and vio-*  
19           *lence prevention program carried out under this subpart*  
20           *may include—*

21                   “(1) *drug or violence prevention and education*  
22                   *programs for all students, from the preschool level*  
23                   *through grade 12, that address the legal, social, per-*  
24                   *sonal and health consequences of the use of illegal*  
25                   *drugs or violence, promote a sense of individual re-*

1        *sponsibility, and provide information about effective*  
2        *techniques for resisting peer pressure to use illegal*  
3        *drugs;*

4            *“(2) programs of drug or violence prevention,*  
5        *health education (as it relates to drug and violence*  
6        *prevention), early intervention, pupil services, men-*  
7        *toring, or rehabilitation referral, which emphasize*  
8        *students’ sense of individual responsibility and which*  
9        *may include—*

10            *“(A) the dissemination of information about*  
11        *drug or violence prevention;*

12            *“(B) the professional development or vol-*  
13        *untary training of school personnel, parents, stu-*  
14        *dents, law enforcement officials, judicial officials,*  
15        *health service providers and community leaders*  
16        *in prevention, education, early intervention,*  
17        *pupil services or rehabilitation referral; and*

18            *“(C) the implementation of strategies, in-*  
19        *cluding strategies to integrate the delivery of*  
20        *services from a variety of providers, to combat il-*  
21        *legal alcohol, tobacco and drug use, such as—*

22            *“(i) family counseling; and*

23            *“(ii) activities, such as community*  
24        *service and service-learning projects, that*



1           are designed to increase students' sense of  
2           community;

3           “(3) age-appropriate, developmentally based vio-  
4           lence prevention and education programs for all stu-  
5           dents, from the preschool level through grade 12, that  
6           address the legal, health, personal, and social con-  
7           sequences of violent and disruptive behavior, includ-  
8           ing sexual harassment and abuse, and victimization  
9           associated with prejudice and intolerance, and that  
10          include activities designed to help students develop a  
11          sense of individual responsibility and respect for the  
12          rights of others, and to resolve conflicts without vio-  
13          lence, or otherwise decrease the prevalence of risk fac-  
14          tors or increase the prevalence of protective factors,  
15          buffers, or assets in the community;

16          “(4) violence prevention programs for school-aged  
17          youth, which emphasize students' sense of individual  
18          responsibility and may include—

19                 “(A) the dissemination of information about  
20                 school safety and discipline;

21                 “(B) the professional development or vol-  
22                 untary training of school personnel, parents, stu-  
23                 dents, law enforcement officials, judicial officials,  
24                 and community leaders in designing and imple-  
25                 menting strategies to prevent school violence;

1           “(C) the implementation of strategies, such  
2 as conflict resolution and peer mediation, stu-  
3 dent outreach efforts against violence, anti-crime  
4 youth councils (which work with school and com-  
5 munity-based organizations to discuss and de-  
6 velop crime prevention strategies), and the use of  
7 mentoring programs, to combat school violence  
8 and other forms of disruptive behavior, such as  
9 sexual harassment and abuse; and

10           “(D) the development and implementation  
11 of character education programs, as a component  
12 of a comprehensive drug or violence prevention  
13 program, that are tailored by communities, par-  
14 ents and schools; and

15           “(E) comprehensive, community-wide strat-  
16 egies to prevent or reduce illegal gang activities  
17 and drug use;

18           “(5) supporting ‘safe zones of passage’ for stu-  
19 dents between home and school through such measures  
20 as Drug- and Weapon-Free School Zones, enhanced  
21 law enforcement, and neighborhood patrols;

22           “(6) the acquisition or hiring of school security  
23 equipment, technologies, personnel, or services such  
24 as—

25           “(A) metal detectors;

1                   “(B) *electronic locks;*

2                   “(C) *surveillance cameras; and*

3                   “(D) *other drug and violence prevention-re-*  
4                   *lated equipment and technologies;*

5                   “(7) *professional development for teachers and*  
6                   *other staff and curricula that promote the awareness*  
7                   *of and sensitivity to alternatives to violence through*  
8                   *courses of study that include related issues of intoler-*  
9                   *ance and hatred in history;*

10                  “(8) *the promotion of before-and-after school rec-*  
11                  *reational, instructional, cultural, and artistic pro-*  
12                  *grams in supervised community settings;*

13                  “(9) *other research-based prevention program-*  
14                  *ming that is—*

15                         “(A) *effective in reducing the prevalence of*  
16                         *alcohol, tobacco or drug use, and violence in*  
17                         *youth;*

18                         “(B) *effective in reducing the prevalence of*  
19                         *risk factors predictive of increased alcohol, to-*  
20                         *bacco or drug use, and violence; or*

21                         “(C) *effective in increasing the prevalence of*  
22                         *protective factors, buffers, and assets predictive*  
23                         *of decreased alcohol, tobacco or drug use and vio-*  
24                         *lence among youth;*

1           “(10) the collection of objective data used to as-  
2           sess program needs, program implementation, or pro-  
3           gram success in achieving program goals and objec-  
4           tives;

5           “(11) community involvement activities includ-  
6           ing community mobilization;

7           “(12) voluntary parental involvement and train-  
8           ing;

9           “(13) the evaluation of any of the activities au-  
10          thorized under this subsection;

11          “(14) the provision of mental health counseling  
12          (by qualified counselors) to students for drug or vio-  
13          lence related problems;

14          “(15) consistent with the fourth amendment to  
15          the Constitution of the United States, the testing of a  
16          student for illegal drug use or inspecting a student’s  
17          locker for guns, explosives, other weapons, or illegal  
18          drugs, including at the request of or with the consent  
19          of a parent or legal guardian of the student, if the  
20          local educational agency elects to so test or inspect;  
21          and

22          “(16) the conduct of a nationwide background  
23          check of each local educational agency employee (re-  
24          gardless of when hired) and prospective employees for  
25          the purpose of determining whether the employee or

1 prospective employee has been convicted of a crime  
2 that bears upon the employee's or prospective employ-  
3 ee's fitness—

4 “(A) to have responsibility for the safety or  
5 well-being of children;

6 “(B) to serve in the particular capacity in  
7 which the employee or prospective employee is or  
8 will be employed; or

9 “(C) to otherwise be employed at all by the  
10 local educational agency.

11 “(c) *LIMITATIONS.*—

12 “(1) *IN GENERAL.*—Not more than 20 percent of  
13 the funds made available to a local educational agen-  
14 cy under this subpart may be used to carry out the  
15 activities described in paragraphs (5) and (6) of sub-  
16 section (b).

17 “(2) *SPECIAL RULE.*—A local educational agency  
18 shall only be able to use funds received under this  
19 subpart for activities described in paragraphs (5) and  
20 (6) of subsection (b) if funding for such activities is  
21 not received from other Federal agencies.

22 “(d) *RULE OF CONSTRUCTION.*—Nothing in this sec-  
23 tion shall be construed to prohibit the use of funds under  
24 this part by any local educational agency or school for the  
25 establishment or implementation of a school uniform policy

1 *so long as such policy is part of the overall comprehensive*  
2 *drug and violence prevention plan of the State involved and*  
3 *is supported by the State’s needs assessment and other re-*  
4 *search-based information.*

5 **“SEC. 4117. EVALUATION AND REPORTING.**

6 *“(a) IMPACT EVALUATION.—*

7 *“(1) BIENNIAL EVALUATION.—The Secretary, in*  
8 *consultation with the National Advisory Committee,*  
9 *shall conduct an independent biennial evaluation of*  
10 *the impact of programs assisted under this subpart*  
11 *and of other recent and new initiatives to combat vio-*  
12 *lence in schools. The evaluation shall report on—*

13 *“(A) whether funded community and local*  
14 *education agency programs—*

15 *“(i) provided a thorough assessment of*  
16 *the substance abuse and violence problem;*

17 *“(ii) used objective data and the*  
18 *knowledge of a wide range of community*  
19 *members;*

20 *“(iii) developed measurable goals and*  
21 *objectives; and*

22 *“(iv) implemented research-based pro-*  
23 *grams that have been shown to be effective*  
24 *and meet identified needs;*

1           “(v) conducted periodic program eval-  
2           uations to assess progress made towards  
3           achieving program goals and objectives and  
4           whether they used evaluations to improve  
5           program goals, objectives and activities;

6           “(B) whether funded community and local  
7           education agency programs have been designed  
8           and implemented in a manner that specifically  
9           targets, if relevant to the program—

10           “(i) research-based variables that are  
11           predictive of drug use or violence;

12           “(ii) risk factors that are predictive of  
13           an increased likelihood that young people  
14           will use drugs, alcohol or tobacco or engage  
15           in violence or drop out of school; or

16           “(iii) protective factors, buffers, or as-  
17           sets that are known to protect children and  
18           youth from exposure to risk, either by re-  
19           ducing the exposure to risk factors or by  
20           changing the way the young person re-  
21           sponds to risk, and to increase the likelihood  
22           of positive youth development;

23           “(C) whether funded community and local  
24           education agency programs have appreciably re-  
25           duced the level of drug, alcohol and tobacco use

1           *and school violence and the presence of firearms*  
2           *at schools; and*

3           “(D) *whether funded community and local*  
4           *educational agency programs have conducted ef-*  
5           *fective parent involvement and voluntary train-*  
6           *ing programs.*

7           “(2) *DATA COLLECTION.—The National Center*  
8           *for Education Statistics shall collect data to deter-*  
9           *mine the incidence and prevalence of social dis-*  
10           *approval of drug use and violence in elementary and*  
11           *secondary schools in the States.*

12           “(3) *BIENNIAL REPORT.—Not later than Janu-*  
13           *ary 1, 2002, and every 2 years thereafter, the Sec-*  
14           *retary shall submit to the President and Congress a*  
15           *report on the findings of the evaluation conducted*  
16           *under paragraph (1) together with the data collected*  
17           *under paragraph (2) and data available from other*  
18           *sources on the incidence and prevalence, age of onset,*  
19           *perception of health risk, and perception of social dis-*  
20           *approval of drug use in elementary and secondary*  
21           *schools in the States. The Secretary shall include data*  
22           *submitted by the States pursuant to subsection*  
23           *(b)(2)(B).*

24           “(b) *STATE REPORT.—*



1           “(1) *IN GENERAL.*—By December 1, 2001, and  
2           *every 2 years thereafter, the chief executive officer of*  
3           *the State, in cooperation with the State educational*  
4           *agency, shall submit to the Secretary a report—*

5                   “(A) *on the implementation and outcomes*  
6                   *of State programs under section 4114 and sec-*  
7                   *tion 4113(b) and local educational agency pro-*  
8                   *grams under section 4113(d), as well as an as-*  
9                   *essment of their effectiveness;*

10                   “(B) *on the State’s progress toward attain-*  
11                   *ing its goals for drug and violence prevention*  
12                   *under subsections (b)(1) and (c)(1) of section*  
13                   *4112; and*

14                   “(C) *on the State’s efforts to inform parents*  
15                   *of, and include parents in, violence and drug*  
16                   *prevention efforts.*

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

19                   “(A) *in the form specified by the Secretary;*

20                   “(B) *based on the State’s ongoing evalua-*  
21                   *tion activities, and shall include data on the in-*  
22                   *cidence and prevalence, age of onset, perception*  
23                   *of health risk, and perception of social dis-*  
24                   *approval of drug use and violence by youth in*  
25                   *schools and communities; and*

1                   “(C) *made readily available to the public.*

2                   “(c) *LOCAL EDUCATIONAL AGENCY REPORT.—*

3                   “(1) *IN GENERAL.—Each local educational agen-*  
4                   *cy receiving funds under this subpart shall submit to*  
5                   *the State educational agency such information that*  
6                   *the State requires to complete the State report re-*  
7                   *quired by subsection (b), including a description of*  
8                   *how parents were informed of, and participated in,*  
9                   *violence and drug prevention efforts.*

10                  “(2) *AVAILABILITY.—Information under para-*  
11                  *graph (1) shall be made readily available to the pub-*  
12                  *lic.*

13                  “(3) *PROVISION OF DOCUMENTATION.—Not later*  
14                  *than January 1 of each year that a State is required*  
15                  *to report under subsection (b), the Secretary shall*  
16                  *provide to the State education agency all of the nec-*  
17                  *essary documentation required for compliance with*  
18                  *this section.*

19                  “**SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.**

20                  “(a) *GENERAL AUTHORITY.—From the funds made*  
21                  *available pursuant to section 4111(a)(4) to carry out this*  
22                  *section, the Secretary shall make grants to or enter into*  
23                  *cooperative agreements or contracts with organizations pri-*  
24                  *marily serving and representing Native Hawaiians which*  
25                  *are recognized by the Governor of the State of Hawaii to*

1 *plan, conduct, and administer programs, or portions there-*  
 2 *of, which are authorized by and consistent with the provi-*  
 3 *sions of this title for the benefit of Native Hawaiians.*

4       “(b) *DEFINITION OF NATIVE HAWAIIAN.*—*For the pur-*  
 5 *poses of this section, the term ‘Native Hawaiian’ means any*  
 6 *individual any of whose ancestors were natives, prior to*  
 7 *1778, of the area which now comprises the State of Hawaii.*

8                       **“Subpart 2—National Programs**

9       **“SEC. 4121. FEDERAL ACTIVITIES.**

10       “(a) *PROGRAM AUTHORIZED.*—*From funds made*  
 11 *available to carry out this subpart under section 4004(2),*  
 12 *the Secretary, in consultation with the Secretary of Health*  
 13 *and Human Services, the Director of the Office of National*  
 14 *Drug Control Policy, and the Attorney General, shall carry*  
 15 *out programs to prevent the illegal use of drugs and violence*  
 16 *among, and promote safety and discipline for, students at*  
 17 *all educational levels from preschool through the post-sec-*  
 18 *ondary level. The Secretary shall carry out such programs*  
 19 *directly, or through grants, contracts, or cooperative agree-*  
 20 *ments with public and private nonprofit organizations and*  
 21 *individuals, or through agreements with other Federal agen-*  
 22 *cies, and shall coordinate such programs with other appro-*  
 23 *priate Federal activities. Such programs may include—*

24                       “(1) *the development and demonstration of inno-*  
 25 *vative strategies for the voluntary training of school*

1     *personnel, parents, and members of the community,*  
2     *including the demonstration of model preservice*  
3     *training programs for prospective school personnel;*

4             *“(2) demonstrations and rigorous evaluations of*  
5     *innovative approaches to drug and violence preven-*  
6     *tion;*

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

13            *“(4) the development of curricula related to child*  
14    *abuse prevention and education and the training of*  
15    *personnel to teach child abuse education and preven-*  
16    *tion to elementary and secondary schoolchildren;*

17            *“(5) program evaluations in accordance with*  
18    *section 10201 that address issues not addressed under*  
19    *section 4117(a);*

20            *“(6) direct services to schools and school systems*  
21    *afflicted with especially severe drug and violence*  
22    *problems or to support crisis situations and appro-*  
23    *priate response efforts;*

24            *“(7) activities in communities designated as em-*  
25    *powerment zones or enterprise communities that will*

1       *connect schools to community-wide efforts to reduce*  
2       *drug and violence problems;*

3             “(8) *developing and disseminating drug and vio-*  
4       *lence prevention materials, including video-based*  
5       *projects and model curricula;*

6             “(9) *developing and implementing a comprehen-*  
7       *sive violence prevention strategy for schools and com-*  
8       *munities, that may include conflict resolution, peer*  
9       *mediation, the teaching of law and legal concepts,*  
10       *and other activities designed to stop violence;*

11            “(10) *the implementation of innovative activi-*  
12       *ties, such as community service and service-learning*  
13       *projects, designed to rebuild safe and healthy neigh-*  
14       *borhoods and increase students’ sense of individual re-*  
15       *sponsibility;*

16            “(11) *grants to noncommercial telecommuni-*  
17       *cations entities for the production and distribution of*  
18       *national video-based projects that provide young peo-*  
19       *ple with models for conflict resolution and responsible*  
20       *decisionmaking;*

21            “(12) *the development of education and training*  
22       *programs, curricula, instructional materials, and*  
23       *professional training and development for preventing*  
24       *and reducing the incidence of crimes and conflicts*

1       *motivated by hate in localities most directly affected*  
2       *by hate crimes; and*

3               “(13) *other activities that meet unmet national*  
4       *needs related to the purposes of this title.*

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

8       **“SEC. 4122. NATIONAL COORDINATOR PROGRAM.**

9               “(a) *IN GENERAL.—From amounts available to carry*  
10       *out this section under section 4004(3), the Secretary shall*  
11       *provide for the establishment of a National Coordinator*  
12       *Program under which the Secretary shall award grants to*  
13       *local education agencies for the hiring of drug prevention*  
14       *and school safety program coordinators.*

15              “(b) *USE OF FUNDS.—Amounts received under a*  
16       *grant under subsection (a) shall be used by local education*  
17       *agencies to recruit, hire, and train individuals to serve as*  
18       *drug prevention and school safety program coordinators in*  
19       *schools with significant drug and school safety problems.*  
20       *Such coordinators shall be responsible for developing, con-*  
21       *ducting, and analyzing assessments of drug and crime prob-*  
22       *lems at their schools, and administering the safe and drug*  
23       *free grant program at such schools.*

1 **“SEC. 4123. SAFE AND DRUG FREE SCHOOLS AND COMMU-**  
2 **NITIES ADVISORY COMMITTEE.**

3 “(a) *ESTABLISHMENT.*—

4 “(1) *IN GENERAL.*—*There is hereby established*  
5 *an advisory committee to be known as the ‘Safe and*  
6 *Drug Free Schools and Communities Advisory Com-*  
7 *mittee’ (referred to in this section as the ‘Advisory*  
8 *Committee’) to—*

9 “(A) *consult with the Secretary under sub-*  
10 *section (b);*

11 “(B) *coordinate Federal school- and com-*  
12 *munity-based substance abuse and violence pre-*  
13 *vention programs and reduce duplicative re-*  
14 *search or services;*

15 “(C) *develop core data sets and evaluation*  
16 *protocols for safe and drug free school- and com-*  
17 *munity-based programs;*

18 “(D) *provide technical assistance and train-*  
19 *ing for safe and drug free school- and commu-*  
20 *nity-based programs;*

21 “(E) *provide for the diffusion of research-*  
22 *based safe and drug free school- and community-*  
23 *based programs; and*

24 “(F) *review other regulations and standards*  
25 *developed under this title.*

1           “(2) *COMPOSITION.*—*The Advisory Committee*  
2           *shall be composed of representatives from—*

3                   “(A) *the Department of Education,*

4                   “(B) *the Centers for Disease Control and*  
5                   *Prevention;*

6                   “(C) *the National Institute on Drug Abuse;*

7                   “(D) *the National Institute on Alcoholism*  
8                   *and Alcohol Abuse;*

9                   “(E) *the Center for Substance Abuse Pre-*  
10                   *vention;*

11                   “(F) *the Center for Mental Health Services;*

12                   “(G) *the Office of Juvenile Justice and De-*  
13                   *linquency Prevention;*

14                   “(H) *the Office of National Drug Control*  
15                   *Policy; and*

16                   “(I) *State and local governments, including*  
17                   *education agencies.*

18           “(3) *CONSULTATION.*—*In carrying out its duties*  
19           *under this section, the Advisory Committee shall an-*  
20           *nually consult with interested State and local coordi-*  
21           *nators of school- and community-based substance*  
22           *abuse and violence prevention programs and other in-*  
23           *terested groups.*

24           “(b) *PROGRAMS.*—



1           “(1) *IN GENERAL.*—*From amounts made avail-*  
2           *able under section 4004(2) to carry out this subpart,*  
3           *the Secretary, in consultation with the Advisory Com-*  
4           *mittee, shall carry out research-based programs to*  
5           *strengthen the accountability and effectiveness of the*  
6           *State, Governor’s, and national programs under this*  
7           *title.*

8           “(2) *GRANTS, CONTRACTS OR COOPERATIVE*  
9           *AGREEMENTS.*—*The Secretary shall carry out para-*  
10           *graph (1) directly or through grants, contracts, or co-*  
11           *operative agreements with public and nonprofit pri-*  
12           *vate organizations and individuals or through agree-*  
13           *ments with other Federal agencies.*

14           “(3) *COORDINATION.*—*The Secretary shall co-*  
15           *ordinate programs under this section with other ap-*  
16           *propriate Federal activities.*

17           “(4) *ACTIVITIES.*—*Activities that may be carried*  
18           *out under programs funded under this section may*  
19           *include—*

20                   “(A) *the provision of technical assistance*  
21                   *and training, in collaboration with other Federal*  
22                   *agencies utilizing their expertise and national*  
23                   *and regional training systems, for Governors,*  
24                   *State education agencies and local education*

1 agencies to support high quality, effective pro-  
2 grams that—

3 “(i) provide a thorough assessment of  
4 the substance abuse and violence problem;

5 “(ii) utilize objective data and the  
6 knowledge of a wide range of community  
7 members;

8 “(iii) develop measurable goals and ob-  
9 jectives; and

10 “(iv) implement research-based activi-  
11 ties that have been shown to be effective and  
12 that meet identified needs;

13 “(B) the provision of technical assistance  
14 and training to foster program accountability;

15 “(C) the diffusion and dissemination of best  
16 practices and programs;

17 “(D) the development of core data sets and  
18 evaluation tools;

19 “(E) program evaluations;

20 “(F) the provision of information on drug  
21 abuse education and prevention to the Secretary  
22 of Health and Human Services for dissemination  
23 by the Clearinghouse for Alcohol and Drug Abuse  
24 Information established under section 501(d)(16)  
25 of the Public Health Service Act; and

1           “(G) other activities that meet unmet needs  
2           related to the purposes of this title and that are  
3           undertaken in consultation with the Advisory  
4           Committee.

5   **“SEC. 4124. HATE CRIME PREVENTION.**

6           “(a) *GRANT AUTHORIZATION.*—From funds made  
7           available to carry out this subpart under section 4004(2)  
8           the Secretary may make grants to local educational agen-  
9           cies and community-based organizations for the purpose of  
10          providing assistance to localities most directly affected by  
11          hate crimes.

12          “(b) *USE OF FUNDS.*—

13                 “(1) *PROGRAM DEVELOPMENT.*—Grants under  
14                 this section may be used to improve elementary and  
15                 secondary educational efforts, including—

16                         “(A) development of education and training  
17                         programs designed to prevent and to reduce the  
18                         incidence of crimes and conflicts motivated by  
19                         hate;

20                         “(B) development of curricula for the pur-  
21                         pose of improving conflict or dispute resolution  
22                         skills of students, teachers, and administrators;

23                         “(C) development and acquisition of equip-  
24                         ment and instructional materials to meet the

1           *needs of, or otherwise be part of, hate crime or*  
2           *conflict programs; and*

3           “(D) *professional training and development*  
4           *for teachers and administrators on the causes, ef-*  
5           *fects, and resolutions of hate crimes or hate-based*  
6           *conflicts.*

7           “(2) *IN GENERAL.*—*In order to be eligible to re-*  
8           *ceive a grant under this section for any fiscal year,*  
9           *a local educational agency, or a local educational*  
10          *agency in conjunction with a community-based orga-*  
11          *nization, shall submit an application to the Secretary*  
12          *in such form and containing such information as the*  
13          *office may reasonably require.*

14          “(3) *REQUIREMENTS.*—*Each application under*  
15          *paragraph (2) shall include—*

16                 “(A) *a request for funds for the purposes de-*  
17                 *scribed in this section;*

18                 “(B) *a description of the schools and com-*  
19                 *munities to be served by the grants; and*

20                 “(C) *assurances that Federal funds received*  
21                 *under this section shall be used to supplement,*  
22                 *not supplant, non-Federal funds.*

23                 “(4) *COMPREHENSIVE PLAN.*—*Each application*  
24                 *shall include a comprehensive plan that contains—*

1           “(A) a description of the hate crime or con-  
2           flict problems within the schools or the commu-  
3           nity targeted for assistance;

4           “(B) a description of the program to be de-  
5           veloped or augmented by such Federal and  
6           matching funds;

7           “(C) assurances that such program or activ-  
8           ity shall be administered by or under the super-  
9           vision of the applicant;

10           “(D) proper and efficient administration of  
11           such program; and

12           “(E) fiscal control and fund accounting  
13           procedures as may be necessary to ensure pru-  
14           dent use, proper disbursement, and accurate ac-  
15           counting of funds received under this section.

16           “(c) AWARD OF GRANTS.—

17           “(1) SELECTION OF RECIPIENTS.—The Secretary  
18           shall consider the incidence of crimes and conflicts  
19           motivated by bias in the targeted schools and commu-  
20           nities in awarding grants under this section.

21           “(2) GEOGRAPHIC DISTRIBUTION.—The Sec-  
22           retary shall attempt, to the extent practicable, to  
23           achieve an equitable geographic distribution of grant  
24           awards.

1           “(3) *DISSEMINATION OF INFORMATION.*—*The*  
 2           *Secretary shall attempt, to the extent practicable, to*  
 3           *make available information regarding successful hate*  
 4           *crime prevention programs, including programs es-*  
 5           *tablished or expanded with grants under this section.*

6           “(d) *REPORTS.*—*The Secretary shall submit to the*  
 7           *Congress a report every two years which shall contain a*  
 8           *detailed statement regarding grants and awards, activities*  
 9           *of grant recipients, and an evaluation of programs estab-*  
 10          *lished under this section.*

11                           **“Subpart 3—General Provisions**

12          **“SEC. 4131. DEFINITIONS.**

13           *“In this part:*

14                           “(1) *COMMUNITY-BASED ORGANIZATION.*—*The*  
 15           *term ‘community-based organization’ means a private*  
 16           *nonprofit organization which is representative of a*  
 17           *community or significant segments of a community*  
 18           *and which provides educational or related services to*  
 19           *individuals in the community.*

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

22   “(A) *with respect to drugs, prevention, early*  
 23           *intervention, rehabilitation referral, or education*  
 24           *related to the illegal use of alcohol and the use*  
 25           *of controlled, illegal, addictive, or harmful sub-*

1           *stances, including inhalants and anabolic*  
2           *steroids;*

3           “(B) *prevention, early intervention, smok-*  
4           *ing cessation activities, or education, related to*  
5           *the use of tobacco by children and youth eligible*  
6           *for services under this title; and*

7           “(C) *with respect to violence, the promotion*  
8           *of school safety, such that students and school*  
9           *personnel are free from violent and disruptive*  
10          *acts, including sexual harassment and abuse,*  
11          *and victimization associated with prejudice and*  
12          *intolerance, on school premises, going to and*  
13          *from school, and at school-sponsored activities,*  
14          *through the creation and maintenance of a school*  
15          *environment that is free of weapons and fosters*  
16          *individual responsibility and respect for the*  
17          *rights of others.*

18          “(3) *HATE CRIME.*—*The term ‘hate crime’ means*  
19          *a crime as described in section 1(b) of the Hate Crime*  
20          *Statistics Act of 1990.*

21          “(4) *NONPROFIT.*—*The term ‘nonprofit’, as ap-*  
22          *plied to a school, agency, organization, or institution*  
23          *means a school, agency, organization, or institution*  
24          *owned and operated by one or more nonprofit cor-*  
25          *porations or associations, no part of the net earnings*

1       *of which inures, or may lawfully inure, to the benefit*  
2       *of any private shareholder or individual.*

3               “(5) *OBJECTIVELY MEASURABLE GOALS.*—*The*  
4       *term ‘objectively measurable goals’ means prevention*  
5       *programming goals defined through use of quan-*  
6       *titative epidemiological data measuring the preva-*  
7       *lence of alcohol, tobacco, and other drug use, violence,*  
8       *and the prevalence of risk and protective factors pre-*  
9       *dictive of these behaviors, collected through a variety*  
10       *of methods and sources known to provide high quality*  
11       *data.*

12               “(6) *PROTECTIVE FACTOR, BUFFER, OR ASSET.*—  
13       *The terms ‘protective factor’, ‘buffer’, and ‘asset’ mean*  
14       *any one of a number of the community, school, fam-*  
15       *ily, or peer-individual domains that are known,*  
16       *through prospective, longitudinal research efforts, or*  
17       *which are grounded in a well-established theoretical*  
18       *model of prevention, and have been shown to prevent*  
19       *alcohol, tobacco, or illicit drug use, as well as violent*  
20       *behavior, by youth in the community, and which pro-*  
21       *mote positive youth development.*

22               “(7) *RISK FACTOR.*—*The term ‘risk factor’*  
23       *means any one of a number of characteristics of the*  
24       *community, school, family, or peer-individual do-*  
25       *main domains that are known, through prospective, longitu-*



1       dinal research efforts, to be predictive of alcohol, to-  
2       bacco, and illicit drug use, as well as violent behavior,  
3       by youth in the school and community.

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

9               “(9) *SCHOOL PERSONNEL.*—The term ‘school  
10       personnel’ includes teachers, administrators, coun-  
11       selors, social workers, psychologists, nurses, librarians,  
12       and other support staff who are employed by a school  
13       or who perform services for the school on a contrac-  
14       tual basis.

15       **“SEC. 4132. MATERIALS.**

16               “(a) *‘ILLEGAL AND HARMFUL’ MESSAGE.*—Drug pre-  
17       vention programs supported under this part shall convey  
18       a clear and consistent message that the illegal use of alcohol  
19       and other drugs is illegal and harmful.

20               “(b) *CURRICULUM.*—The Secretary shall not prescribe  
21       the use of specific curricula for programs supported under  
22       this part, but may evaluate the effectiveness of such cur-  
23       ricula and other strategies in drug and violence prevention.

24       **“SEC. 4133. PROHIBITED USES OF FUNDS.**

25               “*No funds under this part may be used for—*

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

3           “(2) medical services, drug treatment or rehabili-  
4           tation, except for pupil services or referral to treat-  
5           ment for students who are victims of or witnesses to  
6           crime or who use alcohol, tobacco, or drugs.

7   **“SEC. 4134. QUALITY RATING.**

8           “(a) *IN GENERAL.*—The chief executive officer of each  
9           State, or in the case of a State in which the constitution  
10          or law of such State designates another individual, entity,  
11          or agency in the State to be responsible for education activi-  
12          ties, such individual, entity, or agency, is authorized and  
13          encouraged—

14                 “(1) to establish a standard of quality for drug,  
15                 alcohol, and tobacco prevention programs imple-  
16                 mented in public elementary schools and secondary  
17                 schools in the State in accordance with subsection (b);  
18                 and

19                 “(2) to identify and designate, upon application  
20                 by a public elementary school or secondary school,  
21                 any such school that achieves such standard as a  
22                 quality program school.

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

1           “(1) a comparison of the rate of illegal use of  
2           drugs, alcohol, and tobacco by students enrolled in the  
3           school for a period of time to be determined by the  
4           chief executive officer of the State;

5           “(2) the rate of suspensions or expulsions of stu-  
6           dents enrolled in the school for drug, alcohol, or to-  
7           bacco-related offenses;

8           “(3) the effectiveness of the drug, alcohol, or to-  
9           bacco prevention program as proven by research;

10           “(4) the involvement of parents and community  
11           members in the design of the drug, alcohol, and to-  
12           bacco prevention program; and

13           “(5) the extent of review of existing community  
14           drug, alcohol, and tobacco prevention programs before  
15           implementation of the public school program.

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

22           “(d) *PUBLIC NOTIFICATION.*—Not less than once a  
23 *year, the chief executive officer of each State or the indi-*  
24 *vidual, entity, or agency described in subsection (a), as the*  
25 *case may be, shall make available to the public a list of*

1 *the names of each public school in the State that has re-*  
 2 *ceived a quality program school designation in accordance*  
 3 *with this section.”.*

4 **SEC. 402. GUN-FREE REQUIREMENTS.**

5 *Title IV (20 U.S.C. 7101 et seq.) is amended by adding*  
 6 *at the end the following:*

7 **“PART B—GUN POSSESSION**

8 **“SEC. 4201. GUN-FREE REQUIREMENTS.**

9 *“(a) SHORT TITLE.—This part may be cited as the*  
 10 *“Gun-Free Schools Act of 1994”.*

11 *“(b) REQUIREMENTS.—*

12 *“(1) IN GENERAL.—Each State receiving Federal*  
 13 *funds under this Act shall have in effect a State law*  
 14 *requiring local educational agencies to expel from*  
 15 *school for a period of not less than one year a student*  
 16 *who is determined to have brought a weapon to a*  
 17 *school under the jurisdiction of local educational*  
 18 *agencies in that State, except that such State law*  
 19 *shall allow the chief administering officer of a local*  
 20 *educational agency to modify such expulsion require-*  
 21 *ment for a student on a case-by-case basis.*

22 *“(2) CONSTRUCTION.—Nothing in this part shall*  
 23 *be construed to prevent a State from allowing a local*  
 24 *educational agency that has expelled a student from*  
 25 *such a student’s regular school setting from providing*

1        *educational services to such student in an alternative*  
2        *setting.*

3            “(3) *DEFINITION.*—*For the purpose of this sec-*  
4        *tion, the term ‘weapon’ means a firearm as such term*  
5        *is defined in section 921(a) of title 18, United States*  
6        *Code.*

7            “(c) *SPECIAL RULE.*—*The provisions of this section*  
8        *shall be construed in a manner consistent with the Individ-*  
9        *uals with Disabilities Education Act.*

10          “(d) *REPORT TO STATE.*—*Each local educational*  
11        *agency requesting assistance from the State educational*  
12        *agency that is to be provided from funds made available*  
13        *to the State under this Act shall provide to the State, in*  
14        *the application requesting such assistance—*

15            “(1) *an assurance that such local educational*  
16        *agency is in compliance with the State law required*  
17        *by subsection (b); and*

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

21            “(A) *the name of the school concerned;*

22            “(B) *the number of students expelled from*  
23        *such school; and*

24            “(C) *the type of weapons concerned.*

1       “(e) *REPORTING.*—Each State shall report the infor-  
 2 mation described in subsection (d) to the Secretary on an  
 3 annual basis.

4       “**SEC. 4202. POLICY REGARDING CRIMINAL JUSTICE SYSTEM**  
 5                                   **REFERRAL.**

6       “(a) *IN GENERAL.*—No funds shall be made available  
 7 under this Act to any local educational agency unless such  
 8 agency has a policy requiring referral to the criminal jus-  
 9 tice or juvenile delinquency system of any student who  
 10 brings a firearm or weapon to a school served by such agen-  
 11 cy.

12       “(b) *DEFINITIONS.*—For the purpose of this section,  
 13 the terms ‘firearm’ and ‘school’ have the meanings given  
 14 the terms in section 921(a) of title 18, United States Code.”.

15       **SEC. 403. SCHOOL SAFETY AND VIOLENCE PREVENTION.**

16       Title IV (20 U.S.C. 7101 et seq.) is amended by adding  
 17 at the end the following:

18       “**PART C—SCHOOL SAFETY AND VIOLENCE**  
 19                                   **PREVENTION**

20       “**SEC. 4301. SCHOOL SAFETY AND VIOLENCE PREVENTION.**

21       “Notwithstanding any other provision of this title and  
 22 title VI, funds made available under such titles may be used  
 23 for—

1           “(1) training, including in-service training, for  
2 school personnel (including custodians and bus driv-  
3 ers), with respect to—

4                   “(A) identification of potential threats, such  
5 as illegal weapons and explosive devices;

6                   “(B) crisis preparedness and intervention  
7 procedures; and

8                   “(C) emergency response;

9           “(2) training for parents, teachers, school per-  
10 sonnel and other interested members of the commu-  
11 nity regarding the identification and responses to  
12 early warning signs of troubled and violent youth;

13           “(3) innovative research-based delinquency and  
14 violence prevention programs, including—

15                   “(A) school anti-violence programs; and

16                   “(B) mentoring programs;

17                   “(4) comprehensive school security assessments;

18                   “(5) purchase of school security equipment and  
19 technologies, such as—

20                   “(A) metal detectors;

21                   “(B) electronic locks; and

22                   “(C) surveillance cameras;

23           “(6) collaborative efforts with community-based  
24 organizations, including faith-based organizations,  
25 statewide consortia, and law enforcement agencies,

1       *that have demonstrated expertise in providing effec-*  
2       *tive, research-based violence prevention and interven-*  
3       *tion programs to school aged children;*

4             “(7) *providing assistance to States, local edu-*  
5       *cational agencies, or schools to establish school uni-*  
6       *form policies;*

7             “(8) *school resource officers, including commu-*  
8       *nity policing officers; and*

9             “(9) *other innovative, local responses that are*  
10       *consistent with reducing incidents of school violence*  
11       *and improving the educational atmosphere of the*  
12       *classroom.*

13       **“SEC. 4302. SCHOOL UNIFORMS.**

14             “(a) *CONSTRUCTION.—Nothing in this Act shall be*  
15       *construed to prohibit any State, local educational agency,*  
16       *or school from establishing a school uniform policy.*

17             “(b) *FUNDING.—Notwithstanding any other provision*  
18       *of law, funds provided under this titles and title VI may*  
19       *be used for establishing a school uniform policy.*

20       **“SEC. 4303. TRANSFER OF SCHOOL DISCIPLINARY**  
21                    **RECORDS.**

22             “(a) *NONAPPLICATION OF PROVISIONS.—The provi-*  
23       *sions of this section shall not apply to any suspension or*  
24       *expulsion disciplinary records transferred from a private,*



1 *parochial, or other nonpublic school, person, institution, or*  
 2 *other entity, that provides education below the college level.*

3       “(b) *DISCIPLINARY RECORDS.*—Not later than 2 years  
 4 *after the date of enactment of this part, each State receiving*  
 5 *Federal funds under this Act shall provide an assurance*  
 6 *to the Secretary that the State has a procedure in place*  
 7 *to facilitate the transfer of suspension and expulsion dis-*  
 8 *ciplinary records by local educational agencies to any pri-*  
 9 *vate or public elementary school or secondary school for any*  
 10 *student who is enrolled or seeks, intends, or is instructed*  
 11 *to enroll, full-time or part-time, in the school.*

12 **“SEC. 4304. DISCLAIMER ON MATERIALS PRODUCED, PRO-**  
 13 **CURED OR DISTRIBUTED FROM FUNDING AU-**  
 14 **THORIZED BY THIS ACT.**

15       “(a) *REQUIREMENTS.*—All materials produced, pro-  
 16 *cured, or distributed, in whole or in part, as a result of*  
 17 *Federal funding authorized under this Act for expenditure*  
 18 *by Federal, State or local governmental recipients or other*  
 19 *non-governmental entities shall have printed thereon—*

20               “(1) *the following statement: ‘This material has*  
 21 *been printed, procured or distributed, in whole or in*  
 22 *part, at the expense of the Federal Government. Any*  
 23 *person who objects to the accuracy of the material, to*  
 24 *the completeness of the material, or to the representa-*  
 25 *tions made within the material, including objections*

1       *related to this material's characterization of religious*  
2       *beliefs, are encouraged to direct their comments to the*  
3       *office of the United States Secretary of Education.';*  
4       *and*

5               *“(2) the complete address of an office designated*  
6       *by the Secretary to receive comments from members*  
7       *of the public.*

8       *“(b) DESIGNATION OF OFFICE.—The office designated*  
9       *by the Secretary under subsection (a)(2) to receive com-*  
10       *ments shall, every 6 months, prepare an accurate summary*  
11       *of all comments received by the office. Such summary shall*  
12       *include details about the number of comments received and*  
13       *the specific nature of the concerns raised within the com-*  
14       *ments, and shall be submitted to the Committee on Health,*  
15       *Education, Labor, and Pensions of the Senate and the Com-*  
16       *mittee on Education and the Workforce of the House of Rep-*  
17       *resentatives, the Majority and Minority Leaders of the Sen-*  
18       *ate, and the Speaker of the House of Representatives and*  
19       *the Minority Leader of the House of Representatives. Such*  
20       *comments shall be retained by the office and shall be made*  
21       *available to any member of the general public upon re-*  
22       *quest.”.*

23       **SEC. 404. BACKGROUND CHECKS.**

24       *Section 5(9) of the National Child Protection Act of*  
25       *1993 (42 U.S.C. 5119c(9)) is amended—*

1           (1) *in subparagraph (A)(i), by inserting “(in-*  
 2           *cluding an individual who is employed by a school in*  
 3           *any capacity, including as a child care provider, a*  
 4           *teacher, or another member of school personnel)” be-*  
 5           *fore the semicolon; and*

6           (2) *in subparagraph (B)(i), by inserting “(in-*  
 7           *cluding an individual who seeks to be employed by a*  
 8           *school in any capacity, including as a child care pro-*  
 9           *vider, a teacher, or another member of school per-*  
 10          *sonnel)” before the semicolon.*

11 **SEC. 405. CONSTITUTIONALITY OF MEMORIAL SERVICES**  
 12                                   **AND MEMORIALS AT PUBLIC SCHOOLS.**

13           (a) *FINDINGS.—The Congress of the United States*  
 14           *finds that the saying of a prayer, the reading of a scripture,*  
 15           *or the performance of religious music as part of a memorial*  
 16           *service that is held on the campus of a public school in order*  
 17           *to honor the memory of any person slain on that campus*  
 18           *does not violate the First Amendment to the Constitution*  
 19           *of the United States, and that the design and construction*  
 20           *of any memorial that is placed on the campus of a public*  
 21           *school in order to honor the memory of any person slain*  
 22           *on that campus a part of which includes religious symbols,*  
 23           *motifs, or sayings does not violate the First Amendment to*  
 24           *the Constitution of the United States.*

1           (b) *LAWSUITS.*—*In any lawsuit claiming that the type*  
 2 *of memorial or memorial service described in subsection (a)*  
 3 *violates the Constitution of the United States—*

4                 (1) *each party shall pay its own attorney’s fees*  
 5 *and costs, notwithstanding any other provision of*  
 6 *law, and*

7                 (2) *the Attorney General of the United States is*  
 8 *authorized to provide legal assistance to the school*  
 9 *district or other governmental entity that is defending*  
 10 *the legality of such memorial service.*

11 **SEC. 406. ENVIRONMENTAL TOBACCO SMOKE.**

12           *Title IV (20 U.S.C. 7101 et seq.) is amended by adding*  
 13 *at the end the following:*

14           **“PART D—ENVIRONMENTAL TOBACCO SMOKE**

15 **“SEC. 4401. SHORT TITLE.**

16           *“This part may be cited as the ‘Pro-Children Act of*  
 17 *2000’.*

18 **“SEC. 4402. DEFINITIONS.**

19           *“As used in this part:*

20                 (1) *CHILDREN.*—*The term ‘children’ means in-*  
 21 *dividuals who have not attained the age of 18.*

22                 (2) *CHILDREN’S SERVICES.*—*The term ‘chil-*  
 23 *dren’s services’ means the provision on a routine or*  
 24 *regular basis of health, day care, education, or library*  
 25 *services—*

1           “(A) that are funded, after the date of the  
2           enactment of the Educational Opportunities Act,  
3           directly by the Federal Government or through  
4           State or local governments, by Federal grant,  
5           loan, loan guarantee, or contract programs—

6                   “(i) administered by either the Sec-  
7                   retary of Health and Human Services or  
8                   the Secretary of Education (other than serv-  
9                   ices provided and funded solely under titles  
10                  XVIII and XIX of the Social Security Act);  
11                  or

12                   “(ii) administered by the Secretary of  
13                   Agriculture in the case of a clinic (as de-  
14                   fined in part 246.2 of title 7, Code of Fed-  
15                   eral Regulations (or any corresponding  
16                   similar regulation or ruling)) under section  
17                   17(b)(6) of the Child Nutrition Act of 1966;  
18                  or

19                  “(B) that are provided in indoor facilities  
20                  that are constructed, operated, or maintained  
21                  with such Federal funds, as determined by the  
22                  appropriate head of a Federal agency in any en-  
23                  forcement action carried out under this part,  
24                  except that nothing in clause (ii) of subparagraph (A)  
25                  is intended to include facilities (other than clinics)

1       *where coupons are redeemed under the Child Nutri-*  
 2       *tion Act of 1966.*

3               “(3) *INDOOR FACILITY.*—*The term ‘indoor facil-*  
 4       *ity’ means a building that is enclosed.*

5               “(4) *PERSON.*—*The term ‘person’ means any*  
 6       *State or local subdivision of a State, agency of such*  
 7       *State or subdivision, corporation, or partnership that*  
 8       *owns or operates or otherwise controls and provides*  
 9       *children’s services or any individual who owns or op-*  
 10       *erates or otherwise controls and provides such serv-*  
 11       *ices.*

12               “(5) *SECRETARY.*—*The term ‘Secretary’ means*  
 13       *the Secretary of Health and Human Services.*

14       **“SEC. 4403. NONSMOKING POLICY FOR CHILDREN’S SERV-**  
 15               **ICES.**

16               “(a) *PROHIBITION.*—*After the date of the enactment*  
 17       *of the Educational Opportunities Act, no person shall per-*  
 18       *mit smoking within any indoor facility owned or leased or*  
 19       *contracted for, and utilized, by such person for provision*  
 20       *of routine or regular kindergarten, elementary, or secondary*  
 21       *education or library services to children.*

22               “(b) *ADDITIONAL PROHIBITION.*—

23               “(1) *IN GENERAL.*—*After the date of the enact-*  
 24       *ment of the Educational Opportunities Act, no person*  
 25       *shall permit smoking within any indoor facility (or*

1       *portion of such a facility) owned or leased or con-*  
2       *tracted for, and utilized by, such person for the provi-*  
3       *sion of regular or routine health care or day care or*  
4       *early childhood development (Head Start) services.*

5               “(2) *EXCEPTION.—Paragraph (1) shall not*  
6       *apply to—*

7                       “(A) *any portion of such facility that is*  
8                       *used for inpatient hospital treatment of individ-*  
9                       *uals dependent on, or addicted to, drugs or alco-*  
10                      *hol; and*

11                     “(B) *any private residence.*

12       “(c) *FEDERAL AGENCIES.—*

13               “(1) *KINDERGARTEN, ELEMENTARY, OR SEC-*  
14       *ONDARY EDUCATION OR LIBRARY SERVICES.—After*  
15       *the date of the enactment of the Educational Opportu-*  
16       *nities Act, no Federal agency shall permit smoking*  
17       *within any indoor facility in the United States oper-*  
18       *ated by such agency, directly or by contract, to pro-*  
19       *vide routine or regular kindergarten, elementary, or*  
20       *secondary education or library services to children.*

21               “(2) *HEALTH OR DAY CARE OR EARLY CHILD-*  
22       *HOOD DEVELOPMENT SERVICES.—*

23                       “(A) *IN GENERAL.—After the date of the en-*  
24                       *actment of the Educational Opportunities Act,*  
25                       *no Federal agency shall permit smoking within*

1           *any indoor facility (or portion of such facility)*  
2           *operated by such agency, directly or by contract,*  
3           *to provide routine or regular health or day care*  
4           *or early childhood development (Head Start)*  
5           *services to children.*

6           “(B) *EXCEPTION.*—*Subparagraph (A) shall*  
7           *not apply to—*

8                   “(i) *any portion of such facility that is*  
9                   *used for inpatient hospital treatment of in-*  
10                  *dividuals dependent on, or addicted to,*  
11                  *drugs or alcohol; and*

12                  “(ii) *any private residence.*

13           “(3) *APPLICATION OF PROVISIONS.*—*The provi-*  
14           *sions of paragraph (2) shall also apply to the provi-*  
15           *sion of such routine or regular kindergarten, elemen-*  
16           *tary or secondary education or library services in the*  
17           *facilities described in paragraph (2) not subject to*  
18           *paragraph (1).*

19           “(d) *NOTICE.*—*The prohibitions in subsections (a)*  
20           *through (c) shall be published in a notice in the Federal*  
21           *Register by the Secretary (in consultation with the heads*  
22           *of other affected agencies) and by such agency heads in*  
23           *funding arrangements involving the provision of children’s*  
24           *services administered by such heads. Such prohibitions shall*  
25           *be effective 90 days after such notice is published, or 270*



1 *days after the date of the enactment of the Educational Op-*  
2 *portunities Act, whichever occurs first.*

3 “(e) *CIVIL PENALTIES.*—

4 “(1) *IN GENERAL.*—*Any failure to comply with*  
5 *a prohibition in this section shall be considered to be*  
6 *a violation of this section and any person subject to*  
7 *such prohibition who commits such violation may be*  
8 *liable to the United States for a civil penalty in an*  
9 *amount not to exceed \$1,000 for each violation, or*  
10 *may be subject to an administrative compliance*  
11 *order, or both, as determined by the Secretary. Each*  
12 *day a violation continues shall constitute a separate*  
13 *violation. In the case of any civil penalty assessed*  
14 *under this section, the total amount shall not exceed*  
15 *the amount of Federal funds received by such person*  
16 *for the fiscal year in which the continuing violation*  
17 *occurred. For the purpose of the prohibition in sub-*  
18 *section (c), the term ‘person’, as used in this para-*  
19 *graph, shall mean the head of the applicable Federal*  
20 *agency or the contractor of such agency providing the*  
21 *services to children.*

22 “(2) *ADMINISTRATIVE PROCEEDING.*—*A civil*  
23 *penalty may be assessed in a written notice, or an*  
24 *administrative compliance order may be issued under*  
25 *paragraph (1), by the Secretary only after an oppor-*

1        *tunity for a hearing in accordance with section 554*  
2        *of title 5, United States Code. Before making such as-*  
3        *essment or issuing such order, or both, the Secretary*  
4        *shall give written notice of the assessment or order to*  
5        *such person by certified mail with return receipt and*  
6        *provide information in the notice of an opportunity*  
7        *to request in writing, not later than 30 days after the*  
8        *date of receipt of such notice, such hearing. The notice*  
9        *shall reasonably describe the violation and be accom-*  
10       *panied with the procedures for such hearing and a*  
11       *simple form that may be used to request such hearing*  
12       *if such person desires to use such form. If a hearing*  
13       *is requested, the Secretary shall establish by such cer-*  
14       *tified notice the time and place for such hearing,*  
15       *which shall be located, to the greatest extent possible,*  
16       *at a location convenient to such person. The Secretary*  
17       *(or the Secretary's designee) and such person may*  
18       *consult to arrange a suitable date and location where*  
19       *appropriate.*

20            *“(3) CIRCUMSTANCES AFFECTING PENALTY OR*  
21        *ORDER.—In determining the amount of the civil pen-*  
22        *alty or the nature of the administrative compliance*  
23        *order, the Secretary shall take into account, as*  
24        *appropriate—*

1           “(A) *the nature, circumstances, extent, and*  
2           *gravity of the violation;*

3           “(B) *with respect to the violator, any good*  
4           *faith efforts to comply, the importance of achiev-*  
5           *ing early and permanent compliance, the ability*  
6           *to pay or comply, the effect of the penalty or*  
7           *order on the ability to continue operation, any*  
8           *prior history of the same kind of violation, the*  
9           *degree of culpability, and any demonstration of*  
10          *willingness to comply with the prohibitions of*  
11          *this section in a timely manner; and*

12          “(C) *such other matters as justice may re-*  
13          *quire.*

14          “(4) *MODIFICATION.—The Secretary may, as ap-*  
15          *propriate, compromise, modify, or remit, with or*  
16          *without conditions, any civil penalty or administra-*  
17          *tive compliance order. In the case of a civil penalty,*  
18          *the amount, as finally determined by the Secretary or*  
19          *agreed upon in compromise, may be deducted from*  
20          *any sums that the United States or the agencies or*  
21          *instrumentalities of the United States owe to the per-*  
22          *son against whom the penalty is assessed.*

23          “(5) *PETITION FOR REVIEW.—Any person ag-*  
24          *grieved by a penalty assessed or an order issued, or*  
25          *both, by the Secretary under this section may file a*

1        *petition for judicial review of the order with the*  
2        *United States Court of Appeals for the District of Co-*  
3        *lumbia Circuit or for any other circuit in which the*  
4        *person resides or transacts business. Such person shall*  
5        *provide a copy of the petition to the Secretary or the*  
6        *Secretary's designee. The petition shall be filed within*  
7        *30 days after the Secretary's assessment or order, or*  
8        *both, are final and have been provided to such person*  
9        *by certified mail. The Secretary shall promptly pro-*  
10       *vide to the court a certified copy of the transcript of*  
11       *any hearing held under this section and a copy of the*  
12       *notice or order.*

13                *“(6) FAILURE TO COMPLY.—If a person fails to*  
14        *pay an assessment of a civil penalty or comply with*  
15        *an order, after the assessment or order, or both, are*  
16        *final under this section, or after a court has entered*  
17        *a final judgment under paragraph (5) in favor of the*  
18        *Secretary, the Attorney General, at the request of the*  
19        *Secretary, shall recover the amount of the civil pen-*  
20        *alty (plus interest at prevailing rates from the day*  
21        *the assessment or order, or both, are final) or enforce*  
22        *the order in an action brought in the appropriate dis-*  
23        *trict court of the United States. In such action, the*  
24        *validity and appropriateness of the penalty or order*

1        *or the amount of the penalty shall not be subject to*  
 2        *review.*

3        **“SEC. 4404. PREEMPTION.**

4        *“Nothing in this part is intended to preempt any pro-*  
 5        *vision of law of a State or political subdivision of a State*  
 6        *that is more restrictive than a provision of this part.”.*

7                    **TITLE V—EDUCATIONAL**  
 8                    **OPPORTUNITY INITIATIVES**

9        **SEC. 501. EDUCATIONAL OPPORTUNITY INITIATIVES.**

10        *The heading for title V (20 U.S.C. 7201 et seq.) is*  
 11        *amended to read as follows:*

12                    **“TITLE V—EDUCATIONAL**  
 13                    **OPPORTUNITY INITIATIVES”.**

14                    **PART A—TECHNOLOGY EDUCATION**

15        **SEC. 511. TECHNOLOGY EDUCATION.**

16        *Part A of title V (20 U.S.C. 7201 et seq.) is amended*  
 17        *to read as follows:*

18                    **“PART A—TECHNOLOGY EDUCATION**

19        **“SEC. 5111. STATEMENT OF PURPOSE.**

20        *“To help all students develop technical and higher-*  
 21        *order thinking skills and to achieve challenging State aca-*  
 22        *demic content and performance standards, as well as Amer-*  
 23        *ica’s Education Goals, it is the purpose of this part to—*

24                    *“(1) help provide all classrooms with access to*  
 25        *educational technology through support for the acqui-*

1 *sition of advanced multimedia computers, Internet*  
2 *connections, and other technologies;*

3 *“(2) help ensure access to, and the effective use*  
4 *of, educational technology in all classrooms through*  
5 *the provision of sustained and intensive, high quality*  
6 *professional development that improves the ability of*  
7 *teachers and principals to integrate educational tech-*  
8 *nology effectively into the classroom by actively en-*  
9 *gaging students, teachers, paraprofessionals, media*  
10 *specialists, principals and superintendents in the use*  
11 *of technology;*

12 *“(3) help improve the capability of teachers and*  
13 *other appropriate school personnel to design and con-*  
14 *struct new learning experiences using technology, and*  
15 *actively engage students in the design and construc-*  
16 *tion;*

17 *“(4) support efforts by State Educational Agen-*  
18 *cies and local educational agencies to create learning*  
19 *environments designed to prepare students to achieve*  
20 *challenging State academic content and performance*  
21 *standard through the use of research based teaching*  
22 *practices and advanced technologies;*

23 *“(5) support the provision of technical assistance*  
24 *to State educational agencies, local educational agen-*  
25 *cies, and communities to help such agencies and com-*

1 *munities use technology-based resources and informa-*  
2 *tion systems to support school reform and meet the*  
3 *needs of students, teachers and other school personnel;*

4       “(6) support partnerships among business and  
5 *industry and the education community to realize*  
6 *more rapidly the potential of digital communication*  
7 *to expand the scope of, and opportunities for learn-*  
8 *ing;*

9       “(7) support evaluation and research on the ef-  
10 *fective use of technology in preparing all students to*  
11 *achieve challenging State academic content and per-*  
12 *formance standards, and the impact of technology on*  
13 *teaching and learning;*

14       “(8) encourage collaborative relationships among  
15 *the State agency for higher education, the State li-*  
16 *brary administrative agency, the State telecommuni-*  
17 *cations agency, and the State educational agency, in*  
18 *the area of technology support to strengthen the sys-*  
19 *tem of education to ensure that technology is acces-*  
20 *sible to, and usable by, all students;*

21       “(9) assist every student in crossing the digital  
22 *divide by ensuring that every child is computer lit-*  
23 *erate by the time the child finishes 8th grade, regard-*  
24 *less of the child’s race, ethnicity, gender, income, geog-*  
25 *raphy, or disability; and*

1           “(10) support the development and use of edu-  
2           cation technology to enhance and facilitate meaning-  
3           ful parental involvement to improve student learning.

4 **“SEC. 5112. DEFINITIONS.**

5           *“In this title:*

6           “(1) *ADULT EDUCATION.*—*The term ‘adult edu-*  
7           *cation’ has the same meaning given such term by sec-*  
8           *tion 203 of the Adult Education and Family Literacy*  
9           *Act.*

10           “(2) *ALL STUDENTS.*—*The term ‘all students’*  
11           *means students from a broad range of backgrounds*  
12           *and circumstances, including disadvantaged students,*  
13           *students with diverse racial, ethnic, and cultural*  
14           *backgrounds, students with disabilities, students with*  
15           *limited English proficiency, students who have*  
16           *dropped out of school, and academically talented stu-*  
17           *dents.*

18           “(3) *INFORMATION INFRASTRUCTURE.*—*The term*  
19           *‘information infrastructure’ means a network of com-*  
20           *munication systems designed to exchange information*  
21           *among all citizens and residents of the United States.*

22           “(4) *INSTRUCTIONAL PROGRAMMING.*—*The term*  
23           *‘instructional programming’ means the full range of*  
24           *audio and video data, text, graphics, or additional*  
25           *state-of-the-art communications, including multi-*



1 *media based resources distributed through interactive,*  
2 *command and control, or passive methods for the pur-*  
3 *pose of education and instruction.*

4 “(5) *INTEROPERABLE AND INTEROPERABILITY.*—  
5 *The terms ‘interoperable’ and ‘interoperability’ mean*  
6 *the ability to exchange easily data with, and connect*  
7 *to, other hardware and software in order to provide*  
8 *the greatest accessibility for all students and other*  
9 *users.*

10 “(6) *OFFICE.*—*The term ‘Office’ means the Office*  
11 *of Educational Technology.*

12 “(7) *PUBLIC TELECOMMUNICATIONS ENTITY.*—  
13 *The term ‘public telecommunications entity’ has the*  
14 *same meaning given to such term by section 397(12)*  
15 *of the Communications Act of 1934.*

16 “(8) *REGIONAL EDUCATIONAL LABORATORY.*—  
17 *The term ‘regional educational laboratory’ means a*  
18 *regional educational laboratory supported under sec-*  
19 *tion 941(h) of the Educational, Research, Develop-*  
20 *ment, Dissemination, and Improvement Act of 1994.*

21 “(9) *STATE EDUCATIONAL AGENCY.*—*The term*  
22 *‘State educational agency’ includes the Bureau of In-*  
23 *Indian Affairs for purposes of serving schools funded by*  
24 *the Bureau of Indian Affairs in accordance with this*  
25 *part.*

1           “(10) *STATE LIBRARY ADMINISTRATIVE AGEN-*  
2           *CY.—The term ‘State library administrative agency’*  
3           *has the same meaning given to such term in section*  
4           *3 of the Library Services and Technology Act.*

5           “(11) *TECHNOLOGY.—The term ‘technology’*  
6           *means state-of-the-art technology products and serv-*  
7           *ices, such as closed circuit television systems, edu-*  
8           *cational television and radio programs and services,*  
9           *cable television, satellite, copper and fiber optic trans-*  
10          *mission, computer hardware and software, video and*  
11          *audio laser and CD-ROM discs, video and audio*  
12          *tapes, web-based learning resources including online*  
13          *classes, interactive tutorials, and interactive tools and*  
14          *virtual environments for problem solving, hand-held*  
15          *devices, wireless technologies, voice recognition sys-*  
16          *tems, and high quality digital video, distance learn-*  
17          *ing networks, visualization, modeling and simulation*  
18          *software and learning focused digital libraries and*  
19          *information retrieval systems.*

20   **“SEC. 5113. AUTHORIZATION OF APPROPRIATIONS.**

21          “(a) *AUTHORIZATION OF APPROPRIATIONS.—There*  
22          *are authorized to be appropriated \$815,000,000 for fiscal*  
23          *year 2001 and such sums as may be necessary for each of*  
24          *the 4 succeeding fiscal years to carry out subparts 1, 2, and*  
25          *3, of which—*

1           “(1) with respect to subparts 1 and 3—

2                   “(A) \$5,000,000 shall be available to carry  
3 out subpart 1 (National Programs for Tech-  
4 nology in Education) for fiscal year 2001;

5                   “(B) \$10,000,000 shall be available to carry  
6 out subpart 3 (Regional Technical Support and  
7 Professional Development) for fiscal year 2001;  
8 and

9                   “(C) for each of fiscal years 2002 through  
10 2005, not to exceed 2.5 percent of the total  
11 amount appropriated under this subsection for  
12 each such fiscal year shall be available to carry  
13 out such subparts; and

14           “(2) of any funds remaining for a fiscal year  
15 after amounts are made available under paragraph  
16 (1)—

17                   “(A) except as provided in subsection (b),  
18 70 percent of such funds shall be available for  
19 carrying out section 5132; and

20                   “(B) 30 percent of such funds shall be avail-  
21 able for carrying out national activities includ-  
22 ing section 5136.

23           “(b) SPECIAL RULE.—The amount made available  
24 under subsection (a)(2)(A) for a fiscal year shall in no case

1 *be less than the amount made available to carry out section*  
 2 *5132 in fiscal year 2000.*

3 **“SEC. 5114. LIMITATION ON COSTS.**

4 *“Not more than 5 percent of the funds under this part*  
 5 *that are made available to a recipient of funds under this*  
 6 *part for any fiscal year may be used by such recipient for*  
 7 *administrative costs or technical assistance.*

8 **“Subpart 1—National Programs for Technology in**  
 9 ***Education***

10 **“SEC. 5121. NATIONAL LONG-RANGE TECHNOLOGY PLAN.**

11 *“(a) IN GENERAL.—The Secretary shall update, pub-*  
 12 *lish, and broadly disseminate not later than 12 months*  
 13 *after the date of the enactment of this title, and update when*  
 14 *the Secretary determines appropriate, the national long-*  
 15 *range plan that supports the overall national technology*  
 16 *policy and carries out the purposes of this part.*

17 *“(b) PLAN REQUIREMENTS.—The Secretary shall—*

18 *“(1) update the national long-range plan in con-*  
 19 *sultation with other Federal departments or agencies,*  
 20 *State and local education practitioners and policy-*  
 21 *makers including teachers, principals and super-*  
 22 *intendents, experts in technology and the applications*  
 23 *of technology to education, representatives of distance*  
 24 *learning consortia, representatives of telecommuni-*  
 25 *cations partnerships receiving assistance under the*

1       *Star Schools Act, and providers of technology services*  
2       *and products;*

3               “(2) *transmit such plan to the President and to*  
4       *the appropriate committees of the Congress; and*

5               “(3) *publish such plan in a form that is readily*  
6       *accessible to the public.*

7       “(c) *CONTENTS OF THE PLAN.—The updated national*  
8       *long-range plan shall describe the Secretary’s activities to*  
9       *promote the purposes of this title, including—*

10              “(1) *how the Secretary will encourage the effec-*  
11       *tive use of technology to provide all students the op-*  
12       *portunity to achieve challenging State content stand-*  
13       *ards and State student performance standards, espe-*  
14       *cially through programs administered by the Depart-*  
15       *ment;*

16              “(2) *joint activities in support of the overall na-*  
17       *tional technology policy with other Federal depart-*  
18       *ments or agencies, such as the Office of Science and*  
19       *Technology Policy, the National Endowment for the*  
20       *Humanities, the National Endowment for the Arts,*  
21       *the National Institute for Literacy, the National Aer-*  
22       *onautics and Space Administration, the National*  
23       *Science Foundation, the Bureau of Indian Affairs,*  
24       *and the Departments of Commerce, Energy, Health*  
25       *and Human Services, and Labor—*

1           “(A) to promote the use of technology in  
2           education, training, and lifelong learning, in-  
3           cluding plans for the educational uses of a na-  
4           tional information infrastructure; and

5           “(B) to ensure that the policies and pro-  
6           grams of such departments or agencies facilitate  
7           the use of technology for educational purposes, to  
8           the extent feasible;

9           “(3) how the Secretary will work with educators,  
10          State and local educational agencies, and appropriate  
11          representatives of the private sector to facilitate the ef-  
12          fective use of technology in education;

13          “(4) how the Secretary will promote—

14               “(A) higher achievement of all students  
15               through the integration of technology into the  
16               curriculum;

17               “(B) increased access to the benefits of tech-  
18               nology for teaching and learning for schools with  
19               a high number or percentage of children from  
20               low-income families;

21               “(C) the use of technology to assist in the  
22               implementation of State systemic reform strate-  
23               gies;

24               “(D) the application of technological ad-  
25               vances to use in education;

1           “(E) increased access to high quality adult  
2           and family education services through the use of  
3           technology for instruction and professional devel-  
4           opment;

5           “(F) increased opportunities for the profes-  
6           sional development of teachers and other school  
7           leaders in the use of new technologies;

8           “(G) increasing the use of educational tech-  
9           nology to provide professional development op-  
10          portunities for teachers and school leaders; and

11          “(H) increased parental involvement in  
12          schools through the use of technology;

13          “(5) how the Secretary will determine, in con-  
14          sultation with appropriate individuals, organizations,  
15          industries, and agencies, the feasibility and desir-  
16          ability of establishing guidelines to facilitate an easy  
17          exchange of data and effective use of technology in  
18          education;

19          “(6) how the Secretary will promote the exchange  
20          of information among States, local educational agen-  
21          cies, schools, consortia, and other entities concerning  
22          the effective use of technology in education;

23          “(7) how the Secretary will promote the full inte-  
24          gration of technology into learning, including the cre-  
25          ation of new instructional opportunities through ac-

1       *cess to challenging courses and information that*  
2       *would otherwise not have been available, and inde-*  
3       *pendent learning opportunities for students through*  
4       *technology;*

5               *“(8) how the Secretary will encourage the cre-*  
6       *ation of opportunities for teachers to develop through*  
7       *the use of technology, their own networks and re-*  
8       *sources for sustained and intensive, high quality pro-*  
9       *fessional development;*

10              *“(9) how the Secretary will utilize the outcomes*  
11       *of the evaluation undertaken pursuant to section 5123*  
12       *to promote the purposes of this part; and*

13              *“(10) the Secretary’s long-range measurable*  
14       *goals and objectives relating to the purposes of this*  
15       *part.*

16       **“SEC. 5122. FEDERAL LEADERSHIP.**

17              *“(a) PROGRAM AUTHORIZED.—In order to provide*  
18       *Federal leadership in promoting the use of technology in*  
19       *education, the Secretary, in consultation with the National*  
20       *Science Foundation, the Department of Commerce, the*  
21       *White House Office of Science and Technology, and other*  
22       *appropriate Federal agencies, may carry out activities de-*  
23       *signed to achieve the purposes of this part directly or by*  
24       *awarding grants or contracts competitively and pursuant*  
25       *to a peer review process to, or entering into contracts with,*



1 *State educational agencies, local educational agencies, in-*  
2 *stitutions of higher education, or other public and private*  
3 *nonprofit or for-profit agencies and organizations.*

4 “(b) *ASSISTANCE.*—

5 “(1) *IN GENERAL.*—*The Secretary shall provide*  
6 *assistance to the States to enable such States to plan*  
7 *effectively for the use of technology in all schools*  
8 *throughout the State.*

9 “(2) *OTHER FEDERAL AGENCIES.*—*For the pur-*  
10 *pose of carrying out coordinated or joint activities*  
11 *consistent with the purposes of this part, the Sec-*  
12 *retary may accept funds from, and transfer funds to,*  
13 *other Federal agencies.*

14 “(c) *USES OF FUNDS.*—*The Secretary shall use funds*  
15 *made available to carry out this section for activities de-*  
16 *signed to carry out the purpose of this part, to include 1*  
17 *or more of the following activities—*

18 “(1) *providing assistance to technical assistance*  
19 *providers to enable such providers to improve sub-*  
20 *stantially the services such providers offer to edu-*  
21 *cators, including principals and superintendents, re-*  
22 *garding the uses of technology for education, includ-*  
23 *ing professional development;*

24 “(2) *providing development grants to technical*  
25 *assistance providers, to enable such providers to im-*

1       *prove substantially the services such providers offer to*  
2       *educators, including principals and superintendents,*  
3       *on the educational uses of technology, including pro-*  
4       *fessional development;*

5               *“(3) consulting with representatives of industry,*  
6       *elementary and secondary education, higher edu-*  
7       *cation, adult and family education, and appropriate*  
8       *experts in technology and educational applications of*  
9       *technology in carrying out activities under this sub-*  
10       *part;*

11               *“(4) research on, and the development of, appli-*  
12       *cations for education of the most advanced and newly*  
13       *emerging technologies, including high quality video,*  
14       *voice recognition devices, modeling and simulation*  
15       *software (particularly web-based software and intel-*  
16       *ligent tutoring), hand held devices, and wireless tech-*  
17       *nologies, which research shall be coordinated, when*  
18       *appropriate, with the Office of Educational Research*  
19       *and Improvement, and other Federal agencies;*

20               *“(5) the development, demonstration, and eval-*  
21       *uation of the educational aspects of high performance*  
22       *computing and communications technologies and of*  
23       *the national information infrastructure, in providing*  
24       *professional development for teachers, school librar-*  
25       *ians, school media specialists, other educators, and*

1     *other appropriate school personnel; enriching aca-*  
2     *demie curricula for elementary and secondary schools;*  
3     *facilitating communications among schools, local edu-*  
4     *cational agencies, libraries, parents, and local com-*  
5     *munities and in other such areas as the Secretary*  
6     *deems appropriate;*

7             *“(6) the development, demonstration, and eval-*  
8             *uation of applications of technology and innovative*  
9             *tools in preschool education, elementary and sec-*  
10            *ondary education, training and lifelong learning, and*  
11            *professional development of educational personnel;*

12            *“(7) increasing and improving opportunities for*  
13            *professional development for teachers, principals, su-*  
14            *perintendents and pupil service personnel through*  
15            *technology;*

16            *“(8) the evaluation of software and other prod-*  
17            *ucts, including multimedia television programming,*  
18            *that incorporate advances in technology and help*  
19            *achieve America’s Education Goals, State content*  
20            *standards and State student performance standards;*

21            *“(9) the development, demonstration, and eval-*  
22            *uation of model strategies for preparing teachers and*  
23            *other personnel to use technology effectively to im-*  
24            *prove teaching and learning;*

1           “(10) the development of model programs that  
2           demonstrate the educational effectiveness of technology  
3           in urban and rural areas and economically distressed  
4           communities;

5           “(11) research on, and the evaluation of, the ef-  
6           fectiveness and benefits of technology in education by  
7           making available such research and the results of such  
8           evaluation in a national repository as providing for  
9           its use for sustained and intensive high quality pro-  
10          fessional development;

11          “(12) a biennial assessment of, and report to the  
12          public regarding, the availability of uses of technology  
13          in elementary and secondary education throughout  
14          the United States upon which private businesses and  
15          Federal, State, tribal, and local governments may rely  
16          for decisionmaking about the need for, and provision  
17          of, appropriate technologies in schools, which assess-  
18          ment and report shall use, to the extent possible, exist-  
19          ing information and resources;

20          “(13) conferences on, and dissemination of infor-  
21          mation regarding, the uses of technology in education;

22          “(14) the development of model strategies to pro-  
23          mote gender equity concerning access to, and the use  
24          of, technology in the classroom;

1           “(15) encouraging collaboration between the De-  
2           partment and other Federal agencies in the develop-  
3           ment, implementation, evaluation and funding of ap-  
4           plications of technology for education, as appropriate;

5           “(16) the development of model programs, men-  
6           toring, or other programs that may include partner-  
7           ships with a business, an industry, or an institution  
8           of higher education, that encourages students, includ-  
9           ing young women, to pursue demanding careers and  
10          higher education degrees in mathematics, science, en-  
11          gineering and technology;

12          “(17) the conduct of long-term controlled studies  
13          on the effectiveness of the use of educational tech-  
14          nology and the conduct of evaluations and applied  
15          reach studies that examine how students learn using  
16          technology and the characteristics of classrooms and  
17          other educational settings that use education tech-  
18          nology effectively;

19          “(18) the development, demonstration, and eval-  
20          uation of model technology programs designed to im-  
21          prove parental involvement; and

22          “(19) such other activities as the Secretary deter-  
23          mines will meet the purposes of this subpart.

24          “(d) NON-FEDERAL SHARE.—

1           “(1) *IN GENERAL.*—Subject to paragraphs (2)  
 2           and (3), the Secretary may require any recipient of  
 3           a grant or contract under this section to share in the  
 4           cost of the activities assisted under such grant or con-  
 5           tract, which non-Federal share shall be announced  
 6           through a notice in the Federal Register and may be  
 7           in the form of cash or in-kind contributions, fairly  
 8           valued.

9           “(2) *INCREASE.*—The Secretary may increase  
 10          the non-Federal share that is required of a recipient  
 11          of a grant or contract under this section after the first  
 12          year such recipient receives funds under such grant or  
 13          contract.

14          “(3) *MAXIMUM.*—The non-Federal share required  
 15          under this section shall not exceed 50 percent of the  
 16          cost of the activities assisted pursuant to a grant or  
 17          contract under this section.

18          **“Subpart 2—State and Local Programs for School**

19                               **Technology Resources**

20          **“SEC. 5131. ALLOTMENT AND REALLOTMENT.**

21          “(a) *ALLOTMENT.*—

22               “(1) *IN GENERAL.*—Except as provided in para-  
 23               graph (2), each State educational agency shall be eli-  
 24               gible to receive a grant under this subpart for a fiscal  
 25               year in an amount which bears the same relationship

1     *to the amount made available under section*  
2     *5113(a)(3)(A) for such year as the amount such State*  
3     *received under part A of title I for such year bears*  
4     *to the amount received for such year under such part*  
5     *by all States.*

6             “(2) *MINIMUM.*—*No State educational agency*  
7     *shall be eligible to receive a grant under paragraph*  
8     *(1) in any fiscal year in an amount which is less*  
9     *than one-half of 1 percent of the amount made avail-*  
10    *able under section 5113(a)(3)(A) for such year.*

11            “(3) *OUTLYING AREAS.*—*The Secretary shall re-*  
12    *serve an amount equal to one-half of 1 percent of the*  
13    *amount made available to carry out section 5132 for*  
14    *each fiscal year to provide grants to outlying areas in*  
15    *amounts that are based on the relative needs of such*  
16    *areas as determined by the Secretary in accordance*  
17    *with the purposes of section 5132.*

18            “(b) *REALLOTMENT OF UNUSED FUNDS.*—

19            “(1) *IN GENERAL.*—*The amount of any State*  
20    *educational agency’s allotment under subsection (a)*  
21    *for any fiscal year which the State educational agen-*  
22    *cy determines will not be required for such fiscal year*  
23    *to carry out this subpart shall be available for reallocot-*  
24    *ment from time to time, on such dates during such*  
25    *year as the Secretary may determine, to other State*

1        *educational agencies in proportion to the original al-*  
2        *lotments to such State educational agencies under*  
3        *subsection (a) for such year.*

4            *“(2) OTHER REALLOTMENTS.—The total of re-*  
5        *ductions under paragraph (1) shall be similarly real-*  
6        *lotted among the State educational agencies whose*  
7        *proportionate amounts were not so reduced. Any*  
8        *amounts reallocated to a State educational agency*  
9        *under this subsection during a year shall be deemed*  
10       *a subpart of such agencies allotment under subsection*  
11       *(a) for such year.*

12    **“SEC. 5132. TECHNOLOGY LITERACY FUND.**

13        *“(a) GRANTS TO STATES.—*

14            *“(1) IN GENERAL.—From amounts made avail-*  
15        *able under section 5131, the Secretary, through the*  
16        *Office of Educational Technology, shall award grants*  
17        *to State educational agencies having applications ap-*  
18        *proved under section 5133.*

19            *“(2) USE OF GRANTS.—*

20            *“(A) IN GENERAL.—Each State educational*  
21        *agency receiving a grant under paragraph (1)*  
22        *shall use such grant funds to award grants, on*  
23        *a competitive basis, to local educational agencies*  
24        *to enable such local educational agencies to carry*  
25        *out the activities described in section 5134.*



1           “(B) *SIZE, SCOPE AND DURATION.*—*In*  
 2           *awarding grants under subparagraph (A), each*  
 3           *State educational agency shall ensure that each*  
 4           *such grant is of sufficient duration, and of suffi-*  
 5           *cient size, scope, and quality, to carry out the*  
 6           *purposes of this part effectively.*

7           “(b) *TECHNICAL ASSISTANCE.*—*Each State edu-*  
 8           *cational agency receiving a grant under paragraph (1)*  
 9           *shall—*

10           “(1) *identify the local educational agencies*  
 11           *served by the State educational agency that—*

12           “(A) *have the highest number or percentage*  
 13           *of children in poverty; and*

14           “(B) *demonstrate to such State educational*  
 15           *agency the greatest need for technical assistance*  
 16           *in developing the application under section*  
 17           *5133; and*

18           “(2) *offer such technical assistance to such local*  
 19           *educational agencies.*

20           **“SEC. 5133. STATE APPLICATION.**

21           *“To receive funds under this subpart, each State edu-*  
 22           *cational agency shall submit a statewide educational tech-*  
 23           *nology plan which may include plans submitted under*  
 24           *statewide technology plans which meet the requirements of*  
 25           *this section. Such application shall be submitted to the Sec-*

1 *retary at such time, in such manner, and accompanied by*  
2 *such information as the Secretary may reasonably require.*  
3 *Each such application shall contain a systemic statewide*  
4 *plan that—*

5           “(1) *outlines long-term strategies for financing*  
6 *technology education in the State and describes how*  
7 *business, industry, and other public and private*  
8 *agencies, including libraries, library literacy pro-*  
9 *grams, and institutions of higher education, can par-*  
10 *ticipate in the implementation, ongoing planning,*  
11 *and support of the plan;*

12           “(2) *meets such other criteria as the Secretary*  
13 *may establish in order to enable such agency to pro-*  
14 *vide assistance to local educational agencies that have*  
15 *the highest numbers or percentages of children in pov-*  
16 *erty and demonstrate the greatest need for technology,*  
17 *in order to enable such local educational agencies, for*  
18 *the benefit of school sites served by such local edu-*  
19 *cational agencies, to carry out activities such as—*

20                   “(A) *purchasing quality technology re-*  
21 *sources;*

22                   “(B) *installing various linkages necessary*  
23 *to acquire connectivity;*

1           “(C) *integrating technology into the cur-*  
2           *riculum in order to improve student learning*  
3           *and achievement;*

4           “(D) *providing teachers, library media per-*  
5           *sonnel, principals and superintendents with*  
6           *training or access to training;*

7           “(E) *providing administrative and tech-*  
8           *nicol support and services that improve student*  
9           *learning through enriched technology-enhanced*  
10          *resources, including library media resources;*

11          “(F) *promoting in individual schools the*  
12          *sharing, distribution, and application of edu-*  
13          *cational technologies with demonstrated effective-*  
14          *ness;*

15          “(G) *assisting schools in promoting parent*  
16          *involvement;*

17          “(H) *assisting the community in providing*  
18          *literacy-related services;*

19          “(I) *establishing partnerships with private*  
20          *or public educational providers or other entities*  
21          *to serve the needs of children in poverty; and*

22          “(J) *providing assurances that financial as-*  
23          *sistance provided under this part shall supple-*  
24          *ment, not supplant, State and local funds;*

1           “(3) the State educational agency’s specific goals  
2           for using advanced technologies to improve student  
3           achievement and student performance to challenging  
4           State academic content and performance standards  
5           by—

6                   “(A) using web-based resources and tele-  
7                   communications networks to provide challenging  
8                   content and improve classroom instruction;

9                   “(B) using research-based teaching practices  
10                  and models of effective uses of advanced tech-  
11                  nology to promote basic skills in core academic  
12                  areas and higher-order thinking skills in all stu-  
13                  dents; and

14                  “(C) promoting sustained and intensive  
15                  high-quality professional development that in-  
16                  creases teacher capacity to enable students to  
17                  learn challenging State content and performance  
18                  standards and develop higher-order thinking  
19                  skills through the integration of technology into  
20                  instruction; and

21                  “(4) the State educational agency’s strategy for  
22                  disseminating information.

1 **“SEC. 5134. LOCAL USES OF FUNDS.**

2       *“Each local educational agency, to the extent possible,*  
3 *shall use the funds made available under section 5132(a)(2)*  
4 *for—*

5           *“(1) adapting or expanding existing and new*  
6 *applications of technology to enable teachers to help*  
7 *students to achieve to challenging State academic con-*  
8 *tent and student performance standards through the*  
9 *use of research-based teaching practices and advanced*  
10 *technologies;*

11           *“(2) funding projects of sufficient size and scope*  
12 *to improve student learning and, as appropriate, sup-*  
13 *port professional development, and provide adminis-*  
14 *trative support;*

15           *“(3) acquiring connectivity linkages, resources,*  
16 *and services, including the acquisition of hardware*  
17 *and software, for use by teachers, students and school*  
18 *library media personnel in the classroom or in school*  
19 *library media centers, in order to improve student*  
20 *learning by supporting the instructional program of-*  
21 *fered by such agency to ensure that students in schools*  
22 *will have meaningful access on a regular basis to such*  
23 *linkages, resources and services;*

24           *“(4) providing sustained and intensive, high-*  
25 *quality professional development in the integration of*  
26 *advanced technologies into curriculum and in using*

1 *those technologies to create new learning environ-*  
2 *ments, including training in the use of technology to*  
3 *access data and resources to develop curricula and in-*  
4 *structional materials that are aligned to the chal-*  
5 *lenging State academic content standards in core aca-*  
6 *demie subjects;*

7       “(5) *acquiring connectivity with wide area net-*  
8 *works for purposes of accessing information and edu-*  
9 *cational programming sources, particularly with in-*  
10 *stitutions of higher education and public libraries;*

11       “(6) *providing educational services for adults*  
12 *and families;*

13       “(7) *carrying out programs that prepare pro-*  
14 *spective teachers to use advanced technology to foster*  
15 *learning environments conducive to preparing all stu-*  
16 *dents to achieve challenging State and local content*  
17 *and student performance standards through the use of*  
18 *a variety of models including school-based profes-*  
19 *sional development;*

20       “(8) *supporting in-school and school-community*  
21 *collaboration to make more effective and efficient use*  
22 *of existing investments in technology;*

23       “(9) *utilizing technology to develop or expand ef-*  
24 *forts to connect schools and teachers with parents to*  
25 *promote meaningful parental involvement and foster*

1       *increased communication about curriculum, assign-*  
2       *ments and assessments;*

3             “(10) *providing support to help parents under-*  
4       *stand the technology being applied in their children’s*  
5       *education so that parents will be able to reinforce*  
6       *their children’s learning;*

7             “(11) *using web-based learning resources, includ-*  
8       *ing those that provide access to challenging courses;*  
9       *and*

10            “(12) *providing education technology for ad-*  
11       *vanced placement instruction.*

12       **“SEC. 5135. LOCAL APPLICATIONS.**

13            “*Each local educational agency desiring assistance*  
14       *from a State educational agency under section 5132(a)(2)*  
15       *shall submit an application, consistent with the objectives*  
16       *of the systemic statewide plan, to the State educational*  
17       *agency at such time, in such manner and accompanied by*  
18       *such information as the State educational agency may rea-*  
19       *sonably require. Such application, at a minimum, shall—*

20            “(1) *include a strategic, long-range (3- to 5-*  
21       *year), plan that includes—*

22            “(A) *a description of the type of tech-*  
23       *nologies to be acquired, including specific provi-*  
24       *sions for interoperability among components of*

1           *such technologies and, to the extent practicable,*  
2           *with existing technologies;*

3           “(B) *an explanation of how the acquired*  
4           *technologies will be integrated into the cur-*  
5           *riculum to help the local educational agency en-*  
6           *hance teaching, training, and student achieve-*  
7           *ment;*

8           “(C) *an explanation of how programs will*  
9           *be developed in collaboration with existing adult*  
10          *literacy services providers to maximize the use of*  
11          *such technologies;*

12          “(D)(i) *a description of how the local edu-*  
13          *cational agency will ensure ongoing, sustained*  
14          *professional development for teachers, principals,*  
15          *superintendents, appropriate school personnel,*  
16          *and school library media personnel served by the*  
17          *local educational agency to further the use of*  
18          *technology in the classroom or library media*  
19          *center;*

20          “(i) *a list of the source or sources of ongo-*  
21          *ing training and technical assistance available*  
22          *to schools, teachers, principals, superintendents,*  
23          *other appropriate school personnel and library*  
24          *media personnel served by the local educational*  
25          *agency, such as State technology offices, inter-*



1           *mediate educational support units, regional edu-*  
2           *cational laboratories or institutions of higher*  
3           *education; and*

4           *“(iii) a description of how parents will be*  
5           *informed of the use of technologies so that the*  
6           *parents will be able to reinforce at home the in-*  
7           *struction their children receive at school;*

8           *“(E) a description of the supporting re-*  
9           *sources, such as services, software and print re-*  
10          *sources, which will be acquired to ensure success-*  
11          *ful and effective use of technologies acquired*  
12          *under this section;*

13          *“(F) the projected timetable for imple-*  
14          *menting such plan in schools;*

15          *“(G) the projected cost of technologies to be*  
16          *acquired and related expenses needed to imple-*  
17          *ment such plan; and*

18          *“(H) a description of how the local edu-*  
19          *cational agency will coordinate the technology*  
20          *provided pursuant to this subpart with other*  
21          *grant funds available for technology from other*  
22          *Federal, State and local sources;*

23          *“(2) describe how the local educational agency*  
24          *will involve parents, public libraries, business leaders*

1 *and community leaders in the development of such*  
2 *plan;*

3 *“(3) describe how the acquired instructionally*  
4 *based technologies will help the local educational*  
5 *agency—*

6 *“(A) promote equity in education in order*  
7 *to support State content standards and State*  
8 *student performance standards that may be de-*  
9 *veloped;*

10 *“(B) provide access for teachers, other ap-*  
11 *propriate school personnel, parents and students*  
12 *to the best teaching practices and curriculum re-*  
13 *sources through technology; and*

14 *“(C) improve parental involvement in*  
15 *schools;*

16 *“(4) describe a process for the ongoing evaluation*  
17 *of how technologies acquired under this section—*

18 *“(A) will be integrated into the school cur-*  
19 *riculum; and*

20 *“(B) will affect student achievement and*  
21 *progress toward meeting America’s Education*  
22 *Goals and any challenging State content stand-*  
23 *ards and State student performance standards*  
24 *that may be developed;*

1           “(5) describe how the consortia will develop or  
2           redesign teacher preparation programs to enable pro-  
3           spective teachers to use technology effectively in their  
4           classroom, if applicable to the consortia; and

5           “(6) describe how the local educational agency  
6           will effectively use technology to promote parental in-  
7           volvement and increase communication with parents.

8           “(d) *FORMATION OF CONSORTIA.*—A local educational  
9           agency for any fiscal year may apply for financial assist-  
10          ance as part of a consortium with other local educational  
11          agencies, institutions of higher education, intermediate edu-  
12          cational units, libraries, or other educational entities ap-  
13          propriate to provide local programs. The State educational  
14          agency may assist in the formation of consortia among local  
15          educational agencies, providers of educational services for  
16          adults and families, institutions of higher education, inter-  
17          mediate educational units, libraries, or other appropriate  
18          educational entities to provide services for the teachers and  
19          students in a local educational agency at the request of such  
20          local educational agency.

21          “(e) *COORDINATION OF APPLICATION REQUIRE-*  
22          *MENTS.*—If a local educational agency submitting an ap-  
23          plication for assistance under this section has developed a  
24          comprehensive education improvement plan, in conjunction  
25          with requirements under this Act, the State educational

1 *agency may approve such plan, or a component of such*  
2 *plan, notwithstanding the requirements of subsection (d) if*  
3 *the State educational agency determines that such approval*  
4 *would further the purposes of this subpart.*

5 **“SEC. 5136. NATIONAL TECHNOLOGY INNOVATION GRANTS.**

6 *“(a) GRANTS AUTHORIZED.—*

7 *“(1) IN GENERAL.—From amounts made avail-*  
8 *able under section 5113(a)(3)(B) for any fiscal year*  
9 *the Secretary is authorized to award grants, on a*  
10 *competitive basis, to consortia having applications*  
11 *approved under subsection (d), which consortia shall*  
12 *include at least 1 local educational agency with a*  
13 *high percentage or number of children living below*  
14 *the poverty line and may include other local edu-*  
15 *catinal agencies, State educational agencies, institu-*  
16 *tions of higher education, businesses, academic con-*  
17 *tent experts, software designers, museums, libraries,*  
18 *or other appropriate entities.*

19 *“(2) DURATION.—Grants under this section shall*  
20 *be awarded for a period of 5 years.*

21 *“(3) CONTINUATION GRANTS.—The Secretary*  
22 *may award continuation grants under this section,*  
23 *where applicable, to entities receiving grants under*  
24 *the Preparing Tomorrows Teachers to Use Technology*  
25 *Program.*

1       “(b) *USE OF GRANTS.*—Grants awarded under sub-  
2 section (a) shall be used for activities described in section  
3 5134.

4       “(c) *PRIORITY.*—In awarding grants under this sec-  
5 tion, the Secretary shall give priority to consortia which  
6 demonstrate in the application submitted under subsection  
7 (d) that—

8               “(1) the project for which assistance is sought is  
9 designed to serve areas with a high number or per-  
10 centage of disadvantaged students or the greatest need  
11 for educational technology;

12               “(2) the project will directly benefit students by,  
13 for example, integrating the acquired technologies into  
14 curriculum to help the local educational agency en-  
15 hance teaching, training, and student achievement;

16               “(3) the project will ensure ongoing, sustained  
17 professional development for teachers, principals, su-  
18 perintendents, other appropriate school personnel, and  
19 school library media personnel served by the local  
20 educational agency to further the use of technology in  
21 the classroom or library media center including the  
22 preservice education of prospective teachers in the use  
23 of educational technology if 1 of the members of the  
24 consortia is an institution of higher education that  
25 prepares teachers for their initial entry into teaching;

1           “(4) *the project will ensure successful, effective,*  
2           *and sustainable use of technologies acquired under*  
3           *this subsection;*

4           “(5) *members of the consortia or other appro-*  
5           *priate entities will contribute substantial financial*  
6           *and other resources to achieve the goals of the project;*

7           “(6) *the project will enhance parental involve-*  
8           *ment by providing parents the information needed to*  
9           *more fully participate in their child’s learning; and*

10           “(7) *the project will use education technology for*  
11           *advanced placement instruction.*

12           “(d) *APPLICATION.—*

13           “(1) *IN GENERAL.—Each consortium desiring a*  
14           *grant under this section shall submit an application*  
15           *to the Secretary at such time, in such manner, and*  
16           *accompanied by such information as the Secretary*  
17           *may reasonably require.*

18           “(2) *FISCAL AGENTS.—Any member of a consor-*  
19           *tium may serve as the fiscal agent of the consortium*  
20           *for purposes of this subpart, so long as the lead local*  
21           *educational agency agrees to permit such member to*  
22           *serve as the fiscal agent.*

1 **“SEC. 5137. FEDERAL ADMINISTRATION.**

2       “(a) *EVALUATION PROCEDURES.*—*The Secretary shall*  
3 *develop procedures for State and local evaluations of the*  
4 *programs under this subpart.*

5       “(b) *SPECIFIC EVALUATIONS.*—*The Secretary shall*  
6 *submit to the Congress by not later than 3 years after the*  
7 *date of enactment of this title an evaluation of State and*  
8 *local outcomes of the technology literacy challenge funds*  
9 *program and of the technology innovations challenge grant*  
10 *program.*

11       “(c) *EVALUATION SUMMARY.*—*The Secretary shall*  
12 *submit to the Congress by not later than 2 years after the*  
13 *date of enactment of this title a summary of the State eval-*  
14 *uations of programs under this subpart in accordance with*  
15 *the provisions of section 10201.*

16       **“Subpart 3—Regional Technical Support and**  
17                                   **Professional Development**

18 **“SEC. 5141. REGIONAL TECHNICAL SUPPORT AND PROFES-**  
19                                   **SIONAL DEVELOPMENT.**

20       “(a) *GRANTS AUTHORIZED.*—

21               “(1) *AUTHORITY.*—*The Secretary, through the*  
22 *Office of Educational Technology, shall make grants*  
23 *in accordance with the provisions of this section, to*  
24 *regional entities such as the Eisenhower Mathematics*  
25 *and Science Regional Consortia, the regional edu-*  
26 *cation laboratories, the comprehensive regional assist-*

1        *ance centers, or such other regional entities as may*  
2        *be designated or established by the Secretary. In*  
3        *awarding grants under this section, the Secretary*  
4        *shall ensure that each geographic region of the United*  
5        *States shall be served by such a consortium.*

6                *“(2) REQUIREMENTS.—Each consortium receiv-*  
7        *ing a grant under this section shall—*

8                        *“(A) be composed of State educational agen-*  
9        *cies, institutions of higher education, nonprofit*  
10        *organizations, or a combination thereof;*

11                        *“(B) in cooperation with State and local*  
12        *educational agencies, develop a regional program*  
13        *that addresses professional development, tech-*  
14        *nical assistance, and information resource dis-*  
15        *semination, with special emphasis on meeting*  
16        *the documented needs of educators and learners*  
17        *in the region; and*

18                        *“(C) foster regional cooperation and re-*  
19        *source and coursework sharing.*

20        *“(b) FUNCTIONS.—*

21                        *“(1) TECHNICAL ASSISTANCE.—Each consortium*  
22        *receiving a grant under this section shall, to the ex-*  
23        *tent practicable—*

24                        *“(A) collaborate with State educational*  
25        *agencies and local educational agencies request-*



1            *ing collaboration, particularly in the develop-*  
2            *ment of strategies for assisting those schools with*  
3            *the highest numbers or percentages of disadvan-*  
4            *taged students with little or no access to tech-*  
5            *nology in the classroom;*

6            *“(B) provide information, in coordination*  
7            *with information available from the Secretary,*  
8            *to State educational agencies, local educational*  
9            *agencies, schools and adult education programs,*  
10           *on the types and features of various educational*  
11           *technology equipment and software available,*  
12           *evaluate and make recommendations on equip-*  
13           *ment and software that support America’s Edu-*  
14           *cation Goals and are suited for a school’s par-*  
15           *ticular needs, and compile and share informa-*  
16           *tion regarding creative and effective applications*  
17           *of technology in the classroom and school library*  
18           *media centers in order to support the purposes*  
19           *of this part;*

20           *“(C) collaborate with such State educational*  
21           *agencies, local educational agencies, or schools*  
22           *requesting to participate in the tailoring of soft-*  
23           *ware programs and other supporting materials*  
24           *to meet challenging State content standards or*

1           *challenging State student performance standards*  
2           *that may be developed; and*

3           “(D) *provide technical assistance to facili-*  
4           *tate use of the electronic dissemination networks*  
5           *by State and local educational agencies and*  
6           *schools throughout the region.*

7           “(2) *PROFESSIONAL DEVELOPMENT.—Each con-*  
8           *sortium receiving a grant under this section shall, to*  
9           *the extent practicable—*

10           “(A) *develop and implement, in collabora-*  
11           *tion with State educational agencies and institu-*  
12           *tions of higher education, technology-specific, on-*  
13           *going professional development, such as—*

14           “(i) *intensive school year and summer*  
15           *workshops that use teachers, school librar-*  
16           *ians, and school library personnel to train*  
17           *other teachers, school librarians, and other*  
18           *school library media personnel; and*

19           “(ii) *distance professional development,*  
20           *including—*

21           “(I) *interactive training tele-*  
22           *courses using researchers, educators,*  
23           *and telecommunications personnel who*  
24           *have experience in developing, imple-*  
25           *menting, or operating educational and*

1 *instructional technology as a learning*  
2 *tool;*

3 *“(II) onsite courses teaching*  
4 *teachers to use educational and in-*  
5 *structional technology and to develop*  
6 *their own instructional materials for*  
7 *effectively incorporating technology*  
8 *and programming in their own class-*  
9 *rooms;*

10 *“(III) methods for successful inte-*  
11 *gration of instructional technology into*  
12 *the curriculum in order to improve*  
13 *student learning and achievement;*

14 *“(IV) video conferences and semi-*  
15 *nars which offer professional develop-*  
16 *ment through peer interaction with ex-*  
17 *perts as well as other teachers using*  
18 *technologies in their classrooms; and*

19 *“(V) mobile education technology*  
20 *and training resources;*

21 *“(B) develop training resources that—*

22 *“(i) are relevant to the needs of the re-*  
23 *gion and schools within the region;*

1                   “(ii) are relevant to the needs of adult  
2                   literacy staff and volunteers, including on-  
3                   site courses on how to—

4                   “(I) use instructional technology;  
5                   and

6                   “(II) develop instructional mate-  
7                   rials for adult learning; and

8                   “(iii) are aligned with the needs of  
9                   teachers and administrators in the region;

10                  “(C) establish a repository of professional  
11                  development and technical assistance resources;

12                  “(D) identify and link technical assistance  
13                  providers to State and local educational agen-  
14                  cies, as needed;

15                  “(E) ensure that training, professional de-  
16                  velopment, and technical assistance meet the  
17                  needs of educators, parents, and students served  
18                  by the region;

19                  “(F) assist colleges and universities within  
20                  the region to develop and implement preservice  
21                  training programs for students enrolled in teach-  
22                  er education programs; and

23                  “(G) assist local educational agencies and  
24                  schools in working with community members  
25                  and parents to develop support from commu-

1            *nities and parents for educational technology*  
2            *programs and projects.*

3            “(3) *INFORMATION AND RESOURCE DISSEMINA-*  
4            *TION.—Each consortium receiving a grant under this*  
5            *section shall, to the extent practicable—*

6                  “(A) *assist State and local educational*  
7            *agencies in the identification and procurement of*  
8            *financial, technological and human resources*  
9            *needed to implement technology plans;*

10                  “(B) *provide outreach and, at the request of*  
11            *a State or local educational agency, work with*  
12            *such agency to assist in the development and val-*  
13            *idation of instructionally based technology edu-*  
14            *cation resources; and*

15                  “(C) *coordinate activities and establish*  
16            *partnerships with organizations and institutions*  
17            *of higher education that represent the interests of*  
18            *the region as such interests pertain to the appli-*  
19            *cation of technology in teaching, learning, in-*  
20            *structional management, dissemination, collec-*  
21            *tion and distribution of educational statistics,*  
22            *and the transfer of student information.*

23                  “(4) *COORDINATION.—Each consortium receiving*  
24            *a grant under this section shall work collaboratively,*  
25            *and coordinate the services the consortium provides,*

1       *with appropriate regional and other entities assisted*  
 2       *in whole or in part by the Department.*

3       “(c) *REPORTS ON CURRENT GRANTEES.*—Not later  
 4 *than 3 months after the date of enactment of this title, enti-*  
 5 *ties receiving grants under section 3141 of this Act (as such*  
 6 *section existed 1 day prior to the date of enactment of this*  
 7 *title) shall prepare and submit to the Secretary a report*  
 8 *concerning activities undertaken with amounts received*  
 9 *under such grants.”.*

10    ***PART B—WOMEN’S EDUCATIONAL EQUITY; STAR***  
 11                                    ***SCHOOLS***

12    ***SEC. 521. WOMEN’S EDUCATIONAL EQUITY.***

13       (a) *AMENDMENTS.*—Part B of title V (20 U.S.C. 7231  
 14 *et seq.) is amended—*

15               (1) *by amending section 5201 (20 U.S.C. 7231)*  
 16       *to read as follows:*

17    ***“SEC. 5201. SHORT TITLE.***

18       *“This part may be cited as the ‘Women’s Educational*  
 19 *Equity Act of 1999’.”;*

20               (2) *in section 5202(3) (20 U.S.C. 7232(3))—*

21                       (A) *strike “sex,” and insert “sex and”;* and

22                       (B) *by inserting “socioeconomic status,”*  
 23       *after “disability,”;*

24               (3) *in section 5203(b) (20 U.S.C. 7233(b))—*

25                       (A) *in paragraph (1)—*

1           (i) *in the matter preceding subpara-*  
2 *graph (A), by striking “years, to” and in-*  
3 *serting “years”;*

4           (ii) *in subparagraph (A), by striking*  
5 *“provide grants”; and*

6           (iii) *in subparagraph (B), by striking*  
7 *“provide funds”; and*

8 *(B) in paragraph (2)(A)—*

9           (i) *in clause (v), by striking “and on*  
10 *race” and inserting “and race”;*

11           (ii) *in clause (xiii)(I), by striking “in-*  
12 *stitution” and inserting “institutional”;*

13           (iii) *in clause (xiii)(II)—*

14           (I) *by striking “of equity” and in-*  
15 *serting “of gender equity”; and*

16           (II) *by striking “education;” and*  
17 *inserting “education,”; and*

18           (iv) *in clause (xiii)(III), by striking*  
19 *the period and inserting “for women and*  
20 *girls; and”;* and

21           (C) *in paragraph (2)(B)(viii), by striking*  
22 *“and unemployed” and inserting “women, un-*  
23 *employed”;*

24 *(4) in section 5204 (20 U.S.C. 7234)—*

1           (A) by striking the matter preceding para-  
2           graph (1) and inserting the following:

3           “Each entity desiring assistance under this part shall  
4 submit to the Secretary an application at such time, in  
5 such manner, and accompanied by such information as the  
6 Secretary may require. Each application shall—”;

7           (B) in paragraph (2), by striking “the Na-  
8           tional Education Goals” and inserting “Amer-  
9           ica’s Education Goals”;

10          (C) by striking paragraph (4); and

11          (D) by redesignating paragraphs (5)  
12 through (7) as paragraphs (4) through (6), re-  
13 spectively;

14          (5) in section 5205 (20 U.S.C. 7235)—

15           (A) in subsection (a)—

16           (i) by striking “CRITERIA AND PRIOR-  
17           ITIES.—” and all that follows through  
18           “The” in paragraph (1) and inserting the  
19           following: “CRITERIA AND PRIORITIES.—  
20           The”; and

21           (ii) in paragraph (2)—

22           (I) by redesignating such para-  
23           graph as subsection (b), and realigning  
24           the margin accordingly; and



1                   (II) by redesignating subpara-  
2                   graphs (A) through (D) as paragraphs  
3                   (1) through (4), respectively, and re-  
4                   aligning the margins accordingly;  
5                   (B) by redesignating subsections (b) through  
6                   (e) as subsections (c) through (f), respectively;  
7                   (C) in subsection (c) (as so redesignated)—  
8                   (i) in the matter preceding paragraph  
9                   (1), by striking “special consideration” and  
10                  inserting “priority”; and  
11                  (ii) by amending paragraph (3)(E) to  
12                  read as follows:  
13                  “(E) address the educational needs of  
14                  women and girls who suffer multiple forms of  
15                  discrimination on the basis of sex and on race,  
16                  ethnic origin, limited English proficiency, dis-  
17                  ability, socioeconomic status, or age.”; and  
18                  (D) in subsection (e)(1) (as so redesi-  
19                  gnated), by striking “by the Office” and inserting  
20                  “by such Office”;  
21                  (6) in section 5206 (20 U.S.C. 7236), by striking  
22                  “1999” and inserting “2004”;  
23                  (7) in section 5207 (20 U.S.C. 7237), by striking  
24                  subsection (a) and inserting the following:

1       “(a) *EVALUATION AND DISSEMINATION.*—*The Sec-*  
2 *retary shall—*

3               “(1) *evaluate in accordance with section 10201,*  
4 *materials and programs developed under this part;*

5               “(2) *disseminate materials and programs devel-*  
6 *oped under this part; and*

7               “(3) *report to the Congress regarding such eval-*  
8 *uation materials and programs not later than Janu-*  
9 *ary 1, 2004.”; and*

10              (8) *in section 5208 (20 U.S.C. 7238)—*

11                      (A) *by striking “1995” and inserting*  
12 *“2001”; and*

13                      (B) *by striking “, of which” and all that*  
14 *follows through “section 5203(b)(1)”.*

15       (b) *TRANSFER AND REDESIGNATION.*—*Part B of title*  
16 *V (20 U.S.C. 7201 et seq.), as amended by subsection (a),*  
17 *is transferred so as to appear after part D of title V (as*  
18 *transferred by section 541(b)) and redesignated as part E.*

19       (c) *REDESIGNATION OF SECTIONS.*—*Sections 5201*  
20 *through 5208 (20 U.S.C. 7231-7238) are redesignated as*  
21 *section 5501 through 5508, respectively.*

22       (d) *CONFORMING AMENDMENTS.*—*Part E of title V (as*  
23 *so redesignated) is amended—*

1           (1) in section 5504 (as so redesignated), by strik-  
 2           ing “5203(b)(1)” each place that such appears and  
 3           inserting “5503(b)(1)”;

4           (2) in section 5505(a) (as so redesignated), by  
 5           striking “5203(b)” and inserting “5503(b)”; and

6           (3) in section 5508 (as so redesignated), by strik-  
 7           ing “5203(b)(1)” and inserting “5503(b)(1)”.

8   **SEC. 522. STAR SCHOOLS.**

9           Title V (20 U.S.C. 7231 et seq.) is amended by insert-  
 10          ing after part A (as amended by section 511) the following:

11                   **“PART B—STAR SCHOOLS PROGRAM**

12          **“SEC. 5201. SHORT TITLE.**

13                   *“This part may be cited as the ‘Star Schools Act’.*

14          **“SEC. 5202. PURPOSE.**

15                   *“It is the purpose of this part to encourage improved*  
 16          *instruction in mathematics, science, and foreign languages*  
 17          *and challenging and advanced courses as well as other sub-*  
 18          *jects, such as literacy skills and vocational education, and*  
 19          *to serve underserved populations, including the disadvan-*  
 20          *tagged, illiterate, limited-English proficient, and individuals*  
 21          *with disabilities, through a star schools program under*  
 22          *which grants are made to eligible telecommunication part-*  
 23          *nerships to enable such partnerships to—*

24                   *“(1) develop, construct, acquire, maintain and*  
 25          *operate telecommunications facilities and equipment;*

1           “(2) *develop and acquire educational and in-*  
2           *structional programming; and*

3           “(3) *obtain technical assistance for the use of*  
4           *such facilities and instructional programming.*

5   **“SEC. 5203. GRANTS AUTHORIZED.**

6           “(a) *AUTHORITY.—The Secretary, through the Office*  
7           *of Educational Technology, is authorized to make grants,*  
8           *in accordance with the provisions of this part, to eligible*  
9           *entities to pay the Federal share of the cost of—*

10           “(1) *the development, construction, acquisition,*  
11           *maintenance and operation of telecommunications fa-*  
12           *cilities and equipment;*

13           “(2) *the development and acquisition of inter-*  
14           *active instructional programming;*

15           “(3) *the development and acquisition of*  
16           *preservice and inservice teacher training programs*  
17           *based on established research regarding teacher-to-*  
18           *teacher mentoring, effective skill transfer, and ongo-*  
19           *ing, in-class instruction;*

20           “(4) *the establishment of web-based resources or*  
21           *teleconferencing facilities and resources for making*  
22           *interactive training available to teachers;*

23           “(5) *obtaining technical assistance; and*

24           “(6) *the coordination of the design and*  
25           *connectivity of broadband and other telecommuni-*

1        *cations networks to reach the greatest number of*  
2        *schools.*

3        “(b) *DURATION.*—

4                “(1) *IN GENERAL.*—*The Secretary shall award*  
5        *grants pursuant to subsection (a) for a period of 5*  
6        *years.*

7                “(2) *RENEWAL.*—*Grants awarded pursuant to*  
8        *subsection (a) may be renewed for 1 additional 3-year*  
9        *period.*

10        “(c) *AUTHORIZATION OF APPROPRIATIONS.*—

11                “(1) *IN GENERAL.*—*There are authorized to be*  
12        *appropriated \$50,000,000 for fiscal year 2001, and*  
13        *such sums as may be necessary for each of the four*  
14        *succeeding fiscal years, to carry out this part.*

15                “(2) *AVAILABILITY.*—*Funds appropriated pursu-*  
16        *ant to the authority of subsection (a) shall remain*  
17        *available until expended.*

18        “(d) *LIMITATIONS.*—

19                “(1) *IN GENERAL.*—*A grant under this section*  
20        *shall not exceed—*

21                        “(A) *five years in duration; and*

22                        “(B) *\$10,000,000 in any 1 fiscal year.*

23                “(2) *INSTRUCTIONAL PROGRAMMING.*—*Not less*  
24        *than 25 percent of the funds available to the Sec-*

1        *retary in any fiscal year under this part shall be used*  
2        *for the cost of instructional programming.*

3            *“(3) SPECIAL RULE.—Not less than 50 percent of*  
4        *the funds available in any fiscal year under this part*  
5        *shall be used for the cost of facilities, equipment,*  
6        *teacher training or retraining, technical assistance, or*  
7        *programming, for local educational agencies which*  
8        *are eligible to receive assistance under part A of title*  
9        *I.*

10        *“(e) FEDERAL SHARE.—*

11            *“(1) IN GENERAL.—The Federal share of the cost*  
12        *of projects funded under this section shall not*  
13        *exceed—*

14            *“(A) 75 percent for the first and second*  
15        *years for which an eligible telecommunications*  
16        *partnership receives a grant under this part;*

17            *“(B) 60 percent for the third and fourth*  
18        *such years; and*

19            *“(C) 50 percent for the fifth such year.*

20            *“(2) REDUCTION OR WAIVER.—The Secretary*  
21        *may reduce or waive the requirement of the non-Fed-*  
22        *eral share under paragraph (1) upon a showing of fi-*  
23        *nancial hardship.*

24            *“(f) AUTHORITY TO ACCEPT FUNDS FROM OTHER*  
25        *AGENCIES.—The Secretary is authorized to accept funds*

1 *from other Federal departments or agencies to carry out*  
2 *the purposes of this section, including funds for the pur-*  
3 *chase of equipment.*

4       “(g) *COORDINATION.*—*The Department, the National*  
5 *Science Foundation, the Department of Agriculture, the De-*  
6 *partment of Commerce, and any other Federal department*  
7 *or agency operating a telecommunications network for edu-*  
8 *cational purposes, shall coordinate the activities assisted*  
9 *under this part with the activities of such department or*  
10 *agency relating to a telecommunications network for edu-*  
11 *cational purposes.*

12       “(h) *CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.*—  
13 *Each entity receiving funds under this part is encouraged*  
14 *to provide—*

15               “(1) *closed captioning of the verbal content of*  
16 *such program, where appropriate, to be broadcast by*  
17 *way of line 21 of the vertical blanking interval, or by*  
18 *way of comparable successor technologies; and*

19               “(2) *descriptive video of the visual content of*  
20 *such program, as appropriate.*

21       “(i) *ADVANCED PLACEMENT INSTRUCTION.*—*Each eli-*  
22 *gible entity receiving funds under this part is encouraged*  
23 *to deliver advanced placement instruction to underserved*  
24 *communities.*

1 **“SEC. 5204. ELIGIBLE ENTITIES.**

2 “(a) *ELIGIBLE ENTITIES.*—

3 “(1) *REQUIRED PARTICIPATION.*—*The Secretary*  
4 *may make a grant under section 5203 to any eligible*  
5 *entity, if at least 1 local educational agency is par-*  
6 *ticipating in the proposed project.*

7 “(2) *ELIGIBLE ENTITY.*—*For the purpose of this*  
8 *part, the term ‘eligible entity’ may include—*

9 “(A) *a public agency or corporation estab-*  
10 *lished for the purpose of developing and oper-*  
11 *ating telecommunications networks to enhance*  
12 *educational opportunities provided by edu-*  
13 *cational institutions, teacher training centers,*  
14 *and other entities, except that any such agency*  
15 *or corporation shall represent the interests of ele-*  
16 *mentary and secondary schools that are eligible*  
17 *to participate in the program under part A of*  
18 *title I; or*

19 “(B) *a partnership that will provide tele-*  
20 *communications services and which includes 3 or*  
21 *more of the following entities, at least 1 of which*  
22 *shall be an agency described in clause (i) or (ii):*

23 “(i) *a local educational agency that*  
24 *serves a significant number of elementary*  
25 *and secondary schools that are eligible for*  
26 *assistance under part A of title I, or ele-*



1            *mentary and secondary schools operated or*  
2            *funded for Indian children by the Depart-*  
3            *ment of the Interior eligible under section*  
4            *1121(b)(2);*

5            *“(ii) a State educational agency;*

6            *“(iii) adult and family education pro-*  
7            *grams;*

8            *“(iv) an institution of higher education*  
9            *or a State higher education agency;*

10           *“(v) a teacher training center or acad-*  
11           *emy that—*

12           *“(I) provides teacher pre-service*  
13           *and in-service training; and*

14           *“(II) receives Federal financial*  
15           *assistance or has been approved by a*  
16           *State agency;*

17           *“(vi)(I) a public or private entity with*  
18           *experience and expertise in the planning*  
19           *and operation of a telecommunications net-*  
20           *work, including entities involved in tele-*  
21           *communications through the Internet, sat-*  
22           *ellite, cable, telephone, or computer; or*

23           *“(II) a public broadcasting entity with*  
24           *such experience; or*

1                   “(vii) a public or private elementary  
2                   or secondary school.

3           “(b) *SPECIAL RULE.*—An eligible entity receiving as-  
4           sistance under this part shall be organized on a statewide  
5           or multistate basis.

6   **“SEC. 5205. APPLICATIONS.**

7           “(a) *APPLICATIONS REQUIRED.*—Each eligible entity  
8           which desires to receive a grant under section 5203 shall  
9           submit an application to the Secretary, at such time, in  
10          such manner, and containing or accompanied by such in-  
11          formation as the Secretary may reasonably require.

12          “(b) *STAR SCHOOL AWARD APPLICATIONS.*—Each ap-  
13          plication submitted pursuant to subsection (a) shall—

14                 “(1) describe how the proposed project will assist  
15                 in achieving America’s Education Goals, how such  
16                 project will assist all students to have an opportunity  
17                 to learn to challenging State and local standards, how  
18                 such project will assist State and local educational re-  
19                 form efforts, and how such project will contribute to  
20                 creating a high quality system of lifelong learning;

21                 “(2) describe the telecommunications facilities  
22                 and equipment and technical assistance for which as-  
23                 sistance is sought, which may include—

24                         “(A) the design, development, construction,  
25                         acquisition, maintenance and operation of State

1            *or multistate educational telecommunications*  
2            *networks and technology resource centers;*

3            *“(B) microwave, fiber optics, cable, and sat-*  
4            *ellite transmission equipment or any combina-*  
5            *tion thereof;*

6            *“(C) reception facilities and equipment;*

7            *“(D) satellite time and other transmissions;*

8            *“(E) production facilities and equipment;*

9            *“(F) other Internet education portals and*  
10           *telecommunications equipment capable of serving*  
11           *a wide geographic area;*

12           *“(G) the provision of training services to*  
13           *instructors who will be using the facilities and*  
14           *equipment for which assistance is sought, includ-*  
15           *ing training in using such facilities and equip-*  
16           *ment and training in integrating programs into*  
17           *the classroom curriculum; and*

18           *“(H) the development of educational and re-*  
19           *lated programming for use on a telecommuni-*  
20           *cations network;*

21           *“(3) in the case of an application for assistance*  
22           *for instructional programming, describe the types of*  
23           *programming which will be developed to enhance in-*  
24           *struction and training and provide assurances that*  
25           *such programming will be designed in consultation*

1       *with professionals (including classroom teachers) who*  
2       *are experts in the applicable subject matter and grade*  
3       *level;*

4               “(4) describe how the eligible entity has engaged  
5       *in sufficient survey and analysis of the area to be*  
6       *served to ensure that the services offered by the eligible*  
7       *entity will increase the availability of courses of in-*  
8       *struction in English, mathematics, science, foreign*  
9       *languages, arts, history, geography, or other dis-*  
10       *ciplines;*

11              “(5) describe the professional development poli-  
12       *cies for teachers and other school personnel to be im-*  
13       *plemented to ensure the effective use of the tele-*  
14       *communications facilities and equipment for which*  
15       *assistance is sought;*

16              “(6) describe the manner in which historically  
17       *underserved students (such as students from low-in-*  
18       *come families, limited English proficient students,*  
19       *students with disabilities, or students who have low*  
20       *literacy skills) and their families, will participate in*  
21       *the benefits of the telecommunications facilities,*  
22       *equipment, technical assistance, and programming*  
23       *assisted under this part;*

1           “(7) describe how existing telecommunications  
2           equipment, facilities, and services, where available,  
3           will be used;

4           “(8) provide assurances that the financial inter-  
5           est of the United States in the telecommunications fa-  
6           cilities and equipment will be protected for the useful  
7           life of such facilities and equipment;

8           “(9) provide assurances that a significant por-  
9           tion of any facilities and equipment, technical assist-  
10          ance, and programming for which assistance is sought  
11          for elementary and secondary schools will be made  
12          available to schools or local educational agencies that  
13          have a high number or percentage of children eligible  
14          to be counted under part A of title I;

15          “(10) provide assurances that the applicant will  
16          use the funds provided under this part to supplement  
17          and not supplant funds otherwise available for the  
18          purposes of this part;

19          “(11) if any member of the consortia receives as-  
20          sistance under subpart 3 of part A, describe how  
21          funds received under this part will be coordinated  
22          with funds received for educational technology in the  
23          classroom under such section;

24          “(12) describe the activities or services for which  
25          assistance is sought, such as—

1           “(A) providing facilities, equipment, train-  
2           ing services, and technical assistance;

3           “(B) making programs accessible to stu-  
4           dents with disabilities through mechanisms such  
5           as closed captioning and descriptive video serv-  
6           ices;

7           “(C) linking networks around issues of na-  
8           tional importance (such as elections) or to pro-  
9           vide information about employment opportuni-  
10          ties, job training, or student and other social  
11          service programs;

12          “(D) sharing curriculum resources between  
13          networks and development of program guides  
14          which demonstrate cooperative, cross-network  
15          listing of programs for specific curriculum areas;

16          “(E) providing teacher and student support  
17          services including classroom and training sup-  
18          port materials which permit student and teacher  
19          involvement in the live interactive distance  
20          learning telecasts;

21          “(F) incorporating community resources  
22          such as libraries and museums into instructional  
23          programs;

24          “(G) providing professional development for  
25          teachers, including, as appropriate, training to

1           *early childhood development and Head Start*  
2           *teachers and staff and vocational education*  
3           *teachers and staff, and adult and family edu-*  
4           *cators;*

5           “(H) *providing programs for adults to*  
6           *maximize the use of telecommunications facilities*  
7           *and equipment;*

8           “(I) *providing teacher training on proposed*  
9           *or established voluntary national content stand-*  
10          *ards in mathematics and science and other dis-*  
11          *ciplines as such standards are developed; and*

12          “(J) *providing parent education programs*  
13          *during and after the regular school day which*  
14          *reinforce a student’s course of study and actively*  
15          *involve parents in the learning process;*

16          “(13) *describe how the proposed project as a*  
17          *whole will be financed and how arrangements for fu-*  
18          *ture financing will be developed before the project ex-*  
19          *pires;*

20          “(14) *provide an assurance that a significant*  
21          *portion of any facilities, equipment, technical assist-*  
22          *ance, and programming for which assistance is sought*  
23          *for elementary and secondary schools will be made*  
24          *available to schools in local educational agencies that*

1       *have a high percentage of children counted for the*  
2       *purpose of part A of title I;*

3               “(15) *provide an assurance that the applicant*  
4       *will provide such information and cooperate in any*  
5       *evaluation that the Secretary may conduct under this*  
6       *part; and*

7               “(16) *include such additional assurances as the*  
8       *Secretary may reasonably require.*

9       “(c) *PRIORITIES.—The Secretary, in approving appli-*  
10       *cations for grants authorized under section 5203, shall give*  
11       *priority to applications describing projects that—*

12               “(1) *propose high-quality plans to assist in*  
13       *achieving 1 or more of America’s Education Goals,*  
14       *will provide instruction consistent with State content*  
15       *standards, or will otherwise provide significant and*  
16       *specific assistance to States and local educational*  
17       *agencies undertaking systemic education reform;*

18               “(2) *will provide services to programs serving*  
19       *adults, especially parents, with low levels of literacy;*

20               “(3) *will serve schools with significant numbers*  
21       *of children counted for the purposes of part A of title*  
22       *I;*

23               “(4) *ensure that the eligible entity will—*

24                       “(A) *serve the broadest range of institutions,*  
25       *programs providing instruction outside of the*



1           *school setting, programs serving adults, espe-*  
2           *cially parents, with low levels of literacy, insti-*  
3           *tutions of higher education, teacher training cen-*  
4           *ters, research institutes, and private industry;*

5           *“(B) have substantial academic and teach-*  
6           *ing capabilities, including the capability of*  
7           *training, retraining, and inservice upgrading of*  
8           *teaching skills and the capability to provide pro-*  
9           *fessional development;*

10           *“(C) provide a comprehensive range of*  
11           *courses for educators to teach instructional strat-*  
12           *egies for students with different skill levels;*

13           *“(D) provide training to participating edu-*  
14           *cators in ways to integrate telecommunications*  
15           *courses into existing school curriculum;*

16           *“(E) provide instruction for students, teach-*  
17           *ers, and parents;*

18           *“(F) serve a multistate area; and*

19           *“(G) give priority to the provision of equip-*  
20           *ment and linkages to isolated areas; and*

21           *“(5) involve a telecommunications entity (such*  
22           *as a satellite, cable, telephone, computer, or public or*  
23           *private television stations) participating in the eligi-*  
24           *ble entity and donating equipment or in-kind services*  
25           *for telecommunications linkages.*

1       “(d) *GEOGRAPHIC DISTRIBUTION.*—*In approving ap-*  
2 *plications for grants authorized under section 5203, the Sec-*  
3 *retary shall, to the extent feasible, ensure an equitable geo-*  
4 *graphic distribution of services provided under this part.*

5       **“SEC. 5206. DEFINITIONS.**

6       *“In this part:*

7               “(1) *EDUCATIONAL INSTITUTION.*—*The term*  
8 *‘educational institution’ means an institution of high-*  
9 *er education, a local educational agency, or a State*  
10 *educational agency.*

11               “(2) *INSTRUCTIONAL PROGRAMMING.*—*The term*  
12 *‘instructional programming’ means courses of in-*  
13 *struction and training courses for elementary and*  
14 *secondary students, teachers, and others, and mate-*  
15 *rials for use in such instruction and training that*  
16 *have been prepared in audio and visual form on ei-*  
17 *ther analog or digital format and are presented by*  
18 *means of telecommunications devices.*

19               “(3) *TERM PUBLIC BROADCASTING ENTITY.*—*The*  
20 *term ‘public broadcasting entity’ has the same mean-*  
21 *ing given such term in section 397 of the Communica-*  
22 *tions Act of 1934.*

23       **“SEC. 5207. ADMINISTRATIVE PROVISIONS.**

24       “(a) *CONTINUING ELIGIBILITY.*—

1           “(1) *IN GENERAL.*—*In order to be eligible to re-*  
2           *ceive a grant under section 5203 for a second 3-year*  
3           *grant period an eligible entity shall demonstrate in*  
4           *the application submitted pursuant to section 5205*  
5           *that such partnership shall—*

6                   “(A) *continue to provide services in the sub-*  
7                   *ject areas and geographic areas assisted with*  
8                   *funds received under this part for the previous 5-*  
9                   *year grant period; and*

10                   “(B) *use all grant funds received under this*  
11                   *part for the second 3-year grant period to pro-*  
12                   *vide expanded services by—*

13                           “(i) *increasing the number of students,*  
14                           *schools or school districts served by the*  
15                           *courses of instruction assisted under this*  
16                           *part in the previous fiscal year;*

17                           “(ii) *providing new courses of instruc-*  
18                           *tion; and*

19                           “(iii) *servicing new populations of un-*  
20                           *derserved individuals, such as children or*  
21                           *adults who are disadvantaged, have limited-*  
22                           *English proficiency, are individuals with*  
23                           *disabilities, are illiterate, or lack secondary*  
24                           *school diplomas or their recognized equiva-*  
25                           *lent.*

1           “(2) *SPECIAL RULE.*—Grant funds received pur-  
2           suant to paragraph (1) shall be used to supplement  
3           and not supplant services provided by the grant re-  
4           cipient under this part in the previous fiscal year.

5           “(b) *FEDERAL ACTIVITIES.*—The Secretary may assist  
6           grant recipients under section 5203 in acquiring satellite  
7           time and other transmissions technologies, where appro-  
8           priate, as economically as possible.

9           **“SEC. 5208. OTHER ASSISTANCE.**

10          “(a) *SPECIAL STATEWIDE NETWORK.*—

11           “(1) *IN GENERAL.*—The Secretary, through the  
12           Office of Educational Technology, may provide assist-  
13           ance to a statewide fiber optics telecommunications  
14           network under this subsection if such network—

15                   “(A) provides 2-way full motion interactive  
16                   video and voice communications via Internet,  
17                   cable and other technologies;

18                   “(B) links together public colleges and uni-  
19                   versities and schools throughout the State; and

20                   “(C) includes such additional assurances as  
21                   the Secretary may reasonably require.

22           “(2) *STATE CONTRIBUTION.*—A statewide tele-  
23           communications network assisted under paragraph  
24           (1) shall contribute, either directly or through private

1        *contributions, non-Federal funds equal to not less*  
2        *than 50 percent of the cost of such network.*

3        *“(b) SPECIAL LOCAL NETWORK.—*

4                *“(1) IN GENERAL.—The Secretary may provide*  
5        *assistance, on a competitive basis, to a local edu-*  
6        *cational agency or consortium thereof to enable such*  
7        *agency or consortium to establish a high technology*  
8        *demonstration program.*

9                *“(2) PROGRAM REQUIREMENTS.—A high tech-*  
10        *nology demonstration program assisted under para-*  
11        *graph (1) shall—*

12                *“(A) include 2-way full motion interactive*  
13        *video, data and voice communications;*

14                *“(B) link together elementary and sec-*  
15        *ondary schools, colleges, and universities;*

16                *“(C) provide parent participation and fam-*  
17        *ily programs;*

18                *“(D) include a staff development program;*  
19        *and*

20                *“(E) have a significant contribution and*  
21        *participation from business and industry.*

22                *“(3) SPECIAL RULE.—Each high technology dem-*  
23        *onstration program assisted under paragraph (1)*  
24        *shall be of sufficient size and scope to have an effect*  
25        *on meeting America’s Education Goals.*

1           “(4) *MATCHING REQUIREMENT.*—A local edu-  
2           *cational agency or consortium receiving a grant*  
3           *under paragraph (1) shall provide, either directly or*  
4           *through private contributions, non-Federal matching*  
5           *funds equal to not less than 50 percent of the amount*  
6           *of the grant.*

7           “(c) *TELECOMMUNICATIONS PROGRAMS FOR CON-*  
8           *TINUING EDUCATION.*—

9           “(1) *AUTHORITY.*—The Secretary is authorized  
10           *to award grants, on a competitive basis, to eligible*  
11           *entities to enable such partnerships to develop and op-*  
12           *erate 1 or more programs which provide on-line ac-*  
13           *cess to educational resources in support of continuing*  
14           *education and curriculum requirements relevant to*  
15           *achieving a secondary school diploma or its recog-*  
16           *nized equivalent. The program authorized by this sec-*  
17           *tion shall be designed to advance adult literacy, sec-*  
18           *ondary school completion and the acquisition of speci-*  
19           *fied competency by the end of the 12th grade.*

20           “(2) *APPLICATION.*—Each eligible entity desiring  
21           *a grant under this section shall submit an applica-*  
22           *tion to the Secretary. Each such application shall—*

23                   “(A) *demonstrate that the applicant will*  
24                   *use publicly funded or free public telecommuni-*  
25                   *cations infrastructure to deliver video, voice and*

1           *data in an integrated service to support and as-*  
 2           *sist in the acquisition of a secondary school di-*  
 3           *ploma or its recognized equivalent;*

4           “(B) assure that the content of the materials  
 5           to be delivered is consistent with the accredita-  
 6           tion requirements of the State for which such  
 7           materials are used;

8           “(C) incorporate, to the extent feasible, ma-  
 9           terials developed in the Federal departments and  
 10          agencies and under appropriate federally funded  
 11          projects and programs;

12          “(D) assure that the applicant has the tech-  
 13          nological and substantive experience to carry out  
 14          the program; and

15          “(E) contain such additional assurances as  
 16          the Secretary may reasonably require.”.

17           **PART C—MAGNET SCHOOLS ASSISTANCE**

18   **SEC. 531. MAGNET SCHOOLS ASSISTANCE.**

19          *Part C of title V (20 U.S.C. 7261 et seq.) is amended*  
 20          *to read as follows:*

21           **“PART C—MAGNET SCHOOLS ASSISTANCE**

22   **“SEC. 5301. FINDINGS AND STATEMENT OF PURPOSE.**

23          “(a) *FINDINGS.*—Congress makes the following find-  
 24          ings:

1           “(1) Magnet schools are a significant part of our  
2           Nation’s effort to achieve voluntary desegregation of  
3           our Nation’s schools.

4           “(2) It is in the national interest to continue the  
5           Federal Government’s support of school districts that  
6           are implementing court-ordered desegregation plans  
7           and school districts that are voluntarily seeking to  
8           foster meaningful interaction among students of dif-  
9           ferent racial and ethnic backgrounds.

10           “(3) Desegregation can help ensure that all stu-  
11           dents have equitable access to high-quality education  
12           that will prepare them to function well in a techno-  
13           logically oriented and highly competitive society com-  
14           prised of people from many different racial and eth-  
15           nic backgrounds.

16           “(4) It is in the national interest to desegregate  
17           and diversify those schools in our Nation that are ra-  
18           cially, economically, linguistically, or ethnically seg-  
19           regated. Such segregation exists between minority and  
20           non-minority students as well as among students of  
21           different minority groups.

22           “(b) STATEMENT OF PURPOSE.—The purpose of this  
23           part is to assist in the desegregation of schools served by  
24           local educational agencies by providing financial assistance  
25           to eligible local educational agencies for—



1           “(1) the elimination, reduction, or prevention of  
2           minority group isolation in elementary schools and  
3           secondary schools with substantial proportions of mi-  
4           nority students which shall assist in the efforts of the  
5           United States to achieve voluntary desegregation in  
6           public schools;

7           “(2) the development and implementation of  
8           magnet school projects that will assist local edu-  
9           cational agencies in achieving systemic reforms and  
10          providing all students the opportunity to meet chal-  
11          lenging State and local content standards and chal-  
12          lenging State and local student performance stand-  
13          ards;

14          “(3) the development and design of innovative  
15          educational methods and practices;

16          “(4) courses of instruction within magnet schools  
17          that will substantially strengthen the knowledge of  
18          academic subjects and the grasp of tangible and mar-  
19          ketable vocational, technological and career skills of  
20          students attending such schools;

21          “(5) improving the capacity of local educational  
22          agencies, including through professional development,  
23          to continue operating magnet schools at a high per-  
24          formance level after Federal funding is terminated;  
25          and

1           “(6) ensuring that all students enrolled in the  
2           magnet school program have equitable access to high  
3           quality education that will enable the students to suc-  
4           ceed academically and continue with post secondary  
5           education or productive employment.

6   **“SEC. 5302. PROGRAM AUTHORIZED.**

7           “The Secretary, in accordance with this part, is au-  
8           thorized to make grants to eligible local educational agen-  
9           cies, and consortia of such agencies where appropriate, to  
10          carry out the purpose of this part for magnet schools that  
11          are—

12           “(1) part of an approved desegregation plan;  
13          and

14           “(2) designed to bring students from different so-  
15          cial, economic, ethnic, and racial backgrounds to-  
16          gether.

17   **“SEC. 5303. DEFINITION.**

18          “For the purpose of this part, the term ‘magnet school’  
19          means a public elementary school or secondary school or  
20          a public elementary or secondary education center that of-  
21          fers a special curriculum capable of attracting substantial  
22          numbers of students of different racial backgrounds.

23   **“SEC. 5304. ELIGIBILITY.**

24          “A local educational agency, or consortium of such  
25          agencies where appropriate, is eligible to receive assistance

1 *under this part to carry out the purposes of this part if*  
2 *such agency or consortium—*

3           “(1) *is implementing a plan undertaken pursu-*  
4 *ant to a final order issued by a court of the United*  
5 *States, or a court of any State, or any other State*  
6 *agency or official of competent jurisdiction, that re-*  
7 *quires the desegregation of minority-group-segregated*  
8 *children or faculty in the elementary schools and sec-*  
9 *ondary schools of such agency; or*

10           “(2) *without having been required to do so, has*  
11 *adopted and is implementing, or will, if assistance is*  
12 *made available to such local educational agency or*  
13 *consortium of such agencies under this part, adopt*  
14 *and implement a plan that has been approved by the*  
15 *Secretary as adequate under title VI of the Civil*  
16 *Rights Act of 1964 for the desegregation of minority-*  
17 *group-segregated children or faculty in such schools.*

18 **“SEC. 5305. APPLICATIONS AND REQUIREMENTS.**

19           “(a) *APPLICATIONS.—An eligible local educational*  
20 *agency or consortium of such agencies desiring to receive*  
21 *assistance under this part shall submit an application to*  
22 *the Secretary at such time, in such manner, and containing*  
23 *such information and assurances as the Secretary may rea-*  
24 *sonably require.*

1           “(b) *INFORMATION AND ASSURANCES.*—*Each such ap-*  
2 *plication shall include—*

3                   “(1) *a description of—*

4                           “(A) *how assistance made available under*  
5 *this part will be used to promote desegregation,*  
6 *including how the proposed magnet school project*  
7 *will increase interaction among students of dif-*  
8 *ferent social, economic, ethnic, and racial back-*  
9 *grounds;*

10                           “(B) *the manner and extent to which the*  
11 *magnet school project will increase student*  
12 *achievement in the instructional area or areas*  
13 *offered by the school;*

14                           “(C) *how an applicant will continue the*  
15 *magnet school project after assistance under this*  
16 *part is no longer available, including, if applica-*  
17 *ble, an explanation of why magnet schools estab-*  
18 *lished or supported by the applicant with funds*  
19 *under this part cannot be continued without the*  
20 *use of funds under this part;*

21                           “(D) *how funds under this part will be used*  
22 *to implement services and activities that are con-*  
23 *sistent with other programs under this Act, and*  
24 *other Acts, as appropriate, in accordance with*  
25 *the provisions of section 6506; and*

1           “(E) the criteria to be used in selecting stu-  
2 dents to attend the proposed magnet school  
3 project; and

4           “(2) assurances that the applicant will—

5           “(A) use funds under this part for the pur-  
6 poses specified in section 5301(b);

7           “(B) employ State certified or licensed  
8 teachers in the courses of instruction assisted  
9 under this part to teach or supervise others who  
10 are teaching the subject matter of the courses of  
11 instruction;

12           “(C) not engage in discrimination based on  
13 race, religion, color, national origin, sex, or dis-  
14 ability in—

15           “(i) the hiring, promotion, or assign-  
16 ment of employees of the agency or other  
17 personnel for whom the agency has any ad-  
18 ministrative responsibility;

19           “(ii) the assignment of students to  
20 schools, or to courses of instruction within  
21 the school, of such agency, except to carry  
22 out the approved plan; and

23           “(iii) designing or operating extra-  
24 curricular activities for students;

1           “(D) carry out a high-quality education  
2           program that will encourage greater parental de-  
3           cisionmaking and involvement; and

4           “(E) give students residing in the local at-  
5           tendance area of the proposed magnet school  
6           project equitable consideration for placement in  
7           the project, consistent with desegregation guide-  
8           lines and the capacity of the project to accommo-  
9           date these students.

10          “(c) *SPECIAL RULE.*—No application may be ap-  
11          proved under this section unless the Assistant Secretary of  
12          Education for Civil Rights determines that the assurances  
13          described in subsection (b)(2)(C) will be met.

14          “**SEC. 5306. PRIORITY.**

15          “*In approving applications under this part, the Sec-  
16          retary shall give priority to applicants that—*

17                 “(1) demonstrate the greatest need for assistance,  
18                 based on the expense or difficulty of effectively car-  
19                 rying out an approved desegregation plan and the  
20                 projects for which assistance is sought;

21                 “(2) propose to carry out new magnet school  
22                 projects, or significantly revise existing magnet school  
23                 projects;

1           “(3) propose to select students to attend magnet  
2 school projects by methods such as lottery, rather than  
3 through academic examination;

4           “(4) propose to implement innovative edu-  
5 cational approaches that are consistent with the State  
6 and local content and student performance standards;  
7 and

8           “(5) propose activities, which may include pro-  
9 fessional development, that will build local capacity  
10 to operate the magnet school program once Federal  
11 assistance has terminated.

12 **“SEC. 5307. USE OF FUNDS.**

13           “(a) *IN GENERAL.*—Grant funds made available under  
14 this part may be used by an eligible local educational agen-  
15 cy or consortium of such agencies—

16           “(1) for planning and promotional activities di-  
17 rectly related to the development, expansion, continu-  
18 ation, or enhancement of academic programs and  
19 services offered at magnet schools;

20           “(2) for the acquisition of books, materials, and  
21 equipment, including computers and the maintenance  
22 and operation thereof, necessary for the conduct of  
23 programs in magnet schools;

24           “(3) for the payment, or subsidization of the  
25 compensation, of elementary school and secondary

1       *school teachers who are certified or licensed by the*  
2       *State, and instructional staff where applicable, who*  
3       *are necessary for the conduct of programs in magnet*  
4       *schools;*

5               *“(4) with respect to a magnet school program of-*  
6       *ferred to less than the entire student population of a*  
7       *school, for instructional activities that—*

8                       *“(A) are designed to make available the spe-*  
9       *cial curriculum that is offered by the magnet*  
10       *school project to students who are enrolled in the*  
11       *school but who are not enrolled in the magnet*  
12       *school program; and*

13                       *“(B) further the purposes of this part;*

14               *“(5) to include professional development, which*  
15       *professional development shall build the agency’s or*  
16       *consortium’s capacity to operate the magnet school*  
17       *once Federal assistance has terminated;*

18               *“(6) to enable the local educational agency or*  
19       *consortium to have more flexibility in the administra-*  
20       *tion of a magnet school program in order to serve stu-*  
21       *dents attending a school who are not enrolled in a*  
22       *magnet school program; and*

23               *“(7) to enable the local educational agency or*  
24       *consortium to have flexibility in designing magnet*  
25       *schools for students at all grades.*



1       “(b) *SPECIAL RULE.*—Grant funds under this part  
2 may be used in accordance with paragraphs (2) and (3)  
3 of subsection (a) only if the activities described in such  
4 paragraphs are directly related to improving the students’  
5 reading skills or knowledge of mathematics, science, history,  
6 geography, English, foreign languages, art, or music, or to  
7 improving vocational, technological and career skills.

8       **“SEC. 5308. PROHIBITION.**

9       Grants under this part may not be used for transpor-  
10 tation or any activity that does not augment academic im-  
11 provement.

12       **“SEC. 5309. LIMITATIONS.**

13       “(a) *DURATION OF AWARDS.*—A grant under this part  
14 shall be awarded for a period that shall not exceed three  
15 fiscal years.

16       “(b) *LIMITATION ON PLANNING FUNDS.*—A local edu-  
17 cational agency may expend for planning (professional de-  
18 velopment shall not be considered as planning for purposes  
19 of this subsection) not more than 50 percent of the funds  
20 received under this part for the first year of the project,  
21 25 percent of such funds for the second such year, and 15  
22 percent of such funds for the third such year.

23       “(c) *AMOUNT.*—No local educational agency or consor-  
24 tium awarded a grant under this part shall receive more  
25 than \$4,000,000 under this part in any one fiscal year.

1       “(d) *TIMING.*—*To the extent practicable, the Secretary*  
 2 *shall award grants for any fiscal year under this part not*  
 3 *later than June 1 of the applicable fiscal year.*

4       **“SEC. 5310. INNOVATIVE PROGRAMS.**

5       “(a) *IN GENERAL.*—*From amounts reserved under*  
 6 *subsection (d) for each fiscal year, the Secretary shall award*  
 7 *grants to local educational agencies or consortia of such*  
 8 *agencies described in section 5304 to enable such agencies*  
 9 *or consortia to conduct innovative programs that—*

10               “(1) *involve innovative strategies other than*  
 11 *magnet schools, such as neighborhood or community*  
 12 *model schools, to support desegregation of schools and*  
 13 *to reduce achievement gaps;*

14               “(2) *assist in achieving systemic reforms and*  
 15 *providing all students the opportunity to meet chal-*  
 16 *lenging State and local content standards and chal-*  
 17 *lenging State and local student performance stand-*  
 18 *ards; and*

19               “(3) *include innovative educational methods and*  
 20 *practices that—*

21                       “(A) *are organized around a special empha-*  
 22 *sis, theme, or concept; and*

23                       “(B) *involve extensive parent and commu-*  
 24 *nity involvement.*

1       “(b) *APPLICABILITY.*—Sections 5301(b), 5302, 5305,  
2 5306, and 5307, shall not apply to grants awarded under  
3 subsection (a).

4       “(c) *APPLICATIONS.*—Each local educational agency  
5 or consortia of such agencies desiring a grant under this  
6 section shall submit an application to the Secretary at such  
7 time, in such manner, and containing such information  
8 and assurances as the Secretary may reasonably require.

9       “(d) *INNOVATIVE PROGRAMS.*—The Secretary shall re-  
10 serve not more than 5 percent of the funds appropriated  
11 under section 5312(a) for each fiscal year to award grants  
12 under this section.

13 **“SEC. 5311. EVALUATIONS.**

14       “(a) *RESERVATION.*—The Secretary may reserve not  
15 more than two percent of the funds appropriated under sec-  
16 tion 5312(a) for any fiscal year to carry out evaluations  
17 of projects assisted under this part and to provide technical  
18 assistance for grant recipients under this part.

19       “(b) *CONTENTS.*—Each evaluation described in sub-  
20 section (a), at a minimum, shall address—

21               “(1) how and the extent to which magnet school  
22 programs lead to educational quality and improve-  
23 ment;

24               “(2) the extent to which magnet school programs  
25 enhance student access to quality education;

1           “(3) *the extent to which magnet school programs*  
2           *lead to the elimination, reduction, or prevention of*  
3           *minority group isolation in elementary schools and*  
4           *secondary schools with substantial proportions of mi-*  
5           *nority students;*

6           “(4) *the extent to which magnet school programs*  
7           *differ from other school programs in terms of the or-*  
8           *ganizational characteristics and resource allocations*  
9           *of such magnet school programs; and*

10           “(5) *the extent to which magnet school programs*  
11           *continue once grant assistance under this part is ter-*  
12           *minated.*

13           “(c) *DISSEMINATION.—The Secretary shall collect and*  
14           *disseminate to the general public information on successful*  
15           *magnet school programs.*

16           **“SEC. 5312. AUTHORIZATION OF APPROPRIATIONS; RES-**  
17           **ERVATION.**

18           “(a) *AUTHORIZATION.—For the purpose of carrying*  
19           *out this part, there are authorized to be appropriated*  
20           *\$125,000,000 for fiscal year 2001 and such sums as may*  
21           *be necessary for each of the 4 succeeding fiscal years.*

22           “(b) *AVAILABILITY OF FUNDS FOR GRANTS TO AGEN-*  
23           *CIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for*  
24           *which the amount appropriated pursuant to subsection (a)*  
25           *exceeds \$75,000,000, the Secretary shall give priority to*

1 *using such amounts in excess of \$75,000,000 to award*  
 2 *grants to local educational agencies or consortia of such*  
 3 *agencies that did not receive a grant under this part in*  
 4 *the preceding fiscal year.”.*

5 **PART D—PUBLIC CHARTER SCHOOLS**

6 **SEC. 541. PUBLIC CHARTER SCHOOLS.**

7 (a) *REAUTHORIZATION.—Part C of title X (20 U.S.C.*  
 8 *8061 et seq.) is amended—*

9 (1) *in section 10301 (20 U.S.C. 8061)—*

10 (A) *by striking subsection (a); and*

11 (B) *by striking “(b) PURPOSE.—”; and*

12 (2) *in section 10311 (20 U.S.C. 8067), by strik-*  
 13 *ing “\$100,000,000 for fiscal year 1999” and inserting*  
 14 *“\$175,000,000 for fiscal year 2001”.*

15 (b) *TRANSFER, REDESIGNATION, CONFORMING*  
 16 *AMENDMENTS.—Part C of title X (20 U.S.C. 8061 et seq.)*  
 17 *is amended—*

18 (1) *by transferring such part so as to appear*  
 19 *after part C of title V;*

20 (2) *by redesignating such part as part D;*

21 (3) *by redesignating sections 10301 through*  
 22 *10311 as sections 5401 through 5411, respectively;*

23 (4) *in section 5402 (as so redesignated)—*

1           (A) in subsections (a) and (b), by striking  
2 “10303” each place that such appears and in-  
3 serting “5403”;

4           (B) in subsection (c)(1)(C), by striking  
5 “10304” and inserting “5404”; and

6           (C) in subsection (e)(1), by striking  
7 “10311” each place that such appears and in-  
8 serting “5411”;

9 (5) in section 5403 (as so redesignated)—

10           (A) in subsections (b)(3)(M) and (c), by  
11 striking “10302” each place that such appears  
12 and inserting “5402”; and

13           (B) in subsection (d)(2)(B), by striking  
14 “10304” and inserting “5404”;

15 (6) in section 5404 (as so redesignated)—

16           (A) in the matter preceding paragraph (1)  
17 of subsections (a) and (b), by striking “10303”  
18 each place that such appears and inserting  
19 “5403”;

20           (B) in subsections (a)(7) and (b)(7), by  
21 striking “10302” each place that such appears  
22 and inserting “5402”; and

23           (C) in the matter preceding paragraph (1)  
24 of subsection (e), by striking “10310” and insert-  
25 ing “5410”; and

1           (7) in section 5405(a)(4)(B) (as so redesignated),  
2           by striking “10303” and inserting “5403”.

3 **PART E—CIVIC EDUCATION; FIE; ELLENDER FEL-**  
4 **LOWSHIPS; READY-TO-LEARN TELEVISION;**  
5 **INEXPENSIVE BOOK DISTRIBUTION**

6 **SEC. 551. CIVIC EDUCATION; FIE; ELLENDER FELLOWSHIPS;**  
7 **READY-TO-LEARN TELEVISION; INEXPENSIVE**  
8 **BOOK DISTRIBUTION.**

9           Title V (20 U.S.C. 7201 et seq.) is amended by adding  
10 at the end the following:

11                           **“PART F—CIVIC EDUCATION**

12 **“SEC. 5601. SHORT TITLE.**

13           *“This part may be cited as the ‘Education for Democ-*  
14 *racy Act’.*

15 **“SEC. 5602. THE STUDY OF THE DECLARATION OF INDE-**  
16 **PENDENCE, UNITED STATES CONSTITUTION,**  
17 **AND THE FEDERALIST PAPERS.**

18           *“It is the sense of Congress that—*

19                           *“(1) State and local governments and local edu-*  
20 *catinal agencies are encouraged to dedicate at least*  
21 *1 day of learning to the study and understanding of*  
22 *the significance of the Declaration of Independence,*  
23 *the United States Constitution, and the Federalist*  
24 *Papers; and*

1           “(2) State and local governments and local edu-  
2           cational agencies are encouraged to include a require-  
3           ment that, before receiving a certificate or diploma of  
4           graduation from secondary school, students be tested  
5           on their competency in understanding the Declaration  
6           of Independence, the United States Constitution, and  
7           the Federalist Papers.

8   **“SEC. 5603. PURPOSE.**

9           *“It is the purpose of this part—*

10           *“(1) to improve the quality of civics and govern-*  
11           *ment education, and to enhance the attainment of the*  
12           *third and sixth America’s Education Goals, by edu-*  
13           *cating students about the history and principles of the*  
14           *Constitution of the United States, including the Bill*  
15           *of Rights;*

16           *“(2) to foster civic competence and responsi-*  
17           *bility; and*

18           *“(3) to improve the quality of civic education*  
19           *and economic education through cooperative civic*  
20           *education and economic education exchange programs*  
21           *with other democratic nations.*

22   **“SEC. 5604. GENERAL AUTHORITY.**

23           *“The Secretary is authorized to award grants to or*  
24           *enter into contracts with the Center for Civic Education,*



1 *the National Council on Economic Education, or other non-*  
 2 *profit educational organizations to carry out this part.*

3 **“SEC. 5605. WE THE PEOPLE PROGRAM.**

4 *“(a) THE CITIZEN AND THE CONSTITUTION.—*

5 *“(1) EDUCATION ACTIVITIES.—The Secretary*  
 6 *shall award a grant or enter into a contract for the*  
 7 *Citizen and the Constitution program that—*

8 *“(A) shall continue and expand the edu-*  
 9 *cational activities of the ‘We the People . . . The*  
 10 *Citizen and the Constitution’ program adminis-*  
 11 *tered by the Center for Civic Education; and*

12 *“(B) shall enhance student attainment of*  
 13 *challenging content standards in civics and gov-*  
 14 *ernment.*

15 *“(2) PROGRAM CONTENT.—The education pro-*  
 16 *gram authorized by this section shall provide—*

17 *“(A) a course of instruction on the basic*  
 18 *principles of our Nation’s constitutional democ-*  
 19 *racy and the history of the Constitution of the*  
 20 *United States and the Bill of Rights;*

21 *“(B) at the request of a participating*  
 22 *school, school and community simulated congres-*  
 23 *sional hearings following the course of study;*

24 *“(C) an annual national competition of*  
 25 *simulated congressional hearings for secondary*

1           *school students who wish to participate in such*  
2           *a program;*

3           “(D) *advanced training of teachers about*  
4           *the Constitution of the United States and the po-*  
5           *litical system the United States created;*

6           “(E) *materials and methods of instruction,*  
7           *including teacher training, that utilize the latest*  
8           *advancements in educational technology; and*

9           “(F) *civic education materials and services*  
10           *such as service learning to address specific prob-*  
11           *lems such as the prevention of school violence*  
12           *and the abuse of drugs and alcohol.*

13           “(3) *AVAILABILITY OF PROGRAM.—The education*  
14           *program authorized under this subsection shall be*  
15           *made available to public and private elementary*  
16           *schools and secondary schools, including Bureau*  
17           *funded schools, in the 435 congressional districts, the*  
18           *District of Columbia, the Commonwealth of Puerto*  
19           *Rico, the United States Virgin Islands, Guam, Amer-*  
20           *ican Samoa, and the Commonwealth of the Northern*  
21           *Mariana Islands.*

22           “(b) *PROJECT CITIZEN.—*

23           “(1) *EDUCATIONAL ACTIVITIES.—The Secretary*  
24           *shall award a grant or enter into a contract for the*  
25           *Project Citizen program that—*

1           “(A) shall continue and expand the edu-  
2           cational activities of the ‘We the People . . .  
3           Project Citizen’ program administered by the  
4           Center for Civic Education; and

5           “(B) shall enhance student attainment of  
6           challenging content standards in civics and gov-  
7           ernment.

8           “(2) PROGRAM CONTENT.—The education pro-  
9           gram authorized by this subsection shall provide—

10           “(A) a course of instruction at the middle  
11           school level on the roles of State and local gov-  
12           ernments in the Federal system established by  
13           the Constitution of the United States;

14           “(B) optional school and community simu-  
15           lated State legislative hearings;

16           “(C) an annual national showcase or com-  
17           petition;

18           “(D) advanced training of teachers on the  
19           roles of State and local governments in the Fed-  
20           eral system established by the Constitution;

21           “(E) materials and methods of instruction,  
22           including teacher training, that utilize the latest  
23           advancements in educational technology; and

24           “(F) civic education materials and services  
25           to address specific problems such as the preven-



1 *programs in civics and government education, and ec-*  
 2 *onomics education, developed in the United States;*

3 “(2) *assist eligible countries in the adaptation,*  
 4 *implementation, and institutionalization of such pro-*  
 5 *grams;*

6 “(3) *create and implement civics and govern-*  
 7 *ment education, and economic education, programs*  
 8 *for United States students that draw upon the experi-*  
 9 *ences of the participating eligible countries;*

10 “(4) *provide a means for the exchange of ideas*  
 11 *and experiences in civics and government education*  
 12 *and economic education, among political, edu-*  
 13 *cational, governmental, and private sector leaders of*  
 14 *participating eligible countries; and*

15 “(5) *provide support for—*

16 “(A) *research and evaluation to determine*  
 17 *the effects of educational programs on students’*  
 18 *development of the knowledge, skills, and traits of*  
 19 *character essential for the preservation and im-*  
 20 *provement of constitutional democracy; and*

21 “(B) *effective participation in and the pres-*  
 22 *ervation and improvement of an efficient market*  
 23 *economy.*

24 “(c) *AVOIDANCE OF DUPLICATION.—The Secretary*  
 25 *shall consult with the Secretary of State to ensure that ac-*

1 *tivities under this section are not duplicative of other efforts*  
2 *in the eligible countries and that partner institutions in*  
3 *the eligible countries are creditable.*

4 “(d) *ACTIVITIES.—The Cooperative Education Ex-*  
5 *change programs shall—*

6 “(1) *provide eligible countries with—*

7 “(A) *seminars on the basic principles of*  
8 *United States constitutional democracy and eco-*  
9 *nomics, including seminars on the major govern-*  
10 *mental and economic institutions and systems in*  
11 *the United States, and visits to such institutions;*

12 “(B) *visits to school systems, institutions of*  
13 *higher education, and nonprofit organizations*  
14 *conducting exemplary programs in civics and*  
15 *government education, and economic education,*  
16 *in the United States;*

17 “(C) *translations and adaptations regard-*  
18 *ing United States civic and government edu-*  
19 *cation, and economic education, curricular pro-*  
20 *grams for students and teachers, and in the case*  
21 *of training programs for teachers translations*  
22 *and adaptations into forms useful in schools in*  
23 *eligible countries, and joint research projects in*  
24 *such areas;*

1           “(D) research and evaluation assistance to  
2 determine—

3           “(i) the effects of the Cooperative Edu-  
4 cation Exchange programs on students’ de-  
5 velopment of the knowledge, skills, and  
6 traits of character essential for the preserva-  
7 tion and improvement of constitutional de-  
8 mocracy; and

9           “(ii) effective participation in and the  
10 preservation and improvement of an effi-  
11 cient market economy;

12           “(2) provide United States participants with—

13           “(A) seminars on the histories, economies,  
14 and systems of government of eligible countries;

15           “(B) visits to school systems, institutions of  
16 higher education, and organizations conducting  
17 exemplary programs in civics and government  
18 education, and economic education, located in el-  
19 igible countries;

20           “(C) assistance from educators and scholars  
21 in eligible countries in the development of cur-  
22 ricular materials on the history, government,  
23 and economy of such countries that are useful in  
24 United States classrooms;

1           “(D) opportunities to provide onsite dem-  
2           onstrations of United States curricula and peda-  
3           gogy for educational leaders in eligible countries;  
4           and

5           “(E) research and evaluation assistance to  
6           determine—

7                   “(i) the effects of the Cooperative Edu-  
8                   cation Exchange programs on students’ de-  
9                   velopment of the knowledge, skills, and  
10                  traits of character essential for the preserva-  
11                  tion and improvement of constitutional de-  
12                  mocracy; and

13                   “(ii) effective participation in and im-  
14                   provement of an efficient market economy;  
15                  and

16           “(3) assist participants from eligible countries  
17           and the United States to participate in international  
18           conferences on civics and government education, and  
19           economic education, for educational leaders, teacher  
20           trainers, scholars in related disciplines, and edu-  
21           cational policymakers.

22           “(e) PARTICIPANTS.—The primary participants in the  
23           Cooperative Education Exchange programs assisted under  
24           this section shall be educational leaders in the areas of  
25           civics and government education, and economic education,



1 *including curriculum and teacher training specialists,*  
 2 *scholars in relevant disciplines, and educational policy-*  
 3 *makers, and government and private sector leaders from the*  
 4 *United States and eligible countries.*

5       “(f) *DEFINITION.*—*For the purpose of this section, the*  
 6 *term ‘eligible country’ means a country with a democratic*  
 7 *form of government that—*

8               “(1) *is a Central European country, an Eastern*  
 9 *European country, Lithuania, Latvia, Estonia, Geor-*  
 10 *gia, or one of the independent states of the former So-*  
 11 *viet Union as defined in section 3 of the FREEDOM*  
 12 *Support Act (22 U.S.C. 5801); and*

13               “(2) *may include the Republic of Ireland, the*  
 14 *province of Northern Ireland in the United Kingdom,*  
 15 *and any developing country as defined in section*  
 16 *209(d) of the Education for the Deaf Act.*

17 **“SEC. 5607. AUTHORIZATION OF APPROPRIATIONS.**

18       “(a) *SECTION 5605.*—*There are authorized to be ap-*  
 19 *propriated to carry out section 5605, \$10,000,000 for fiscal*  
 20 *year 2001 and such sums as may be necessary for each of*  
 21 *the 4 succeeding fiscal years.*

22       “(b) *SECTION 5606.*—*There are authorized to be ap-*  
 23 *propriated to carry out section 5606, \$10,000,000 for fiscal*  
 24 *year 2001 and such sums as may be necessary for each of*  
 25 *the 4 succeeding fiscal years.*





1        *section (d), as well as other character elements identi-*  
2        *fied by the eligible entities.*

3            “(2) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*  
4        *ty’ means—*

5            “(A) *a State educational agency in partner-*  
6        *ship with 1 or more local educational agencies;*

7            “(B) *a State educational agency in partner-*  
8        *ship with—*

9            “(i) *1 or more local educational agen-*  
10        *cies; and*

11            “(ii) *1 or more nonprofit organizations*  
12        *or entities, including institutions of higher*  
13        *education;*

14            “(C) *a local educational agency or consor-*  
15        *tium of local educational agencies; or*

16            “(D) *a local educational agency in partner-*  
17        *ship with another nonprofit organization or en-*  
18        *tity, including institutions of higher education.*

19            “(3) *DURATION.*—*Each grant under this section*  
20        *shall be awarded for a period not to exceed 3 years,*  
21        *of which the eligible entity shall not use more than 1*  
22        *year for planning and program design.*

23            “(b) *APPLICATIONS.*—

24            “(1) *REQUIREMENT.*—*Each eligible entity desir-*  
25        *ing a grant under this section shall submit an appli-*

1        *cation to the Secretary at such time and in such*  
2        *manner as the Secretary may require.*

3            “(2) *CONTENTS OF APPLICATION.—Each appli-*  
4        *cation submitted under this section shall include—*

5            “(A) *a description of any partnerships or*  
6        *collaborative efforts among the organizations and*  
7        *entities of the eligible entity;*

8            “(B) *a description of the goals and objec-*  
9        *tives of the program proposed by the eligible en-*  
10       *tity;*

11          “(C) *a description of activities that will be*  
12       *pursued and how those activities will contribute*  
13       *to meeting the goals and objectives described in*  
14       *subparagraph (B), including—*

15            “(i) *how parents, students, and other*  
16        *members of the community, including mem-*  
17        *bers of private and nonprofit organizations,*  
18        *will be involved in the design and imple-*  
19        *mentation of the program and how the eli-*  
20        *gible entity will work with the larger com-*  
21        *munity to increase the reach and promise of*  
22        *the program;*

23            “(ii) *curriculum and instructional*  
24        *practices that will be used or developed;*

1           “(iii) *methods of teacher training and*  
2           *parent education that will be used or devel-*  
3           *oped; and*

4           “(iv) *how the program will be linked to*  
5           *other efforts in the schools to improve stu-*  
6           *dent performance;*

7           “(D) *in the case of an eligible entity that is*  
8           *a State educational agency—*

9           “(i) *a description of how the State edu-*  
10          *cational agency will provide technical and*  
11          *professional assistance to its local edu-*  
12          *cational agency partners in the development*  
13          *and implementation of character education*  
14          *programs; and*

15          “(ii) *a description of how the State*  
16          *educational agency will assist other inter-*  
17          *ested local educational agencies that are not*  
18          *members of the original partnership in de-*  
19          *signing and establishing character edu-*  
20          *cation programs;*

21          “(E) *a description of how the eligible entity*  
22          *will evaluate the success of its program—*

23          “(i) *based on the goals and objectives*  
24          *described in subparagraph (B); and*

1                   “(ii) in cooperation with the national  
2                   evaluation conducted pursuant to subsection  
3                   (c)(2)(B)(iii);

4                   “(F) an assurance that the eligible entity  
5                   annually will provide to the Secretary such in-  
6                   formation as may be required to determine the  
7                   effectiveness of the program; and

8                   “(G) any other information that the Sec-  
9                   retary may require.

10                  “(c) *EVALUATION AND PROGRAM DEVELOPMENT.*—

11                   “(1) *EVALUATION AND REPORTING.*—

12                   “(A) *STATE AND LOCAL REPORTING AND*  
13                   *EVALUATION.*—Each eligible entity receiving a  
14                   grant under this section shall submit to the Sec-  
15                   retary a comprehensive evaluation of the pro-  
16                   gram assisted under this section, including the  
17                   impact on students, teachers, administrators,  
18                   parents, and others—

19                   “(i) by the second year of the program;  
20                   and

21                   “(ii) not later than 1 year after com-  
22                   pletion of the grant period.

23                   “(B) *CONTRACTS FOR EVALUATION.*—Each  
24                   eligible entity receiving a grant under this sec-  
25                   tion may contract with outside sources, includ-

1            *ing institutions of higher education, and private*  
2            *and nonprofit organizations, for purposes of*  
3            *evaluating its program and measuring the suc-*  
4            *cess of the program toward fostering in students*  
5            *the elements of character described in subsection*  
6            *(d).*

7            “(2) *NATIONAL RESEARCH, DISSEMINATION, AND*  
8            *EVALUATION.—*

9            “(A) *IN GENERAL.—The Secretary is au-*  
10           *thorized to make grants to, or enter into con-*  
11           *tracts or cooperative agreements with, State or*  
12           *local educational agencies, institutions of higher*  
13           *education, tribal organizations, or other public*  
14           *or private agencies or organizations to carry out*  
15           *research, development, dissemination, technical*  
16           *assistance, and evaluation activities that support*  
17           *or inform State and local character education*  
18           *programs. The Secretary shall reserve not more*  
19           *than 5 percent of the funds made available under*  
20           *this section to carry out this paragraph.*

21           “(B) *USES.—Funds made available under*  
22           *subparagraph (A) may be used—*

23                      “(i) *to conduct research and develop-*  
24                      *ment activities that focus on matters such*  
25                      *as—*



1           “(I) the effectiveness of instruc-  
2           tional models for all students;

3           “(II) materials and curricula that  
4           can be used by programs in character  
5           education;

6           “(III) models of professional de-  
7           velopment in character education; and

8           “(IV) the development of measures  
9           of effectiveness for character education  
10          programs which may include the fac-  
11          tors described in paragraph (3);

12          “(ii) to provide technical assistance to  
13          State and local programs, particularly on  
14          matters of program evaluation;

15          “(iii) to conduct a national evaluation  
16          of State and local programs receiving fund-  
17          ing under this section; and

18          “(iv) to compile and disseminate,  
19          through various approaches (such as a na-  
20          tional clearinghouse)—

21                 “(I) information on model char-  
22                 acter education programs;

23                 “(II) character education mate-  
24                 rials and curricula;

1                   “(III) *research findings in the*  
2                   *area of character education and char-*  
3                   *acter development; and*

4                   “(IV) *any other information that*  
5                   *will be useful to character education*  
6                   *program participants, educators, par-*  
7                   *ents, administrators, and others na-*  
8                   *tionwide.*

9                   “(C) *PRIORITY.—In carrying out national*  
10                  *activities under this paragraph related to devel-*  
11                  *opment, dissemination, and technical assistance,*  
12                  *the Secretary shall seek to enter into partner-*  
13                  *ships with national, nonprofit character edu-*  
14                  *cation organizations with expertise and success-*  
15                  *ful experience in implementing local character*  
16                  *education programs that have had an effective*  
17                  *impact on schools, students, including students*  
18                  *with disabilities, and teachers.*

19                  “(3) *FACTORS.—Factors which may be consid-*  
20                  *ered in evaluating the success of programs funded*  
21                  *under this section may include—*

22                         “(A) *discipline issues;*

23                         “(B) *student performance;*

24                         “(C) *participation in extracurricular ac-*  
25                         *tivities;*

1                   “(D) *parental and community involvement;*

2                   “(E) *faculty and administration involve-*  
3                   *ment;*

4                   “(F) *student and staff morale; and*

5                   “(G) *overall improvements in school climate*  
6                   *for all students.*

7                   “(d) *ELEMENTS OF CHARACTER.—*

8                   “(1) *IN GENERAL.—Each eligible entity desiring*  
9                   *funding under this section shall develop character*  
10                  *education programs that incorporate the following ele-*  
11                  *ments of character:*

12                  “(A) *Caring.*

13                  “(B) *Civic virtue and citizenship.*

14                  “(C) *Justice and fairness.*

15                  “(D) *Respect.*

16                  “(E) *Responsibility.*

17                  “(F) *Trustworthiness.*

18                  “(G) *Any other elements deemed appro-*  
19                  *priate by the members of the eligible entity.*

20                  “(2) *ADDITIONAL ELEMENTS OF CHARACTER.—*

21                  *An eligible entity participating under this section*  
22                  *may, after consultation with schools and communities*  
23                  *served by the eligible entity, define additional ele-*  
24                  *ments of character that the eligible entity determines*

1        *to be important to the schools and communities served*  
 2        *by the eligible entity.*

3        “(e) *USE OF FUNDS BY STATE EDUCATIONAL AGENCY*  
 4        *RECIPIENTS.—Of the total funds received in any fiscal year*  
 5        *under this section by an eligible entity that is a State edu-*  
 6        *cational agency—*

7                *“(1) not more than 10 percent of such funds may*  
 8        *be used for administrative purposes; and*

9                *“(2) the remainder of such funds may be used*  
 10        *for—*

11                        *“(A) collaborative initiatives with and be-*  
 12        *tween local educational agencies and schools;*

13                        *“(B) the preparation or purchase of mate-*  
 14        *rials, and teacher training;*

15                        *“(C) grants to local educational agencies or*  
 16        *schools; and*

17                        *“(D) technical assistance and evaluation.*

18        “(f) *SELECTION OF GRANTEES.—*

19                *“(1) CRITERIA.—The Secretary shall select,*  
 20        *through peer review, eligible entities to receive grants*  
 21        *under this section on the basis of the quality of the*  
 22        *applications submitted under subsection (b), taking*  
 23        *into consideration such factors as—*

24                        *“(A) the quality of the activities proposed to*  
 25        *be conducted;*

1           “(B) the extent to which the program fosters  
2           in students the elements of character described in  
3           subsection (d) and the potential for improved  
4           student performance;

5           “(C) the extent and ongoing nature of pa-  
6           rental, student, and community involvement;

7           “(D) the quality of the plan for measuring  
8           and assessing success; and

9           “(E) the likelihood that the goals of the pro-  
10          gram will be realistically achieved.

11          “(2) DIVERSITY OF PROJECTS.—The Secretary  
12          shall approve applications under this section in a  
13          manner that ensures, to the extent practicable, that  
14          programs assisted under this section—

15                 “(A) serve different areas of the Nation, in-  
16                 cluding urban, suburban, and rural areas; and

17                 “(B) serve schools that serve minorities, Na-  
18                 tive Americans, students of limited-English pro-  
19                 ficiency, disadvantaged students, and students  
20                 with disabilities.

21          “(g) PARTICIPATION BY PRIVATE SCHOOL CHILDREN  
22          AND TEACHERS.—Grantees under this section shall provide,  
23          to the extent feasible and appropriate, for the participation  
24          of students and teachers in private elementary and sec-

1 *ondary schools in programs and activities under this sec-*  
2 *tion.*

3 **“SEC. 5703. PROMOTING SCHOLAR-ATHLETE COMPETI-**  
4 **TIONS.**

5 *“(a) IN GENERAL.—The Secretary is authorized to*  
6 *award a grant to a nonprofit organization to reimburse*  
7 *such organization for the costs of conducting scholar-athlete*  
8 *games.*

9 *“(b) PRIORITY.—In awarding the grant under sub-*  
10 *section (a), the Secretary shall give priority to a nonprofit*  
11 *organization that—*

12 *“(1) is described in section 501(c)(3) of, and ex-*  
13 *empt from taxation under section 501(a) of, the Inter-*  
14 *nal Revenue Code of 1986, and is affiliated with a*  
15 *university capable of hosting a large educational, cul-*  
16 *tural, and athletic event that will serve as a national*  
17 *model;*

18 *“(2) has the capability and experience in admin-*  
19 *istering federally funded scholar-athlete games;*

20 *“(3) has the ability to provide matching funds,*  
21 *on a dollar-for-dollar basis, from foundations and the*  
22 *private sector for the purpose of conducting a scholar-*  
23 *athlete program;*

1           “(4) *has the organizational structure and capa-*  
 2           *bility to administer a model scholar-athlete program;*  
 3           *and*

4           “(5) *has the organizational structure and exper-*  
 5           *tise to replicate the scholar-athlete program in var-*  
 6           *ious venues throughout the United States internation-*  
 7           *ally.*

8   **“SEC. 5704. ELEMENTARY SCHOOL COUNSELING DEM-**  
 9           **ONSTRATION.**

10           “(a) *COUNSELING DEMONSTRATION.—*

11           “(1) *IN GENERAL.—The Secretary may award*  
 12           *grants under this section to establish or expand ele-*  
 13           *mentary school counseling programs.*

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

17           “(A) *demonstrate the greatest need for new*  
 18           *or additional counseling services among the chil-*  
 19           *dren in the elementary schools served by the ap-*  
 20           *plicant;*

21           “(B) *propose the most promising and inno-*  
 22           *vative approaches for initiating or expanding el-*  
 23           *ementary school counseling; and*

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

1           “(3) *EQUITABLE DISTRIBUTION.*—*In awarding*  
2           *grants under this section, the Secretary shall ensure*  
3           *an equitable geographic distribution among the re-*  
4           *gions of the United States and among urban, subur-*  
5           *ban, and rural areas.*

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

8           “(5) *MAXIMUM GRANT.*—*A grant under this sec-*  
9           *tion shall not exceed \$400,000 for any fiscal year.*

10          “(b) *APPLICATIONS.*—

11           “(1) *IN GENERAL.*—*Each local educational agen-*  
12           *cy desiring a grant under this section shall submit an*  
13           *application to the Secretary at such time, in such*  
14           *manner, and accompanied by such information as the*  
15           *Secretary may reasonably require.*

16           “(2) *CONTENTS.*—*Each application for a grant*  
17           *under this section shall—*

18                   “(A) *describe the elementary school popu-*  
19                   *lation to be targeted by the program, the par-*  
20                   *ticular personal, social, emotional, educational,*  
21                   *and career development needs of such population,*  
22                   *and the current school counseling resources avail-*  
23                   *able for meeting such needs;*

24                   “(B) *describe the activities, services, and*  
25                   *training to be provided by the program and the*



1           *specific approaches to be used to meet the needs*  
2           *described in subparagraph (A);*

3           “(C) *describe the methods to be used to*  
4           *evaluate the outcomes and effectiveness of the*  
5           *program;*

6           “(D) *describe the collaborative efforts to be*  
7           *undertaken with institutions of higher education,*  
8           *businesses, labor organizations, community*  
9           *groups, social service agencies, and other public*  
10          *or private entities to enhance the program and*  
11          *promote school-linked services integration;*

12          “(E) *describe collaborative efforts with in-*  
13          *stitutions of higher education which specifically*  
14          *seek to enhance or improve graduate programs*  
15          *specializing in the preparation of elementary*  
16          *school counselors, school psychologists, and school*  
17          *social workers;*

18          “(F) *document that the applicant has the*  
19          *personnel qualified to develop, implement, and*  
20          *administer the program;*

21          “(G) *describe how any diverse cultural pop-*  
22          *ulations, if applicable, would be served through*  
23          *the program;*

24          “(H) *assure that the funds made available*  
25          *under this section for any fiscal year will be*

1           *used to supplement and, to the extent prac-*  
2           *ticable, increase the level of funds that would oth-*  
3           *erwise be available from non-Federal sources for*  
4           *the program described in the application, and in*  
5           *no case supplant such funds from non-Federal*  
6           *sources; and*

7           *“(I) assure that the applicant will appoint*  
8           *an advisory board composed of parents, school*  
9           *counselors, school psychologists, school social*  
10          *workers, other pupil services personnel, teachers,*  
11          *school administrators, and community leaders to*  
12          *advise the local educational agency on the design*  
13          *and implementation of the program.*

14          “(c) *USE OF FUNDS.—*

15            “(1) *IN GENERAL.—Grant funds under this sec-*  
16            *tion shall be used to initiate or expand elementary*  
17            *school counseling programs that comply with the re-*  
18            *quirements in paragraph (2).*

19            “(2) *PROGRAM REQUIREMENTS.—Each program*  
20            *assisted under this section shall—*

21            “(A) *be comprehensive in addressing the*  
22            *personal, social, emotional, and educational*  
23            *needs of all students;*

24            “(B) *use a developmental, preventive ap-*  
25            *proach to counseling;*

1           “(C) increase the range, availability, quan-  
2           tity, and quality of counseling services in the ele-  
3           mentary schools of the local educational agency;

4           “(D) expand counseling services only  
5           through qualified school counselors, school psy-  
6           chologists, and school social workers;

7           “(E) use innovative approaches to increase  
8           children’s understanding of peer and family re-  
9           lationships, work and self, decisionmaking, aca-  
10          ademic and career planning, or to improve social  
11          functioning;

12          “(F) provide counseling services that are  
13          well-balanced among classroom group and small  
14          group counseling, individual counseling, and  
15          consultation with parents, teachers, administra-  
16          tors, and other pupil services personnel;

17          “(G) include inservice training for school  
18          counselors, school social workers, school psycholo-  
19          gists, other pupil services personnel, teachers,  
20          and instructional staff;

21          “(H) involve parents of participating stu-  
22          dents in the design, implementation, and evalua-  
23          tion of a counseling program;

24          “(I) involve collaborative efforts with insti-  
25          tutions of higher education, businesses, labor or-

1            *ganizations, community groups, social service*  
2            *agencies, or other public or private entities to en-*  
3            *hance the program and promote school-linked*  
4            *services integration; and*

5            *“(J) evaluate annually the effectiveness and*  
6            *outcomes of the counseling services and activities*  
7            *assisted under this section.*

8            *“(3) REPORT.—The Secretary shall issue a re-*  
9            *port evaluating the programs assisted pursuant to*  
10           *each grant under this subsection at the end of each*  
11           *grant period in accordance with section 10201.*

12           *“(4) DISSEMINATION.—The Secretary shall make*  
13           *the programs assisted under this section available for*  
14           *dissemination, either through the National Diffusion*  
15           *Network or other appropriate means.*

16           *“(5) LIMIT ON ADMINISTRATION.—Not more than*  
17           *five percent of the amounts made available under this*  
18           *section in any fiscal year shall be used for adminis-*  
19           *trative costs to carry out this section.*

20           *“(d) DEFINITIONS.—For purposes of this section:*

21           *“(1) SCHOOL COUNSELOR.—The term ‘school*  
22           *counselor’ means an individual who has documented*  
23           *competence in counseling children and adolescents in*  
24           *a school setting and who—*

1           “(A) possesses State licensure or certifi-  
2           cation granted by an independent professional  
3           regulatory authority;

4           “(B) in the absence of such State licensure  
5           or certification, possesses national certification  
6           in school counseling or a specialty of counseling  
7           granted by an independent professional organi-  
8           zation; or

9           “(C) holds a minimum of a master’s degree  
10          in school counseling from a program accredited  
11          by the Council for Accreditation of Counseling  
12          and Related Educational Programs or the equiv-  
13          alent.

14          “(2) SCHOOL PSYCHOLOGIST.—The term ‘school  
15          psychologist’ means an individual who—

16               “(A) possesses a minimum of 60 graduate  
17               semester hours in school psychology from an in-  
18               stitution of higher education and has completed  
19               1,200 clock hours in a supervised school psy-  
20               chology internship, of which 600 hours shall be  
21               in the school setting;

22               “(B) possesses State licensure or certifi-  
23               cation in school psychology in the State in which  
24               the individual works; or

1           “(C) *in the absence of such State licensure*  
 2           *or certification, possesses national certification*  
 3           *by the National School Psychology Certification*  
 4           *Board.*

5           “(3) *SCHOOL SOCIAL WORKER.*—*The term ‘school*  
 6           *social worker’ means an individual who—*

7                   “(A)(i) *holds a master’s degree in social*  
 8                   *work from a program accredited by the Council*  
 9                   *on Social Work Education; and*

10                   “(ii) *is licensed or certified by the State in*  
 11                   *which services are provided; or*

12                   “(B) *in the absence of such State licensure*  
 13                   *or certification, possesses national certification*  
 14                   *as a school social work specialist granted by an*  
 15                   *independent professional organization.*

16           “(4) *SUPERVISOR.*—*The term ‘supervisor’ means*  
 17           *an individual who has the equivalent number of years*  
 18           *of professional experience in such individual’s respec-*  
 19           *tive discipline as is required of teaching experience*  
 20           *for the supervisor or administrative credential in the*  
 21           *State of such individual.*

22   **“SEC. 5705. SMALLER LEARNING COMMUNITIES.**

23           “(a) *PROGRAM AUTHORIZED.*—

1           “(1) *IN GENERAL.*—*The Secretary may award*  
2           *grants to eligible entities to support the development*  
3           *of smaller learning communities.*

4           “(2) *ELIGIBLE ENTITIES.*—*In this section, the*  
5           *term ‘eligible entity’ means—*

6                   “(A) *a local educational agency;*

7                   “(B) *an elementary or secondary school;*

8                   “(C) *a Bureau funded school; or*

9                   “(D) *any of the entities described in sub-*  
10           *paragraph (A), (B), or (C) in partnership with*  
11           *other public agencies or private nonprofit orga-*  
12           *nizations.*

13           “(b) *APPLICATIONS.*—*A eligible entity desiring a grant*  
14           *under this section shall submit an application to the Sec-*  
15           *retary at such time, in such manner, and accompanied by*  
16           *such information as the Secretary may require. Each such*  
17           *application shall describe—*

18                   “(1) *strategies and methods the applicant will*  
19           *use to create the smaller learning community;*

20                   “(2) *curriculum and instructional practices, in-*  
21           *cluding any particular themes or emphases, to be used*  
22           *in the learning environment;*

23                   “(3) *the extent of involvement of teachers and*  
24           *other school personnel in investigating, designing, im-*

1 *plementing and sustaining the smaller learning com-*  
2 *munity;*

3 *“(4) the process to be used for involving students,*  
4 *parents and other stakeholders in the development*  
5 *and implementation of the smaller learning commu-*  
6 *nity;*

7 *“(5) any cooperation or collaboration among*  
8 *community agencies, organizations, businesses, and*  
9 *others to develop or implement a plan to create the*  
10 *smaller learning community;*

11 *“(6) the training and professional development*  
12 *activities that will be offered to teachers and others*  
13 *involved in the activities assisted under this section;*

14 *“(7) the goals and objectives of the activities as-*  
15 *sisted under this section, including a description of*  
16 *how such activities will better enable all students to*  
17 *reach challenging State content standards and State*  
18 *student performance standards;*

19 *“(8) the methods by which the applicant will as-*  
20 *sess progress in meeting such goals and objectives;*

21 *“(9) if the smaller learning community exists as*  
22 *a school-within-a-school, the relationship, including*  
23 *governance and administration, of the smaller learn-*  
24 *ing community to the rest of the school;*



1           “(10) a description of the administrative and  
2           managerial relationship between the applicant and  
3           the smaller learning community, including how such  
4           applicant will demonstrate a commitment to the con-  
5           tinuity of the smaller learning community, including  
6           the continuity of student and teacher assignment to a  
7           particular learning community;

8           “(11) how the applicant will coordinate or use  
9           funds provided under this section with other funds  
10          provided under this Act or other Federal laws;

11          “(12) grade levels or ages of students who will  
12          participate in the smaller learning community; and

13          “(13) the method of placing students in the  
14          smaller learning community, such that students are  
15          not placed according to ability, performance or any  
16          other measure, so that students are placed at random  
17          or by their own choice, not pursuant to testing or  
18          other judgments.

19          “(c) *AUTHORIZED ACTIVITIES.*—Funds under this sec-  
20          tion may be used—

21                 “(1) to study the feasibility of creating the small-  
22                 er learning community as well as effective and inno-  
23                 vative organizational and instructional strategies that  
24                 will be used in the smaller learning community;

1           “(2) to research, develop and implement strate-  
2           gies for creating the smaller learning community, as  
3           well as effective and innovative changes in cur-  
4           riculum and instruction, geared to high State content  
5           standards and State student performance standards;

6           “(3) to provide professional development for  
7           school staff in innovative teaching methods that chal-  
8           lenge and engage students and will be used in the  
9           smaller learning community; and

10           “(4) to develop and implement strategies to in-  
11           clude parents, business representatives, local institu-  
12           tions of higher education, community-based organiza-  
13           tions, and other community members in the smaller  
14           learning communities, as facilitators of activities that  
15           enable teachers to participate in professional develop-  
16           ment activities, as well as to provide links between  
17           students and their community.

18           “(d) *EVALUATION AND REPORT.*—A recipient of a  
19           grant under this section shall provide the Secretary with  
20           an annual report that contains a description of—

21           “(1) the specific uses of grants funds received  
22           under this section; and

23           “(2) evidence of the impact of the grant on stu-  
24           dent performance and school safety.

1 **“SEC. 5706. NATIONAL STUDENT AND PARENT MOCK ELEC-**  
2 **TION.**

3 *“(a) IN GENERAL.—The Secretary is authorized to*  
4 *award grants to national nonprofit, nonpartisan organiza-*  
5 *tions that work to promote voter participation in American*  
6 *elections to enable such organizations to carry out voter*  
7 *education activities for students and their parents. Such ac-*  
8 *tivities shall—*

9 *“(1) be limited to simulated national elections*  
10 *that permit participation by students and parents*  
11 *from all 50 States in the United States and terri-*  
12 *tories, including Department of Defense Dependent*  
13 *schools and other international locales where United*  
14 *States citizens are based; and*

15 *“(2) consist of—*

16 *“(A) school forums and local cable call-in*  
17 *shows on the national issues to be voted upon in*  
18 *an “issue forum”;*

19 *“(B) speeches and debates before students*  
20 *and parents by local candidates or stand-ins for*  
21 *such candidates;*

22 *“(C) quiz team competitions, mock press*  
23 *conferences and speechwriting competitions;*

24 *“(D) weekly meetings to follow the course of*  
25 *the campaign; or*







1 *ticipate in the programs described in subsection (a). Finan-*  
 2 *cial assistance received pursuant to this subpart by such*  
 3 *individuals shall be known as Allen J. Ellender fellowships.*

4 **“SEC. 5822. APPLICATIONS.**

5       “(a) *APPLICATION REQUIRED.*—No grant under this  
 6 subpart may be made except upon an application at such  
 7 time, in such manner, and accompanied by such informa-  
 8 tion as the Secretary may reasonably require.

9       “(b) *CONTENTS OF APPLICATION.*—Each such applica-  
 10 tion shall contain provisions to assure—

11           “(1) *that fellowship grants are made only to*  
 12 *teachers who have worked with at least one student*  
 13 *from such teacher’s school who participates in the*  
 14 *programs described in section 5811(a);*

15           “(2) *that not more than one teacher in each*  
 16 *school participating in the programs described in sec-*  
 17 *tion 5811(a) may receive a fellowship in any fiscal*  
 18 *year; and*

19           “(3) *the proper disbursement of the funds re-*  
 20 *ceived under this subpart.*

21       **“Subpart 3—Programs for Recent Immigrants,**  
 22 ***Students of Migrant Parents and Older Americans***

23 **“SEC. 5831. ESTABLISHMENT.**

24       “(a) *GENERAL AUTHORITY.*—

1           “(1) *IN GENERAL.*—*The Secretary is authorized*  
2           *to make grants in accordance with the provisions of*  
3           *this subpart to the Close Up Foundation of Wash-*  
4           *ington, District of Columbia, a nonpartisan, non-*  
5           *profit foundation, for the purpose of assisting the*  
6           *Close Up Foundation in carrying out its programs of*  
7           *increasing understanding of the Federal Government*  
8           *among economically disadvantaged older Americans,*  
9           *recent immigrants and students of migrant parents.*

10           “(2) *DEFINITION.*—*For the purpose of this sub-*  
11           *part, the term ‘older American’ means an individual*  
12           *who has attained 55 years of age.*

13           “(b) *USE OF FUNDS.*—*Grants under this subpart shall*  
14           *be used for financial assistance to economically disadvan-*  
15           *tagged older Americans, recent immigrants and students of*  
16           *migrant parents who participate in the programs described*  
17           *in subsection (a). Financial assistance received pursuant*  
18           *to this subpart by such individuals shall be known as Allen*  
19           *J. Ellender fellowships.*

20           “**SEC. 5832. APPLICATIONS.**

21           “(a) *APPLICATION REQUIRED.*—*No grant under this*  
22           *subpart may be made except upon application at such time,*  
23           *in such manner, and accompanied by such information as*  
24           *the Secretary may reasonably require.*



1       “(b) *CONTENTS OF APPLICATION.*—*Except such appli-*  
2 *cation shall contain provisions to assure—*

3               “(1) *that fellowship grants are made to economi-*  
4 *cally disadvantaged older Americans, recent immi-*  
5 *grants and students of migrant parents;*

6               “(2) *that every effort will be made to ensure the*  
7 *participation of older Americans, recent immigrants*  
8 *and students of migrant parents from rural and*  
9 *small town areas, as well as from urban areas, and*  
10 *that in awarding fellowships, special consideration*  
11 *will be given to the participation of older Americans,*  
12 *recent immigrants and students of migrant parents*  
13 *with special needs, including individuals with dis-*  
14 *abilities, ethnic minorities, and gifted and talented*  
15 *students;*

16               “(3) *that activities permitted by subsection (a)*  
17 *are fully described; and*

18               “(4) *the proper disbursement of the funds re-*  
19 *ceived under this subpart.*

20                       **“Subpart 4—General Provisions**

21 **“SEC. 5841. ADMINISTRATIVE PROVISIONS.**

22               “(a) *GENERAL RULE.*—*Payments under this part may*  
23 *be made in installments, in advance, or by way of reim-*  
24 *bursement, with necessary adjustments on account of under-*  
25 *payment or overpayment.*

1       “(b) *AUDIT RULE.*—*The Comptroller General of the*  
 2 *United States or any of the Comptroller General’s duly au-*  
 3 *thorized representatives shall have access for the purpose of*  
 4 *audit and examination to any books, documents, papers,*  
 5 *and records that are pertinent to any grant under this part.*

6       **“SEC. 5842. AUTHORIZATION OF APPROPRIATIONS.**

7       “(a) *IN GENERAL.*—*There are authorized to be appro-*  
 8 *priated to carry out subparts 1, 2, and 3, \$1,500,000 for*  
 9 *fiscal year 2001 and such sums as may be necessary of each*  
 10 *of the 4 succeeding fiscal years.*

11       (b) *SPECIAL RULE.*—*Of the funds appropriated pursu-*  
 12 *ant to subsection (a), not more than 30 percent may be used*  
 13 *for teachers associated with students participating in the*  
 14 *programs described in section 5811(a).*

15       **“PART I—READY-TO-LEARN TELEVISION**

16       **“SEC. 5901. READY-TO-LEARN.**

17       “(a) *IN GENERAL.*—*The Secretary is authorized to*  
 18 *award grants to, or enter into contracts or cooperative*  
 19 *agreements with, eligible entities described in section*  
 20 *5902(b) to develop, produce, and distribute educational and*  
 21 *instructional video programming for preschool and elemen-*  
 22 *tary school children and their parents in order to facilitate*  
 23 *the achievement of America’s Education Goals.*

24       “(b) *AVAILABILITY.*—*In making such grants, con-*  
 25 *tracts, or cooperative agreements under subsection (a), the*

1 *Secretary shall ensure that eligible entities make program-*  
2 *ming widely available, with support materials as appro-*  
3 *priate, to young children, their parents, childcare workers,*  
4 *and Head Start providers to increase the effective use of*  
5 *such programming.*

6 **“SEC. 5902. EDUCATIONAL PROGRAMMING.**

7       “(a) AWARDS.—The Secretary shall award grants,  
8 contracts, or cooperative agreements under section 5901 to  
9 eligible entities to—

10               “(1) facilitate the development directly, or  
11 through contracts with producers of children and fam-  
12 ily educational television programming, of—

13                       “(A) educational programming for preschool  
14 and elementary school children; and

15                       “(B) accompanying support materials and  
16 services that promote the effective use of such  
17 programming;

18               “(2) facilitate the development of programming  
19 and digital content especially designed for nationwide  
20 distribution over public television stations’ digital  
21 broadcasting channels and the Internet, containing  
22 Ready to Learn-based children’s programming and  
23 resources for parents and caregivers; and

24               “(3) enable eligible entities to contract with enti-  
25 ties (such as public telecommunications entities and

1       *those funded under the Star Schools Act) so that pro-*  
2       *grams developed under this section are disseminated*  
3       *and distributed—*

4               “(A) *to the widest possible audience appro-*  
5               *priate to be served by the programming; and*

6               “(B) *by the most appropriate distribution*  
7               *technologies.*

8       “(b) *ELIGIBLE ENTITIES.—To be eligible to receive a*  
9       *grant, contract, or cooperative agreement under subsection*  
10       *(a), an entity shall be—*

11               “(1) *a public telecommunications entity that is*  
12               *able to demonstrate a capacity for the development*  
13               *and national distribution of educational and instruc-*  
14               *tional television programming of high quality for pre-*  
15               *school and elementary school children; and*

16               “(2) *able to demonstrate a capacity to contract*  
17               *with the producers of children’s television program-*  
18               *ming for the purpose of developing educational tele-*  
19               *vision programming of high quality for preschool and*  
20               *elementary school children.*

21       “(c) *CULTURAL EXPERIENCES.—Programming devel-*  
22       *oped under this section shall reflect the recognition of di-*  
23       *verse cultural experiences and the needs and experiences of*  
24       *both boys and girls in engaging and preparing young chil-*  
25       *dren for schooling.*

1 **“SEC. 5903. DUTIES OF SECRETARY.**

2 *“In carrying out this part, the Secretary may—*

3 *“(1) award grants, contracts, or cooperative*  
4 *agreements to eligible entities described in section*  
5 *5902(b), local public television stations, or such pub-*  
6 *lic television stations that are part of a consortium*  
7 *with 1 or more State educational agencies, local edu-*  
8 *cational agencies, local schools, institutions of higher*  
9 *education, or community-based organizations of dem-*  
10 *onstrated effectiveness, for the purpose of—*

11 *“(A) addressing the learning needs of young*  
12 *children in limited English proficient house-*  
13 *holds, and developing appropriate educational*  
14 *and instructional television programming to fos-*  
15 *ter the school readiness of such children;*

16 *“(B) developing programming and support*  
17 *materials to increase family literacy skills*  
18 *among parents to assist parents in teaching their*  
19 *children and utilizing educational television pro-*  
20 *gramming to promote school readiness; and*

21 *“(C) identifying, supporting, and enhanc-*  
22 *ing the effective use and outreach of innovative*  
23 *programs that promote school readiness; and*

24 *“(D) developing and disseminating training*  
25 *materials, including—*

1           “(i) *interactive programs and pro-*  
2           *grams adaptable to distance learning tech-*  
3           *nologies that are designed to enhance knowl-*  
4           *edge of children’s social and cognitive skill*  
5           *development and positive adult-child inter-*  
6           *actions; and*

7           “(ii) *support materials to promote the*  
8           *effective use of materials developed under*  
9           *subparagraph (B) among parents, Head*  
10          *Start providers, in-home and center-based*  
11          *daycare providers, early childhood develop-*  
12          *ment personnel, elementary school teachers,*  
13          *public libraries, and after- school program*  
14          *personnel caring for preschool and elemen-*  
15          *tary school children;*

16          “(2) *establish within the Department a clearing-*  
17          *house to compile and provide information, referrals,*  
18          *and model program materials and programming ob-*  
19          *tained or developed under this part to parents, child*  
20          *care providers, and other appropriate individuals or*  
21          *entities to assist such individuals and entities in ac-*  
22          *cessing programs and projects under this part; and*

23          “(3) *coordinate activities assisted under this*  
24          *part with the Secretary of Health and Human Serv-*  
25          *ices in order to—*

1           “(A) maximize the utilization of quality  
2           educational programming by preschool and ele-  
3           mentary school children, and make such pro-  
4           gramming widely available to federally funded  
5           programs serving such populations; and

6           “(B) provide information to recipients of  
7           funds under Federal programs that have major  
8           training components for early childhood develop-  
9           ment, including programs under the Head Start  
10          Act and Even Start, and State training activi-  
11          ties funded under the Child Care and Develop-  
12          ment Block Grant Act of 1990, regarding the  
13          availability and utilization of materials devel-  
14          oped under paragraph (1)(D) to enhance parent  
15          and child care provider skills in early childhood  
16          development and education.

17 **“SEC. 5904. APPLICATIONS.**

18          “Each entity desiring a grant, contract, or cooperative  
19          agreement under section 5901 or 5903 shall submit an ap-  
20          plication to the Secretary at such time, in such manner,  
21          and accompanied by such information as the Secretary  
22          may reasonably require.

23 **“SEC. 5905. REPORTS AND EVALUATION.**

24          “(a) *ANNUAL REPORT TO THE SECRETARY.*—An eligi-  
25          ble entity receiving funds under a grant, contract or cooper-

1 *ative agreement under section 5901 shall prepare and sub-*  
2 *mit to the Secretary an annual report that contains such*  
3 *information as the Secretary may require. At a minimum,*  
4 *the report shall describe the program activities undertaken*  
5 *with funds received under such grant, contract or coopera-*  
6 *tive agreement, including—*

7           “(1) *the programming that has been developed*  
8 *directly or indirectly by the eligible entity, and the*  
9 *target population of the programs developed;*

10           “(2) *the support materials that have been devel-*  
11 *oped to accompany the programming, and the method*  
12 *by which such materials are distributed to consumers*  
13 *and users of the programming;*

14           “(3) *the means by which programming developed*  
15 *under this section has been distributed, including the*  
16 *distance learning technologies that have been utilized*  
17 *to make programming available and the geographic*  
18 *distribution achieved through such technologies; and*

19           “(4) *the initiatives undertaken by the eligible en-*  
20 *tity to develop public-private partnerships to secure*  
21 *non-Federal support for the development, distribution*  
22 *and broadcast of educational and instructional pro-*  
23 *gramming.*



1       “(b) *REPORT TO CONGRESS.*—*The Secretary shall pre-*  
2 *pare and submit to the relevant committees of Congress a*  
3 *biannual report that shall include—*

4               “(1) *a summary of activities assisted under sec-*  
5 *tion 5902(a); and*

6               “(2) *a description of the training materials*  
7 *made available under section 5903(1)(D), the manner*  
8 *in which outreach has been conducted to inform par-*  
9 *ents and childcare providers of the availability of*  
10 *such materials, and the manner in which such mate-*  
11 *rials have been distributed in accordance with such*  
12 *section.*

13 **“SEC. 5906. ADMINISTRATIVE COSTS.**

14       “*With respect to the implementation of section 5902,*  
15 *eligible entities receiving a grant, contract, or cooperative*  
16 *agreement from the Secretary may use not more than 5 per-*  
17 *cent of the amounts received under such grant, contract, or*  
18 *cooperative agreement for the normal and customary ex-*  
19 *penses of administering the grant, contract, or cooperative*  
20 *agreement.*

21 **“SEC. 5907. DEFINITION.**

22       “*For the purposes of this part, the term ‘distance*  
23 *learning’ means the transmission of educational or instruc-*  
24 *tional programming to geographically dispersed individ-*  
25 *uals and groups via telecommunications.*



1 of books, by gift, to the extent feasible, or loan, to chil-  
2 dren from birth through secondary school age, includ-  
3 ing those in family literacy programs;

4 “(2) provide that funds made available to sub-  
5 contractors will be used only to pay the Federal share  
6 of the cost of such programs;

7 “(3) provide that in selecting subcontractors for  
8 initial funding, the contractor will give priority to  
9 programs that will serve a substantial number or per-  
10 centage of children with special needs, such as—

11 “(A) low-income children, particularly in  
12 high-poverty areas;

13 “(B) children at risk of school failure;

14 “(C) children with disabilities;

15 “(D) foster children;

16 “(E) homeless children;

17 “(F) migrant children;

18 “(G) children without access to libraries;

19 “(H) institutionalized or incarcerated chil-  
20 dren; and

21 “(I) children whose parents are institu-  
22 tionalized or incarcerated;

23 “(4) provide that the contractor will provide  
24 such technical assistance to subcontractors as may be  
25 necessary to carry out the purpose of this section;

1           “(5) provide that the contractor will annually  
2           report to the Secretary the number of, and describe,  
3           programs funded under paragraph (3); and

4           “(6) include such other terms and conditions as  
5           the Secretary determines to be appropriate to ensure  
6           the effectiveness of such programs.

7           “(c) *RESTRICTION ON PAYMENTS.*—The Secretary  
8           shall make no payment of the Federal share of the cost of  
9           acquiring and distributing books under any contract under  
10          this section unless the Secretary determines that the con-  
11          tractor or subcontractor, as the case may be, has made ar-  
12          rangements with book publishers or distributors to obtain  
13          books at discounts at least as favorable as discounts that  
14          are customarily given by such publisher or distributor for  
15          book purchases made under similar circumstances in the  
16          absence of Federal assistance.

17          “(d) *DEFINITION OF ‘FEDERAL SHARE’.*—For the pur-  
18          pose of this section, the term ‘Federal share’ means, with  
19          respect to the cost to a subcontractor of purchasing books  
20          to be paid under this section, 75 percent of such costs to  
21          the subcontractor, except that the Federal share for pro-  
22          grams serving children of migrant or seasonal farmworkers  
23          shall be 100 percent of such costs to the subcontractor.

24          “(e) *AUTHORIZATION OF APPROPRIATIONS.*—For the  
25          purpose of carrying out this section, there are authorized

1 to be appropriated \$25,000,000 for fiscal year 2001 and  
 2 such sums as may be necessary for each of the four suc-  
 3 ceeding fiscal years.”.

4           **PART F—TECHNICAL AND CONFORMING**  
 5   **AMENDMENTS**

6 **SEC. 561. TECHNICAL AND CONFORMING AMENDMENTS.**

7           (a) *GENERAL EDUCATION PROVISIONS ACT.*—Section  
 8 441(a) of the General Education Provisions Act (20 U.S.C.  
 9 1232d(a)) is amended by striking “shall submit (subject”  
 10 and all that follows through “to the Secretary” and insert-  
 11 ing “shall submit to the Secretary”.

12           (b) *SCHOOL-TO-WORK OPPORTUNITIES ACT OF*  
 13 *1994.*—Section 502(b)(3) of the School-to-Work Opportuni-  
 14 ties Act of 1994 (20 U.S.C. 6212(b)(3)) is amended by strik-  
 15 ing “part A of title V” and inserting “part C of title V”.

16           (c) *TITLE 31, UNITED STATES CODE.*—Section 6703  
 17 of title 31, United States Code is amended by striking para-  
 18 graph (1).

19   **TITLE VI—INNOVATIVE**  
 20   **EDUCATION**

21 **SEC. 601. INNOVATIVE EDUCATION.**

22           Title VI (20 U.S.C. 7301 et seq.) is amended to read  
 23 as follows:

1                   **“TITLE VI—INNOVATIVE**  
2                                   **EDUCATION**

3           **“PART A—INNOVATIVE EDUCATION PROGRAM**  
4                                   **STRATEGIES**

5   **“SEC. 6101. PURPOSE; STATE AND LOCAL RESPONSIBILITY.**

6           “(a) *PURPOSE.*—*The purpose of this part is—*

7                   “(1) *to support local education reform efforts*  
8                   *that are consistent with and support statewide edu-*  
9                   *cation reform efforts;*

10                   “(2) *to support State and local efforts to accom-*  
11                   *plish America’s Education Goals;*

12                   “(3) *to provide funding to enable State and local*  
13                   *educational agencies to implement promising edu-*  
14                   *cational reform strategies;*

15                   “(4) *to provide a continuing source of innova-*  
16                   *tion and educational improvement, including support*  
17                   *for library services and instructional and media ma-*  
18                   *terials; and*

19                   “(5) *to develop and implement education pro-*  
20                   *grams to improve school, student, and teacher per-*  
21                   *formance, including professional development activi-*  
22                   *ties and class size reduction programs.*

23           “(b) *STATE AND LOCAL RESPONSIBILITY.*—*The basic*  
24           *responsibility for the administration of funds made avail-*  
25           *able under this part is within the State educational agen-*

1 *cies, but it is the intent of Congress that the responsibility*  
 2 *be carried out with a minimum of paperwork and that the*  
 3 *responsibility for the design and implementation of pro-*  
 4 *grams assisted under this part will be mainly that of local*  
 5 *educational agencies, school superintendents and prin-*  
 6 *cipals, and classroom teachers and supporting personnel,*  
 7 *because such agencies and individuals have the most direct*  
 8 *contact with students and are most likely to be able to de-*  
 9 *sign programs to meet the educational needs of students in*  
 10 *their own school districts.*

11 **“SEC. 6102. AUTHORIZATION OF APPROPRIATIONS; DURA-**  
 12 **TION OF ASSISTANCE.**

13 *“(a) AUTHORIZATION.—To carry out the purposes of*  
 14 *this part, there are authorized to be appropriated*  
 15 *\$850,000,000 for fiscal year 2001 and such sums as may*  
 16 *be necessary for each of the four succeeding fiscal years.*

17 *“(b) DURATION OF ASSISTANCE.—During the period*  
 18 *beginning October 1, 2001, and ending September 30, 2006,*  
 19 *the Secretary shall, in accordance with the provisions of*  
 20 *this part, make payments to State educational agencies for*  
 21 *the purpose of this part.*

22 **“SEC. 6103. DEFINITION OF EFFECTIVE SCHOOLS PROGRAM.**

23 *“In this part the term ‘effective schools program’*  
 24 *means a school-based program that—*

1           “(1) may encompass preschool through secondary  
2 school levels; and

3           “(2) has the objectives of—

4                 “(A) promoting school-level planning, in-  
5 structional improvement, and staff development  
6 for all personnel;

7                 “(B) increasing the academic performance  
8 levels of all children and particularly education-  
9 ally disadvantaged children; and

10                 “(C) achieving as an ongoing condition in  
11 the school the following factors identified through  
12 effective schools research:

13                         “(i) Strong and effective administra-  
14 tive and instructional leadership.

15                         “(ii) A safe and orderly school environ-  
16 ment that enables teachers and students to  
17 focus on academic performance.

18                         “(iii) Continuous assessment of stu-  
19 dents and initiatives to evaluate instruc-  
20 tional techniques.

21           **“Subpart 1—State and Local Programs**

22           **“SEC. 6111. ALLOTMENT TO STATES.**

23                 “(a) RESERVATIONS.—From the sums appropriated to  
24 carry out this part in any fiscal year, the Secretary shall  
25 reserve not more than one percent for payments to outlying



1 *areas to be allotted in accordance with their respective*  
 2 *needs.*

3       “(b) *ALLOTMENT.*—*From the remainder of such sums,*  
 4 *the Secretary shall allot to each State an amount which*  
 5 *bears the same ratio to the amount of such remainder as*  
 6 *the school-age population of the State bears to the school-*  
 7 *age population of all States, except that no State shall re-*  
 8 *ceive less than an amount equal to one-half of one percent*  
 9 *of such remainder.*

10       “(c) *DEFINITIONS.*—*In this subpart:*

11               “(1) *SCHOOL-AGE POPULATION.*—*The term*  
 12 *‘school-age population’ means the population aged 5*  
 13 *through 17.*

14               “(2) *STATE.*—*The term ‘State’ includes the 50*  
 15 *States of the United States, the District of Columbia,*  
 16 *and the Commonwealth of Puerto Rico.*

17 **“SEC. 6112. ALLOCATION TO LOCAL EDUCATIONAL AGEN-**  
 18 **CIES.**

19       “(a) *FORMULA.*—*From the sums made available each*  
 20 *year to carry out this part, the State educational agency*  
 21 *shall distribute not less than 85 percent to local educational*  
 22 *agencies within such State according to the relative enroll-*  
 23 *ments in public and private elementary schools and sec-*  
 24 *ondary schools within the school districts of such agencies,*  
 25 *adjusted, in accordance with criteria approved by the Sec-*

1 *retary, to provide higher per pupil allocations to local edu-*  
 2 *cational agencies serving the greatest numbers or percent-*  
 3 *ages of children whose education imposes a higher than av-*  
 4 *erage cost per child, such as—*

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

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

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

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

10           “(1) *IN GENERAL.—The calculation of relative*  
 11 *enrollments under subsection (a) shall be on the basis*  
 12 *of the total of—*

13           “(A) *the number of children enrolled in*  
 14 *public schools; and*

15           “(B) *the number of children enrolled in pri-*  
 16 *vate nonprofit schools that desire that their chil-*  
 17 *dren participate in programs or projects assisted*  
 18 *under this part, for the fiscal year preceding the*  
 19 *fiscal year for which the determination is made.*

20           “(2) *CONSTRUCTION.—Nothing in this subsection*  
 21 *shall diminish the responsibility of local educational*  
 22 *agencies to contact, on an annual basis, appropriate*  
 23 *officials from private nonprofit schools within the*  
 24 *areas served by such agencies in order to determine*

1       *whether such schools desire that their children partici-*  
2       *cate in programs assisted under this part.*

3           “(3) *ADJUSTMENTS.*—

4           “(A) *IN GENERAL.*—*Relative enrollments*  
5       *under subsection (a) shall be adjusted, in accord-*  
6       *ance with criteria approved by the Secretary*  
7       *under subparagraph (B), to provide higher per*  
8       *pupil allocations only to local educational agen-*  
9       *cies which serve the greatest numbers or percent-*  
10       *ages of—*

11           “(i) *children living in areas with high*  
12       *concentrations of low-income families;*

13           “(ii) *children from low-income fami-*  
14       *lies; or*

15           “(iii) *children living in sparsely popu-*  
16       *lated areas.*

17           “(B) *CRITERIA.*—*The Secretary shall review*  
18       *criteria submitted by a State educational agency*  
19       *for adjusting allocations under subparagraph (A)*  
20       *and shall approve such criteria only if the Sec-*  
21       *retary determines that such criteria are reason-*  
22       *ably calculated to produce an adjusted allocation*  
23       *that reflects the relative needs within the State’s*  
24       *local educational agencies based on the factors set*  
25       *forth in subparagraph (A).*

1       “(c) *PAYMENT OF ALLOCATIONS.*—

2               “(1) *DISTRIBUTION.*—*From the funds paid to a*  
3       *State educational agency pursuant to section 6111 for*  
4       *a fiscal year, a State educational agency shall dis-*  
5       *tribute to each eligible local educational agency which*  
6       *has submitted an application as required in section*  
7       *6133 the amount of such local educational agency’s*  
8       *allocation as determined under subsection (a).*

9               “(2) *ADDITIONAL FUNDS.*—

10              “(A) *IN GENERAL.*—*Additional funds re-*  
11       *sulting from higher per pupil allocations pro-*  
12       *vided to a local educational agency on the basis*  
13       *of adjusted enrollments of children described in*  
14       *subsection (a), may, at the discretion of the local*  
15       *educational agency, be allocated for expenditures*  
16       *to provide services for children enrolled in public*  
17       *and private nonprofit schools in direct propor-*  
18       *tion to the number of children described in sub-*  
19       *section (a) and enrolled in such schools within*  
20       *the local educational agency.*

21              “(B) *REQUIREMENT.*—*In any fiscal year,*  
22       *any local educational agency that elects to allo-*  
23       *cate such additional funds in the manner de-*  
24       *scribed in subparagraph (A) shall allocate all*

1           *additional funds to schools within the local edu-*  
 2           *cational agency in such manner.*

3           “(C) *CONSTRUCTION.*—*The provisions of*  
 4           *subparagraphs (A) and (B) may not be con-*  
 5           *strued to require any school to limit the use of*  
 6           *such additional funds to the provision of services*  
 7           *to specific students or categories of students.*

8                           **“Subpart 2—State Programs**

9           **“SEC. 6121. STATE USES OF FUNDS.**

10           “(a) *AUTHORIZED ACTIVITIES.*—*A State educational*  
 11           *agency may use funds made available for State use under*  
 12           *this part only for—*

13                       “(1) *State administration of programs under*  
 14           *this part including—*

15                           “(A) *supervision of the allocation of funds*  
 16           *to local educational agencies;*

17                           “(B) *planning, supervision, and processing*  
 18           *of State funds; and*

19                           “(C) *monitoring and evaluation of pro-*  
 20           *grams and activities under this part;*

21                       “(2) *support for planning, designing, and initial*  
 22           *implementation of charter schools as described in part*  
 23           *D of title V;*

24                       “(3) *support for designing and implementation*  
 25           *of high-quality yearly student assessments;*

1           “(4) support for implementation of State and  
2           local standards; and

3           “(5) technical assistance and direct grants to  
4           local educational agencies and statewide education re-  
5           form activities including effective schools programs  
6           which assist local educational agencies to provide tar-  
7           geted assistance.

8           “(b) *LIMITATIONS AND REQUIREMENTS.*—Not more  
9           than 15 percent of funds available for State programs under  
10          this part in any fiscal year may be used for State adminis-  
11          tration under subsection (a)(1).

12          **“SEC. 6122. STATE APPLICATIONS.**

13          “(a) *APPLICATION REQUIREMENTS.*—Any State which  
14          desires to receive assistance under this part shall submit  
15          to the Secretary an application which—

16                  “(1) designates the State educational agency as  
17                  the State agency responsible for administration and  
18                  supervision of programs assisted under this part;

19                  “(2) provides for a biennial submission of data  
20                  on the use of funds, the types of services furnished,  
21                  and the students served under this part;

22                  “(3) sets forth the allocation of such funds re-  
23                  quired to implement section 6142;

24                  “(4) provides that the State educational agency  
25                  will keep such records and provide such information

1       to the Secretary as may be required for fiscal audit  
2       and program evaluation (consistent with the respon-  
3       sibilities of the Secretary under this section);

4               “(5) provides assurances that, apart from tech-  
5       nical and advisory assistance and monitoring compli-  
6       ance with this part, the State educational agency has  
7       not exercised and will not exercise any influence in  
8       the decisionmaking processes of local educational  
9       agencies as to the expenditure made pursuant to an  
10      application under section 6133;

11              “(6) contains assurances that there is compliance  
12      with the specific requirements of this part; and

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

16      “(b) *PERIOD OF APPLICATION.*—An application filed  
17      by the State under subsection (a) shall be for a period not  
18      to exceed three years, and may be amended annually as  
19      may be necessary to reflect changes without filing a new  
20      application.

21      “(c) *AUDIT RULE.*—A local educational agency that  
22      receives less than an average of \$10,000 under this part  
23      for 3 fiscal years shall not be audited more frequently than  
24      once every 5 years.

1    **“Subpart 3—Local Innovative Education Programs**

2    **“SEC. 6131. TARGETED USE OF FUNDS.**

3           “(a) *GENERAL RULE.*—*Funds made available to local*  
4 *educational agencies under section 6112 shall be used for*  
5 *innovative assistance described in subsection (b).*

6           “(b) *INNOVATIVE ASSISTANCE.*—

7               “(1) *IN GENERAL.*—*The innovative assistance*  
8 *programs referred to in subsection (a) include—*

9                       “(A) *programs for the acquisition and use*  
10 *of instructional and educational materials, in-*  
11 *cluding library services and materials (including*  
12 *media materials), assessments, and other cur-*  
13 *ricular materials that—*

14                               “(B) *programs to improve teaching and*  
15 *learning, including professional development ac-*  
16 *tivities, that are consistent with comprehensive*  
17 *State and local systemic education reform efforts;*

18                                       “(C) *activities that encourage and expand*  
19 *improvements throughout the local educational*  
20 *agency that are designed to advance student per-*  
21 *formance;*

22   “(D) *initiatives to generate, maintain, and*  
23 *strengthen parental and community involvement,*  
24 *including initiatives creating activities for*  
25 *school-age children and activities to meet the*



1           *educational needs of children aged birth through*  
2           *5;*

3           “(E) *programs to recruit, hire, and train*  
4           *certified teachers (including teachers certified*  
5           *through State and local alternative routes) in*  
6           *order to reduce class size;*

7           “(F) *programs to improve the academic*  
8           *performance of educationally disadvantaged ele-*  
9           *mentary school and secondary school students,*  
10          *including activities to prevent students from*  
11          *dropping out of school;*

12          “(G) *programs and activities that expand*  
13          *learning opportunities through best practice*  
14          *models designed to improve classroom learning*  
15          *and teaching;*

16          “(H) *programs to combat both student and*  
17          *parental illiteracy;*

18          “(I) *technology activities related to the im-*  
19          *plementation of school-based reform efforts, in-*  
20          *cluding professional development to assist teach-*  
21          *ers and other school personnel (including school*  
22          *library media personnel) regarding how to effec-*  
23          *tively use technology in the classrooms and the*  
24          *school library media centers involved;*

1           “(J) school improvement programs or ac-  
2           tivities under section 1116 or 1117;

3           “(K) programs to provide for the edu-  
4           cational needs of gifted and talented children;

5           “(L) programs to provide same gender  
6           schools and classrooms, if equal educational op-  
7           portunities are made available to students of  
8           both sexes, consistent with the Constitution of the  
9           United States of America;

10           “(M) service learning activities; and

11           “(N) school safety programs.

12           “(2) REQUIREMENTS.—The innovative assistance  
13           programs referred to in subsection (a) shall be—

14           “(A) tied to promoting high academic  
15           standards;

16           “(B) used to improve student performance;  
17           and

18           “(C) part of an overall education reform  
19           strategy.

20   **“SEC. 6132. ADMINISTRATIVE AUTHORITY.**

21           *“In order to conduct the activities authorized by this*  
22           *part, each State or local educational agency may use funds*  
23           *made available under this part to make grants to and to*  
24           *enter into contracts with local educational agencies, institu-*  
25           *tions of higher education, libraries, museums, and other*

1 *public and private nonprofit agencies, organizations, and*  
2 *institutions.*

3 **“SEC. 6133. LOCAL APPLICATIONS.**

4       “(a) *CONTENTS OF APPLICATION.*—*A local educational*  
5 *agency or consortium of such agencies may receive an allo-*  
6 *cation of funds under this part for any year for which an*  
7 *application is submitted to the State educational agency*  
8 *and such application is certified to meet the requirements*  
9 *of this section. The State educational agency shall certify*  
10 *any such application if such application—*

11               “(1)(A) *sets forth the planned allocation of funds*  
12 *among innovative assistance programs described in*  
13 *section 6131 and describes the programs, projects, and*  
14 *activities designed to carry out such innovative assist-*  
15 *ance which the local educational agency intends to*  
16 *support, together with the reasons for the selection of*  
17 *such programs, projects, and activities; and*

18               “(B) *sets forth the allocation of such funds re-*  
19 *quired to implement section 6142;*

20               “(2) *describes how assistance under this part*  
21 *will contribute to meeting America’s Education Goals*  
22 *and improving student achievement or improving the*  
23 *quality of education for students;*

24               “(3) *provides assurances of compliance with the*  
25 *provisions of this part, including the participation of*

1 *children enrolled in private, nonprofit schools in ac-*  
2 *cordance with section 6142;*

3 *“(4) agrees to keep such records, and provide*  
4 *such information to the State educational agency as*  
5 *reasonably may be required for fiscal audit and pro-*  
6 *gram evaluation, consistent with the responsibilities*  
7 *of the State educational agency under this part; and*

8 *“(5) provides in the allocation of funds for the*  
9 *assistance authorized by this part, and in the design,*  
10 *planning, and implementation of such programs, for*  
11 *systematic consultation with parents of children at-*  
12 *tending elementary schools and secondary schools in*  
13 *the area served by the local educational agency, with*  
14 *teachers and administrative personnel in such schools,*  
15 *and with other groups involved in the implementation*  
16 *of this part (such as librarians, school counselors, and*  
17 *other pupil services personnel) as may be considered*  
18 *appropriate by the local educational agency.*

19 *“(b) PERIOD OF APPLICATION.—An application filed*  
20 *by a local educational agency under subsection (a) shall be*  
21 *for a period not to exceed three fiscal years, may provide*  
22 *for the allocation of funds to programs for a period of three*  
23 *years, and may be amended annually as may be necessary*  
24 *to reflect changes without filing a new application.*

1       “(c) *LOCAL EDUCATIONAL AGENCY DISCRETION.*—  
 2 *Subject to the limitations and requirements of this part,*  
 3 *a local educational agency shall have complete discretion*  
 4 *in determining how funds under this subpart shall be di-*  
 5 *vided among the areas of targeted assistance. In exercising*  
 6 *such discretion, a local educational agency shall ensure that*  
 7 *expenditures under this subpart carry out the purposes of*  
 8 *this part and are used to meet the educational needs within*  
 9 *the schools of such local educational agency.*

10       **“Subpart 4—General Administrative Provisions**

11       **“SEC. 6141. MAINTENANCE OF EFFORT; FEDERAL FUNDS**  
 12                                   **SUPPLEMENTARY.**

13       “(a) *MAINTENANCE OF EFFORT.*—

14               “(1) *IN GENERAL.*—*Except as provided in para-*  
 15 *graph (2), a State is entitled to receive its full alloca-*  
 16 *tion of funds under this part for any fiscal year if*  
 17 *the Secretary finds that either the combined fiscal ef-*  
 18 *fort per student or the aggregate expenditures within*  
 19 *the State with respect to the provision of free public*  
 20 *education for the fiscal year preceding the fiscal year*  
 21 *for which the determination is made was not less*  
 22 *than 90 percent of such combined fiscal effort or ag-*  
 23 *gregate expenditures for the second fiscal year pre-*  
 24 *ceding the fiscal year for which the determination is*  
 25 *made.*

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

11           “(3) *WAIVERS.*—*The Secretary may waive, for*  
12          *one fiscal year only, the requirements of this section*  
13          *if the Secretary determines that such a waiver would*  
14          *be equitable due to exceptional or uncontrollable cir-*  
15          *cumstances such as a natural disaster or a precipi-*  
16          *tous and unforeseen decline in the financial resources*  
17          *of the State.*

18           “(b) *FEDERAL FUNDS SUPPLEMENTARY.*—*A State or*  
19          *local educational agency may use and allocate funds re-*  
20          *ceived under this part only so as to supplement and, to*  
21          *the extent practical, increase the level of funds that would,*  
22          *in the absence of Federal funds made available under this*  
23          *part, be made available from non-Federal sources, and in*  
24          *no case may such funds be used so as to supplant funds*  
25          *from non-Federal sources.*

1 **“SEC. 6142. PARTICIPATION OF CHILDREN ENROLLED IN**  
2 **PRIVATE SCHOOLS.**

3 “(a) *PARTICIPATION ON EQUITABLE BASIS.—*

4       “(1) *IN GENERAL.—To the extent consistent with*  
5 *the number of children in the school district of a local*  
6 *educational agency which is eligible to receive funds*  
7 *under this part or which serves the area in which a*  
8 *program or project assisted under this part is located*  
9 *who are enrolled in private nonprofit elementary and*  
10 *secondary schools, or with respect to instructional or*  
11 *personnel training programs funded by the State edu-*  
12 *cational agency from funds made available for State*  
13 *use, such agency, after consultation with appropriate*  
14 *private school officials, shall provide for the benefit of*  
15 *such children in such schools secular, neutral, and*  
16 *nonideological services, materials, and equipment, in-*  
17 *cluding the participation of the teachers of such chil-*  
18 *dren (and other educational personnel serving such*  
19 *children) in training programs, and the repair,*  
20 *minor remodeling, or construction of public facilities*  
21 *as may be necessary for their provision (consistent*  
22 *with subsection (c) of this section), or, if such services,*  
23 *materials, and equipment are not feasible or nec-*  
24 *essary in one or more such private schools as deter-*  
25 *mined by the local educational agency after consulta-*  
26 *tion with the appropriate private school officials,*

1       *shall provide such other arrangements as will assure*  
2       *equitable participation of such children in the pur-*  
3       *poses and benefits of this part.*

4               “(2) *OTHER PROVISIONS FOR SERVICES.*—*If no*  
5       *program or project is carried out under paragraph*  
6       *(1) in the school district of a local educational agen-*  
7       *cy, the State educational agency shall make arrange-*  
8       *ments, such as through contracts with nonprofit agen-*  
9       *cies or organizations, under which children in private*  
10       *schools in such district are provided with services and*  
11       *materials to the extent that would have occurred if the*  
12       *local educational agency had received funds under*  
13       *this part.*

14               “(3) *APPLICATION OF REQUIREMENTS.*—*The re-*  
15       *quirements of this section relating to the participa-*  
16       *tion of children, teachers, and other personnel serving*  
17       *such children shall apply to programs and projects*  
18       *carried out under this part by a State or local edu-*  
19       *cational agency, whether directly or through grants to*  
20       *or contracts with other public or private agencies, in-*  
21       *stitutions, or organizations.*

22               “(b) *EQUAL EXPENDITURES.*—*Expenditures for pro-*  
23       *grams pursuant to subsection (a) shall be equal (consistent*  
24       *with the number of children to be served) to expenditures*  
25       *for programs under this part for children enrolled in the*



1 *public schools of the local educational agency, taking into*  
2 *account the needs of the individual children and other fac-*  
3 *tors which relate to such expenditures, and when funds*  
4 *available to a local educational agency under this part are*  
5 *used to concentrate programs or projects on a particular*  
6 *group, attendance area, or grade or age level, children en-*  
7 *rolled in private schools who are included within the group,*  
8 *attendance area, or grade or age level selected for such con-*  
9 *centration shall, after consultation with the appropriate*  
10 *private school officials, be assured equitable participation*  
11 *in the purposes and benefits of such programs or projects.*

12       “(c) *FUNDS.*—

13               “(1) *ADMINISTRATION OF FUNDS AND PROP-*  
14 *ERTY.*—*The control of funds provided under this part,*  
15 *and title to materials, equipment, and property re-*  
16 *paired, remodeled, or constructed with such funds,*  
17 *shall be in a public agency for the uses and purposes*  
18 *provided in this part, and a public agency shall ad-*  
19 *minister such funds and property.*

20               “(2) *PROVISION OF SERVICES.*—*The provision of*  
21 *services pursuant to this part shall be provided by*  
22 *employees of a public agency or through contract by*  
23 *such public agency with a person, an association,*  
24 *agency, or corporation who or which, in the provision*  
25 *of such services, is independent of such private school*

1       *and of any religious organizations, and such employ-*  
2       *ment or contract shall be under the control and super-*  
3       *vision of such public agency, and the funds provided*  
4       *under this part shall not be commingled with State*  
5       *or local funds.*

6       “(d) *STATE PROHIBITION WAIVER.—If by reason of*  
7       *any provision of law a State or local educational agency*  
8       *is prohibited from providing for the participation in pro-*  
9       *grams of children enrolled in private elementary schools*  
10       *and secondary schools, as required by this section, the Sec-*  
11       *retary shall waive such requirements and shall arrange for*  
12       *the provision of services to such children through arrange-*  
13       *ments which shall be subject to the requirements of this sec-*  
14       *tion.*

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

16               “(1) *FAILURE TO COMPLY.—If the Secretary de-*  
17       *termines that a State or a local educational agency*  
18       *has substantially failed or is unwilling to provide for*  
19       *the participation on an equitable basis of children en-*  
20       *rolled in private elementary schools and secondary*  
21       *schools as required by this section, the Secretary may*  
22       *waive such requirements and shall arrange for the*  
23       *provision of services to such children through arrange-*  
24       *ments which shall be subject to the requirements of*  
25       *this section.*

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

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

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

20          “(h) *REVIEW.*—

21                 “(1) *WRITTEN OBJECTIONS.*—*The Secretary shall*  
22                 *not take any final action under this section until the*  
23                 *State educational agency and the local educational*  
24                 *agency affected by such action have had an oppor-*  
25                 *tunity, for not less than 45 days after receiving writ-*

1        *ten notice thereof, to submit written objections and to*  
2        *appear before the Secretary or the Secretary's des-*  
3        *ignee to show cause why that action should not be*  
4        *taken.*

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

17           *“(3) REMAND TO SECRETARY.—The findings of*  
18        *fact by the Secretary, if supported by substantial evi-*  
19        *dence, shall be conclusive; but the court, for good*  
20        *cause shown, may remand the case to the Secretary*  
21        *to take further evidence and the Secretary may make*  
22        *new or modified findings of fact and may modify the*  
23        *Secretary's previous action, and shall file in the court*  
24        *the record of the further proceedings. Such new or*

1        *modified findings of fact shall likewise be conclusive*  
2        *if supported by substantial evidence.*

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

10          “(i) *PRIOR DETERMINATION.*—*Any bypass determina-*  
11        *tion by the Secretary under chapter 2 of part I of this Act*  
12        *(as such chapter was in effect on the day preceding the date*  
13        *of enactment of the Improving America’s Schools Act of*  
14        *1994) shall, to the extent consistent with the purposes of*  
15        *this part, apply to programs under this part.*

16        “**SEC. 6143. FEDERAL ADMINISTRATION.**

17          “(a) *TECHNICAL ASSISTANCE.*—*The Secretary, upon*  
18        *request, shall provide technical assistance to State and local*  
19        *educational agencies under this part.*

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

24          “(c) *AVAILABILITY OF APPROPRIATIONS.*—*Notwith-*  
25        *standing any other provision of law, unless expressly in*

1 *limitation of this subsection, funds appropriated in any fis-*  
2 *cal year to carry out activities under this part shall become*  
3 *available for obligation on July 1 of such fiscal year and*  
4 *shall remain available for obligation until the end of the*  
5 *subsequent fiscal year.*

6       **“PART B—RURAL EDUCATION INITIATIVE**

7       **“SEC. 6203. SHORT TITLE.**

8       *“This part may be cited as the ‘Rural Education*  
9 *Achievement Program’.*

10      **“SEC. 6202. PURPOSE.**

11      *“It is the purpose of this part to address the unique*  
12 *needs of rural school districts that frequently—*

13           *“(1) lack the personnel and resources needed to*  
14 *compete for Federal competitive grants; and*

15           *“(2) receive formula allocations in amounts too*  
16 *small to be effective in meeting their intended pur-*  
17 *poses.*

18      **“SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.**

19      *“There are authorized to be appropriated to carry out*  
20 *this part—*

21           *“(1) \$125,000,000 for fiscal year 2001, of which*  
22 *\$62,500,000 shall be made available to carry out sub-*  
23 *part 1; and*

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

1           **“Subpart 1—Small, Rural School Achievement**  
 2                                   **Program**

3   **“SEC. 6211. FORMULA GRANT PROGRAM AUTHORIZED.**

4           “(a) *ALTERNATIVE USES.*—

5                   “(1) *IN GENERAL.*—Notwithstanding any other  
 6           *provision of law, an eligible local educational agency*  
 7           *may use the applicable funding, that the agency is el-*  
 8           *igible to receive from the State educational agency for*  
 9           *a fiscal year, to carry out innovative assistance ac-*  
 10           *tivities described in section 6131(b).*

11                   “(2) *NOTIFICATION.*—An eligible local edu-  
 12           *cational agency shall notify the State educational*  
 13           *agency of the local educational agency’s intention to*  
 14           *use the applicable funding in accordance with para-*  
 15           *graph (1) not later than a date that is established by*  
 16           *the State educational agency for the notification.*

17                   “(b) *ELIGIBILITY.*—A local educational agency shall be  
 18           *eligible to use the applicable funding in accordance with*  
 19           *subsection (a) if—*

20                           “(1) *the total number of students in average*  
 21           *daily attendance at all of the schools served by the*  
 22           *local educational agency is less than 600; and*

23                           “(2) *all of the schools served by the local edu-*  
 24           *cational agency are designated with a School Locale*  
 25           *Code of 7, as determined by the Secretary of Edu-*  
 26           *cation.*

1           “(c) *APPLICABLE FUNDING.*—*In this section, the term*  
2 *‘applicable funding’ means funds provided under each of*  
3 *titles II, IV, and VI.*

4           “(d) *DISBURSAL.*—*Each State educational agency that*  
5 *receives applicable funding for a fiscal year shall disburse*  
6 *the applicable funding to local educational agencies for al-*  
7 *ternative uses under this section for the fiscal year at the*  
8 *same time that the State educational agency disburses the*  
9 *applicable funding to local educational agencies that do not*  
10 *intend to use the applicable funding for such alternative*  
11 *uses for the fiscal year.*

12           “(e) *SUPPLEMENT NOT SUPPLANT.*—*Funds made*  
13 *available under this section shall be used to supplement and*  
14 *not supplant any other Federal, State, or local education*  
15 *funds.*

16           “(f) *SPECIAL RULE.*—*References in Federal law to*  
17 *funds for the provisions of law set forth in subsection (c)*  
18 *may be considered to be references to funds for this section.*

19           “(g) *CONSTRUCTION.*—*Nothing in this subpart shall be*  
20 *construed to prohibit a local educational agency that enters*  
21 *into cooperative arrangements with other local educational*  
22 *agencies for the provision of special, compensatory, or other*  
23 *education services pursuant to State law or a written agree-*  
24 *ment from entering into similar arrangements for the use*



1 *or the coordination of the use of the funds made available*  
2 *under this section.*

3 **“SEC. 6212. COMPETITIVE GRANT PROGRAM AUTHORIZED.**

4       “(a) *IN GENERAL.*—*The Secretary is authorized to*  
5 *award grants to eligible local educational agencies to enable*  
6 *the local educational agencies to carry out innovative assist-*  
7 *ance activities described in section 6131(b).*

8       “(b) *ELIGIBILITY.*—*A local educational agency shall be*  
9 *eligible to receive a grant under this section if—*

10               “(1) *the total number of students in average*  
11 *daily attendance at all of the schools served by the*  
12 *local educational agency is less than 600; and*

13               “(2) *all of the schools served by the local edu-*  
14 *catinal agency are designated with a School Locale*  
15 *Code of 7, as determined by the Secretary of Edu-*  
16 *cation.*

17       “(c) *AMOUNT.*—

18               “(1) *IN GENERAL.*—*The Secretary shall award a*  
19 *grant to a local educational agency under this section*  
20 *for a fiscal year in an amount equal to the amount*  
21 *determined under paragraph (2) for the fiscal year*  
22 *minus the total amount received under the provisions*  
23 *of law described under section 6211(c) for the fiscal*  
24 *year.*

1           “(2) *DETERMINATION.*—*The amount referred to*  
2 *in paragraph (1) is equal to \$100 multiplied by the*  
3 *total number of students in excess of 50 students that*  
4 *are in average daily attendance at the schools served*  
5 *by the local educational agency, plus \$20,000, except*  
6 *that the amount may not exceed \$60,000.*

7           “(3) *CENSUS DETERMINATION.*—

8           “(A) *IN GENERAL.*—*Each local educational*  
9 *agency desiring a grant under this section shall*  
10 *conduct a census not later than December 1 of*  
11 *each year to determine the number of kinder-*  
12 *garten through grade 12 students in average*  
13 *daily attendance at the schools served by the*  
14 *local educational agency.*

15           “(B) *SUBMISSION.*—*Each local educational*  
16 *agency shall submit the number described in sub-*  
17 *paragraph (A) to the Secretary not later than*  
18 *March 1 of each year.*

19           “(4) *PENALTY.*—*If the Secretary determines that*  
20 *a local educational agency has knowingly submitted*  
21 *false information under paragraph (3) for the pur-*  
22 *pose of gaining additional funds under this section,*  
23 *then the local educational agency shall be fined an*  
24 *amount equal to twice the difference between the*  
25 *amount the local educational agency received under*

1        *this section, and the correct amount the local edu-*  
2        *catational agency would have received under this sec-*  
3        *tion if the agency had submitted accurate information*  
4        *under paragraph (3).*

5        *“(d) DISBURSAL.—The Secretary shall disburse the*  
6        *funds awarded to a local educational agency under this sec-*  
7        *tion for a fiscal year not later than July 1 of that year.*

8        *“(e) SUPPLEMENT NOT SUPPLANT.—Funds made*  
9        *available under this section shall be used to supplement and*  
10       *not supplant any other Federal, State, or local education*  
11       *funds.*

12       *“(f) CONSTRUCTION.—Nothing in this subpart shall be*  
13       *construed to prohibit a local educational agency that enters*  
14       *into cooperative arrangements with other local educational*  
15       *agencies for the provision of special, compensatory, or other*  
16       *education services pursuant to State law or a written agree-*  
17       *ment from entering into similar arrangements for the use*  
18       *or the coordination of the use of the funds made available*  
19       *under this section.*

20       **“SEC. 6213. ACCOUNTABILITY.**

21       *“(a) ACADEMIC ACHIEVEMENT.—*

22                *“(1) IN GENERAL.—Each local educational agen-*  
23        *cy that uses or receives funds under section 6211 or*  
24        *6212 for a fiscal year shall—*

1           “(A) administer an assessment that is used  
 2           statewide and is consistent with the assessment  
 3           described in section 1111(b), to assess the aca-  
 4           demic achievement of students in the schools  
 5           served by the local educational agency; or

6           “(B) in the case of a local educational agen-  
 7           cy for which there is no statewide assessment de-  
 8           scribed in subparagraph (A), administer a test,  
 9           that is selected by the local educational agency,  
 10          to assess the academic achievement of students in  
 11          the schools served by the local educational agen-  
 12          cy.

13          “(2) *SPECIAL RULE.*—Each local educational  
 14          agency that uses or receives funds under section 6211  
 15          or 6212 shall use the same assessment or test de-  
 16          scribed in paragraph (1) for each year of participa-  
 17          tion in the program carried out under such section.

18          “(b) *STATE EDUCATIONAL AGENCY DETERMINATION*  
 19          *REGARDING CONTINUING PARTICIPATION.*—Each State  
 20          educational agency that receives funding under the provi-  
 21          sions of law described in section 6211(c) shall—

22                 “(1) after the fifth year that a local educational  
 23                 agency in the State participates in a program au-  
 24                 thorized under section 6211 or 6212 and on the basis  
 25                 of the results of the assessments or tests described in

1        *subsection (a), determine whether the students served*  
2        *by the local educational agency participating in the*  
3        *program performed better on the assessments or tests*  
4        *after the fifth year of the participation than the stu-*  
5        *dents performed on the assessments or tests after the*  
6        *first year of the participation;*

7            *“(2) permit only the local educational agencies*  
8        *that participated in the program and served students*  
9        *that performed better on the assessments or tests, as*  
10        *described in paragraph (1), to continue to participate*  
11        *in the program for an additional period of 5 years;*  
12        *and*

13            *“(3) prohibit the local educational agencies that*  
14        *participated in the program and served students that*  
15        *did not perform better on the assessments or tests, as*  
16        *described in paragraph (1), from participating in the*  
17        *program, for a period of 5 years from the date of the*  
18        *determination.*

19        **“SEC. 6214. RATABLE REDUCTIONS IN CASE OF INSUFFI-**  
20    **CIENT APPROPRIATIONS.**

21            *“(a) IN GENERAL.—If the amount appropriated for*  
22        *any fiscal year and made available for grants under this*  
23        *subpart is insufficient to pay the full amount for which all*  
24        *agencies are eligible under this subpart, the Secretary shall*  
25        *ratably reduce each such amount.*

1       “(b) *ADDITIONAL AMOUNTS.*—*If additional funds be-*  
 2 *come available for making payments under paragraph (1)*  
 3 *for such fiscal year, payments that were reduced under sub-*  
 4 *section (a) shall be increased on the same basis as such pay-*  
 5 *ments were reduced.*

6       **“Subpart 2—Low-Income and Rural School Program**

7       **“SEC. 6221. DEFINITIONS.**

8       *“In this subpart:*

9               “(1) *POVERTY LINE.*—*The term ‘poverty line’*  
 10 *means the poverty line (as defined by the Office of*  
 11 *Management and Budget, and revised annually in ac-*  
 12 *cordance with section 673(2) of the Community Serv-*  
 13 *ices Block Grant Act (42 U.S.C. 9902(2))) applicable*  
 14 *to a family of the size involved.*

15               “(2) *SPECIALLY QUALIFIED AGENCY.*—*The term*  
 16 *‘specially qualified agency’ means an eligible local*  
 17 *educational agency, located in a State that does not*  
 18 *participate in a program carried out under this sub-*  
 19 *part for a fiscal year, which may apply directly to*  
 20 *the Secretary for a grant for such year in accordance*  
 21 *with section 6222(b).*

22       **“SEC. 6222. PROGRAM AUTHORIZED.**

23       “(a) *GRANTS TO STATES.*—

24               “(1) *IN GENERAL.*—*From the sum appropriated*  
 25 *under section 6203 for a fiscal year and made avail-*

1     *able to carry out this subpart, the Secretary shall*  
2     *award grants, from allotments made under paragraph*  
3     *(2), to State educational agencies that have applica-*  
4     *tions approved under section 6224 to enable the State*  
5     *educational agencies to award grants to eligible local*  
6     *educational agencies for innovative assistance activi-*  
7     *ties described in section 6131(b).*

8             “(2) *ALLOTMENT.*—*From the sum appropriated*  
9     *under section 6203 for a fiscal year and made avail-*  
10    *able to carry out this subpart, the Secretary shall*  
11    *allot to each State educational agency an amount*  
12    *that bears the same ratio to the sum as the number*  
13    *of students in average daily attendance at the schools*  
14    *served by eligible local educational agencies in the*  
15    *State for that fiscal year bears to the number of all*  
16    *such students at the schools served by eligible local*  
17    *educational agencies in all States for that fiscal year.*

18             “(b) *DIRECT GRANTS TO SPECIALLY QUALIFIED*  
19    *AGENCIES.*—

20             “(1) *NONPARTICIPATING STATE.*—*If a State edu-*  
21    *cational agency elects not to participate in the pro-*  
22    *gram carried out under this subpart or does not have*  
23    *an application approved under section 6224, a spe-*  
24    *cially qualified agency in such State desiring a grant*  
25    *under this subpart shall apply directly to the Sec-*

1        *retary under section 6224 to receive a grant under*  
 2        *this subpart.*

3            “(2) *DIRECT AWARDS TO SPECIALLY QUALIFIED*  
 4        *AGENCIES.—The Secretary may award, on a competi-*  
 5        *tive basis, the amount the State educational agency is*  
 6        *eligible to receive under subsection (a)(2) directly to*  
 7        *specially qualified agencies in the State.*

8            “(c) *ADMINISTRATIVE COSTS.—A State educational*  
 9        *agency that receives a grant under this subpart may not*  
 10       *use more than 5 percent of the amount of the grant for State*  
 11       *administrative costs.*

12        **“SEC. 6223. STATE DISTRIBUTION OF FUNDS.**

13            “(a) *IN GENERAL.—A State educational agency that*  
 14        *receives a grant under this subpart may use the funds made*  
 15        *available through the grant to award grants to eligible local*  
 16        *educational agencies to enable the local educational agencies*  
 17        *to carry out innovative assistance activities described in*  
 18        *section 6131(b).*

19            “(b) *LOCAL AWARDS.—*

20            “(1) *ELIGIBILITY.—A local educational agency*  
 21        *shall be eligible to receive a grant under this subpart*  
 22        *if—*

23            “(A) *20 percent or more of the children age*  
 24        *5 through 17 that are served by the local edu-*



1            *ational agency are from families with incomes*  
 2            *below the poverty line; and*

3            *“(B) all of the schools served by the agency*  
 4            *are located in a community with a Rural-Urban*  
 5            *Continuum Code of 6, 7, 8, or 9, as determined*  
 6            *by the Secretary of Agriculture.*

7            *“(c) AWARD BASIS.—The State educational agency*  
 8            *shall award the grants to eligible local educational*  
 9            *agencies—*

10            *“(1) on a competitive basis; or*

11            *“(2) according to a formula based on the number*  
 12            *of students in average daily attendance at schools*  
 13            *served by the eligible local educational agencies.*

14            **“SEC. 6224. APPLICATIONS.**

15            *“(a) IN GENERAL.—Each State educational agency*  
 16            *and specially qualified agency desiring to receive a grant*  
 17            *under this subpart shall submit an application to the Sec-*  
 18            *retary at such time, in such manner, and accompanied by*  
 19            *such information as the Secretary may require.*

20            *“(b) CONTENTS.—At a minimum, such application*  
 21            *shall include information on specific measurable goals and*  
 22            *objectives to be achieved through the activities carried out*  
 23            *through the grant, which may include specific educational*  
 24            *goals and objectives relating to—*

25            *“(1) increased student academic achievement;*

1           “(2) decreased student dropout rates; or

2           “(3) such other factors as the State educational  
3           agency or specially qualified agency may choose to  
4           measure.

5   **“SEC. 6225. ACCOUNTABILITY.**

6           “(a) *STATE REPORTS.*—Each State educational agen-  
7           cy that receives a grant under this subpart shall prepare  
8           and submit to the Secretary an annual report. The report  
9           shall describe—

10           “(1) the method the State educational agency  
11           used to award grants to eligible local educational  
12           agencies under this subpart;

13           “(2) how the local educational agencies used the  
14           funds provided under this subpart; and

15           “(3) the degree to which the State made progress  
16           toward meeting the goals and objectives described in  
17           the application submitted under section 6224.

18           “(b) *SPECIALLY QUALIFIED AGENCY REPORT.*—Each  
19           specially qualified agency that receives a grant under this  
20           subpart shall prepare and submit to the Secretary an an-  
21           nual report. The report shall describe—

22           “(1) how such agency used the funds provided  
23           under this subpart; and

24           “(2) the degree to which the agency made  
25           progress toward meeting the goals and objectives de-

1 *scribed in the application submitted under section*  
2 *6224.*

3 *“(c) ACADEMIC ACHIEVEMENT.—*

4 *“(1) IN GENERAL.—Each local educational agen-*  
5 *cy that receives a grant under this subpart for a fis-*  
6 *cal year shall—*

7 *“(A) administer an assessment that is used*  
8 *statewide and is consistent with the assessment*  
9 *described in section 1111(b), to assess the aca-*  
10 *ademic achievement of students in the schools*  
11 *served by the local educational agency; or*

12 *“(B) in the case of a local educational agen-*  
13 *cy for which there is no statewide assessment de-*  
14 *scribed in subparagraph (A), administer a test,*  
15 *that is selected by the local educational agency,*  
16 *to assess the academic achievement of students in*  
17 *the schools served by the local educational agen-*  
18 *cy.*

19 *“(2) SPECIAL RULE.—Each local educational*  
20 *agency that receives a grant under this subpart shall*  
21 *use the same assessment or test described in para-*  
22 *graph (1) for each year of participation in the pro-*  
23 *gram carried out under this subpart.*

24 *“(d) STATE EDUCATIONAL AGENCY DETERMINATION*  
25 *REGARDING CONTINUING PARTICIPATION.—Each State*

1 *educational agency that receives a grant under this subpart*  
2 *shall—*

3           “(1) *after the fifth year that a local educational*  
4 *agency in the State participates in the program au-*  
5 *thorized under this subpart and on the basis of the re-*  
6 *sults of the assessments or tests described in subsection*  
7 *(c), determine whether the students served by the local*  
8 *educational agency participating in the program per-*  
9 *formed better on the assessments or tests after the fifth*  
10 *year of the participation than the students performed*  
11 *on the assessments or tests after the first year of the*  
12 *participation;*

13           “(2) *permit only the local educational agencies*  
14 *that participated in the program and served students*  
15 *that performed better on the assessments or tests, as*  
16 *described in paragraph (1), to continue to participate*  
17 *in the program for an additional period of 5 years;*  
18 *and*

19           “(3) *prohibit the local educational agencies that*  
20 *participated in the program and served students that*  
21 *did not perform better on the assessments or tests, as*  
22 *described in paragraph (1), from participating in the*  
23 *program for a period of 5 years from the date of the*  
24 *determination.*

1 **“SEC. 6226. SUPPLEMENT NOT SUPPLANT.**

2 *“Funds made available under this subpart shall be*  
 3 *used to supplement and not supplant any other Federal,*  
 4 *State, or local education funds.*

5 **“SEC. 6227. SPECIAL RULE.**

6 *“No local educational agency may concurrently par-*  
 7 *ticipate in activities carried out under subpart 1 and ac-*  
 8 *tivities carried out under this subpart.*

9 **“PART C—EDUCATION FLEXIBILITY**

10 ***PARTNERSHIPS***

11 **“SEC. 6301. SHORT TITLE.**

12 *“This part may be cited as the ‘Education Flexibility*  
 13 *Partnership Act of 2000’.*

14 **“SEC. 6302. DEFINITIONS.**

15 *“In this part:*

16 *“(1) ELIGIBLE SCHOOL ATTENDANCE AREA;*  
 17 *SCHOOL ATTENDANCE AREA.—The terms ‘eligible*  
 18 *school attendance area’ and ‘school attendance area’*  
 19 *have the meanings given the terms in section*  
 20 *1113(a)(2).*

21 *“(2) STATE.—The term ‘State’ means each of the*  
 22 *several States of the United States, the District of Co-*  
 23 *lumbia, the Commonwealth of Puerto Rico, and each*  
 24 *outlying area.*

25 **“SEC. 6303. EDUCATION FLEXIBILITY PARTNERSHIP.**

26 *“(a) EDUCATIONAL FLEXIBILITY PROGRAM.—*

1           “(1) *PROGRAM AUTHORIZED.*—

2                   “(A) *IN GENERAL.*—*The Secretary may*  
3                   *carry out an educational flexibility program*  
4                   *under which the Secretary authorizes a State*  
5                   *educational agency that serves an eligible State*  
6                   *to waive statutory or regulatory requirements*  
7                   *applicable to one or more programs described in*  
8                   *subsection (b), other than requirements described*  
9                   *in subsection (c), for any local educational agen-*  
10                   *cy or school within the State.*

11                   “(B) *DESIGNATION.*—*Each eligible State*  
12                   *participating in the program described in sub-*  
13                   *paragraph (A) shall be known as an ‘Ed-Flex*  
14                   *Partnership State’.*

15                   “(2) *ELIGIBLE STATE.*—*For the purpose of this*  
16                   *section the term ‘eligible State’ means a State that—*

17                           “(A) *has—*

18                                   “(i) *developed and implemented the*  
19                                   *challenging State content standards, chal-*  
20                                   *lenging State student performance stand-*  
21                                   *ards, and aligned assessments described in*  
22                                   *section 1111(b), and for which local edu-*  
23                                   *cational agencies in the State are producing*  
24                                   *the individual school performance profiles*  
25                                   *required by section 1116(a)(3); or*

1                   “(i)(I) developed and implemented the  
2                   content standards described in clause (i);

3                   “(II) developed and implemented in-  
4                   terim assessments; and

5                   “(III) made substantial progress (as  
6                   determined by the Secretary) toward devel-  
7                   oping and implementing the performance  
8                   standards and final aligned assessments de-  
9                   scribed in clause (i), and toward having  
10                  local educational agencies in the State  
11                  produce the profiles described in clause (i);

12                  “(B) holds local educational agencies and  
13                  schools accountable for meeting the educational  
14                  goals described in the local applications sub-  
15                  mitted under paragraph (4), and for engaging in  
16                  technical assistance and corrective actions con-  
17                  sistent with section 1116, for the local edu-  
18                  cational agencies and schools that do not make  
19                  adequate yearly progress as described in section  
20                  1111(b)(2); and

21                  “(C) waives State statutory or regulatory  
22                  requirements relating to education while holding  
23                  local educational agencies or schools within the  
24                  State that are affected by such waivers account-

1           *able for the performance of the students who are*  
2           *affected by such waivers.*

3           “(3) *STATE APPLICATION.*—

4                   “(A) *IN GENERAL.*—*Each State educational*  
5           *agency desiring to participate in the educational*  
6           *flexibility program under this section shall sub-*  
7           *mit an application to the Secretary at such time,*  
8           *in such manner, and containing such informa-*  
9           *tion as the Secretary may reasonably require.*  
10          *Each such application shall demonstrate that the*  
11          *eligible State has adopted an educational flexi-*  
12          *bility plan for the State that includes—*

13                   “(i) *a description of the process the*  
14           *State educational agency will use to evalu-*  
15           *ate applications from local educational*  
16           *agencies or schools requesting waivers of—*

17                           “(I) *Federal statutory or regu-*  
18           *latory requirements as described in*  
19           *paragraph (1)(A); and*

20                           “(II) *State statutory or regulatory*  
21           *requirements relating to education;*

22                   “(ii) *a detailed description of the State*  
23           *statutory and regulatory requirements relat-*  
24           *ing to education that the State educational*  
25           *agency will waive;*



1           “(iii) a description of clear educational  
2 objectives the State intends to meet under  
3 the educational flexibility plan;

4           “(iv) a description of how the edu-  
5 cational flexibility plan is consistent with  
6 and will assist in implementing the State  
7 comprehensive reform plan or, if a State  
8 does not have a comprehensive reform plan,  
9 a description of how the educational flexi-  
10 bility plan is coordinated with activities de-  
11 scribed in section 1111(b);

12           “(v) a description of how the State  
13 educational agency will evaluate, consistent  
14 with the requirements of title I, the per-  
15 formance of students in the schools and local  
16 educational agencies affected by the waivers;  
17 and

18           “(vi) a description of how the State  
19 educational agency will meet the require-  
20 ments of paragraph (8).

21           “(B) APPROVAL AND CONSIDERATIONS.—  
22 The Secretary may approve an application de-  
23 scribed in subparagraph (A) only if the Sec-  
24 retary determines that such application dem-  
25 onstrates substantial promise of assisting the

1           *State educational agency and affected local edu-*  
2           *cational agencies and schools within the State in*  
3           *carrying out comprehensive educational reform,*  
4           *after considering—*

5                   “(i) *the eligibility of the State as de-*  
6                   *scribed in paragraph (2);*

7                   “(ii) *the comprehensiveness and qual-*  
8                   *ity of the educational flexibility plan de-*  
9                   *scribed in subparagraph (A);*

10                   “(iii) *the ability of the educational*  
11                   *flexibility plan to ensure accountability for*  
12                   *the activities and goals described in such*  
13                   *plan;*

14                   “(iv) *the degree to which the State’s ob-*  
15                   *jectives described in subparagraph*  
16                   *(A)(iii)—*

17                           “(I) *are clear and have the ability*  
18                           *to be assessed; and*

19                           “(II) *take into account the per-*  
20                           *formance of local educational agencies*  
21                           *or schools, and students, particularly*  
22                           *those affected by waivers;*

23                   “(v) *the significance of the State statu-*  
24                   *tory or regulatory requirements relating to*  
25                   *education that will be waived; and*

1           “(vi) the quality of the State edu-  
2           cational agency’s process for approving ap-  
3           plications for waivers of Federal statutory  
4           or regulatory requirements as described in  
5           paragraph (1)(A) and for monitoring and  
6           evaluating the results of such waivers.

7           “(4) LOCAL APPLICATION.—

8           “(A) IN GENERAL.—Each local educational  
9           agency or school requesting a waiver of a Federal  
10          statutory or regulatory requirement as described  
11          in paragraph (1)(A) and any relevant State  
12          statutory or regulatory requirement from a State  
13          educational agency shall submit an application  
14          to the State educational agency at such time, in  
15          such manner, and containing such information  
16          as the State educational agency may reasonably  
17          require. Each such application shall—

18               “(i) indicate each Federal program af-  
19               fected and each statutory or regulatory re-  
20               quirement that will be waived;

21               “(ii) describe the purposes and overall  
22               expected results of waiving each such re-  
23               quirement;

24               “(iii) describe, for each school year,  
25               specific, measurable, educational goals for

1           *each local educational agency or school af-*  
2           *ected by the proposed waiver, and for the*  
3           *students served by the local educational*  
4           *agency or school who are affected by the*  
5           *waiver;*

6           “(iv) *explain why the waiver will as-*  
7           *sist the local educational agency or school*  
8           *in reaching such goals; and*

9           “(v) *in the case of an application from*  
10          *a local educational agency, describe how the*  
11          *local educational agency will meet the re-*  
12          *quirements of paragraph (8).*

13          “(B) *EVALUATION OF APPLICATIONS.—A*  
14          *State educational agency shall evaluate an ap-*  
15          *plication submitted under subparagraph (A) in*  
16          *accordance with the State’s educational flexi-*  
17          *bility plan described in paragraph (3)(A).*

18          “(C) *APPROVAL.—A State educational*  
19          *agency shall not approve an application for a*  
20          *waiver under this paragraph unless—*

21                 “(i) *the local educational agency or*  
22                 *school requesting such waiver has developed*  
23                 *a local reform plan that is applicable to*  
24                 *such agency or school, respectively;*

1           “(ii) the waiver of Federal statutory or  
2           regulatory requirements as described in  
3           paragraph (1)(A) will assist the local edu-  
4           cational agency or school in reaching its  
5           educational goals, particularly goals with  
6           respect to school and student performance;  
7           and

8           “(iii) the State educational agency is  
9           satisfied that the underlying purposes of the  
10          statutory requirements of each program for  
11          which a waiver is granted will continue to  
12          be met.

13          “(D) *TERMINATION.*—The State educational  
14          agency shall annually review the performance of  
15          any local educational agency or school granted a  
16          waiver of Federal statutory or regulatory re-  
17          quirements as described in paragraph (1)(A) in  
18          accordance with the evaluation requirement de-  
19          scribed in paragraph (3)(A)(v), and shall termi-  
20          nate any waiver granted to the local educational  
21          agency or school if the State educational agency  
22          determines, after notice and an opportunity for  
23          a hearing, that the local educational agency or  
24          school’s performance with respect to meeting the  
25          accountability requirement described in para-

1           *graph (2)(C) and the goals described in para-*  
2           *graph (4)(A)(iii)—*

3                   *“(i) has been inadequate to justify con-*  
4                   *tinuation of such waiver; or*

5                   *“(ii) has decreased for two consecutive*  
6                   *years, unless the State educational agency*  
7                   *determines that the decrease in performance*  
8                   *was justified due to exceptional or uncon-*  
9                   *trollable circumstances.*

10           *“(5) OVERSIGHT AND REPORTING.—*

11                   *“(A) OVERSIGHT.—Each State educational*  
12                   *agency participating in the educational flexi-*  
13                   *bility program under this section shall annually*  
14                   *monitor the activities of local educational agen-*  
15                   *cies and schools receiving waivers under this sec-*  
16                   *tion.*

17                   *“(B) STATE REPORTS.—*

18                   *“(i) ANNUAL REPORTS.—The State*  
19                   *educational agency shall submit to the Sec-*  
20                   *retary an annual report on the results of*  
21                   *such oversight and the impact of the waiv-*  
22                   *ers on school and student performance.*

23                   *“(ii) PERFORMANCE DATA.—Not later*  
24                   *than 2 years after the date a State is des-*  
25                   *ignated an Ed-Flex Partnership State, each*

1           *such State shall include, as part of the*  
2           *State’s annual report submitted under*  
3           *clause (i), data demonstrating the degree to*  
4           *which progress has been made toward meet-*  
5           *ing the State’s educational objectives. The*  
6           *data, when applicable, shall include—*

7                   “(I) *information on the total*  
8                   *number of waivers granted for Federal*  
9                   *and State statutory and regulatory re-*  
10                  *quirements under this section, includ-*  
11                  *ing the number of waivers granted for*  
12                  *each type of waiver;*

13                  “(II) *information describing the*  
14                  *effect of the waivers on the implemen-*  
15                  *tation of State and local educational*  
16                  *reforms pertaining to school and stu-*  
17                  *dent performance;*

18                  “(III) *information describing the*  
19                  *relationship of the waivers to the per-*  
20                  *formance of schools and students af-*  
21                  *ected by the waivers; and*

22                  “(IV) *an assurance from State*  
23                  *program managers that the data re-*  
24                  *ported under this section are reliable,*  
25                  *complete, and accurate, as defined by*

1                    *the State, or a description of a plan*  
2                    *for improving the reliability, complete-*  
3                    *ness, and accuracy of such data as de-*  
4                    *finied by the State.*

5                    “(C) *SECRETARY’S REPORTS.*—*The Sec-*  
6                    *retary, not later than 2 years after the date of*  
7                    *enactment of the Education Flexibility Partner-*  
8                    *ship Act of 1999 and annually thereafter, shall—*

9                    “(i) *make each State report submitted*  
10                    *under subparagraph (B) available to Con-*  
11                    *gress and the public; and*

12                    “(ii) *submit to Congress a report that*  
13                    *summarizes the State reports and describes*  
14                    *the effects that the educational flexibility*  
15                    *program under this section had on the im-*  
16                    *plementation of State and local educational*  
17                    *reforms and on the performance of students*  
18                    *affected by the waivers.*

19                    “(6) *DURATION OF FEDERAL WAIVERS.*—

20                    “(A) *IN GENERAL.*—*The Secretary shall not*  
21                    *approve the application of a State educational*  
22                    *agency under paragraph (3) for a period exceed-*  
23                    *ing 5 years, except that the Secretary may ex-*  
24                    *tend such period if the Secretary determines that*  
25                    *such agency’s authority to grant waivers—*



1           “(i) has been effective in enabling such  
2           State or affected local educational agencies  
3           or schools to carry out their State or local  
4           reform plans and to continue to meet the  
5           accountability requirement described in  
6           paragraph (2)(C); and

7           “(ii) has improved student perform-  
8           ance.

9           “(B) *PERFORMANCE REVIEW.*—Three years  
10          after the date a State is designated an *Ed-Flex*  
11          Partnership State, the Secretary shall review the  
12          performance of the State educational agency in  
13          granting waivers of Federal statutory or regu-  
14          latory requirements as described in paragraph  
15          (1)(A) and shall terminate such agency’s author-  
16          ity to grant such waivers if the Secretary deter-  
17          mines, after notice and an opportunity for a  
18          hearing, that such agency’s performance (includ-  
19          ing performance with respect to meeting the ob-  
20          jectives described in paragraph (3)(A)(iii)) has  
21          been inadequate to justify continuation of such  
22          authority.

23          “(C) *RENEWAL.*—In deciding whether to ex-  
24          tend a request for a State educational agency’s  
25          authority to issue waivers under this section, the

1           *Secretary shall review the progress of the State*  
2           *educational agency to determine if the State edu-*  
3           *cational agency—*

4                   “(i) *has made progress toward achiev-*  
5                   *ing the objectives described in the applica-*  
6                   *tion submitted pursuant to paragraph*  
7                   *(3)(A)(iii); and*

8                   “(ii) *demonstrates in the request that*  
9                   *local educational agencies or schools affected*  
10                  *by the waiver authority or waivers have*  
11                  *made progress toward achieving the desired*  
12                  *results described in the application sub-*  
13                  *mitted pursuant to paragraph (4)(A)(iii).*

14                  “(7) *AUTHORITY TO ISSUE WAIVERS.—Notwith-*  
15                  *standing any other provision of law, the Secretary is*  
16                  *authorized to carry out the educational flexibility*  
17                  *program under this section for each of the fiscal years*  
18                  *1999 through 2004.*

19                  “(8) *PUBLIC NOTICE AND COMMENT.—Each*  
20                  *State educational agency seeking waiver authority*  
21                  *under this section and each local educational agency*  
22                  *seeking a waiver under this section—*

23                       “(A) *shall provide the public with adequate*  
24                       *and efficient notice of the proposed waiver au-*  
25                       *thority or waiver, consisting of a description of*

1           *the agency’s application for the proposed waiver*  
2           *authority or waiver in a widely read or distrib-*  
3           *uted medium, including a description of any im-*  
4           *proved student performance that is expected to*  
5           *result from the waiver authority or waiver;*

6           “(B) shall provide the opportunity for par-

7           *ents, educators, and all other interested members*  
8           *of the community to comment regarding the pro-*  
9           *posed waiver authority or waiver;*

10           “(C) shall provide the opportunity described

11           *in subparagraph (B) in accordance with any ap-*  
12           *plicable State law specifying how the comments*  
13           *may be received, and how the comments may be*  
14           *reviewed by any member of the public; and*

15           “(D) shall submit the comments received

16           *with the agency’s application to the Secretary or*  
17           *the State educational agency, as appropriate.*

18           “(b) *INCLUDED PROGRAMS.*—*The statutory or regu-*  
19           *latory requirements referred to in subsection (a)(1)(A) are*  
20           *any such requirements for programs carried out under the*  
21           *following provisions:*

22           “(1) *Title I (other than subsections (a) and (c)*  
23           *of section 1116).*

24           “(2) *Subparts 1, 2, and 3 of part A of title II.*

1           “(3) *Subpart 2 of part A of title V (other than*  
2           *section 5136).*

3           “(4) *Part A of title IV.*

4           “(5) *Part A of title VI.*

5           “(6) *Part C of title VII.*

6           “(7) *The Carl D. Perkins Vocational and Tech-*  
7           *nical Education Act of 1998.*

8           “(c) *WAIVERS NOT AUTHORIZED.—The Secretary and*  
9           *the State educational agency may not waive under sub-*  
10          *section (a)(1)(A) any statutory or regulatory requirement—*

11          “(1) *relating to—*

12                 “(A) *maintenance of effort;*

13                 “(B) *comparability of services;*

14                 “(C) *equitable participation of students and*  
15                 *professional staff in private schools;*

16                 “(D) *parental participation and involve-*  
17                 *ment;*

18                 “(E) *distribution of funds to States or to*  
19                 *local educational agencies;*

20                 “(F) *servicing eligible school attendance areas*  
21                 *in rank order under section 1113(a)(3);*

22                 “(G) *the selection of a school attendance*  
23                 *area or school under subsections (a) and (b) of*  
24                 *section 1113, except that a State educational*  
25                 *agency may grant a waiver to allow a school at-*

1           *tendance area or school to participate in activi-*  
 2           *ties under part A of title I if the percentage of*  
 3           *children from low-income families in the school*  
 4           *attendance area of such school or who attend*  
 5           *such school is not less than 10 percentage points*  
 6           *below the lowest percentage of such children for*  
 7           *any school attendance area or school of the local*  
 8           *educational agency that meets the requirements*  
 9           *of such subsections (a) and (b);*

10           *“(H) use of Federal funds to supplement,*  
 11           *not supplant, non-Federal funds; and*

12           *“(I) applicable civil rights requirements;*  
 13           *and*

14           *“(2) unless the underlying purposes of the statu-*  
 15           *tory requirements of the program for which a waiver*  
 16           *is granted continue to be met to the satisfaction of the*  
 17           *Secretary.*

18           *“(d) TREATMENT OF EXISTING ED-FLEX PARTNER-*  
 19           *SHIP STATES.—*

20           *“(1) IN GENERAL.—Except as provided in para-*  
 21           *graphs (3) and (4), this section shall not apply to a*  
 22           *State educational agency that has been granted waiv-*  
 23           *er authority under the provisions of law described in*  
 24           *paragraph (2) (as such provisions were in effect on*  
 25           *the day before the date of enactment of the Edu-*

1        *ational Opportunities Act) for the duration of the*  
2        *waiver authority.*

3            “(2) *APPLICABLE PROVISIONS.—The provisions*  
4        *of law referred to in paragraph (1) are as follows:*

5            “(A) *Section 311(e) of the Goals 2000: Edu-*  
6        *cate America Act (as such section was in effect*  
7        *on the day before the date of enactment of the*  
8        *Educational Opportunities Act).*

9            “(B) *The proviso referring to such section*  
10       *311(e) under the heading ‘EDUCATION REFORM’*  
11       *in the Department of Education Appropriations*  
12       *Act, 1996 (Public Law 104–134; 110 Stat. 1321–*  
13       *229).*

14           “(3) *SPECIAL RULE.—If a State educational*  
15       *agency granted waiver authority pursuant to the pro-*  
16       *visions of law described in subparagraph (A) or (B)*  
17       *of paragraph (2) applies to the Secretary for waiver*  
18       *authority under this section—*

19           “(A) *the Secretary shall review the progress*  
20       *of the State educational agency in achieving the*  
21       *objectives set forth in the application submitted*  
22       *pursuant to section 311(e) of the Goals 2000:*  
23       *Educate America Act (as such section was in ef-*  
24       *fect on the day before the date of enactment of*  
25       *the Educational Opportunities Act); and*

1           “(B) the Secretary shall administer the  
2           waiver authority granted under this section in  
3           accordance with the requirements of this section.

4           “(4) *TECHNOLOGY.*—In the case of a State edu-  
5           cational agency granted waiver authority under the  
6           provisions of law described in subparagraph (A) or  
7           (B) of paragraph (2), the Secretary shall permit a  
8           State educational agency to expand, on or after the  
9           date of the enactment of the Educational Opportuni-  
10          ties Act, the waiver authority to include programs  
11          under subpart 2 of part A of title V (other than sec-  
12          tion 5136).

13          “(e) *PUBLICATION.*—A notice of the Secretary’s deci-  
14          sion to authorize State educational agencies to issue waivers  
15          under this section, including a description of the rationale  
16          the Secretary used to approve applications under subsection  
17          (a)(3)(B), shall be published in the Federal Register and  
18          the Secretary shall provide for the dissemination of such  
19          notice to State educational agencies, interested parties (in-  
20          cluding educators, parents, students, and advocacy and  
21          civil rights organizations), and the public.

1           **“PART D—FLEXIBILITY IN THE USE OF**  
2           **ADMINISTRATIVE AND OTHER FUNDS**

3   **“SEC. 6401. CONSOLIDATION OF STATE ADMINISTRATIVE**  
4           **FUNDS FOR ELEMENTARY AND SECONDARY**  
5           **EDUCATION PROGRAMS.**

6           “(a) *CONSOLIDATION OF ADMINISTRATIVE FUNDS.*—

7                   “(1) *IN GENERAL.*—A State educational agency  
8           may consolidate the amounts specifically made avail-  
9           able to such agency for State administration under  
10          one or more of the programs specified under para-  
11          graph (2) if such State educational agency can dem-  
12          onstrate that the majority of such agency’s resources  
13          come from non-Federal sources.

14                   “(2) *APPLICABILITY.*—This section applies to  
15          programs under title I, those covered programs de-  
16          scribed in subparagraphs (C), (D), (E), and (F) of  
17          section 3(10).

18           “(b) *USE OF FUNDS.*—

19                   “(1) *IN GENERAL.*—A State educational agency  
20          shall use the amount available under this section for  
21          the administration of the programs included in the  
22          consolidation under subsection (a).

23                   “(2) *ADDITIONAL USES.*—A State educational  
24          agency may also use funds available under this sec-  
25          tion for administrative activities designed to enhance  
26          the effective and coordinated use of funds under the



1        *programs included in the consolidation under sub-*  
2        *section (a), such as—*

3                *“(A) the coordination of such programs*  
4                *with other Federal and non-Federal programs;*

5                *“(B) the establishment and operation of*  
6                *peer-review mechanisms under this Act;*

7                *“(C) the coordinated administration of such*  
8                *programs;*

9                *“(D) the dissemination of information re-*  
10                *garding model programs and practices; and*

11                *“(E) technical assistance under programs*  
12                *specified in subsection (a)(2).*

13        *“(c) RECORDS.—A State educational agency that con-*  
14        *solidates administrative funds under this section shall not*  
15        *be required to keep separate records, by individual program,*  
16        *to account for costs relating to the administration of pro-*  
17        *grams included in the consolidation under subsection (a).*

18        *“(d) REVIEW.—To determine the effectiveness of State*  
19        *administration under this section, the Secretary may peri-*  
20        *odically review the performance of State educational agen-*  
21        *cies in using consolidated administrative funds under this*  
22        *section and take such steps as the Secretary finds appro-*  
23        *priate to ensure the effectiveness of such administration.*

24        *“(e) UNUSED ADMINISTRATIVE FUNDS.—If a State*  
25        *educational agency does not use all of the funds available*

1 to such agency under this section for administration, such  
 2 agency may use such funds during the applicable period  
 3 of availability as funds available under one or more pro-  
 4 grams included in the consolidation under subsection (a).

5       “(f) *CONSOLIDATION OF FUNDS FOR STANDARDS AND*  
 6 *ASSESSMENT DEVELOPMENT.*—In order to develop chal-  
 7 lenging State standards and assessments, a State edu-  
 8 cational agency may consolidate the amounts made avail-  
 9 able to such agency for such purposes under title I of this  
 10 Act.

11 **“SEC. 6402. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

12       “A State educational agency that also serves as a local  
 13 educational agency, in such agency’s applications or plans  
 14 under this Act, shall describe how such agency will elimi-  
 15 nate duplication in the conduct of administrative functions.

16 **“SEC. 6403. CONSOLIDATION OF FUNDS FOR LOCAL ADMIN-**  
 17 **ISTRATION.**

18       “(a) *GENERAL AUTHORITY.*—In accordance with regu-  
 19 lations of the Secretary, a local educational agency, with  
 20 the approval of its State educational agency, may consoli-  
 21 date and use for the administration of one or more covered  
 22 programs for any fiscal year not more than the percentage,  
 23 established in each covered program, of the total amount  
 24 available to the local educational agency under such covered  
 25 programs.

1       “(b) *STATE PROCEDURES.*—Not later than one year  
2 after the date of enactment of the Educational Opportuni-  
3 ties Act, a State educational agency shall, in collaboration  
4 with local educational agencies in the State, establish proce-  
5 dures for responding to requests from local educational  
6 agencies to consolidate administrative funds under sub-  
7 section (a) and for establishing limitations on the amount  
8 of funds under covered programs that may be used for ad-  
9 ministration on a consolidated basis.

10       “(c) *CONDITIONS.*—A local educational agency that  
11 consolidates administrative funds under this section for any  
12 fiscal year shall not use any other funds under the programs  
13 included in the consolidation for administration for that  
14 fiscal year.

15       “(d) *USES OF ADMINISTRATIVE FUNDS.*—A local edu-  
16 cational agency that consolidates administrative funds  
17 under this section may use such consolidated funds for the  
18 administration of covered programs and for the uses de-  
19 scribed in section 6401(b)(2).

20       “(e) *RECORDS.*—A local educational agency that con-  
21 solidates administrative funds under this section shall not  
22 be required to keep separate records, by individual covered  
23 program, to account for costs relating to the administration  
24 of covered programs included in the consolidation.

1 **“SEC. 6404. ADMINISTRATIVE FUNDS EVALUATION.**

2 “(a) *FEDERAL FUNDS EVALUATION.*—

3 “(1) *IN GENERAL.*—*The Secretary shall conduct*  
4 *an evaluation of the use of funds under this Act for*  
5 *the administration, by State and local educational*  
6 *agencies, of all covered programs, including the per-*  
7 *centage of grant funds used for such purpose in all*  
8 *covered programs. The evaluation shall examine—*

9 “(A) *the methods employed by schools, local*  
10 *educational agencies, and State educational*  
11 *agencies to reduce administrative expenses and*  
12 *maximize the use of funds for activities directly*  
13 *affecting student learning; and*

14 “(B) *the steps which may be taken to assist*  
15 *schools, local educational agencies, and State*  
16 *educational agencies to account for and reduce*  
17 *administrative expenses.*

18 “(2) *STATE DATA.*—*Beginning in fiscal year*  
19 *2001 and each succeeding fiscal year thereafter, each*  
20 *State educational agency which receives funds under*  
21 *title I shall submit to the Secretary a report on the*  
22 *use of title I funds for the State administration of ac-*  
23 *tivities assisted under title I. Such report shall in-*  
24 *clude the proportion of State administrative funds*  
25 *provided under section 1603 that are expended for—*



1        *less Assistance Act, the amounts allotted to the De-*  
2        *partment of the Interior under those programs.*

3            “(2) *AGREEMENT.*—

4            “(A) *IN GENERAL.*—*The Secretary and the*  
5        *Secretary of the Interior shall enter into an*  
6        *agreement, consistent with the requirements of*  
7        *the programs specified in paragraph (1), for the*  
8        *distribution and use of those program funds*  
9        *under terms that the Secretary determines best*  
10       *meet the purposes of those programs.*

11          “(B) *REQUIREMENTS.*—*The agreement*  
12       *shall—*

13            “(i) *set forth the plans of the Secretary*  
14        *of the Interior for the use of the amount*  
15        *transferred, the steps to be taken to achieve*  
16        *America’s Education Goals, and perform-*  
17        *ance measures to assess program effective-*  
18        *ness, including measurable goals and objec-*  
19        *tives; and*

20            “(ii) *be developed in consultation with*  
21        *Indian tribes.*

22          “(b) *ADMINISTRATION.*—*The Department of the Inte-*  
23       *rior may use not more than 1.5 percent of the funds consoli-*  
24       *dated under this section for such department’s costs related*

1 *to the administration of the funds transferred under this*  
 2 *section.*

3 **“SEC. 6406. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.**

4       “(a) *UNNEEDED PROGRAM FUNDS.*—*With the ap-*  
 5 *proval of its State educational agency, a local educational*  
 6 *agency that determines for any fiscal year that funds under*  
 7 *a covered program (other than part A of title I) are not*  
 8 *needed for the purpose of that covered program, may use*  
 9 *such funds, not to exceed five percent of the total amount*  
 10 *of such local educational agency’s funds under that covered*  
 11 *program, for the purpose of another covered program.*

12       “(b) *COORDINATION OF SERVICES.*—*A local edu-*  
 13 *cational agency, individual school, or consortium of schools*  
 14 *may use a total of not more than five percent of the funds*  
 15 *such agency, school, or consortium, respectively, receives*  
 16 *under this part for the establishment and implementation*  
 17 *of a coordinated services project.*

18 **“PART E—COORDINATION OF PROGRAMS; CON-**  
 19 **SOLIDATED STATE AND LOCAL PLANS AND**  
 20 **APPLICATIONS**

21 **“SEC. 6501. PURPOSE.**

22       “*It is the purpose of this part to improve teaching and*  
 23 *learning by encouraging greater cross-program coordina-*  
 24 *tion, planning, and service delivery under this Act and en-*

1 *hanced integration of programs under this Act with edu-*  
 2 *cational activities carried out with State and local funds.*

3 **“SEC. 6502. OPTIONAL CONSOLIDATED STATE PLANS OR AP-**  
 4 **PLICATIONS.**

5 *“(a) GENERAL AUTHORITY.—*

6 *“(1) SIMPLIFICATION.—In order to simplify ap-*  
 7 *plication requirements and reduce the burden for*  
 8 *State educational agencies under this Act, the Sec-*  
 9 *retary, in accordance with subsection (b), shall estab-*  
 10 *lish procedures and criteria under which a State edu-*  
 11 *cational agency may submit a consolidated State*  
 12 *plan or a consolidated State application meeting the*  
 13 *requirements of this section for—*

14 *“(A) each of the covered programs in which*  
 15 *the State participates; and*

16 *“(B) the additional programs described in*  
 17 *paragraph (2).*

18 *“(2) ADDITIONAL PROGRAMS.—A State edu-*  
 19 *cational agency may also include in its consolidated*  
 20 *State plan or consolidated State application—*

21 *“(A) the Even Start program under part B*  
 22 *of title I;*

23 *“(B) the Prevention and Intervention Pro-*  
 24 *grams for Youth Who Are Neglected, Delinquent,*



1            *or At-Risk of Dropping Out under part D of*  
2            *title I;*

3            *“(C) programs under Public Law 103–239;*  
4            *and*

5            *“(D) such other programs as the Secretary*  
6            *may designate.*

7            *“(3) CONSOLIDATED APPLICATIONS AND*  
8            *PLANS.—A State educational agency that submits a*  
9            *consolidated State plan or a consolidated State appli-*  
10           *cation under this section shall not be required to sub-*  
11           *mit separate State plans or applications under any*  
12           *of the programs to which the consolidated State plan*  
13           *or consolidated State application under this section*  
14           *applies.*

15           *“(b) COLLABORATION.—*

16           *“(1) IN GENERAL.—In establishing criteria and*  
17           *procedures under this section, the Secretary shall col-*  
18           *laborate with State educational agencies and, as ap-*  
19           *propriate, with other State agencies, local educational*  
20           *agencies, public and private nonprofit agencies, orga-*  
21           *nizations, and institutions, private schools, and rep-*  
22           *resentatives of parents, students, and teachers.*

23           *“(2) CONTENTS.—Through the collaborative*  
24           *process described in subsection (b)(1), the Secretary*  
25           *shall establish, for each program under this Act to*

1       *which this section applies, the descriptions, informa-*  
 2       *tion, assurances, and other material required to be in-*  
 3       *cluded in a consolidated State plan or consolidated*  
 4       *State application.*

5               “(3) *NECESSARY MATERIALS.*—*The Secretary*  
 6       *shall require only descriptions, information, assur-*  
 7       *ances, and other materials that are absolutely nec-*  
 8       *essary for the consideration of the consolidated State*  
 9       *plan or consolidated State application.*

10   **“SEC. 6503. GENERAL APPLICABILITY OF STATE EDU-**  
 11               **CATIONAL AGENCY ASSURANCES.**

12               “(a) *ASSURANCES.*—*A State educational agency that*  
 13       *submits a consolidated State plan or consolidated State ap-*  
 14       *plication under this Act, whether separately or under sec-*  
 15       *tion 6502, shall have on file with the Secretary a single*  
 16       *set of assurances, applicable to each program for which such*  
 17       *plan or application is submitted, that provides that—*

18                       “(1) *each such program will be administered in*  
 19       *accordance with all applicable statutes, regulations,*  
 20       *program plans, and applications;*

21                       “(2)(A) *the control of funds provided under each*  
 22       *such program and title to property acquired with*  
 23       *program funds will be in a public agency, in a non-*  
 24       *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        *bursement of, and accounting for, Federal funds paid*  
2        *to the State under each such program;*

3            *“(6) the State will—*

4                    *“(A) make reports to the Secretary as may*  
5                    *be necessary to enable the Secretary to perform*  
6                    *the Secretary’s duties under each such program;*  
7                    *and*

8                    *“(B) maintain such records, provide such*  
9                    *information to the Secretary, and afford access*  
10                   *to the records as the Secretary may find nec-*  
11                   *essary to carry out the Secretary’s duties; and*

12                   *“(7) before the plan or application was sub-*  
13                   *mitted to the Secretary, the State has afforded a rea-*  
14                   *sonable opportunity for public comment on the plan*  
15                   *or application and has considered such comment.*

16                   *“(b) GEPA PROVISION.—Section 441 of the General*  
17                   *Education Provisions Act shall not apply to this part.*

18        **“SEC. 6504. ADDITIONAL COORDINATION.**

19                   *“(a) ADDITIONAL COORDINATION.—In order to explore*  
20                   *ways for State educational agencies to reduce administra-*  
21                   *tive burdens and promote the coordination of the education*  
22                   *services of this Act with other health and social service pro-*  
23                   *grams administered by such agencies, the Secretary is di-*  
24                   *rected to seek agreements with other Federal agencies (in-*  
25                   *cluding the Departments of Health and Human Services,*

1 *Justice, Labor and Agriculture) for the purpose of estab-*  
2 *lishing procedures and criteria under which a State edu-*  
3 *cational agency would submit a consolidated State plan or*  
4 *consolidated State application that meets the requirements*  
5 *of the covered programs.*

6 “(b) *REPORT.*—*The Secretary shall report to the rel-*  
7 *evant committees of Congress not later than 6 months after*  
8 *the date of enactment of the Educational Opportunities Act.*

9 “**SEC. 6505. CONSOLIDATED LOCAL PLANS OR APPLICA-**  
10 **TIONS.**”

11 “(a) *GENERAL AUTHORITY.*—*A local educational*  
12 *agency receiving funds under more than one covered pro-*  
13 *gram may submit plans or applications to the State edu-*  
14 *cational agency under such programs on a consolidated*  
15 *basis.*

16 “(b) *REQUIRED CONSOLIDATED PLANS OR APPLICA-*  
17 *TIONS.*—*A State educational agency that has submitted and*  
18 *had approved a consolidated State plan or application*  
19 *under section 6502 may require local educational agencies*  
20 *in the State receiving funds under more than one program*  
21 *included in the consolidated State plan or consolidated*  
22 *State application to submit consolidated local plans or ap-*  
23 *plications under such programs.*

24 “(c) *COLLABORATION.*—*A State educational agency*  
25 *shall collaborate with local educational agencies in the State*

1 *in establishing procedures for the submission of the consoli-*  
2 *dated State plans or consolidated State applications under*  
3 *this section.*

4       “(d) *NECESSARY MATERIALS.*—*The State educational*  
5 *agency shall require only descriptions, information, assur-*  
6 *ances, and other material that are absolutely necessary for*  
7 *the consideration of the local educational agency plan or*  
8 *application.*

9       “**SEC. 6506. OTHER GENERAL ASSURANCES.**

10       “(a) *ASSURANCES.*—*Any applicant other than a State*  
11 *educational agency that submits a plan or application*  
12 *under this Act, whether separately or pursuant to section*  
13 *6504, shall have on file with the State educational agency*  
14 *a single set of assurances, applicable to each program for*  
15 *which a plan or application is submitted, that provides*  
16 *that—*

17               “(1) *each such program will be administered in*  
18 *accordance with all applicable statutes, regulations,*  
19 *program plans, and applications;*

20               “(2)(A) *the control of funds provided under each*  
21 *such program and title to property acquired with*  
22 *program funds will be in a public agency or in a*  
23 *nonprofit private agency, institution, organization, or*  
24 *Indian tribe, if the law authorizing the program pro-*  
25 *vides for assistance to such entities; and*

1           “(B) the public agency, nonprofit private agency,  
2           institution, or organization, or Indian tribe will  
3           administer such funds and property to the extent re-  
4           quired by the authorizing statutes;

5           “(3) the applicant will adopt and use proper  
6           methods of administering each such program,  
7           including—

8                   “(A) the enforcement of any obligations im-  
9                   posed by law on agencies, institutions, organiza-  
10                  tions, and other recipients responsible for car-  
11                  rying out each program; and

12                   “(B) the correction of deficiencies in pro-  
13                  gram operations that are identified through au-  
14                  dits, monitoring, or evaluation;

15           “(4) the applicant will cooperate in carrying out  
16           any evaluation of each such program conducted by or  
17           for the State educational agency, the Secretary or  
18           other Federal officials;

19           “(5) the applicant will use such fiscal control  
20           and fund accounting procedures as will ensure proper  
21           disbursement of, and accounting for, Federal funds  
22           paid to such applicant under each such program;

23           “(6) the applicant will—

24                   “(A) make reports to the State educational  
25                  agency and the Secretary as may be necessary to

1           *enable such agency and the Secretary to perform*  
2           *their duties under each such program; and*

3                   “(B) *maintain such records, provide such*  
4                   *information, and afford access to the records as*  
5                   *the State educational agency or the Secretary*  
6                   *may find necessary to carry out the State edu-*  
7                   *cational agency’s or the Secretary’s duties; and*

8                   “(7) *before the application was submitted, the*  
9                   *applicant afforded a reasonable opportunity for pub-*  
10                   *lic comment on the application and has considered*  
11                   *such comment.*

12           “(b) *GEPA PROVISION.—Section 442 of the General*  
13           *Education Provisions Act shall not apply to this part.*

14   **“SEC. 6507. RELATIONSHIP OF STATE AND LOCAL PLANS TO**  
15                   **OTHER PLANS.**

16           “(a) *STATE PLANS.—Each State plan submitted under*  
17           *the following programs shall be integrated with each other*  
18           *and the State’s improvement plan, if any, either approved*  
19           *or being developed, under Public Law 103–239, and the*  
20           *Carl D. Perkins Vocational and Technical Education Act*  
21           *of 1998:*

22                   “(1) *Part A of title I (helping disadvantaged*  
23                   *children meet high standards).*

24                   “(2) *Part C of title I (education of migratory*  
25                   *children).*



1           “(3) *Title II (professional development).*

2           “(4) *Title IV (safe and drug-free schools).*

3           “(5) *Part A of title VI (innovative education*  
4 *program strategies).*

5           “(6) *Subpart 4 of part A of title IX (Indian edu-*  
6 *cation).*

7           “(b) *LOCAL PLANS.—*

8           “(1) *IN GENERAL.—Each local educational agen-*  
9 *cy plan submitted under the following programs shall*  
10 *be integrated with each other:*

11           “(A) *Part A of title I (helping disadvan-*  
12 *tagged children meet high standards).*

13           “(B) *Title II (professional development).*

14           “(C) *Title IV (safe and drug-free schools).*

15           “(D) *Part A of title VI (innovative edu-*  
16 *cation program strategies).*

17           “(E) *Subpart 1 of part A of title VII (bilin-*  
18 *gual education).*

19           “(F) *Part C of title VII (emergency immi-*  
20 *grant education).*

21           “(G) *Subpart 4 of part A of title IX (In-*  
22 *dian education).*

23           “(2) *PLAN OF OPERATION.—Each plan of oper-*  
24 *ation included in an application submitted by an eli-*  
25 *gible entity under part B of title I (Even Start) shall*

1       *be consistent with, and promote the goals of the State*  
 2       *plan under section 1111 and the local educational*  
 3       *agency plan under section 1112.*

4                                   **“PART F—WAIVERS**

5       **“SEC. 6601. WAIVERS OF STATUTORY AND REGULATORY RE-**  
 6                                   **QUIREMENTS.**

7               “(a) *IN GENERAL.—Except as provided in subsection*  
 8       *(c), the Secretary may waive any statutory or regulatory*  
 9       *requirement of this Act for a State educational agency, local*  
 10       *educational agency, Indian tribe, or school through a local*  
 11       *educational agency, that—*

12                       “(1) *receives funds under a program authorized*  
 13       *by this Act; and*

14                       “(2) *requests a waiver under subsection (b).*

15       “(b) *REQUEST FOR WAIVER.—*

16                       “(1) *IN GENERAL.—A State educational agency,*  
 17       *local educational agency, or Indian tribe which de-*  
 18       *sires a waiver shall submit a waiver request to the*  
 19       *Secretary that—*

20                               “(A) *identifies the Federal programs af-*  
 21       *ected by such requested waiver;*

22                               “(B) *describes which Federal requirements*  
 23       *are to be waived and how the waiving of such re-*  
 24       *quirements will—*

1                   “(i) increase the quality of instruction  
2                   for students; or

3                   “(ii) improve the academic perform-  
4                   ance of students;

5                   “(C) if applicable, describes which similar  
6                   State and local requirements will be waived and  
7                   how the waiving of such requirements will assist  
8                   the local educational agencies, Indian tribes or  
9                   schools, as appropriate, to achieve the objectives  
10                  described in clauses (i) and (ii) of subparagraph  
11                  (B);

12                  “(D) describes specific, measurable edu-  
13                  cational improvement goals and expected out-  
14                  comes for all affected students;

15                  “(E) describes the methods to be used to  
16                  measure progress in meeting such goals and out-  
17                  comes; and

18                  “(F) describes how schools will continue to  
19                  provide assistance to the same populations served  
20                  by programs for which waivers are requested.

21                  “(2)        *ADDITIONAL        INFORMATION.*—Such  
22                  requests—

23                  “(A) may provide for waivers of require-  
24                  ments applicable to State educational agencies,

1           *local educational agencies, Indian tribes, and*  
2           *schools; and*

3           “(B) shall be developed and submitted—

4                   “(i)(I) by local educational agencies  
5                   *(on behalf of such agencies and schools) to*  
6                   *State educational agencies; and*

7                   “(II) by State educational agencies (on  
8                   *behalf of, and based upon the requests of,*  
9                   *local educational agencies) to the Secretary;*  
10                  *or*

11                   “(ii) by Indian tribes (on behalf of  
12                   *schools operated by such tribes) to the Sec-*  
13                   *retary.*

14           “(3) *GENERAL REQUIREMENTS.—*

15                   “(A) *STATE EDUCATIONAL AGENCIES.—In*  
16                   *the case of a waiver request submitted by a State*  
17                   *educational agency acting in its own behalf, the*  
18                   *State educational agency shall—*

19                           “(i) provide all interested local edu-  
20                           *cational agencies in the State with notice*  
21                           *and a reasonable opportunity to comment*  
22                           *on the request;*

23                           “(ii) submit the comments to the Sec-  
24                           *retary; and*

1           “(iii) provide notice and information  
2           to the public regarding the waiver request  
3           in the manner that the applying agency  
4           customarily provides similar notices and  
5           information to the public.

6           “(B) LOCAL EDUCATIONAL AGENCIES.—In  
7           the case of a waiver request submitted by a local  
8           educational agency that receives funds under this  
9           Act—

10           “(i) such request shall be reviewed by  
11           the State educational agency and be accom-  
12           panied by the comments, if any, of such  
13           State educational agency; and

14           “(ii) notice and information regarding  
15           the waiver request shall be provided to the  
16           public by the agency requesting the waiver  
17           in the manner that such agency customarily  
18           provides similar notices and information to  
19           the public.

20           “(c) RESTRICTIONS.—The Secretary shall not waive  
21           under this section any statutory or regulatory requirements  
22           relating to—

23           “(1) the allocation or distribution of funds to  
24           States, local educational agencies, or other recipients  
25           of funds under this Act;

1           “(2) maintenance of effort;

2           “(3) comparability of services;

3           “(4) use of Federal funds to supplement, not sup-  
4           plant, non-Federal funds;

5           “(5) equitable participation of private school stu-  
6           dents and teachers;

7           “(6) parental participation and involvement;

8           “(7) applicable civil rights requirements;

9           “(8) the requirement for a charter school under  
10          part D of title V;

11          “(9) the prohibitions regarding—

12               “(A) State aid in section 10102; or

13               “(B) use of funds for religious worship or  
14               instruction in section 10107; or

15          “(10) the selection of a school attendance area or  
16          school under subsections (a) and (b) of section 1113,  
17          except that the Secretary may grant a waiver to allow  
18          a school attendance area or school to participate in  
19          activities under part A of title I if the percentage of  
20          children from low-income families in the school at-  
21          tendance area of such school or who attend such school  
22          is not less than 10 percentage points below the lowest  
23          percentage of such children for any school attendance  
24          area or school of the local educational agency that

1       *meets the requirements of such subsections (a) and*  
2       *(b).*

3       “(d) *DURATION AND EXTENSION OF WAIVER.*—

4               “(1) *IN GENERAL.*—*Except as provided in para-*  
5       *graph (2), the duration of a waiver approved by the*  
6       *Secretary under this section may be for a period not*  
7       *to exceed three years.*

8               “(2) *EXTENSION.*—*The Secretary may extend the*  
9       *period described in paragraph (1) if the Secretary de-*  
10       *termines that—*

11                       “(A) *the waiver has been effective in ena-*  
12       *bling the State or affected recipients to carry out*  
13       *the activities for which the waiver was requested*  
14       *and the waiver has contributed to improved stu-*  
15       *dent performance; and*

16                       “(B) *such extension is in the public interest.*

17       “(e) *REPORTS.*—

18               “(1) *LOCAL WAIVER.*—*A local educational agen-*  
19       *cy that receives a waiver under this section shall at*  
20       *the end of the second year for which a waiver is re-*  
21       *ceived under this section, and each subsequent year,*  
22       *submit a report to the State educational agency*  
23       *that—*

24                       “(A) *describes the uses of such waiver by*  
25       *such agency or by schools;*

1           “(B) describes how schools continued to pro-  
2           vide assistance to the same populations served by  
3           the programs for which waivers are requested;  
4           and

5           “(C) evaluates the progress of such agency  
6           and of schools in improving the quality of in-  
7           struction or the academic performance of stu-  
8           dents.

9           “(2) STATE WAIVER.—A State educational agen-  
10          cy that receives reports required under paragraph (1)  
11          shall annually submit a report to the Secretary that  
12          is based on such reports and contains such informa-  
13          tion as the Secretary may require.

14          “(3) INDIAN TRIBE WAIVER.—An Indian tribe  
15          that receives a waiver under this section shall annu-  
16          ally submit a report to the Secretary that—

17                 “(A) describes the uses of such waiver by  
18                 schools operated by such tribe; and

19                 “(B) evaluates the progress of such schools  
20                 in improving the quality of instruction or the  
21                 academic performance of students.

22          “(4) REPORT TO CONGRESS.—Beginning in fis-  
23          cal year 2001 and each subsequent year, the Secretary  
24          shall submit to the Committee on Education and the  
25          Workforce of the House of Representatives and the



1        *Committee on Health, Education, Labor, and Pen-*  
2        *sions of the Senate a report—*

3                *“(A) summarizing the uses of waivers by*  
4                *State educational agencies, local educational*  
5                *agencies, Indian tribes, and schools; and*

6                *“(B) describing whether such waivers—*

7                        *“(i) increased the quality of instruc-*  
8                        *tion to students; or*

9                        *“(ii) improved the academic perform-*  
10                        *ance of students.*

11        *“(f) TERMINATION OF WAIVERS.—The Secretary shall*  
12        *terminate a waiver under this section if the Secretary deter-*  
13        *mines that the performance of the State or other recipient*  
14        *affected by the waiver has been inadequate to justify a con-*  
15        *tinuation of the waiver or if the waiver is no longer nec-*  
16        *essary to achieve its original purposes.*

17        *“(g) PUBLICATION.—A notice of the Secretary’s deci-*  
18        *sion to grant each waiver under subsection (a) shall be pub-*  
19        *lished in the Federal Register and the Secretary shall pro-*  
20        *vide for the dissemination of such notice to State edu-*  
21        *cational agencies, interested parties, including educators,*  
22        *parents, students, advocacy and civil rights organizations,*  
23        *and the public.*

1           **“PART G—EDUCATION PERFORMANCE**

2                           **PARTNERSHIPS**

3   **“SEC. 6701. SHORT TITLE.**

4           *“This part may be cited as the ‘Education Perform-*  
5 *ance Partnerships Act’.*

6   **“SEC. 6702. PURPOSE.**

7           *The purpose of this part is to create options for States*  
8 *and communities—*

9                   *“(1) to improve the academic achievement of all*  
10 *students, and to focus the resources of the Federal*  
11 *Government on such achievement;*

12                   *“(2) to give States and communities maximum*  
13 *flexibility in determining how to boost academic*  
14 *achievement and implement education reforms;*

15                   *“(3) to hold States and communities accountable*  
16 *for boosting the academic achievement of all students,*  
17 *especially disadvantaged children;*

18                   *“(4) to narrow achievement gaps between the*  
19 *lowest and highest performing groups of students so*  
20 *that no child is left behind;*

21                   *“(5) to give States and local school districts*  
22 *maximum flexibility to determine how to educate stu-*  
23 *dents in return for standards of accountability that*  
24 *exceed the requirements of existing Federal law.*

1 **“SEC. 6703. PERFORMANCE PARTNERSHIP AGREEMENTS.**

2       “(a) *AGREEMENT AUTHORIZED.*—A State may, at the  
3 option of the State, execute a performance partnership  
4 agreement with the Secretary under which the provisions  
5 of law described in section 6704(a) shall not apply to such  
6 State except as otherwise provided in this part.

7       “(b) *DETERMINATION OF STATE PARTICIPATION.*—The  
8 Governor of a State, in consultation with the individual  
9 or body responsible for the education programs of the State  
10 under State law, shall determine whether the State shall  
11 participate in a performance partnership agreement.

12       “(c) *APPROVAL OF PERFORMANCE PARTNERSHIP*  
13 *AGREEMENT.*—

14               “(1) *IN GENERAL.*—A performance partnership  
15 agreement submitted to the Secretary under this sec-  
16 tion shall be approved by the Secretary unless the  
17 Secretary provides a written notification, within 60  
18 days after receiving the performance partnership  
19 agreement, that identifies areas of the agreement that  
20 do not comply with the provisions of this part but  
21 that are subject to negotiation under paragraph (2).

22               “(2) *NEGOTIATIONS.*—

23                       “(A) *IN GENERAL.*—Not later than 4  
24 months after the date on which a notification is  
25 provided to a State under paragraph (1), the  
26 Secretary shall complete negotiations with the

1           *State concerning the areas of noncompliance*  
2           *identified in the notification.*

3           “(B) *PEER REVIEW.*—*If the Secretary and*  
4           *the State do not complete negotiations within the*  
5           *4-month period described in subparagraph (A),*  
6           *the proposed performance partnership agreement*  
7           *involved shall be subject to peer review, except*  
8           *that such 4-month period may be extended for an*  
9           *additional 30 days if the Secretary and the State*  
10          *agree to such a continuance.*

11          “(3) *RESUBMISSION.*—*A State may resubmit a*  
12          *performance partnership agreement at any time after*  
13          *such agreement is rejected by the Secretary. If the*  
14          *Secretary rejects a performance partnership agree-*  
15          *ment, a State shall have the opportunity to request*  
16          *peer review of the rejection.*

17          “(4) *PEER REVIEW.*—

18                 “(A) *ESTABLISHMENT OF COMMITTEE.*—  
19                 *The Secretary shall establish a peer review com-*  
20                 *mittee to conduct a review of a performance*  
21                 *partnership agreement as provided for under*  
22                 *paragraph (2)(B) or (3).*

23                 “(B) *REVIEWERS.*—*The committee shall be*  
24                 *composed of 7 members, of which—*

1                   “(i) 2 members shall be appointed by  
2                   the State submitting the agreement;

3                   “(ii) 2 members shall be appointed by  
4                   the Secretary; and

5                   “(iii) 3 members shall be appointed by  
6                   the National Academy of Sciences.

7                   “(C) *RESPONSIBILITIES.*—The committee  
8                   shall review the agreement and, at the discretion  
9                   of the committee, conduct a site visit.

10                  “(D) *RECOMMENDATIONS.*—The committee  
11                  shall make advisory recommendations to the Sec-  
12                  retary and the State regarding the agreement,  
13                  not later than 60 days after receiving the agree-  
14                  ment.

15                  “(E) *DECISION.*—

16                         “(i) *IN GENERAL.*—Except as provided  
17                         in clause (ii), not later than 30 days after  
18                         receiving the recommendations, the Sec-  
19                         retary shall decide whether to approve the  
20                         agreement.

21                         “(ii) *CONTINUED NEGOTIATIONS.*—Ne-  
22                         gotiations on the agreement may continue  
23                         for as long as the Secretary and the State  
24                         agree.

1       “(d) *TERMS OF PERFORMANCE PARTNERSHIP.*—Each  
2 *performance partnership agreement executed pursuant to*  
3 *this part shall meet the following requirements:*

4           “(1) *TERM.*—The agreement shall contain a  
5 *statement that the term of the performance partner-*  
6 *ship agreement may be not more than 5 years.*

7           “(2) *APPLICATION OF PROGRAM REQUIRE-*  
8 *MENTS.*—The agreement shall state that no program  
9 *requirements of any program included in the per-*  
10 *formance partnership agreement shall apply to activi-*  
11 *ties carried out with the program funds, except as*  
12 *otherwise provided in this part.*

13           “(3) *LIST.*—The agreement shall include a list,  
14 *provided by the State, of the programs that the State*  
15 *wishes to include in the performance partnership*  
16 *agreement.*

17           “(4) *USE OF FUNDS TO IMPROVE STUDENT*  
18 *ACHIEVEMENT.*—The agreement shall contain a 5-  
19 *year plan describing how the State intends to com-*  
20 *bine and use the funds from programs included in the*  
21 *performance partnership agreement to advance the*  
22 *education priorities of the State, improve student*  
23 *achievement, and narrow achievement gaps between*  
24 *groups of students.*

1           “(5) *OPPORTUNITY FOR PUBLIC REVIEW AND*  
2           *COMMENT.*—*The agreement shall include information*  
3           *that demonstrates that the State has, as provided for*  
4           *under the laws of the State, provided parents, teach-*  
5           *ers, and local educational agencies with notice and an*  
6           *opportunity to comment on a proposed performance*  
7           *partnership agreement prior to the submission of such*  
8           *agreement to the Secretary.*

9           “(6) *ACCOUNTABILITY SYSTEM REQUIRE-*  
10           *MENTS.*—*If the State includes any program under*  
11           *part A of title I in the performance partnership*  
12           *agreement the State shall include a certification*  
13           *that—*

14                   “(A)(i) *the State has developed and imple-*  
15                   *mented the challenging State content standards,*  
16                   *challenging State student performance standards,*  
17                   *and aligned assessments described in section*  
18                   *1111(b); or*

19                   “(ii) *the State has developed and imple-*  
20                   *mented a system to measure the degree of change*  
21                   *from 1 school year to the next in student per-*  
22                   *formance on such aligned assessments;*

23                   “(B) *the State has established a system*  
24                   *under which assessment information obtained*  
25                   *through an assessment or measurement described*

1           *in subparagraph (A) is disaggregated by race,*  
2           *ethnicity, English proficiency status, and socio-*  
3           *economic status for the State, each local edu-*  
4           *cational agency, and each school, except that*  
5           *such disaggregation shall not be required in cases*  
6           *in which—*

7                   “(i) *the number of students in any*  
8                   *group that would result would be insuffi-*  
9                   *cient to yield statistically reliable informa-*  
10                  *tion; or*

11                  “(ii) *the disaggregated information*  
12                  *would reveal the identity of an individual*  
13                  *student;*

14           “(C) *the State has established specific,*  
15           *measurable, student performance objectives for*  
16           *determining adequate yearly progress (referred to*  
17           *in this part as ‘performance objectives’),*  
18           *including—*

19                   “(i) *a definition of performance con-*  
20                   *sidered to be adequate and inadequate by*  
21                   *the State on the assessment or measurement*  
22                   *instruments described in subparagraph (A)*  
23                   *(and (B)), for all students; and*

24                   “(ii) *the objective of improving the per-*  
25                   *formance of all student groups and nar-*



1            *rowing gaps in achievement between the*  
2            *lowest and highest performing students; and*  
3            *“(D) the State has developed and imple-*  
4            *mented a statewide system for holding local edu-*  
5            *cational agencies and schools in the State ac-*  
6            *countable for student performance on the per-*  
7            *formance objectives that includes—*

8                    *“(i) a procedure for identifying local*  
9                    *educational agencies and schools in need of*  
10                   *improvement;*

11                   *“(ii) a procedure for assisting and*  
12                   *building capacity in local educational agen-*  
13                   *cies and schools identified as needing im-*  
14                   *provement, to improve teaching and learn-*  
15                   *ing; and*

16                   *“(iii) a procedure for implementing*  
17                   *corrective actions if the provision of assist-*  
18                   *ance and capacity building described in*  
19                   *clause (ii) is not effective.*

20            *“(7) PERFORMANCE GOALS.—*

21                   *“(A) STUDENT ACHIEVEMENT DATA.—Each*  
22                   *State shall establish, and include in the agree-*  
23                   *ment, student performance goals for the 5-year*  
24                   *term of the agreement that, at a minimum—*

1                   “(i) establish a single high standard of  
2 performance for all students;

3                   “(ii) take into account the progress of  
4 students from every local educational agen-  
5 cy and school in the State participating in  
6 a program subject to the performance part-  
7 nership agreement;

8                   “(iii) measure changes in the percent-  
9 ages of students at selected grade levels  
10 meeting specified proficiency levels of  
11 achievement (established by the State) in  
12 each year of the performance partnership  
13 agreement, compared to such percentages in  
14 the baseline year (as described in subpara-  
15 graph (C));

16                   “(iv) set annual goals for improving  
17 the performance of each group specified in  
18 paragraph (6)(B) and for narrowing gaps  
19 in performance between the highest and low-  
20 est performing students in accordance with  
21 section 6710(b); and

22                   “(v) require all students served by a  
23 local educational agency or school in the  
24 State participating in a program subject to

1           *the performance partnership agreement to*  
2           *make substantial gains in achievement.*

3           “(B) *ADDITIONAL PERFORMANCE INDICA-*  
4           *TORS.—A State may identify in the performance*  
5           *partnership agreement any additional perform-*  
6           *ance indicator such as graduation, dropout, or*  
7           *attendance rates.*

8           “(C) *BASELINE PERFORMANCE DATA.—To*  
9           *determine the percentages of students at selected*  
10          *grade levels meeting specified proficiency levels of*  
11          *achievement for the baseline year, the State shall*  
12          *use the most recent achievement data available*  
13          *on the date on which the State and the Secretary*  
14          *execute the performance partnership agreement.*

15          “(D) *CONSISTENCY OF PERFORMANCE*  
16          *MEASURES.—A State shall maintain, at a min-*  
17          *imum, the same challenging State student per-*  
18          *formance standards, and consistent aligned as-*  
19          *sessments or measures, as specified in the per-*  
20          *formance partnership agreement involved,*  
21          *throughout the term of the agreement.*

22          “(8) *ANNUAL REPORT.—The agreement shall in-*  
23          *clude an assurance that not later than 2 years after*  
24          *the date of the execution of the performance partner-*  
25          *ship agreement, and annually thereafter, the State*

1 shall disseminate widely to the general public, submit  
2 to the Secretary, distribute to print and broadcast  
3 media, and post on the Internet, a report that  
4 includes—

5 “(A) student performance data obtained  
6 through an assessment or measurement con-  
7 ducted under paragraph (6)(A), disaggregated as  
8 provided in paragraph (6)(B); and

9 “(B) a detailed description of how the State  
10 has used Federal funds to improve student per-  
11 formance and reduce achievement gaps to meet  
12 the terms of the performance partnership agree-  
13 ment.

14 “(9) COMPLIANCE.—The agreement shall include  
15 an assurance that the State educational agency was  
16 in compliance with the requirements of this Act as  
17 such Act was in effect on the date of enactment of this  
18 part.

19 “(10) ALIGNMENT WITH REFORM PLAN.—The  
20 agreement shall contain an assurance that the plan  
21 described in paragraph (4) is aligned with the State’s  
22 reform plan for elementary and secondary education.

23 “(11) FISCAL RESPONSIBILITIES.—The agree-  
24 ment shall include an assurance that the State will  
25 use fiscal control and fund accounting procedures that

1       *will ensure proper disbursements of, and accounting*  
2       *for, Federal funds provided to the State under this*  
3       *part.*

4               “(12) *IMPLEMENTATION SCHEDULE.—The agree-*  
5       *ment shall include a schedule for implementation of*  
6       *the plan described in paragraph (4) that aligns the*  
7       *plan with the school calendar for elementary schools*  
8       *and secondary schools in the State.*

9               “(13) *TIMELINE FOR REPORTING STUDENT PER-*  
10       *FORMANCE DATA.—The agreement shall contain a*  
11       *timeline for reporting student performance data ob-*  
12       *tained through an assessment or measurement con-*  
13       *ducted under paragraph (6)(A), based on the State’s*  
14       *assessment schedule.*

15              “(e) *AMENDMENT TO PERFORMANCE PARTNERSHIP*  
16 *AGREEMENT.—*

17               “(1) *IN GENERAL.—The State may modify the*  
18       *terms of the performance partnership agreement—*

19                       “(A) *by submitting to the Secretary, and*  
20       *obtaining the approval of the Secretary on, an*  
21       *amendment described in paragraph (2); or*

22                       “(B) *by providing notice to the Secretary of*  
23       *the State’s intent to make an amendment de-*  
24       *scribed in paragraph (3).*

1           “(2) *AMENDMENTS REQUIRING APPROVAL OF*  
2           *SECRETARY.—*

3           “(A) *WITHDRAWAL OF PROGRAMS.—A State*  
4           *may submit to the Secretary an amendment that*  
5           *withdraws a program described in section*  
6           *6704(a) from the performance partnership agree-*  
7           *ment. If the Secretary approves the amendment,*  
8           *the requirements of applicable law shall apply*  
9           *for the program withdrawn.*

10          “(B) *INCLUSION OF PROGRAMS.—A State*  
11          *may submit to the Secretary an amendment that*  
12          *includes an additional program described in sec-*  
13          *tion 6704(a) in the performance partnership*  
14          *agreement.*

15          “(C) *INCLUSION OF PERFORMANCE OBJEC-*  
16          *TIVES.—A State may submit to the Secretary an*  
17          *amendment that includes in the agreement an*  
18          *additional performance objective for which local*  
19          *educational agencies and schools in the State*  
20          *will be held accountable.*

21          “(3) *AMENDMENTS NOT REQUIRING APPROVAL OF*  
22          *SECRETARY.—A State, in the discretion of the State,*  
23          *may amend the performance partnership agreement*  
24          *to modify any term of the agreement other than a*

1       *term described in paragraph (2) or subsection*  
2       *(d)(7)(D).*

3       **“SEC. 6704. TREATMENT OF ELIGIBLE PROGRAMS UNDER**  
4               **AGREEMENTS.**

5       “(a) *ELIGIBLE PROGRAMS.*—*The programs that may*  
6       *be included in a performance partnership agreement under*  
7       *this part are the programs authorized under the following*  
8       *provisions of law:*

9               “(1) *Part A of title I.*

10              “(2) *Part B of title I.*

11              “(3) *Part C of title I.*

12              “(4) *Section 1502.*

13              “(5) *Subparts 1, 2, and 3 of part A of title II.*

14              “(6) *Part B of title III.*

15              “(7) *Section 5132.*

16              “(8) *Title VI.*

17              “(9) *Part C of title VII.*

18              “(10) *Any other provision of this Act that is not*  
19       *in effect on the date of enactment of the Educational*  
20       *Opportunities Act under which the Secretary provides*  
21       *grants to States on the basis of a formula.*

22              “(11) *Section 310 of the Department of Edu-*  
23       *cation Appropriations Act, 2000.*

24              “(12) *Title III of the Goals 2000: Educate Amer-*  
25       *ica Act.*

1           “(13) Subtitle B of title VII of the Stewart B.  
2           McKinney Homeless Assistance Act.

3           “(b) EXCLUDED PROVISIONS.—Each State entering  
4 into a performance partnership agreement under this part  
5 shall comply with any statutory or regulatory requirement  
6 applicable to a program described in subsection (a) relating  
7 to—

8           “(1) maintenance of effort;

9           “(2) comparability of services;

10           “(3) equitable participation of students and pro-  
11 fessional staff of private schools;

12           “(4) parental participation and involvement;

13           “(5) in the case of a program carried out under  
14 part A of title I, the serving of eligible school attend-  
15 ance areas in rank order under section 1113(a)(3);

16           “(6) in the case of a program carried out under  
17 part A of title I, the selection of a school attendance  
18 area or school under subsections (a) and (b) of section  
19 1113, except that a State may grant a waiver to  
20 allow a school attendance area or school to partici-  
21 pate in activities under part A of title I of such Act  
22 if the percentage of children from low-income families  
23 (within the meaning of section 6303(c)(1)(G)) in the  
24 school attendance area of such school or who attend  
25 such school is not less than 10 percentage points below



1 *the lowest percentage of such children for any school*  
2 *attendance area or school served by the local edu-*  
3 *cational agency that meets the requirements of such*  
4 *subsections (a) and (b);*

5 *“(7) use of Federal funds to supplement, not sup-*  
6 *plant, non-Federal funds; and*

7 *“(8) applicable civil rights requirements.*

8 *“(c) COMBINATION OF FUNDS UNDER AGREEMENT.—*  
9 *A State that includes programs described in subsection (a)*  
10 *in a partnership performance agreement may combine*  
11 *funds from any or all of the programs without regard to*  
12 *the program requirements of the programs, except—*

13 *“(1) as otherwise provided in this part; and*

14 *“(2) that formulas for the program for the allot-*  
15 *ment of Federal funds to States shall remain in effect*  
16 *except as otherwise provided in Federal law.*

17 *“(d) USES OF FUNDS UNDER AGREEMENT.—Funds*  
18 *made available to a State under this part shall be used for*  
19 *educational purposes, including—*

20 *“(1) carrying out activities focused on improved*  
21 *student learning;*

22 *“(2) providing new books;*

23 *“(3) providing additional technology;*

24 *“(4) promoting high standards and conducting*  
25 *assessments;*

1           “(5) *conducting teacher hiring and making im-*  
2           *provements in the quality of teaching;*

3           “(6) *reducing class sizes;*

4           “(7) *operating alternative schools;*

5           “(8) *constructing schools;*

6           “(9) *supporting special education;*

7           “(10) *operating charter schools;*

8           “(11) *promoting character education;*

9           “(12) *conducting dropout prevention activities;*

10          *and*

11           “(13) *providing tutoring and remedial help for*  
12          *struggling students.*

13          **“SEC. 6705. LOCAL PARTICIPATION IN AGREEMENTS.**

14           “(a) *NONPARTICIPATING STATE.—*

15           “(1) *IN GENERAL.—If a State chooses not to sub-*  
16          *mit a performance partnership agreement under this*  
17          *part, any local educational agency in such State is*  
18          *eligible, at the option of the agency, to submit to the*  
19          *Secretary a performance partnership agreement in*  
20          *accordance with this section.*

21           “(2) *AGREEMENT.—The terms of a performance*  
22          *partnership agreement between an eligible local edu-*  
23          *cational agency described in this subsection and the*  
24          *Secretary shall specify the programs to be included in*  
25          *the performance partnership agreement, as agreed*

1       upon by the State and the agency, from the list speci-  
2       fied in section 6704(a).

3       “(b) *STATE APPROVAL.*—In submitting a performance  
4       partnership agreement to the Secretary, the eligible local  
5       educational agency shall provide written documentation  
6       from the State in which such agency is located that the  
7       State has no objection to the local educational agency’s pro-  
8       posal for a performance partnership agreement.

9       “(c) *APPLICATION.*—

10           “(1) *IN GENERAL.*—Except as provided in this  
11       section, and to the extent practicable, the require-  
12       ments of this part shall apply to an eligible local edu-  
13       cational agency that submits a performance partner-  
14       ship agreement in the same manner and to the same  
15       extent as the requirements apply to a State that sub-  
16       mits such an agreement.

17           “(2) *EXCEPTIONS.*—Sections 6706 (other than  
18       section 6706(b)) and 6707 (other than section  
19       6707(d)) shall not apply to the eligible local edu-  
20       cational agency.

21       **“SEC. 6706. WITHIN STATE DISTRIBUTION OF FUNDS.**

22           “(a) *IN GENERAL.*—A State that enters into a per-  
23       formance partnership agreement with respect to programs  
24       shall distribute the funds from the programs to local edu-

1 *cational agencies within the State on the basis of the con-*  
 2 *stitutional and statutory requirements of the State.*

3       “(b) *TARGETING FOR PROGRAMS UNDER PART A OF*  
 4 *TITLE I.—If a State includes programs carried out under*  
 5 *part A of title I in the performance partnership agreement,*  
 6 *sections 1113, 1124, 1124A, 1125, 1125A, 1126, and 1127*  
 7 *shall apply under the agreement, except as provided for*  
 8 *under part C.*

9       “**SEC. 6707. STATE ADMINISTRATIVE EXPENDITURES.**

10       “(a) *PART A PROGRAM IN AGREEMENT.—A State that*  
 11 *includes programs carried out under title I in the State’s*  
 12 *performance partnership agreement may use not more than*  
 13 *1 percent of the total amount of funds allotted to such State*  
 14 *under such programs (as part of the performance partner-*  
 15 *ship agreement) for administrative purposes.*

16       “(b) *OTHER PROGRAMS IN AGREEMENT.—*

17               “(1) *IN GENERAL.—With respect to programs in-*  
 18 *cluded in the performance partnership agreement of*  
 19 *the State other than programs carried out under title*  
 20 *I, the State may use for administrative purposes,*  
 21 *from the total amount of funds allotted to such State*  
 22 *under such non-title I programs (as part of the per-*  
 23 *formance partnership agreement)—*

24                       “(A) *for the first school year for which the*  
 25 *agreement is in effect, not more than the total*

1           *amount provided for administration under the*  
2           *programs for the preceding school year;*

3           “(B) *for the second such school year, not*  
4           *more than 5 percent, plus 75 percent of the cov-*  
5           *ered reduction, of the total amount of funds al-*  
6           *lotted;*

7           “(C) *for the third such school year, not*  
8           *more than 5 percent, plus 50 percent of the cov-*  
9           *ered reduction, of the total amount of funds al-*  
10          *lotted;*

11          “(D) *for the fourth such school year, not*  
12          *more than 5 percent, plus 25 percent of the cov-*  
13          *ered reduction, of the total amount of funds al-*  
14          *lotted; and*

15          “(E) *for the fifth such school year, not more*  
16          *than 5 percent of the total amount of funds allot-*  
17          *ted.*

18          “(2) *EXCEPTION.—Notwithstanding paragraph*  
19          *(1), a State may use not more than 7 percent of the*  
20          *total amount of funds allotted to such State under*  
21          *such non-title I programs (as part of the performance*  
22          *partnership agreement) for administrative and non-*  
23          *administrative expenses associated with statewide or*  
24          *districtwide initiatives directly affecting classroom*  
25          *learning.*

1           “(3) *DEFINITION.*—*In this subsection, the term*  
2           *‘covered reduction’ means the amount obtained by*  
3           *subtracting—*

4                   “(A) *5 percent of the total amount of funds*  
5                   *allotted to the State under the programs included*  
6                   *in the agreement; from*

7                   “(B) *the total amount described in para-*  
8                   *graph (1)(A).*

9           “(c) *RENEWAL OF AGREEMENT.*—*Upon the renewal of*  
10           *the performance partnership agreement of a State for a sub-*  
11           *sequent term, the State may use not more than 5 percent*  
12           *of the total amount of funds allotted to such State under*  
13           *the programs included in the performance partnership*  
14           *agreement for administrative purposes.*

15           “(d) *LOCAL EDUCATIONAL AGENCY.*—*A local edu-*  
16           *cational agency submitting a performance partnership*  
17           *agreement under this part may use not more than 5 percent*  
18           *of the total amount of funds allotted to such agency under*  
19           *the programs included in the performance partnership*  
20           *agreement for administrative purposes.*

21           **“SEC. 6708. PERFORMANCE REVIEW.**

22           “(a) *RECOMMENDATIONS FOR IMPROVEMENT.*—

23                   “(1) *REVIEW.*—*At the end of the third year for*  
24                   *which a performance partnership agreement is in ef-*  
25                   *fect for a State, the Secretary shall prepare a written*

1       *performance review of the activities carried out under*  
2       *the agreement.*

3           “(2) *RECOMMENDATIONS.—*

4               “(A) *IN GENERAL.—If the Secretary deter-*  
5               *mines, in the performance review that—*

6                   “(i) *the State has failed to carry out*  
7                   *the requirements of the agreement;*

8                   “(ii) *the State has failed to implement*  
9                   *the State accountability system described in*  
10                  *section 6703(d)(6)(D); or*

11                  “(iii) *the State has failed to make ade-*  
12                  *quate progress in improving student per-*  
13                  *formance, as measured through performance*  
14                  *objectives,*

15       *the Secretary shall include in the review written*  
16       *recommendations to the State for improvement.*

17               “(B) *SIGNIFICANT DECLINE IN ACHIEVE-*  
18               *MENT.—If the Secretary determines, in the per-*  
19               *formance review, that student achievement with*  
20               *respect to the performance objectives of the State*  
21               *has significantly declined, the Secretary shall,*  
22               *after notice and an opportunity for a hearing,*  
23               *terminate the agreement. Such agreement shall*  
24               *not be terminated if the State demonstrates to*  
25               *the Secretary that the decline in student achieve-*

1           *ment was justified based on exceptional cir-*  
 2           *cumstances or circumstances beyond the control*  
 3           *of the State.*

4           “(b) *WITHHOLDING OF FUNDS OR TERMINATION OF*  
 5 *AGREEMENT.*—

6           “(1) *REVIEW.*—*If the Secretary makes a deter-*  
 7           *mination described in subsection (a)(2) in the per-*  
 8           *formance review for a State, not later than 1 year*  
 9           *after the date of the determination the Secretary shall*  
 10          *prepare a second written performance review for the*  
 11          *State of the activities described in subsection (a)(1).*

12          “(2) *ACTION.*—*If the Secretary makes a deter-*  
 13          *mination described in subsection (a)(2) in the second*  
 14          *performance review for a State, the Secretary may*  
 15          *take 1 or more of the following actions:*

16                  “(A) *Withhold a percentage of State admin-*  
 17                  *istrative funds for programs included in the per-*  
 18                  *formance partnership agreement.*

19                  “(B) *Terminate the performance partner-*  
 20                  *ship agreement.*

21          “**SEC. 6709. RENEWAL OF PERFORMANCE PARTNERSHIP**  
 22                  **AGREEMENT.**

23          “(a) *NOTIFICATION.*—*A State that wishes to renew a*  
 24          *performance partnership agreement shall notify the Sec-*



1 *retary not later than 6 months before the end of the 5-year*  
 2 *term of the agreement.*

3 “(b) *RENEWAL REQUIREMENTS.*—*The Secretary shall*  
 4 *renew the agreement for an additional 5-year term, if—*

5 “(1) *at the end of the 5-year term described in*  
 6 *subsection (a), or as soon after the term as is prac-*  
 7 *ticable, the State submits the data required under the*  
 8 *agreement; and*

9 “(2) *the Secretary determines, on the basis of the*  
 10 *data, that the State that has made substantial*  
 11 *progress toward meeting the performance goals de-*  
 12 *scribed in section 6703(d)(7) during the 5-year term.*

13 **“SEC. 6710. CLOSING THE ACHIEVEMENT GAP BONUS**  
 14 **AWARDS.**

15 “(a) *IN GENERAL.*—*The Secretary shall provide bonus*  
 16 *awards to eligible States (without regard to whether the*  
 17 *States participate in a performance partnership agreement)*  
 18 *to reward such States for making significant progress in*  
 19 *eliminating achievement gaps by raising the achievement*  
 20 *levels of the lowest performing student groups.*

21 “(b) *ELIGIBILITY.*—

22 “(1) *IN GENERAL.*—*To be eligible to receive a*  
 23 *bonus award under subsection (a), a State shall—*

24 “(A) *use National Assessment of Edu-*  
 25 *cational Progress tests for the 4th and 8th grade*

1           *levels or another non-State auditing device to*  
2           *measure (with a statistically significant sample*  
3           *of students) student academic progress for pur-*  
4           *poses of determining the progress made by the*  
5           *State in narrowing the achievement gap between*  
6           *the highest and lowest performing students in the*  
7           *State; and*

8                   *“(B) exceed the national average for reduc-*  
9                   *ing the achievement gap between the lowest per-*  
10                   *forming students and the highest performing stu-*  
11                   *dents in at least 3 of the 4 measured categories*  
12                   *(math and English at both the 4th and 8th grade*  
13                   *levels).*

14                   *“(2) DETERMINATION OF REDUCTION.—If, at the*  
15                   *end of the fifth academic year that begins after per-*  
16                   *formance partnerships are entered into under this*  
17                   *part, the Secretary determines that the achievement*  
18                   *gap between the lowest performing students and the*  
19                   *highest performing students in a State has decreased*  
20                   *(as determined under subsection (c)(2)) by a percent-*  
21                   *age that exceeds the national average for such reduc-*  
22                   *tion (as determined under subsection (c)(1)), the Sec-*  
23                   *retary shall award the State the amount described in*  
24                   *subsection (e).*

1       “(c) *DETERMINING THE REDUCTION IN ACHIEVEMENT*

2 *GAP.*—

3           “(1) *NATIONAL AVERAGE.*—

4                   “(A) *IN GENERAL.*—*For purposes of deter-*  
5 *mining the national average reduction in the*  
6 *achievement gap between the lowest performing*  
7 *students and the highest performing students, the*  
8 *Secretary shall compare the baseline and final*  
9 *levels of achievement (as determined under sub-*  
10 *paragraphs (B) and (C)) of—*

11                           “(i) *all those students eligible for free*  
12 *and reduced-price lunches under the Rich-*  
13 *ard B. Russell National School Lunch Act*  
14 *in the States described in such subpara-*  
15 *graphs; and*

16                           “(ii) *all other students not described in*  
17 *subparagraph (A) in the States described in*  
18 *such subparagraphs;*

19 *in each of the 4 measured categories described in*  
20 *subsection (b)(1)(B).*

21                   “(B) *BASELINE LEVEL.*—*For purposes of*  
22 *subparagraph (A), the baseline level of achieve-*  
23 *ment shall be based on the results of the National*  
24 *Assessment of Educational Progress tests of 4th*  
25 *and 8th grade students in both math and read-*

1            *ing during the 2001-2002 academic year for all*  
2            *States administering such tests, or the results on*  
3            *another non-State auditing device during the*  
4            *academic year.*

5            *“(C) FINAL LEVEL.—For purposes of sub-*  
6            *paragraph (A), the final level of achievement*  
7            *shall be based on the results of the National As-*  
8            *essment of Educational Progress tests of 4th and*  
9            *8th grade students in both math and reading for*  
10           *all States administering such tests during the*  
11           *fifth academic year in which performance part-*  
12           *nerships are entered into under this part, or the*  
13           *results of another non-State auditing device dur-*  
14           *ing the calendar year.*

15           *“(2) STATE REDUCTIONS.—*

16           *“(A) IN GENERAL.—For purposes of deter-*  
17           *mining the State reduction in the achievement*  
18           *gap between the lowest performing students and*  
19           *the highest performing students, the Secretary*  
20           *shall compare the baseline and final levels of*  
21           *achievement (as determined under subpara-*  
22           *graphs (B) and (C)) of—*

23           *“(i) those students in the State who are*  
24           *eligible for free and reduced-price lunches*

1                   *under the Richard B. Russell National*  
2                   *School Lunch Act; and*

3                   “(ii) *other students in the State not de-*  
4                   *scribed in subparagraph (A);*

5                   *in each of the 4 measured categories described in*  
6                   *subsection (b)(1)(B).*

7                   “(B) *BASELINE LEVEL.—For purposes of*  
8                   *subparagraph (A), the baseline level of achieve-*  
9                   *ment shall be based on the results of the National*  
10                  *Assessment of Educational Progress tests of 4th*  
11                  *and 8th grade students in both math and read-*  
12                  *ing during the 2001-2002 academic year for the*  
13                  *State, or the results on another non-State audit-*  
14                  *ing device during the academic year.*

15                  “(C) *FINAL LEVEL.—For purposes of sub-*  
16                  *paragraph (A), the final level of achievement*  
17                  *shall be based on the results of the National As-*  
18                  *essment of Educational Progress tests of 4th and*  
19                  *8th grade students in both math and reading for*  
20                  *the State during the fifth academic year in*  
21                  *which performance partnerships are entered into*  
22                  *under this part, or the results on another non-*  
23                  *State auditing device during the academic year.*

24                  “(3) *LIMITATION.—A reduction in the achieve-*  
25                  *ment gap between the lowest performing students and*

1        *the highest performing students that results from a re-*  
2        *duction in the achievement levels of the highest per-*  
3        *forming students shall not be considered a reduction*  
4        *for purposes of this subsection.*

5        *“(d) REVIEW.—The Secretary shall review the im-*  
6        *provement that the State has made in closing the achieve-*  
7        *ment gap, as measured on State assessments.*

8        *“(e) AMOUNT OF AWARD.—*

9            *“(1) IN GENERAL.—The amount described in this*  
10        *subsection with respect to a State described in sub-*  
11        *section (b)(2) shall be an amount that bears the same*  
12        *relationship to the amount appropriated under sub-*  
13        *section (f) as the number of eligible individuals in the*  
14        *State bears to the total number of eligible individuals*  
15        *in all such States.*

16            *“(2) ELIGIBLE INDIVIDUALS.—In paragraph (1),*  
17        *the term ‘eligible individuals’ means individuals who*  
18        *are at least 5 years of age, but less than 17 years of*  
19        *age, and whose family income is below the poverty*  
20        *line applicable to a family of the size.*

21            *“(3) POVERTY LINE.—In paragraph (2), the*  
22        *term ‘poverty line’ has the meaning given such term*  
23        *in section 673(2) of the Community Services Block*  
24        *Grant Act, including any revision required by such*  
25        *section.*



1           “(3) to empower parents and schools to effec-  
2           tively address the needs of their children and students;

3           “(4) to give States and communities maximum  
4           freedom in determining how to boost academic  
5           achievement and implement education reforms;

6           “(5) to eliminate Federal barriers to imple-  
7           menting effective State and local education programs;

8           “(6) to hold States and communities accountable  
9           for boosting the academic achievement of all students,  
10          especially disadvantaged children; and

11          “(7) to narrow achievement gaps between the  
12          lowest and highest performing groups of students so  
13          that no child is left behind.

14   **“SEC. 6803. PERFORMANCE AGREEMENT.**

15          “(a) *PROGRAM AUTHORIZED.*—Not more than 15  
16          States may, at their option, execute a performance agree-  
17          ment with the Secretary under which the provisions of law  
18          described in section 6804(a) shall not apply to such State  
19          except as otherwise provided in this part. The Secretary  
20          shall execute performance partnership agreements with the  
21          first 15 States that submit approvable performance agree-  
22          ments under this section.

23          “(b) *LOCAL INPUT.*—States shall provide parents,  
24          teachers, and local schools and school districts notice and  
25          opportunity to comment on any proposed performance



1 *agreement prior to submission to the Secretary as provided*  
2 *under general State law notice and comment provisions.*

3       “(c) *APPROVAL OF PERFORMANCE AGREEMENT.—A*  
4 *performance agreement submitted to the Secretary under*  
5 *this section shall be considered as approved by the Secretary*  
6 *within 60 days after receipt of the performance agreement*  
7 *unless the Secretary provides a written determination to*  
8 *the State that the performance agreement fails to satisfy*  
9 *the requirements of this part before the expiration of the*  
10 *60-day period.*

11       “(d) *TERMS OF PERFORMANCE AGREEMENT.—Each*  
12 *performance agreement executed pursuant to this part shall*  
13 *include the following provisions:*

14               “(1) *TERM.—A statement that the term of the*  
15 *performance agreement shall be 5 years.*

16               “(2) *APPLICATION OF PROGRAM REQUIRE-*  
17 *MENTS.—A statement that no program requirements*  
18 *of any program included by the State in the perform-*  
19 *ance agreement shall apply, except as otherwise pro-*  
20 *vided in this part.*

21               “(3) *LIST.—A list provided by the State of the*  
22 *programs that the State wishes to include in the per-*  
23 *formance agreement.*

24               “(4) *USE OF FUNDS TO IMPROVE STUDENT*  
25 *ACHIEVEMENT.—A 5-year plan describing how the*

1        *State intends to combine and use the funds from pro-*  
2        *grams included in the performance agreement to ad-*  
3        *vance the education priorities of the State, improve*  
4        *student achievement, and narrow achievement gaps*  
5        *between students.*

6            “(5) *ACCOUNTABILITY REQUIREMENTS.—If a*  
7        *State includes any part of title I in its performance*  
8        *agreement, the State shall include a certification that*  
9        *the State has done the following:*

10            “(A)(i) *developed and implemented the chal-*  
11        *lenging State content standards, challenging*  
12        *State student performance standards, and*  
13        *aligned assessments described in section 1111(b);*  
14        *or*

15            “(ii) *developed and implemented a system*  
16        *to measure the degree of change from one school*  
17        *year to the next in student performance;*

18            “(B) *developed and is implementing a state-*  
19        *wide accountability system that has been or is*  
20        *reasonably expected to be effective in substan-*  
21        *tially increasing the numbers and percentages of*  
22        *all students who meet the State’s proficient and*  
23        *advanced levels of performance;*

24            “(C) *established a system under which as-*  
25        *essment information may be disaggregated with-*

1           *in each State, local educational agency, and*  
2           *school by each major racial and ethnic group,*  
3           *gender, English proficiency status, migrant sta-*  
4           *tus, and by economically disadvantaged students*  
5           *as compared to students who are not economi-*  
6           *cally disadvantaged (except that such*  
7           *disaggregation shall not be required in cases in*  
8           *which the number of students in any such group*  
9           *is insufficient to yield statistically reliable infor-*  
10           *mation or will reveal the identity of an indi-*  
11           *vidual student);*

12           “(D) established specific, measurable, nu-

13           *merical performance objectives for student*  
14           *achievement, including a definition of perform-*  
15           *ance considered to be proficient by the State on*  
16           *the academic assessment instruments described*  
17           *under subparagraph (A);*

18           “(E) developed and implemented a state-

19           *wide system for holding its local educational*  
20           *agencies and schools accountable for student per-*  
21           *formance that includes—*

22                   “(i) a procedure for identifying local

23                   *educational agencies and schools in need of*  
24                   *improvement, using the assessments de-*  
25                   *scribed under subparagraph (A);*

1           “(ii) assisting and building capacity  
2           in local educational agencies and schools  
3           identified as in need of improvement to im-  
4           prove teaching and learning; and

5           “(iii) implementing corrective actions  
6           after not more than 3 years if the assistance  
7           and capacity building under clause (ii) is  
8           not effective.

9           “(6) PERFORMANCE GOALS.—

10           “(A) STUDENT ACADEMIC ACHIEVEMENT.—  
11           Each State that includes part A of title I in its  
12           performance agreement shall establish annual  
13           student performance goals for the 5-year term of  
14           the performance agreement that, at a  
15           minimum—

16           “(i) establish a single high standard of  
17           performance for all students;

18           “(ii) take into account the progress of  
19           students from every local educational agen-  
20           cy and school in the State;

21           “(iii) are based primarily on the  
22           State’s challenging content and student per-  
23           formance standards and assessments de-  
24           scribed under paragraph (5);

1           “(iv) include specific annual improve-  
2           ment goals in each subject and grade in-  
3           cluded in the State assessment system,  
4           which shall include, at a minimum, reading  
5           or language arts and mathematics;

6           “(v) compares the proportions of stu-  
7           dents at levels of performance (as defined by  
8           the State) with the proportions of students  
9           at the levels in the same grade in the pre-  
10          vious school year;

11          “(vi) includes annual numerical goals  
12          for improving the performance of each  
13          group specified in paragraph (5)(C) and  
14          narrowing gaps in performance between the  
15          highest and lowest performing students in  
16          accordance with section 6810(b); and

17          “(vii) requires all students in the State  
18          to make substantial gains in achievement.

19          “(B) *ADDITIONAL INDICATORS OF PER-*  
20          *FORMANCE.—A State may identify in the per-*  
21          *formance agreement any additional indicators of*  
22          *performance such as graduation, dropout, or at-*  
23          *tendance rates.*

24          “(C) *CONSISTENCY OF PERFORMANCE MEAS-*  
25          *URES.—A State shall maintain, at a minimum,*

1           *the same level of challenging State student per-*  
2           *formance standards and assessments throughout*  
3           *the term of the performance agreement.*

4           “(7) *FISCAL RESPONSIBILITIES.*—*An assurance*  
5           *that the State will use fiscal control and fund ac-*  
6           *counting procedures that will ensure proper disburse-*  
7           *ment of, and accounting for, Federal funds paid to*  
8           *the State under this part.*

9           “(8) *CIVIL RIGHTS.*—*An assurance that the*  
10          *State will meet the requirements of applicable Federal*  
11          *civil rights laws.*

12          “(9) *PRIVATE SCHOOL PARTICIPATION.*—

13                 “(A) *EQUITABLE PARTICIPATION.*—*An as-*  
14                 *surance that the State will provide for the equi-*  
15                 *table participation of students and professional*  
16                 *staff in private schools.*

17                 “(B) *APPLICATION OF BYPASS.*—*An assur-*  
18                 *ance that sections 10104, 10105, and 10106 shall*  
19                 *apply to all services and assistance provided*  
20                 *under this part in the same manner as such sec-*  
21                 *tions apply to services and assistance provided*  
22                 *in accordance with section 10103 of such Act.*

23          “(10) *STATE FINANCIAL PARTICIPATION.*—*An as-*  
24          *surance that the State will not reduce the level of*  
25          *spending of State funds for elementary and secondary*

1       *education during the term of the performance agree-*  
2       *ment.*

3               “(11) *ANNUAL REPORTS.*—*An assurance that not*  
4       *later than 1 year after the execution of the perform-*  
5       *ance agreement, and annually thereafter, each State*  
6       *shall disseminate widely to parents and the general*  
7       *public, submit to the Secretary, distribute to print*  
8       *and broadcast media, and post on the Internet, a re-*  
9       *port that includes—*

10               “(A) *student academic performance data,*  
11               *disaggregated as provided in paragraph (5)(C);*  
12               *and*

13               “(B) *a detailed description of how the State*  
14               *has used Federal funds to improve student aca-*  
15               *ademic performance and reduce achievement gaps*  
16               *to meet the terms of the performance agreement.*

17               “(e) *SPECIAL RULES.*—*If a State does not include part*  
18       *A of title I in its performance agreement, the State shall—*

19               “(1) *certify that the State developed a system to*  
20               *measure the academic performance of all students;*  
21               *and*

22               “(2) *establish challenging academic performance*  
23               *goals for such other programs in accordance with*  
24               *paragraph (6)(A) of subsection (d), except that clause*

1       *(vi) of such paragraph shall not apply to such per-*  
2       *formance agreement.*

3       “(f) *AMENDMENT TO PERFORMANCE AGREEMENT.—A*  
4       *State may submit an amendment to the performance agree-*  
5       *ment to the Secretary under the following circumstances:*

6               “(1) *REDUCE SCOPE OF PERFORMANCE AGREE-*  
7       *MENT.—Not later than 1 year after the execution of*  
8       *the performance agreement, a State may amend the*  
9       *performance agreement through a request to withdraw*  
10       *a program from such agreement. If the Secretary ap-*  
11       *proves the amendment, the requirements of existing*  
12       *law shall apply for any program withdrawn from the*  
13       *performance agreement.*

14               “(2) *EXPAND SCOPE OF PERFORMANCE AGREE-*  
15       *MENT.—Not later than 1 year after the execution of*  
16       *the performance agreement, a State may amend its*  
17       *performance agreement to include additional pro-*  
18       *grams and performance indicators for which the State*  
19       *will be held accountable.*

20               “(3) *APPROVAL OF AMENDMENT.—An amend-*  
21       *ment submitted to the Secretary under this subsection*  
22       *shall be considered as approved by the Secretary with-*  
23       *in 60 days after receipt of the amendment unless the*  
24       *Secretary provides a written determination to the*  
25       *State that the performance agreement if amended by*



1        *the amendment will fail to satisfy the requirements of*  
2        *this part, before the expiration of the 60-day period.*

3        *“(g) DUAL PARTICIPATION PROHIBITED.—A State or*  
4        *local educational agency shall not enter into an agreement*  
5        *under both this part and part G. A local educational agency*  
6        *shall not enter into an agreement under this part or part*  
7        *G if the State in which the local educational agency is lo-*  
8        *cated has entered into an agreement under part G or this*  
9        *part, respectively.*

10        **“SEC. 6804. ELIGIBLE PROGRAMS.**

11        *“(a) ELIGIBLE PROGRAMS.—The provisions of law re-*  
12        *ferred to in section 6803(a) except as otherwise provided*  
13        *in subsection (b), are as follows:*

14                *“(1) Part A of title I.*

15                *“(2) Part B of title I.*

16                *“(3) Part C of title I.*

17                *“(4) Subparts 1, 2, and 3 of part A of title II.*

18                *“(5) Part B of title III.*

19                *“(6) Section 5132.*

20                *“(7) Title VI.*

21                *“(8) Part C of title VII.*

22                *“(9) Section 307 of the Department of Education*  
23        *Appropriation Act of 1999.*

24                *“(10) Comprehensive school reform programs as*  
25        *authorized under section 1502 and described on pages*

1       96–99 of the *Joint Explanatory Statement of the*  
2       *Committee of Conference included in House Report*  
3       *105–390 (Conference Report on the Departments of*  
4       *Labor, Health and Human Services, and Education,*  
5       *and Related Agencies Appropriations Act, 1998).*

6               “(11) Sections 115 and 116, and parts B and C  
7       of title I of the *Carl D. Perkins Vocational Technical*  
8       *Education Act.*

9               “(12) Subtitle B of title VII of the *Stewart B.*  
10       *McKinney Homeless Assistance Act.*

11       “(b) *ALLOCATIONS TO STATES.*—A State may choose  
12       to consolidate funds from any or all of the programs de-  
13       scribed in subsection (a) without regard to the program re-  
14       quirements of the provisions referred to in such subsection,  
15       except that the proportion of funds made available for na-  
16       tional programs and allocations to each State for State and  
17       local use, under such provisions, shall remain in effect un-  
18       less otherwise provided.

19       “(c) *USES OF FUNDS.*—Funds made available under  
20       this part to a State shall be used for any elementary and  
21       secondary educational purposes permitted by State law of  
22       the participating State.

23       **“SEC. 6805. WITHIN-STATE DISTRIBUTION OF FUNDS.**

24       “(a) *IN GENERAL.*—The distribution of funds from  
25       programs included in a performance agreement from a

1 *State to a local educational agency within the State shall*  
 2 *be determined by the Governor of the State and the State*  
 3 *legislature. In a State in which the constitution or State*  
 4 *law designates another individual, entity, or agency to be*  
 5 *responsible for education, the allocation of funds from pro-*  
 6 *grams included in the performance agreement from a State*  
 7 *to a local educational agency within the State shall be de-*  
 8 *termined by that individual, entity, or agency, in consulta-*  
 9 *tion with the Governor and State Legislature. Nothing in*  
 10 *this section shall be construed to supersede or modify any*  
 11 *provision of a State constitution or State law.*

12       “(b) *LOCAL INPUT.—States shall provide parents,*  
 13 *teachers, and local schools and school districts notice and*  
 14 *opportunity to comment on the proposed allocation of funds*  
 15 *as provided under general State law notice and comment*  
 16 *provisions.*

17       “(c) *LOCAL HOLD HARMLESS OF PART A TITLE 1*  
 18 *FUNDS.—*

19               “(1) *IN GENERAL.—In the case of a State that*  
 20 *includes part A of title I in the performance agree-*  
 21 *ment, the agreement shall provide an assurance that*  
 22 *each local educational agency shall receive under the*  
 23 *performance agreement an amount equal to or greater*  
 24 *than the amount such agency received under part A*

1       of title I in the fiscal year preceding the fiscal year  
2       in which the performance agreement is executed.

3           “(2) *PROPORTIONATE REDUCTION.*—If the  
4       amount made available to the State from the Sec-  
5       retary for a fiscal year is insufficient to pay to each  
6       local educational agency the amount made available  
7       under part A of title I to such agency for the pre-  
8       ceding fiscal year, the State shall reduce the amount  
9       each local educational agency receives by a uniform  
10      percentage.

11   **“SEC. 6806. LOCAL PARTICIPATION.**

12      “(a) *NONPARTICIPATING STATE.*—

13           “(1) *IN GENERAL.*—If a State chooses not to sub-  
14      mit a performance agreement under this part, any  
15      local educational agency in such State is eligible, at  
16      the local educational agency’s option, to submit to the  
17      Secretary a performance agreement in accordance  
18      with this section.

19           “(2) *AGREEMENT.*—The terms of a performance  
20      agreement between an eligible local educational agen-  
21      cy and the Secretary shall specify the programs to be  
22      included in the performance agreement, as agreed  
23      upon by the State and the agency, from the list under  
24      section 6804(a).

1       “(b) *STATE APPROVAL.*—When submitting a perform-  
2       *ance agreement to the Secretary, an eligible local edu-*  
3       *cational agency described in subsection (a) shall provide*  
4       *written documentation from the State in which such agency*  
5       *is located that the State has no objection to the agency’s*  
6       *proposal for a performance agreement.*

7       “(c) *APPLICATION.*—

8               “(1) *IN GENERAL.*—Except as provided in this  
9       *section, and to the extent applicable, the requirements*  
10       *of this part shall apply to an eligible local edu-*  
11       *cational agency that submits a performance agree-*  
12       *ment in the same manner as the requirements apply*  
13       *to a State.*

14               “(2) *EXCEPTIONS.*—The following provisions  
15       *shall not apply to an eligible local educational agen-*  
16       *cy:*

17                       “(A) *WITHIN STATE DISTRIBUTION FOR-*  
18       *MULA NOT APPLICABLE.*—The distribution of  
19       *funds under section 6805 shall not apply.*

20                       “(B) *STATE SET ASIDE SHALL NOT*  
21       *APPLY.*—The State set aside for administrative  
22       *funds under section 6807 shall not apply.*

1 **“SEC. 6807. LIMITATIONS ON STATE AND LOCAL EDU-**  
2 **CATIONAL AGENCY ADMINISTRATIVE EX-**  
3 **PENDITURES.**

4 “(a) *IN GENERAL.*—*Except as otherwise provided*  
5 *under subsection (b), a State that includes part A of title*  
6 *I in the performance agreement may use not more than 1*  
7 *percent of such total amount of funds allocated to such State*  
8 *under the programs included in the performance agreement*  
9 *for administrative purposes.*

10 “(b) *EXCEPTION.*—*A State that does not include part*  
11 *A of title I in the performance agreement may use not more*  
12 *than 3 percent of the total amount of funds allocated to*  
13 *such State under the programs included in the performance*  
14 *agreement for administrative purposes.*

15 “(c) *LOCAL EDUCATIONAL AGENCY.*—*A local edu-*  
16 *cational agency participating in this part under a perform-*  
17 *ance agreement under section 6806 may not use for admin-*  
18 *istrative purposes more than 4 percent of the total amount*  
19 *of funds allocated to such agency under the programs in-*  
20 *cluded in the performance agreement.*

21 **“SEC. 6808. PERFORMANCE REVIEW AND PENALTIES.**

22 “(a) *MID-TERM PERFORMANCE REVIEW.*—*If, during*  
23 *the 5-year term of the performance agreement, student*  
24 *achievement significantly declines for three consecutive*  
25 *years in the academic performance categories established in*

1 *the performance agreement, the Secretary may, after notice*  
2 *and opportunity for a hearing, terminate the agreement*

3       “(b) *FAILURE TO MEET TERMS.*—*If at the end of the*  
4 *5-year term of the performance agreement a State has not*  
5 *substantially met the performance goals submitted in the*  
6 *performance agreement, the Secretary shall, after notice and*  
7 *an opportunity for a hearing, terminate the performance*  
8 *agreement and the State shall be required to comply with*  
9 *the program requirements, in effect at the time of termi-*  
10 *nation, for each program included in the performance*  
11 *agreement.*

12       “(c) *PENALTY FOR FAILURE TO IMPROVE STUDENT*  
13 *PERFORMANCE.*—*If a State has made no progress toward*  
14 *achieving its performance goals by the end of the term of*  
15 *the agreement, the Secretary may reduce funds for State*  
16 *administrative costs for each program included in the per-*  
17 *formance agreement by not more than 50 percent for each*  
18 *year of the 2-year period following the end of the term of*  
19 *the performance agreement.*

20 **“SEC. 6809. RENEWAL OF PERFORMANCE AGREEMENT.**

21       “(a) *NOTIFICATION.*—*A State that wishes to renew its*  
22 *performance agreement shall notify the Secretary of its re-*  
23 *newal request not less than 6 months prior to the end of*  
24 *the term of the performance agreement.*

1       “(b) *RENEWAL REQUIREMENTS.*—A State that has  
 2 met or has substantially met its performance goals sub-  
 3 mitted in the performance agreement at the end of the 5-  
 4 year term may reapply to the Secretary to renew its per-  
 5 formance agreement for an additional 5-year period. Upon  
 6 the completion of the 5-year term of the performance agree-  
 7 ment or as soon thereafter as the State submits data re-  
 8 quired under the agreement, the Secretary shall renew, for  
 9 an additional 5-year term, the performance agreement of  
 10 any State that has met or has substantially met its per-  
 11 formance goals.

12 **“SEC. 6810. ACHIEVEMENT GAP REDUCTION REWARDS.**

13       “(a) *CLOSING THE GAP REWARD FUND.*—

14               “(1) *IN GENERAL.*—To reward States that make  
 15 significant progress in eliminating achievement gaps  
 16 by raising the achievement levels of the lowest per-  
 17 forming students, the Secretary shall set aside suffi-  
 18 cient funds from the Fund for the Improvement of  
 19 Education under part G of title V to grant a reward  
 20 to States that meet the conditions set forth in sub-  
 21 section (b) by the end of their 5-year performance  
 22 agreement.

23               “(2) *REWARD AMOUNT.*—The amount of the re-  
 24 ward referred to in paragraph (1) shall be not less  
 25 than 5 percent of funds allocated to the State during



1        *the first year of the performance agreement for pro-*  
2        *grams included in the agreement.*

3        “(b) *CONDITIONS OF PERFORMANCE REWARD.*—Sub-  
4        *ject to paragraph (3), a State is eligible to receive a reward*  
5        *under this section as follows:*

6                “(1) *A State is eligible for such an award if the*  
7        *State reduces by not less than 25 percent, over the 5-*  
8        *year term of the performance agreement, the difference*  
9        *between the percentage of highest and lowest per-*  
10        *forming groups of students described in section*  
11        *6803(d)(5)(C) that meet the State’s proficient level of*  
12        *performance.*

13                “(2) *A State is eligible for such an award if a*  
14        *State increases the proportion of two or more groups*  
15        *of students under section 6803(d)(5)(C) that meet*  
16        *State proficiency standards by 25 percent.*

17                “(3) *A State shall receive such an award if the*  
18        *following requirements are met:*

19                        “(A) *CONTENT AREAS.*—*The reduction in*  
20        *the achievement gap or improvement in achieve-*  
21        *ment shall include not less than two content*  
22        *areas, one of which shall be mathematics or read-*  
23        *ing.*

1                   “(B) *GRADES TESTED.*—*The reduction in*  
 2                   *the achievement gap or improvement in achieve-*  
 3                   *ment shall occur in at least two grade levels.*

4                   “(c) *RULE OF CONSTRUCTION.*—*Student achievement*  
 5                   *gaps shall not be considered to have been reduced in cir-*  
 6                   *cumstances where the average academic performance of the*  
 7                   *highest performing quintile of students has decreased.*

8                   **“SEC. 6811. STRAIGHT A’s PERFORMANCE REPORT.**

9                   *“The Secretary shall make the annual State reports*  
 10                   *described in section 6803(d)(11) available to the Committee*  
 11                   *on Education and the Workforce of the House of Representa-*  
 12                   *tives and the Committee on Health, Education, Labor and*  
 13                   *Pensions of the Senate not later than 60 days after the Sec-*  
 14                   *retary receives the report.*

15                   **“SEC. 6812. APPLICABILITY OF TITLE X.**

16                   *“To the extent that provisions of title X are incon-*  
 17                   *sistent with this part, this part shall be construed as super-*  
 18                   *seding such provisions.*

19                   **“SEC. 6813. APPLICABILITY OF GENERAL EDUCATION PRO-**  
 20                   **VISIONS ACT.**

21                   *“To the extent that the provisions of the General Edu-*  
 22                   *cation Provisions Act are inconsistent with this part, this*  
 23                   *part shall be construed as superseding such provisions, ex-*  
 24                   *cept where relating to civil rights, withholding of funds and*

1 *enforcement authority, and family educational and privacy*  
 2 *rights.*

3 **“SEC. 6814. APPLICABILITY TO HOME SCHOOLS.**

4 *“Nothing in this part shall be construed to affect home*  
 5 *schools whether or not a home school is treated as a private*  
 6 *school or home school under State law.*

7 **“SEC. 6815. GENERAL PROVISIONS REGARDING NON-**  
 8 **RECIPIENT, NONPUBLIC SCHOOLS.**

9 *“Nothing in this part shall be construed to permit,*  
 10 *allow, encourage, or authorize any Federal control over any*  
 11 *aspect of any private, religious, or home school, whether or*  
 12 *not a home school is treated as a private school or home*  
 13 *school under State law.*

14 **“SEC. 6816. DEFINITIONS.**

15 *“For the purpose of this part:*

16 *“(1) ALL STUDENTS.—The term ‘all students’*  
 17 *means all students attending public schools or charter*  
 18 *schools that are participating in the State’s account-*  
 19 *ability and assessment system.*

20 *“(2) STATE.—The term ‘State’ means each of the*  
 21 *50 States, the District of Columbia, the Common-*  
 22 *wealth of Puerto Rico, Guam, the United States Vir-*  
 23 *gin Islands, the Commonwealth of the Northern Mar-*  
 24 *iana Islands, and American Samoa.”.*

1 **“SEC. 6817. EFFECTIVE DATE.**

2       *“This part shall take effect with respect to funds ap-*  
 3 *propriated for the fiscal year beginning October 1, 2000.”.*

4 **SEC. 602. TECHNICAL AND CONFORMING AMENDMENT.**

5       *Section 4(b)(5) of the Education Flexibility Partner-*  
 6 *ship Act of 1999 (20 U.S.C. 5891b(b)(5)) is amended by*  
 7 *striking “Title VI” and inserting “Part A of title VI”.*

8                                   **TITLE VII—BILINGUAL**  
 9                                   **EDUCATION**

10 **SEC. 701. PURPOSE.**

11       *Section 7102 (20 U.S.C. 7402) is amended—*

12                   (1) *by striking the section heading and inserting*  
 13 *the following:*

14 **“SEC. 7102. PURPOSE.”;**

15                   (2) *by striking subsections (a) and (b); and*

16                   (3) *in subsection (c)—*

17                           (A) *by striking “(c) PURPOSE.—The” and*  
 18 *inserting “The”;*

19                           (B) *in the matter preceding paragraph (1),*  
 20 *by striking “to educate limited English pro-*  
 21 *ficient children and youth to” and inserting “to*  
 22 *help ensure that limited English proficient stu-*  
 23 *dents master English and”;*

24                           (C) *by striking paragraph (1) and inserting*  
 25 *the following:*

1           “(1) promoting systemic improvement and re-  
2           form of, and developing accountability systems for,  
3           educational programs serving limited English pro-  
4           ficient students;” and

5                         (D) in paragraph (2), by inserting “fully”  
6           before “developing”.

7   **SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

8           Section 7103(a) (20 U.S.C. 7403(a)) is amended by  
9           striking “\$215,000,000 for the fiscal year 1995” and insert-  
10          ing “\$300,000,000 for fiscal year 2001”.

11   **SEC. 703. REPEAL OF PROGRAM DEVELOPMENT AND IMPLE-**  
12                                 **MENTATION GRANTS.**

13          (a) *IN GENERAL.*—Section 7112 (20 U.S.C. 7422) is  
14          repealed.

15          (b) *CONFORMING AMENDMENT.*—Section 7111 (20  
16          U.S.C. 7421) is amended, in the matter preceding para-  
17          graph (1), by striking “7112, 7113, 7114, and 7115” and  
18          inserting “7113 and 7114”.

19   **SEC. 704. PROGRAM ENHANCEMENT PROJECTS.**

20          (a) *PURPOSE.*—Section 7113 (20 U.S.C. 7423) is  
21          amended by striking subsection (a) and inserting the fol-  
22          lowing:

23                 “(a) *PURPOSE.*—The purpose of this section is to—

1           “(1) provide grants to eligible entities to provide  
2           innovative, locally designed, high quality instruction  
3           to children and youth of limited English proficiency;

4           “(2) help children and youth develop proficiency  
5           in the English language by expanding or strength-  
6           ening instructional programs; and

7           “(3) help children and youth attain the stand-  
8           ards established under section 1111(b).”.

9           (b) PROGRAM AUTHORIZED.—Section 7113(b) (20  
10 U.S.C. 7423(b)) is amended—

11           (1) in paragraph (1)(B), by striking “two” and  
12           inserting “3”; and

13           (2) by striking paragraph (2) and inserting the  
14           following:

15           “(2) AUTHORIZED ACTIVITIES.—(A) Grants  
16           awarded under this section shall be used for—

17           “(i) developing, implementing, expanding,  
18           or enhancing comprehensive preschool, elemen-  
19           tary, or secondary education programs for lim-  
20           ited English proficient children and youth, that  
21           are—

22           “(I) aligned with State and local con-  
23           tent and student performance standards,  
24           and local school reform efforts; and

1                   “(II) coordinated with related services  
2                   for children and youth;

3                   “(i) providing high quality professional de-  
4                   velopment to classroom teachers, administrators,  
5                   and other school or community-based organiza-  
6                   tion personnel to improve the instruction and as-  
7                   sessment of limited English proficient students;  
8                   and

9                   “(iii) annually assessing the English pro-  
10                  ficiency of all limited English proficient students  
11                  served by activities carried out under this sec-  
12                  tion.

13                  “(B) Grants awarded under this section may be  
14                  used for—

15                  “(i) implementing programs to upgrade the  
16                  reading and other academic skills of limited  
17                  English proficient students;

18                  “(ii) developing accountability systems to  
19                  monitor the academic progress of limited English  
20                  proficient and formerly limited English pro-  
21                  ficient students;

22                  “(iii) implementing family education pro-  
23                  grams and parent outreach and training activi-  
24                  ties designed to assist parents to become active  
25                  participants in the education of their children;

1           “(iv) improving the instructional programs  
2 for limited English proficient students by identi-  
3 fying, acquiring, and applying effective cur-  
4 ricula, instructional materials (including mate-  
5 rials provided through technology), and assess-  
6 ments that are all aligned with State and local  
7 standards;

8           “(v) providing intensified instruction, in-  
9 cluding tutorials and academic or career coun-  
10 seling, for children and youth who are limited  
11 English proficient;

12           “(vi) adapting best practice models for  
13 meeting the needs of limited English proficient  
14 students;

15           “(vii) assisting limited English proficient  
16 students with disabilities;

17           “(viii) implementing applied learning ac-  
18 tivities such as service learning to enhance and  
19 support comprehensive elementary and secondary  
20 bilingual education programs; and

21           “(ix) carrying out such other activities, con-  
22 sistent with the purpose of this part, as the Sec-  
23 retary may approve.”.

24           (c) *PRIORITY*.—Section 7113 (20 U.S.C. 7423) is  
25 amended by adding at the end the following:



1       “(d) *PRIORITY.*—*In awarding grants under this sec-*  
 2 *tion, the Secretary may give priority to an entity that—*

3               “(1) *serves a school district—*

4                       “(A) *that has a total district enrollment*  
 5 *that is less than 10,000 students; or*

6                       “(B) *with a large percentage or number of*  
 7 *limited English proficient students; and*

8               “(2) *has limited or no experience in serving lim-*  
 9 *ited English proficient students.”.*

10 **SEC. 705. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IM-**  
 11 **PROVEMENT GRANTS.**

12       *Section 7114 (20 U.S.C. 7424) is amended to read as*  
 13 *follows:*

14 **“SEC. 7114. COMPREHENSIVE SCHOOL AND SYSTEMWIDE**  
 15 **IMPROVEMENT GRANTS.**

16       “(a) *PURPOSES.*—*The purposes of this section are—*

17               “(1) *to provide financial assistance to schools*  
 18 *and local educational agencies for implementing bi-*  
 19 *lingual education programs, in coordination with*  
 20 *programs carried out under title I, for children and*  
 21 *youth of limited English proficiency;*

22               “(2) *to assist limited English proficient students*  
 23 *to meet the standards established under section*  
 24 *1111(b); and*

1           “(3) to improve, reform, and upgrade relevant  
2           *instructional programs and operations, in schools and*  
3           *local educational agencies, that serve significant per-*  
4           *centages of students with limited English proficiency*  
5           *or significant numbers of such students.*

6           “(b) *AUTHORIZED ACTIVITIES.*—

7           “(1) *AUTHORITY.*—*The Secretary may award*  
8           *grants to eligible entities having applications ap-*  
9           *proved under section 7116 to enable such entities to*  
10           *carry out activities described in paragraphs (2) and*  
11           *(3).*

12           “(2) *MANDATORY ACTIVITIES.*—*Grants awarded*  
13           *under this section shall be used for—*

14                   “(A) *improving instructional programs for*  
15                   *limited English proficient students by acquiring*  
16                   *and upgrading curriculum and related instruc-*  
17                   *tional materials;*

18                   “(B) *aligning the activities carried out*  
19                   *under this section with State and local school re-*  
20                   *form efforts;*

21                   “(C) *providing training, aligned with State*  
22                   *and local standards, to school personnel and par-*  
23                   *ticipating community-based organization per-*  
24                   *sonnel to improve the instruction and assessment*  
25                   *of limited English proficient students;*

1           “(D) developing and implementing plans,  
2           coordinated with plans for programs carried out  
3           under title II of the Higher Education Act of  
4           1965 (where applicable), and title II of this Act  
5           (where applicable), to recruit teachers trained to  
6           serve limited English proficient students;

7           “(E) implementing culturally and linguis-  
8           tically appropriate family education programs,  
9           or parent outreach and training activities, that  
10          are designed to assist parents to become active  
11          participants in the education of their children;

12          “(F) coordinating the activities carried out  
13          under this section with other programs, such as  
14          programs carried out under title I;

15          “(G) providing services to meet the full  
16          range of the educational needs of limited English  
17          proficient students;

18          “(H) annually assessing the English pro-  
19          ficiency of all limited English proficient students  
20          served by the activities carried out under this  
21          section; and

22          “(I) developing or improving accountability  
23          systems to monitor the academic progress of lim-  
24          ited English proficient students.

1           “(3) *PERMISSIBLE ACTIVITIES.*—*Grants awarded*  
2           *under this section may be used for—*

3                   “(A) *implementing programs to upgrade*  
4                   *reading and other academic skills of limited*  
5                   *English proficient students;*

6                   “(B) *developing and using educational tech-*  
7                   *nology to improve learning, assessments, and ac-*  
8                   *countability to meet the needs of limited English*  
9                   *proficient students;*

10                  “(C) *implementing research-based programs*  
11                  *to meet the needs of limited English proficient*  
12                  *students;*

13                  “(D) *providing tutorials and academic or*  
14                  *career counseling for limited English proficient*  
15                  *children and youth;*

16                  “(E) *developing and implementing State*  
17                  *and local content and student performance*  
18                  *standards for learning English as a second lan-*  
19                  *guage, as well as for learning other languages;*

20                  “(F) *developing and implementing pro-*  
21                  *grams for limited English proficient students to*  
22                  *meet the needs of changing populations of such*  
23                  *students;*

24                  “(G) *implementing policies to ensure that*  
25                  *limited English proficient students have access to*

1           *other education programs (other than programs*  
2           *designed to address limited English proficiency),*  
3           *such as gifted and talented, vocational education,*  
4           *and special education programs;*

5           “(H) *implementing programs to meet the*  
6           *needs of limited English proficient students with*  
7           *disabilities;*

8           “(I) *developing and implementing programs*  
9           *to help all students become proficient in more*  
10          *than 1 language; and*

11          “(J) *providing such other activities related*  
12          *to the purpose of this part as the Secretary may*  
13          *approve.*

14          “(4) *SPECIAL RULE.—A recipient of a grant*  
15          *under this section, before carrying out activities*  
16          *under this section, shall plan, train personnel, develop*  
17          *curricula, and acquire or develop materials, but shall*  
18          *not use funds made available under this section for*  
19          *planning purposes for more than 90 days. The recipi-*  
20          *ent shall commence carrying out activities under this*  
21          *section not later than 90 days after the date of receipt*  
22          *of the grant.*

23          “(c) *AVAILABILITY OF APPROPRIATIONS.—*

24                 “(1) *RESERVATION OF FUNDS FOR CONTINUED*  
25                 *PAYMENTS.—*

1           “(A) *COVERED GRANT.*—*In this paragraph,*  
2           *the term ‘covered grant’ means a grant—*

3                   “(i) *that was awarded under this sec-*  
4                   *tion, or section 7115, prior to the date of*  
5                   *enactment of the Educational Opportunities*  
6                   *Act; and*

7                   “(ii) *for which the grant period has*  
8                   *not ended.*

9           “(B) *RESERVATION.*—*For any fiscal year*  
10           *that is part of the grant period of a covered*  
11           *grant, the Secretary shall reserve funds for the*  
12           *payments described in subparagraph (C) from*  
13           *the amount appropriated for the fiscal year*  
14           *under section 7103 and made available for car-*  
15           *rying out this section.*

16           “(C) *PAYMENTS.*—*The Secretary shall con-*  
17           *tinue to make grant payments to each entity*  
18           *that received a covered grant, for the duration of*  
19           *the grant period of the grant, to carry out activi-*  
20           *ties in accordance with the appropriate section*  
21           *described in subparagraph (A)(i).*

22           “(2) *AVAILABILITY.*—*Of the amount appro-*  
23           *priated for a fiscal year under section 7103 that is*  
24           *made available for carrying out this section, and that*

1       *remains after the Secretary reserves funds for pay-*  
 2       *ments under paragraph (1)—*

3               “(A) *not less than 1/3 of the remainder shall*  
 4               *be used to award grants for activities carried out*  
 5               *within an entire school district; and*

6               “(B) *not less than 2/3 of the remainder shall*  
 7               *be used to award grants for activities carried out*  
 8               *within individual schools.*

9       “(d) *ELIGIBLE ENTITIES.—In this section, the term*  
 10       *‘eligible entity’ means—*

11               (1) *1 or more local educational agencies; or*

12               (2) *1 or more local educational agencies, in col-*  
 13               *laboration with an institution of higher education,*  
 14               *community-based organization, local educational*  
 15               *agency, or State educational agency.”.*

16       **SEC. 706. REPEAL OF SYSTEMWIDE IMPROVEMENT GRANTS.**

17       *Section 7115 (20 U.S.C. 7425) is repealed.*

18       **SEC. 707. APPLICATIONS.**

19       (a) *STATE REVIEW AND COMMENTS.—Section 7116(b)*  
 20       *(20 U.S.C. 7426(b)) is amended—*

21               (1) *in paragraph (1), by striking “such” and in-*  
 22               *serting “the written comments of the agency on the”;*  
 23               *and*

24               (2) *in paragraph (2)(B)—*

1           (A) in the matter preceding clause (i), by  
2 striking “how the eligible entity”;

3           (B) by striking clause (i) and inserting the  
4 following:

5           “(i) how the activities to be carried out  
6 under the grant will further the academic  
7 achievement and English proficiency of limited  
8 English proficient students served under the  
9 grant; and”; and

10          (C) by striking clause (ii) and inserting the  
11 following:

12          “(ii) how the grant application is consistent  
13 with the State plan required under section  
14 1111.”.

15          (b) *REQUIRED DOCUMENTATION.*—Section 7116(f) (20  
16 U.S.C. 7426(f)) is amended to read as follows:

17          “(f) *REQUIRED DOCUMENTATION.*—Such application  
18 shall include documentation that—

19               “(1) the applicant has the qualified personnel re-  
20 quired to develop, administer, and implement the pro-  
21 gram proposed in the application; and

22               “(2) the leadership personnel of each school par-  
23 ticipating in the program have been involved in the  
24 development and planning of the program in the  
25 school.”.



1           (c) *CONTENTS.*—Section 7116(g) (20 U.S.C. 7426(g))

2 *is amended—*

3           (1) *in paragraph (1)—*

4                   (A) *in subparagraph (A), by striking “in-*  
5 *cluding data” and all that follows and inserting*  
6 *the following: “including—*

7                           “(i) *data on the number of limited*  
8 *English proficient students in the school or*  
9 *school district to be served;*

10                           “(ii) *the characteristics of such stu-*  
11 *dents, including—*

12                                   “(I) *the native languages of the*  
13 *students;*

14                                   “(II) *the proficiency of the stu-*  
15 *dents in English and their native lan-*  
16 *guage;*

17                                   “(III) *achievement data (current*  
18 *as of the date of submission of the ap-*  
19 *plication) for the limited English pro-*  
20 *ficient students in—*

21   “(aa) *reading or language*  
22 *arts (in English and in the native*  
23 *language, if applicable); and*

24   “(bb) *mathematics;*

1                   “(IV) a comparison of that data  
2                   for the students with that data for the  
3                   English proficient peers of the students;  
4                   and

5                   “(V) the previous schooling experi-  
6                   ences of the students;

7                   “(iii) the professional development  
8                   needs of the instructional personnel who  
9                   will provide services for the limited English  
10                  proficient students under the proposed pro-  
11                  gram; and

12                  “(iv) how the services provided through  
13                  the grant would supplement the basic serv-  
14                  ices provided to limited English proficient  
15                  students.”;

16                  (B) in subparagraph (B)—

17                   (i) in clause (i)—

18                   (I) by striking “, the Goals 2000:  
19                   Educate America Act”; and

20                   (II) by striking “section 14306”  
21                   and inserting “section 6506”;

22                   (ii) by redesignating clauses (ii)  
23                   through (v) as clauses (iii) through (vi), re-  
24                   spectively; and

1                   (iii) by inserting after clause (i) the  
2 following:

3                   “(ii) will ensure that the services pro-  
4 vided through the program will supplement  
5 the basic services the applicant provides to  
6 limited English proficient students;”;

7                   (C) in subparagraph (E), by striking “pro-  
8 gram” and all that follows and inserting the fol-  
9 lowing: “program who, individually or in com-  
10 bination, are proficient in—

11                   “(i) English, including written, as well  
12 as oral, communication skills; and

13                   “(ii) the native language of the major-  
14 ity of the students that the teachers teach, if  
15 instruction in the program is in the native  
16 language as well as English.”; and

17                   (2) in paragraph (2), in the matter preceding  
18 subparagraph (A), by striking “or 7115”.

19                   (d) *PRIORITIES AND SPECIAL RULES.*—Section  
20 7116(i) (20 U.S.C. 7426(i)) is amended—

21                   (1) by striking paragraph (1) and inserting the  
22 following:

23                   “(1) *PRIORITY.*—In approving applications for  
24 grants for programs under this subpart, the Secretary  
25 shall give priority to an applicant who—

1           “(A) experiences a dramatic increase in the  
2           number or percentage of limited English pro-  
3           ficient students enrolled in the applicant’s pro-  
4           grams and has limited or no experience in serv-  
5           ing limited English proficient students;

6           “(B) is a local educational agency that  
7           serves a school district that has a total district  
8           enrollment that is less than 10,000 students;

9           “(C) demonstrates that the applicant has a  
10          proven record of success in helping limited  
11          English proficient children and youth learn  
12          English and meet high academic standards;

13          “(D) proposes programs that provide for the  
14          development of bilingual proficiency both in  
15          English and another language for all partici-  
16          pating students; or

17          “(E) serves a school district with a large  
18          percentage or number of limited English pro-  
19          ficient students.”;

20          (2) by striking paragraphs (2) and (3); and

21          (3) by redesignating paragraphs (4) and (5) as  
22          paragraphs (2) and (3), respectively.

23 **SEC. 708. REPEAL OF INTENSIFIED INSTRUCTION.**

24          Section 7117 (20 U.S.C. 7427) is repealed.

1 **SEC. 709. REPEAL OF SUBGRANTS, PRIORITY, AND COORDI-**  
2 **NATION PROVISIONS.**

3 *Sections 7119 through 7121 (20 U.S.C. 7429–7431)*  
4 *are repealed.*

5 **SEC. 710. EVALUATIONS.**

6 *Section 7123 (20 U.S.C. 7433) is amended to read as*  
7 *follows:*

8 **“SEC. 7123. EVALUATIONS.**

9 *“(a) EVALUATION.—Each recipient of funds under this*  
10 *subpart for a program shall annually conduct an evalua-*  
11 *tion of the program and submit to the Secretary a report*  
12 *concerning the evaluation, in the form prescribed by the*  
13 *Secretary.*

14 *“(b) USE OF EVALUATION.—Such evaluation shall be*  
15 *used by the grant recipient—*

16 *“(1) for program improvement;*

17 *“(2) to further define the program’s goals and*  
18 *objectives; and*

19 *“(3) to determine program effectiveness.*

20 **“(c) EVALUATION REPORT COMPONENTS.—In pre-**  
21 *paring the evaluation reports, the recipient shall—*

22 *“(1) use the data provided in the application*  
23 *submitted by the recipient under section 7116 as base-*  
24 *line data against which to report academic achieve-*  
25 *ment and gains in English proficiency for students in*  
26 *the program;*

1           “(2) disaggregate the results of the evaluation by  
2           gender, language groups, and whether the students  
3           have disabilities;

4           “(3) include data on the progress of the recipient  
5           in achieving the objectives of the program, including  
6           data demonstrating the extent to which students  
7           served by the program are meeting the State’s student  
8           performance standards, and including data com-  
9           paring limited English proficient students with  
10          English proficient students with regard to school re-  
11          tention and academic achievement in—

12                   “(A) reading and language arts;

13                   “(B) English proficiency;

14                   “(C) mathematics; and

15                   “(D) the native language of the students if  
16          the program develops native language pro-  
17          ficiency;

18           “(4) include information on the extent that pro-  
19          fessional development activities carried out through  
20          the program have resulted in improved classroom  
21          practices and improved student performance;

22           “(5) include a description of how the activities  
23          carried out through the program are coordinated and  
24          integrated with the other Federal, State, or local pro-

1        *grams serving limited English proficient children and*  
2        *youth; and*

3                *“(6) include such other information as the Sec-*  
4        *retary may require.”.*

5        **SEC. 711. RESEARCH.**

6        *Section 7132(c)(1) (20 U.S.C. 7452(c)(1)) is amended*  
7        *by striking “under subpart 1 or 2” and inserting “under*  
8        *subpart 1 or 3 or this subpart”.*

9        **SEC. 712. ACADEMIC EXCELLENCE AWARDS.**

10        *Section 7133 (20 U.S.C. 7453) is amended to read as*  
11        *follows:*

12        **“SEC. 7133. ACADEMIC EXCELLENCE AWARDS.**

13                *“(a) AUTHORITY.—The Secretary may make grants to*  
14        *State educational agencies to assist the agencies in recog-*  
15        *nizing local educational agencies and other public and non-*  
16        *profit entities whose programs have—*

17                *“(1) demonstrated significant progress in assist-*  
18        *ing limited English proficient students to learn*  
19        *English according to age appropriate and develop-*  
20        *mentally appropriate standards; and*

21                *“(2) demonstrated significant progress in assist-*  
22        *ing limited English proficient children and youth to*  
23        *meet, according to age appropriate and develop-*  
24        *mentally appropriate standards, the same challenging*

1       *State content standards as all children and youth are*  
2       *expected to meet.*

3       “(b) *APPLICATIONS.*—*A State educational agency de-*  
4       *siring a grant under this section shall include an applica-*  
5       *tion for such grant in the application submitted by the*  
6       *agency under section 7134(e).”.*

7       **SEC. 713. STATE GRANT PROGRAM.**

8       (a) *GRANT AMOUNT.*—*Section 7134(b) (20 U.S.C.*  
9       *7454(b)) is amended by striking “\$100,000” and inserting*  
10      *“\$200,000”.*

11      (b) *USE OF FUNDS.*—*Section 7134(c) (20 U.S.C.*  
12      *7454(c)) is amended—*

13           (1) *in paragraph (1)—*

14                   (A) *in the matter preceding subparagraph*  
15                   (A), *by striking “for programs authorized by this*  
16                   *section”;*

17                   (B) *by striking subparagraph (A) and in-*  
18                   *serting the following:*

19                           “(A) *assist local educational agencies in the*  
20                           *State with activities that—*

21                                   “(i) *consist of program design, capac-*  
22                                   *ity building, assessment of student perform-*  
23                                   *ance, program evaluation, and development*  
24                                   *of data collection and accountability sys-*



1                    *tems for limited English proficient students;*  
2                    *and*  
3                    *“(ii) are aligned with State reform ef-*  
4                    *forts; and”;* *and*  
5                    *(C) in subparagraph (B), by striking “pop-*  
6                    *ulations and” and all that follows and inserting*  
7                    *“populations and document the services available*  
8                    *to all such populations.”;*  
9                    *(2) by striking paragraph (2); and*  
10                   *(3) by redesignating paragraphs (3) and (4) as*  
11                   *paragraphs (2) and (3), respectively.*

12 **SEC. 714. NATIONAL CLEARINGHOUSE.**

13                   *Section 7135(b) (20 U.S.C. 7455(b)) is amended—*  
14                   *(1) in paragraph (3), by striking “and” at the*  
15                   *end;*  
16                   *(2) in paragraph (4)—*  
17                   *(A) by striking “described in part A of title*  
18                   *XIII”;* *and*  
19                   *(B) by striking the period and inserting “;*  
20                   *and”;* *and*  
21                   *(3) by adding at the end the following:*  
22                   *“(5) publish, on an annual basis, a list of grant*  
23                   *recipients under this title.”.*

1 **SEC. 715. INSTRUCTIONAL MATERIALS DEVELOPMENT.**

2 *Section 7136 (20 U.S.C. 7456) is amended, in the first*  
3 *sentence, by striking the period and inserting “, and in*  
4 *other low-incidence languages in the United States for*  
5 *which instructional materials are not readily available.”.*

6 **SEC. 716. TRAINING FOR ALL TEACHERS PROGRAM.**

7 *Section 7142 (20 U.S.C. 7472) is amended by striking*  
8 *subsections (b) and (c) and inserting the following:*

9 *“(b) AUTHORIZATION.—*

10 *“(1) AUTHORITY.—The Secretary may award*  
11 *grants under this section to—*

12 *“(A) local educational agencies; or*

13 *“(B) 1 or more local educational agencies*  
14 *in a consortium with 1 or more State edu-*  
15 *cational agencies, institutions of higher edu-*  
16 *cation, or nonprofit organizations.*

17 *“(2) DURATION.—Each grant awarded under*  
18 *this section shall be awarded for a period of not more*  
19 *than 5 years.*

20 *“(c) AUTHORIZED ACTIVITIES.—*

21 *“(1) PROFESSIONAL DEVELOPMENT ACTIVI-*  
22 *TIES.—Grants awarded under this section shall be*  
23 *used to conduct high-quality, long-term professional*  
24 *development activities relating to meeting the needs of*  
25 *limited English proficient students, which may*  
26 *include—*

1           “(A) developing and implementing induc-  
2           tion programs for new teachers, including pro-  
3           grams that provide mentoring and coaching by  
4           trained teachers, and team teaching with experi-  
5           enced teachers;

6           “(B) implementing school-based collabo-  
7           rative efforts among teachers to improve instruc-  
8           tion in core academic areas, including reading,  
9           for students with limited English proficiency;

10          “(C) coordinating activities with other pro-  
11          grams, such as programs carried out under titles  
12          I and II and the Head Start Act;

13          “(D) implementing programs that support  
14          effective teacher use of education technologies to  
15          improve instruction and assessment;

16          “(E) establishing and maintaining local  
17          professional networks;

18          “(F) developing curricular materials and  
19          assessments for teachers that are aligned with  
20          State and local standards and the needs of the  
21          limited English proficient students to be served;  
22          and

23          “(G) carrying out such other activities as  
24          are consistent with the purpose of this section.

1           “(2) *PERMISSIBLE ACTIVITIES.*—Activities con-  
2           ducted under this section may include the develop-  
3           ment of training programs in collaboration with  
4           other programs, such as programs authorized under  
5           titles I and II, and under the Head Start Act.”.

6 **SEC. 717. GRADUATE FELLOWSHIPS.**

7           Section 7145(a) (20 U.S.C. 7475(a)) is amended—

8                   (1) by striking paragraph (2); and

9                   (2) by redesignating paragraph (3) as para-  
10           graph (2).

11 **SEC. 718. REPEAL OF PROGRAM REQUIREMENTS.**

12           Section 7147 (20 U.S.C. 7477) is repealed.

13 **SEC. 719. PROGRAM EVALUATIONS.**

14           Section 7149 (20 U.S.C. 7479) is amended to read as  
15 follows:

16 **“SEC. 7149. PROGRAM EVALUATIONS.**

17           “Each recipient of funds under this subpart for a pro-  
18 gram shall annually conduct an evaluation of the program  
19 and submit to the Secretary a report containing the evalua-  
20 tion. Such report shall include information on—

21                   “(1) the number of participants served through  
22           the program, the number of participants who com-  
23           pleted program requirements, and the number of par-  
24           ticipants who took positions in an instructional set-  
25           ting with limited English proficient students;

1           “(2) the effectiveness of the program in impart-  
2           ing the professional skills necessary for participants  
3           to achieve the objectives of the program; and

4           “(3) the teaching effectiveness of graduates of the  
5           program or other participants who have completed  
6           the program.”.

7   **SEC. 720. SPECIAL RULE.**

8           Section 7161 (20 U.S.C. 7491) is amended by striking  
9           “Improving America’s Schools Act of 1994” and inserting  
10          “Educational Opportunities Act”.

11   **SEC. 721. REPEAL OF FINDING RELATING TO FOREIGN LAN-**  
12                                   **GUAGE ASSISTANCE.**

13          Section 7202 (20 U.S.C. 7512) is repealed.

14   **SEC. 722. FOREIGN LANGUAGE ASSISTANCE APPLICATIONS.**

15          Section 7204(b) (20 U.S.C. 7514(b)) is amended—

16                 (1) in paragraph (2), by striking “or” at the  
17                 end;

18                 (2) in paragraph (3), by striking the period and  
19                 inserting a semicolon; and

20                 (3) by adding at the end the following:

21                         “(4) make effective use of technology, such as  
22                         computer-assisted instruction, language laboratories,  
23                         or distance learning, to promote foreign language  
24                         study;

1           “(5) *promote innovative activities such as for-*  
 2           *foreign language immersion, partial foreign language*  
 3           *immersion, or content-based instruction; and*

4           “(6) *are carried out through a consortium com-*  
 5           *prised of the agency receiving the grant and an ele-*  
 6           *mentary school or secondary school.”.*

7   **SEC. 723. EMERGENCY IMMIGRANT EDUCATION PURPOSE.**

8           *Section 7301 (20 U.S.C. 7541) is amended—*

9           (1) *by striking the section heading and inserting*  
 10          *the following:*

11       **“SEC. 7301. PURPOSE.”;**

12           (2) *by striking subsection (a); and*

13           (3) *in subsection (b), by striking “(b) PUR-*  
 14          *POSE.—”.*

15   **SEC. 724. EMERGENCY IMMIGRANT EDUCATION STATE AD-**  
 16                                   **MINISTRATIVE COSTS.**

17          *Section 7302 (20 U.S.C. 7542) is amended by insert-*  
 18          *ing after “percent” the following: “(2 percent if the State*  
 19          *educational agency distributes funds received under this*  
 20          *part to local educational agencies on a competitive basis)”.*

21   **SEC. 725. CONFORMING AMENDMENTS.**

22          (a) *STATE ALLOCATIONS.—Section 7304(a) (20 U.S.C.*  
 23          *7544(a)) is amended by striking “7301(b)” and inserting*  
 24          *“7301”.*

1        *(b) REPORTS.—Section 7308(b) (20 U.S.C. 7548(b)) is*  
 2 *amended by striking “14701” and inserting “10201”.*

3 **SEC. 726. EMERGENCY IMMIGRANT EDUCATION AUTHOR-**  
 4 **IZATION OF APPROPRIATIONS.**

5        *Section 7309 (20 U.S.C. 7549) is amended by striking*  
 6 *“\$100,000,000 for fiscal year 1995” and inserting*  
 7 *“\$200,000,000 for fiscal year 2001”.*

8 **SEC. 727. COORDINATION AND REPORTING REQUIRE-**  
 9 **MENTS.**

10        *Section 7405(d) (20 U.S.C. 7575(d)) is amended by*  
 11 *striking “Committee on Labor and Human Resources of the*  
 12 *Senate and to the Committee on Education and Labor” and*  
 13 *inserting “Committee on Health, Education, Labor, and*  
 14 *Pensions of the Senate and to the Committee on Education*  
 15 *and the Workforce”.*

16                    **TITLE VIII—IMPACT AID**

17 **SEC. 801. SHORT TITLE.**

18        *Title VIII (20 U.S.C. 7701 et seq.) is amended by in-*  
 19 *serting before section 8001 (20 U.S.C. 7701) the following:*

20 **“SEC. 8000. SHORT TITLE.**

21        *“This title may be cited as the ‘Impact Aid Act’.”.*

22 **SEC. 802. PURPOSE.**

23        *Section 8001 (20 U.S.C. 7701) is amended—*

24                    *(1) in paragraph (4), by inserting “or” after the*  
 25 *semicolon;*

1           (2) *by striking paragraph (5); and*

2           (3) *by redesignating paragraph (6) as para-*  
3 *graph (5).*

4 **SEC. 803. PAYMENTS RELATING TO FEDERAL ACQUISITION**  
5 **OF REAL PROPERTY.**

6 *Section 8002 (20 U.S.C. 7702) is amended—*

7           (1) *in the matter preceding paragraph (1) of*  
8 *subsection (a), by striking “1999” and inserting*  
9 *“2005”;*

10          (2) *in subsection (b)(1)—*

11           (A) *in subparagraph (B), by striking “rat-*  
12 *ably reduce the payment to each eligible local*  
13 *educational agency” and inserting “calculate the*  
14 *payment for each eligible local educational agen-*  
15 *cy in accordance with subsection (h)”;* and

16           (B) *in subparagraph (C), by inserting “or*  
17 *this section, whichever is greater” before the pe-*  
18 *riod;*

19          (3) *by amending subsection (h) to read as fol-*  
20 *lows:*

21          “(h) **DISTRIBUTION OF FUNDS WHEN THERE ARE IN-**  
22 **SUFFICIENT APPROPRIATIONS.**—*If the amount appro-*  
23 *priated under section 8014(a) is insufficient to pay the full*  
24 *amount determined under subsection (b) for all local edu-*  
25 *cational agencies for a fiscal year, then the Secretary shall*



1 *calculate the payments the local educational agencies re-*  
2 *ceive under this section for the fiscal year as follows:*

3           “(1) *FOUNDATION PAYMENTS FOR PRE-1995 RE-*  
4 *CIPIENTS.—First, the Secretary shall make a founda-*  
5 *tion payment to each local educational agency that is*  
6 *eligible to receive a payment under this section for the*  
7 *fiscal year and was eligible to receive a payment*  
8 *under section 2 of Public Law 81–874 for any of the*  
9 *fiscal years 1989 through 1994. The Secretary shall*  
10 *make the payment by multiplying 37 percent by the*  
11 *payment the local educational agency was entitled to*  
12 *receive under such section 2 for fiscal year 1994 (or*  
13 *if the local educational agency did not receive a pay-*  
14 *ment for fiscal year 1994, the payment that local edu-*  
15 *cational agency was entitled to receive under such sec-*  
16 *tion 2 for the most recent fiscal year preceding 1994).*  
17 *If the funds appropriated under section 8014(a) for*  
18 *the fiscal year are insufficient to fully fund the foun-*  
19 *dation payments under this paragraph for the fiscal*  
20 *year, then the Secretary shall ratably reduce the foun-*  
21 *dation payments to each local educational agency*  
22 *under this paragraph.*

23           “(2) *PAYMENTS FOR 1995 RECIPIENTS.—From*  
24 *any funds remaining after making payments under*  
25 *paragraph (1) for the fiscal year for which the cal-*

1        *culatation is made that are the result of the calculation*  
2        *described in subparagraph (A), the Secretary shall*  
3        *make a payment to each local educational agency*  
4        *that received a payment under this section for fiscal*  
5        *year 1995 in accordance with the following rules:*

6                *“(A) Calculate the difference between the*  
7                *amount appropriated to carry out this section*  
8                *for fiscal year 1995 and the total amount of*  
9                *foundation payments made under paragraph (1)*  
10              *for the fiscal year for which the calculation is*  
11              *made.*

12              *“(B) Determine the percentage share for*  
13              *each local educational agency that received a*  
14              *payment under this section for fiscal year 1995*  
15              *by dividing the assessed value of the Federal*  
16              *property of the local educational agency for fis-*  
17              *cal year 1995, determined in accordance with*  
18              *subsection (b)(3), by the total national assessed*  
19              *value of the Federal property of all such local*  
20              *educational agencies for fiscal year 1995, as so*  
21              *determined.*

22              *“(C) Multiply the percentage share de-*  
23              *scribed in subparagraph (B) for the local edu-*  
24              *cational agency by the amount determined under*  
25              *subparagraph (A).*

1           “(3) *SUBSECTION (i) RECIPIENTS.*—From any  
2 funds remaining after making payments under para-  
3 graphs (1) and (2) for the fiscal year for which the  
4 calculation is made, the Secretary shall make pay-  
5 ments in accordance with subsection (i).

6           “(4) *REMAINING FUNDS.*—From any funds re-  
7 maining after making payments under paragraphs  
8 (1), (2), and (3) for the fiscal year for which the cal-  
9 culation is made—

10           “(A) the Secretary shall make a payment to  
11 each local educational agency that received a  
12 foundation payment under paragraph (1) for the  
13 fiscal year for which the calculation is made in  
14 an amount that bears the same relation to 25  
15 percent of the remainder as the amount the local  
16 educational agency received under paragraph (1)  
17 for the fiscal year for which the calculation is  
18 made bears to the amount all local educational  
19 agencies received under paragraph (1) for the fis-  
20 cal year for which the calculation is made; and

21           “(B) the Secretary shall make a payment to  
22 each local educational agency that is eligible to  
23 receive a payment under this section for the fis-  
24 cal year for which the calculation is made in an  
25 amount that bears the same relation to 75 per-

1           *cent of the remainder as a percentage share de-*  
2           *termined for the local educational agency (in the*  
3           *same manner as percentage shares are deter-*  
4           *mined for local educational agencies under para-*  
5           *graph (2)(B)) bears to the percentage share de-*  
6           *termined (in the same manner) for all local edu-*  
7           *cational agencies eligible to receive a payment*  
8           *under this section for the fiscal year for which*  
9           *the calculation is made, except that for the pur-*  
10          *pose of calculating a local educational agency's*  
11          *assessed value of the Federal property, data from*  
12          *the most current fiscal year shall be used.”;*

13          *(4) in subsection (i)—*

14                 *(A) in the subsection heading, by striking*  
15                 *“PRIORITY” and inserting “SPECIAL”; and*

16                 *(B) by amending paragraph (1) to read as*  
17                 *follows:*

18                 *“(1) IN GENERAL.—For any fiscal year begin-*  
19                 *ning with fiscal year 2000 for which the amount ap-*  
20                 *propriated to carry out this section exceeds the*  
21                 *amount so appropriated for fiscal year 1996 and for*  
22                 *which subsection (b)(1)(B) applies, the Secretary shall*  
23                 *use the remainder described in subsection (h)(3) for*  
24                 *the fiscal year for which the calculation is made (not*  
25                 *to exceed the amount equal to the difference between*

1       (A) the amount appropriated to carry out this section  
 2       for fiscal year 1997 and (B) the amount appropriated  
 3       to carry out this section for fiscal year 1996) to in-  
 4       crease the payment that would otherwise be made  
 5       under this section to not more than 50 percent of the  
 6       maximum amount determined under subsection (b)  
 7       for any local educational agency described in para-  
 8       graph (2).”;

9           (5) in subsection (j)—

10           (A) in paragraph (2)—

11           (i) by striking “(A) A local” and in-  
 12           serting “A local”; and

13           (ii) by redesignating clauses (i)  
 14           through (v) as subparagraphs (A) through  
 15           (E), respectively; and

16           (B) in paragraph (3)—

17           (i) in subparagraph (A)—

18           (I) by striking the semicolon and  
 19           inserting a period; and

20           (II) by striking “(A) The max-  
 21           imum” and inserting “The max-  
 22           imum”; and

23           (ii) by striking subparagraphs (B) and  
 24           (C); and

25           (6) by adding at the end the following:

1       “(l) *DATA; PRELIMINARY AND FINAL PAYMENTS.*—The  
2 *Secretary shall—*

3           “(1) *require any local educational agency that*  
4 *applied for a payment under subsection (b) for a fis-*  
5 *cal year to submit expeditiously such data as may be*  
6 *necessary in order to compute the payment;*

7           “(2) *as soon as possible after the beginning of*  
8 *any fiscal year, but not later than 60 days after the*  
9 *date of enactment of an Act making appropriations*  
10 *to carry out this title for the fiscal year, provide a*  
11 *preliminary payment under subsection (b) for any*  
12 *local educational agency that applied for a payment*  
13 *under subsection (b) for the fiscal year, that has sub-*  
14 *mitted the data described in paragraph (1), and that*  
15 *was eligible for such a payment for the preceding fis-*  
16 *cal year, in the amount of 60 percent of the payment*  
17 *for the previous year; and*

18           “(3) *make every effort to provide a final pay-*  
19 *ment under subsection (b) for any eligible local edu-*  
20 *cational agency not later than 12 months after the*  
21 *application deadline established under section*  
22 *8005(c).*

23       “(m) *ELIGIBILITY.*—

24           “(1) *OLD FEDERAL PROPERTY.*—*Except as pro-*  
25 *vided in paragraph (2), a local educational agency*

1        *that is eligible to receive a payment under this section*  
2        *for Federal property acquired by the Federal Govern-*  
3        *ment before the date of enactment of the Educational*  
4        *Opportunities Act shall be eligible to receive the pay-*  
5        *ment only if the local educational agency submits an*  
6        *application for a payment under this section not later*  
7        *than 5 years after the date of enactment.*

8            “(2) *COMBINED FEDERAL PROPERTY.*—*A local*  
9        *educational agency that is eligible to receive a pay-*  
10       *ment under this section for Federal property acquired*  
11       *by the Federal Government before the date of enact-*  
12       *ment of the Educational Opportunities Act shall be*  
13       *eligible to receive the payment if—*

14            “(A) *the Federal property, when combined*  
15        *with other Federal property in the school district*  
16        *served by the local educational agency acquired*  
17        *by the Federal Government after the date of en-*  
18        *actment, meets the requirements of subsection*  
19        *(a); and*

20            “(B) *the local educational agency submits*  
21        *an application for a payment under this section*  
22        *not later than 5 years after the date of acquisi-*  
23        *tion of the Federal property acquired after the*  
24        *date of enactment.*

1           “(3) *NEW FEDERAL PROPERTY*.—A local edu-  
 2           cational agency that is eligible to receive a payment  
 3           under this section for Federal property acquired by  
 4           the Federal Government after the date of enactment of  
 5           the Educational Opportunities Act shall be eligible to  
 6           receive the payment only if the local educational  
 7           agency submits an application for a payment under  
 8           this section not later than 5 years after the date of  
 9           acquisition.”.

10 **SEC. 804. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**  
 11 **NECTED CHILDREN.**

12           (a) *GENERAL AMENDMENTS*.—Section 8003 (20  
 13 *U.S.C. 7703*) is amended—

14                   (1) in subsection (a)—

15                           (A) in paragraph (2)—

16                                   (i) by redesignating subparagraph (E)  
 17                                   as subparagraph (F);

18                                   (ii) in subparagraph (D), by striking  
 19                                   “subparagraphs (D) and (E) of paragraph  
 20                                   (1) by a factor of .10” and inserting “sub-  
 21                                   paragraph (D) of paragraph (1) by a factor  
 22                                   of .25”; and

23                                   (iii) by inserting after subparagraph  
 24                                   (D) the following:



1           “(E) Multiply the number of children de-  
2           scribed in subparagraph (E) of paragraph (1) by  
3           a factor of .10.”;

4           (B) in paragraph (4)—

5           (i) in the paragraph heading, by strik-  
6           ing “UNDERGOING RENOVATION” and insert-  
7           ing “UNDERGOING RENOVATION OR RE-  
8           BUILDING”;

9           (ii) by striking “For purposes” and in-  
10          serting the following:

11          “(A) IN GENERAL.—For purposes”;

12          (iii) in subparagraph (A) (as des-  
13          ignated by subparagraph (B)), by inserting  
14          “or rebuilding” after “undergoing renova-  
15          tion”; and

16          (iv) by adding at the end the following:

17          “(B) LIMITATIONS.—(i)(I) Except as pro-  
18          vided in subclause (II), children described in  
19          paragraph (1)(D)(i) may be deemed to be chil-  
20          dren described in paragraph (1)(B) with respect  
21          to housing on Federal property undergoing ren-  
22          ovation or rebuilding in accordance with sub-  
23          paragraph (A) for a period not to exceed 2 fiscal  
24          years.

1           “(II) *If the Secretary determines, on the*  
2 *basis of a certification provided to the Secretary*  
3 *by a designated representative of the Secretary of*  
4 *Defense, that the expected completion date of the*  
5 *renovation or rebuilding of the housing has been*  
6 *delayed by not less than 1 year, then—*

7           “(aa) *in the case of a determination*  
8 *made by the Secretary in the 1st fiscal year*  
9 *described in subclause (I), the time period*  
10 *described in such subclause shall be extended*  
11 *by the Secretary for an additional 2 years;*  
12 *and*

13           “(bb) *in the case of a determination*  
14 *made by the Secretary in the 2nd fiscal*  
15 *year described in subclause (I), the time pe-*  
16 *riod described such subclause shall be ex-*  
17 *tended by the Secretary for an additional 1*  
18 *year.*

19           “(ii) *The number of children described in*  
20 *paragraph (1)(D)(i) who are deemed to be chil-*  
21 *dren described in paragraph (1)(B) with respect*  
22 *to housing on Federal property undergoing ren-*  
23 *ovation or rebuilding in accordance with sub-*  
24 *paragraph (A) for any fiscal year may not ex-*  
25 *ceed the maximum number of children who are*

1           *expected to occupy that housing upon completion*  
2           *of the renovation or rebuilding.”; and*

3           *(C) by adding at the end the following:*

4           “(5) *MILITARY ‘BUILD TO LEASE’ PROGRAM*  
5           *HOUSING.—*

6           “(A) *IN GENERAL.—For purposes of com-*  
7           *puting the amount of payment for a local edu-*  
8           *cational agency for children identified under*  
9           *paragraph (1), the Secretary shall consider chil-*  
10           *dren residing in housing initially acquired or*  
11           *constructed under the former section 2828(g) of*  
12           *title 10, United States Code (commonly known*  
13           *as the ‘Build to Lease’ program), as added by*  
14           *section 801 of the Military Construction Author-*  
15           *ization Act, 1984, to be children described under*  
16           *paragraph (1)(B) if the property described is*  
17           *within the fenced security perimeter of the mili-*  
18           *tary facility upon which such housing is situ-*  
19           *ated.*

20           “(B) *ADDITIONAL REQUIREMENTS.—If the*  
21           *property described in subparagraph (A) is not*  
22           *owned by the Federal Government, is subject to*  
23           *taxation by a State or political subdivision of a*  
24           *State, and thereby generates revenues for a local*

1           *educational agency that is applying to receive a*  
2           *payment under this section, then the Secretary—*

3                   “(i) shall require the local educational  
4                   agency to provide certification from an ap-  
5                   propriate official of the Department of De-  
6                   fense that the property is being used to pro-  
7                   vide military housing; and

8                   “(ii) shall reduce the amount of the  
9                   payment under this section by an amount  
10                  equal to the amount of revenue from such  
11                  taxation received in the second preceding  
12                  fiscal year by such local educational agency,  
13                  unless the amount of such revenue was  
14                  taken into account by the State for such sec-  
15                  ond preceding fiscal year and already re-  
16                  sulted in a reduction in the amount of State  
17                  aid paid to such local educational agency.”;

18           (2) in subsection (b)(1), by adding at the end the  
19           *following:*

20                   “(D) DATA.—If satisfactory data from the  
21                   third preceding fiscal year are not available for  
22                   any of the expenditures described in clause (i) or  
23                   (ii) of subparagraph (C), the Secretary shall use  
24                   data from the most recent fiscal year for which

1           *data that are satisfactory to the Secretary are*  
2           *available.”;*

3           *(3) in subsection (d)(2), by striking “a free ap-*  
4           *propriate public education” and inserting “services”;*

5           *(4) by amending subsection (e) to read as fol-*  
6           *lows:*

7           *“(e) HOLD HARMLESS.—*

8                   *“(1) IN GENERAL.—Except as provided in para-*  
9                   *graph (2), the total amount the Secretary shall pay*  
10                   *a local educational agency under this section for fis-*  
11                   *cal year 2001 and each succeeding fiscal year shall*  
12                   *not be less than—*

13                           *“(A) the result obtained by dividing the*  
14                           *amount received by the local educational agency*  
15                           *under this subsection for fiscal year 2000 by the*  
16                           *total weighted student units calculated for the*  
17                           *local educational agency under subsection (a)(2)*  
18                           *for fiscal year 2000; multiplied by*

19                                   *“(B) the total weighted student units cal-*  
20                                   *culated for the local educational agency under*  
21                                   *subsection (a)(2) (as such subsection was in effect*  
22                                   *on the day preceding the date of enactment of the*  
23                                   *Educational Opportunities Act) for the fiscal*  
24                                   *year for which the determination is made.*

25                   *“(2) RATABLE REDUCTIONS.—*

1           “(A) *IN GENERAL.*—*If the sums made avail-*  
2           *able under this title for any fiscal year are in-*  
3           *sufficient to pay the full amounts that all local*  
4           *educational agencies in all States are eligible to*  
5           *receive under paragraph (1) for such year, then*  
6           *the Secretary shall ratably reduce the payments*  
7           *to all such agencies for such year.*

8           “(B) *ADDITIONAL FUNDS.*—*If additional*  
9           *funds become available for making payments*  
10           *under paragraph (1) for such fiscal year, pay-*  
11           *ments that were reduced under subparagraph (A)*  
12           *shall be increased on the same basis as such pay-*  
13           *ments were reduced.”;*

14           *(5) by striking subsections (f) and (g); and*

15           *(6) by redesignating subsections (h) and (i) as*  
16           *subsections (f) and (g), respectively.*

17           “(b) *BASIC SUPPORT PAYMENTS FOR HEAVILY IM-*  
18           *PACTED LOCAL EDUCATIONAL AGENCIES.*—*Section 8003(b)*  
19           *(20 U.S.C. 7703(b)) is amended—*

20           *(1) by redesignating paragraphs (2) and (3) as*  
21           *paragraphs (3) and (4), respectively; and*

22           *(2) by inserting after paragraph (1) the fol-*  
23           *lowing:*

24           “(2) *BASIC SUPPORT PAYMENTS FOR HEAVILY*  
25           *IMPACTED LOCAL EDUCATIONAL AGENCIES.*—

1           “(A) *IN GENERAL.*—(i) *From the amount*  
2 *appropriated under section 8014(b) for a fiscal*  
3 *year, the Secretary is authorized to make basic*  
4 *support payments to eligible heavily impacted*  
5 *local educational agencies with children de-*  
6 *scribed in subsection (a).*

7           “(ii) *A local educational agency that re-*  
8 *ceives a basic support payment under this para-*  
9 *graph for a fiscal year shall not be eligible to re-*  
10 *ceive a basic support payment under paragraph*  
11 *(1) for that fiscal year.*

12           “(B) *ELIGIBILITY FOR CONTINUING HEAV-*  
13 *ILY IMPACTED LOCAL EDUCATIONAL AGENCIES.*—

14           “(i) *IN GENERAL.*—*A heavily impacted*  
15 *local educational agency is eligible to re-*  
16 *ceive a basic support payment under sub-*  
17 *paragraph (A) with respect to a number of*  
18 *children determined under subsection (a)(1)*  
19 *if the agency—*

20                   *(I) received an additional assist-*  
21 *ance payment under subsection (f) (as*  
22 *such subsection was in effect on the*  
23 *day before the date of the enactment of*  
24 *the Educational Opportunities Act) for*  
25 *fiscal year 2000; and*

1           “(II)(aa) is a local educational  
2 agency whose boundaries are the same  
3 as a Federal military installation;

4           “(bb) has an enrollment of chil-  
5 dren described in subsection (a)(1) that  
6 constitutes a percentage of the total  
7 student enrollment of the agency which  
8 is not less than 35 percent, has a per-  
9 pupil expenditure that is less than the  
10 average per-pupil expenditure of the  
11 State in which the agency is located or  
12 the average per-pupil expenditure of  
13 all States (whichever average per-pupil  
14 expenditure is greater), except that a  
15 local educational agency with a total  
16 student enrollment of less than 350 stu-  
17 dents shall be deemed to have satisfied  
18 such per-pupil expenditure require-  
19 ment, and has a tax rate for general  
20 fund purposes which is not less than  
21 95 percent of the average tax rate for  
22 general fund purposes of local edu-  
23 cational agencies in the State;

24           “(cc) has an enrollment of chil-  
25 dren described in subsection (a)(1) that



1           *constitutes a percentage of the total*  
2           *student enrollment of the agency which*  
3           *is not less than 30 percent, and has a*  
4           *tax rate for general fund purposes*  
5           *which is not less than 125 percent of*  
6           *the average tax rate for general fund*  
7           *purposes for local educational agencies*  
8           *in the State;*

9           *“(dd) has a total student enroll-*  
10          *ment of not less than 25,000 students,*  
11          *of which not less than 50 percent are*  
12          *children described in subsection (a)(1)*  
13          *and not less than 6,000 of such chil-*  
14          *dren are children described in subpara-*  
15          *graphs (A) and (B) of subsection*  
16          *(a)(1); or*

17          *“(ee) meets the requirements of*  
18          *subsection (f)(2) applying the data re-*  
19          *quirements of subsection (f)(4) (as such*  
20          *subsections were in effect on the day*  
21          *before the date of the enactment of the*  
22          *Educational Opportunities Act).*

23          *“(ii) LOSS OF ELIGIBILITY.—A heavily*  
24          *impacted local educational agency that met*  
25          *the requirements of clause (i) for a fiscal*

1           *year shall be ineligible to receive a basic*  
2           *support payment under subparagraph (A)*  
3           *if the agency fails to meet the requirements*  
4           *of clause (i) for a subsequent fiscal year, ex-*  
5           *cept that such agency shall continue to re-*  
6           *ceive a basic support payment under this*  
7           *paragraph for the fiscal year for which the*  
8           *ineligibility determination is made.*

9           “(iii) *RESUMPTION OF ELIGIBILITY.—*

10          *A heavily impacted local educational agen-*  
11          *cy described in clause (i) that becomes ineli-*  
12          *gible under such clause for 1 or more fiscal*  
13          *years may resume eligibility for a basic*  
14          *support payment under this paragraph for*  
15          *a subsequent fiscal year only if the agency*  
16          *meets the requirements of clause (i) for that*  
17          *subsequent fiscal year, except that such*  
18          *agency shall not receive a basic support*  
19          *payment under this paragraph until the fis-*  
20          *cal year succeeding the fiscal year for which*  
21          *the eligibility determination is made.*

22          “(C) *ELIGIBILITY FOR NEW HEAVILY IM-*  
23          *PACTED LOCAL EDUCATIONAL AGENCIES.—*

24          “(i) *IN GENERAL.—A heavily impacted*  
25          *local educational agency that did not re-*

1           *ceive an additional assistance payment*  
2           *under subsection (f) (as such subsection was*  
3           *in effect on the day before the date of the en-*  
4           *actment of the Educational Opportunities*  
5           *Act) for fiscal year 2000 is eligible to re-*  
6           *ceive a basic support payment under sub-*  
7           *paragraph (A) for fiscal year 2002 and any*  
8           *subsequent fiscal year with respect to a*  
9           *number of children determined under sub-*  
10          *section (a)(1) only if the agency is a local*  
11          *educational agency whose boundaries are*  
12          *the same as a Federal military installation,*  
13          *or the agency—*

14                   *“(I) has an enrollment of children*  
15                   *described in subsection (a)(1) that con-*  
16                   *stitutes a percentage of the total stu-*  
17                   *dent enrollment of the agency that—*

18                           *“(aa) is not less than 50 per-*  
19                           *cent if such agency receives a pay-*  
20                           *ment on behalf of children de-*  
21                           *scribed in subparagraphs (F) and*  
22                           *(G) of such subsection; or*

23                           *“(bb) is not less than 40 per-*  
24                           *cent if such agency does not re-*

1                    *ceive a payment on behalf of such*  
2                    *children;*

3                    *“(II)(aa) for a local educational*  
4                    *agency that has a total student enroll-*  
5                    *ment of 350 or more students, has a*  
6                    *per-pupil expenditure that is less than*  
7                    *the average per-pupil expenditure of*  
8                    *the State in which the agency is lo-*  
9                    *cated; or*

10                   *“(bb) for a local educational agen-*  
11                   *cy that has a total student enrollment*  
12                   *of less than 350 students, has a per-*  
13                   *pupil expenditure that is less than the*  
14                   *average per-pupil expenditure of a*  
15                   *comparable local educational agency in*  
16                   *the State in which the agency is lo-*  
17                   *cated, as defined in regulations pro-*  
18                   *mulgated by the Secretary; and*

19                   *“(III) has a tax rate for general*  
20                   *fund purposes that is not less than 95*  
21                   *percent of the average tax rate for gen-*  
22                   *eral fund purposes of local educational*  
23                   *agencies in the State.*

24                   *“(ii) RESUMPTION OF ELIGIBILITY.—A*  
25                   *heavily impacted local educational agency*

1           *described in clause (i) that becomes ineli-*  
2           *gible under such clause for 1 or more fiscal*  
3           *years may resume eligibility for a basic*  
4           *support payment under this paragraph for*  
5           *a subsequent fiscal year only if the agency*  
6           *is a local educational agency whose bound-*  
7           *aries are the same as a Federal military in-*  
8           *stallation, or meets the requirements of*  
9           *clause (i), for that subsequent fiscal year,*  
10          *except that such agency shall continue to re-*  
11          *ceive a basic support payment under this*  
12          *paragraph for the fiscal year for which the*  
13          *ineligibility determination is made.*

14                 “(iii) *APPLICATION.—With respect to*  
15                 *the first fiscal year for which a heavily im-*  
16                 *acted local educational agency described in*  
17                 *clause (i) applies for a basic support pay-*  
18                 *ment under subparagraph (A), or with re-*  
19                 *spect to the first fiscal year for which a*  
20                 *heavily impacted local educational agency*  
21                 *applies for a basic support payment under*  
22                 *subparagraph (A) after becoming ineligible*  
23                 *under clause (i) for 1 or more preceding fis-*  
24                 *cal years, the agency shall apply for such*

1                   *payment at least 1 year prior to the start*  
2                   *of that first fiscal year.*

3                   “(D) *MAXIMUM AMOUNT FOR REGULAR*  
4                   *HEAVILY IMPACTED LOCAL EDUCATIONAL AGEN-*  
5                   *CIES.—(i) Except as provided in subparagraph*  
6                   *(E), the maximum amount that a heavily im-*  
7                   *pacted local educational agency is eligible to re-*  
8                   *ceive under this paragraph for any fiscal year is*  
9                   *the sum of the total weighted student units, as*  
10                   *computed under subsection (a)(2) and subject to*  
11                   *clause (ii), multiplied by the greater of—*

12                    “(I) *four-fifths of the average per-pupil*  
13                    *expenditure of the State in which the local*  
14                    *educational agency is located for the third*  
15                    *fiscal year preceding the fiscal year for*  
16                    *which the determination is made; or*

17                    “(II) *four-fifths of the average per-*  
18                    *pupil expenditure of all of the States for the*  
19                    *third fiscal year preceding the fiscal year*  
20                    *for which the determination is made.*

21                    “(ii)(I) *For a local educational agency with*  
22                    *respect to which 35 percent or more of the total*  
23                    *student enrollment of the schools of the agency*  
24                    *are children described in subparagraph (D) or*  
25                    *(E) (or a combination thereof) of subsection*

1           (a)(1), the Secretary shall calculate the weighted  
2           student units of such children for purposes of  
3           subsection (a)(2) by multiplying the number of  
4           such children by a factor of 0.55.

5           “(II) For a local educational agency that  
6           has an enrollment of 100 or fewer children de-  
7           scribed in subsection (a)(1), the Secretary shall  
8           calculate the total number of weighted student  
9           units for purposes of subsection (a)(2) by multi-  
10          plying the number of such children by a factor  
11          of 1.75.

12          “(III) For a local educational agency that  
13          has an enrollment of more than 100 but not  
14          more than 750 children described in subsection  
15          (a)(1), the Secretary shall calculate the total  
16          number of weighted student units for purposes of  
17          subsection (a)(2) by multiplying the number of  
18          such children by a factor of 1.25.

19          “(iii) Notwithstanding subsection (a)(3), the  
20          Secretary shall compute the payment for a heav-  
21          ily impacted local educational agency under this  
22          subparagraph for all children described in sub-  
23          section (a)(1) that are served by the agency.

24          “(E) MAXIMUM AMOUNT FOR LARGE HEAV-  
25          ILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

1           *(i)(I) Subject to clause (ii), the maximum*  
2           *amount that a heavily impacted local edu-*  
3           *cational agency described in subclause (II) is eli-*  
4           *gible to receive under this paragraph for any fis-*  
5           *cal year shall be determined in accordance with*  
6           *the formula described in paragraph (1)(C).*

7           *“(II) A heavily impacted local educational*  
8           *agency described in this subclause is a local edu-*  
9           *cational agency that has a total student enroll-*  
10           *ment of not less than 25,000 students, of which*  
11           *not less than 50 percent are children described in*  
12           *subsection (a)(1) and not less than 6,000 of such*  
13           *children are children described in subparagraphs*  
14           *(A) and (B) of subsection (a)(1).*

15           *“(i) For purposes of calculating the max-*  
16           *imum amount described in clause (i), the factor*  
17           *used in determining the weighted student units*  
18           *under subsection (a)(2) with respect to children*  
19           *described in subparagraphs (A) and (B) of sub-*  
20           *section (a)(1) shall be 1.35.*

21           *“(F) DATA.—For purposes of providing as-*  
22           *sistance under this paragraph the Secretary shall*  
23           *use student, revenue, expenditure, and tax data*  
24           *from the third fiscal year preceding the fiscal*



1           year for which the local educational agency is  
2           applying for assistance under this paragraph.”.

3           (c) *PAYMENTS WITH RESPECT TO FISCAL YEARS IN*  
4 *WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—Sec-*  
5 *tion 8003(b)(3) (20 U.S.C. 7703(b)(3)) (as so redesignated)*  
6 *is amended—*

7           (1) in subparagraph (A), by striking “paragraph  
8           (1)” and inserting “paragraphs (1) and (2)”;

9           (2) in subparagraph (B)—

10           (A) in the heading, by inserting after “PAY-  
11           MENTS” the following: “IN LIEU OF PAYMENTS  
12           UNDER PARAGRAPH (1)”;

13           (B) in clause (i)—

14           (i) in the matter preceding subclause  
15           (I), by inserting before “by multiplying” the  
16           following: “in lieu of basic support pay-  
17           ments under paragraph (1)”;

18           (ii) in subclause (II), by striking “(not  
19           including amounts received under sub-  
20           section (f))”;

21           (3) by redesignating subparagraph (C) as sub-  
22           paragraph (D);

23           (4) by inserting after subparagraph (B) the fol-  
24           lowing:

1           “(C) *LEARNING OPPORTUNITY THRESHOLD*  
2           *PAYMENTS IN LIEU OF PAYMENTS UNDER PARA-*  
3           *GRAPH (2).*—*For fiscal years described in sub-*  
4           *paragraph (A), the learning opportunity thresh-*  
5           *old payment in lieu of basic support payments*  
6           *under paragraph (2) shall be equal to the*  
7           *amount obtained under subparagraph (D) or (E)*  
8           *of paragraph (2), as the case may be.”; and*  
9           *(5) in subparagraph (D) (as so redesignated), by*  
10          *striking “computation made under subparagraph*  
11          *(B)” and inserting “computations made under sub-*  
12          *paragraphs (B) and (C)”.*

13          (d) *CONFORMING AMENDMENTS.*—*Section 8003 (20*  
14          *U.S.C. 7703) is amended—*

15                 (1) *in the matter preceding subparagraph (A) of*  
16                 *subsection (a)(1), by striking “subsection (b), (d), or*  
17                 *(f)” and inserting “subsection (b) or (d)”;*

18                 (2) *in subsection (b)—*

19                         (A) *in paragraph (1)(C), in the matter pre-*  
20                         *ceding clause (i), by striking “this subsection”*  
21                         *and inserting “this paragraph”;* and

22                         (B) *in paragraph (4) (as so redesignated)—*

23                                 (i) *in subparagraph (A), by striking*  
24                                 *“paragraphs (1)(B), (1)(C), and (2) of this*  
25                                 *subsection” and inserting “subparagraphs*

1           *(B) and (C) of paragraph (1) or subpara-*  
 2           *graphs (B) through (D) of paragraph (2),*  
 3           *as the case may be, paragraph (3) of this*  
 4           *subsection”; and*

5                     *(ii) in subparagraph (B)—*

6                             *(I) by inserting after “paragraph*  
 7                             *(1)(C)” the following: “or subpara-*  
 8                             *graph (D) or (E) of paragraph (2), as*  
 9                             *the case may be,”; and*

10                            *(II) by striking “paragraph*  
 11                            *(2)(B)” and inserting “subparagraph*  
 12                            *(B) or (C) of paragraph (3), as the*  
 13                            *case may be,”;*

14                    *(3) in subsection (c)(1), by striking “paragraph*  
 15                    *(2) and subsection (f)” and inserting “subsections*  
 16                    *(b)(1)(D), (b)(2), and paragraph (2)”;* and

17                    *(4) in subsection (h), by striking “section 6” and*  
 18                    *all that follows through “1994)” and inserting “sec-*  
 19                    *tion 386 of the National Defense Authorization Act*  
 20                    *for Fiscal Year 1993”.*

21            *(e) EFFECTIVE DATE.—The time limits imposed by the*  
 22            *amendments made by subsection (a)(1)(B)(iv) shall apply*  
 23            *with respect to payments made to a local educational agen-*  
 24            *cy for fiscal years beginning on or after the date of the en-*  
 25            *actment of this Act.*

1 **SEC. 805. SUDDEN AND SUBSTANTIAL INCREASES IN AT-**  
 2 **TENDANCE OF MILITARY DEPENDENTS.**

3 *Section 8006 (20 U.S.C. 7706) is repealed.*

4 **SEC. 806. SCHOOL CONSTRUCTION AND FACILITY MOD-**  
 5 **ERNIZATION.**

6 *(a) SCHOOL CONSTRUCTION.—Section 8007 of the Ele-*  
 7 *mentary and Secondary Education Act of 1965 (20 U.S.C.*  
 8 *7707) is amended to read as follows:*

9 **“SEC. 8007. SCHOOL CONSTRUCTION.**

10 *“(a) PAYMENTS AUTHORIZED FOR SCHOOL CON-*  
 11 *STRUCTION.—From 20 percent of the amount appropriated*  
 12 *for each fiscal year under section 8014(d), the Secretary*  
 13 *shall make payments to each local educational agency—*

14 *“(1) that receives a basic payment under section*  
 15 *8003(b); and*

16 *“(2)(A) in which the number of children deter-*  
 17 *mined under section 8003(a)(1)(C) constituted at*  
 18 *least 50 percent of the number of children who were*  
 19 *in average daily attendance in the schools of such*  
 20 *agency during the preceding school year;*

21 *“(B) in which the number of children determined*  
 22 *under subparagraphs (B) and (D)(i) of section*  
 23 *8003(a)(1) constituted at least 50 percent of the num-*  
 24 *ber of children who were in average daily attendance*  
 25 *in the schools of such agency during the school year*

1 preceding the school year for which the determination  
2 is made; or

3 “(C) that receives assistance under section  
4 8003(b)(2) for the fiscal year preceding the school  
5 year for which the determination is made.

6 “(b) *AMOUNT OF PAYMENTS.*—The amount of a pay-  
7 ment to each such agency for a fiscal year shall be equal  
8 to—

9 “(1) the amount made available under subsection  
10 (a) for the fiscal year; divided by

11 “(2) the remainder of—

12 “(A) the number of children determined  
13 under section 8003(a)(2) for all local educational  
14 agencies described in subsection (a) for the fiscal  
15 year; minus

16 “(B) the number of children attending a  
17 school facility described in section 8008(a) for  
18 which the Secretary provided assistance under  
19 section 8008(a) for the previous fiscal year; mul-  
20 tiplied by

21 “(3) the sum of the number of children described  
22 in paragraph (2) determined for such agency for the  
23 fiscal year.

1       “(c) *USE OF FUNDS.*—Any local educational agency  
2 that receives funds under this section shall use such funds  
3 for construction, as defined in section 8013(3).”

4       (b) *SCHOOL FACILITY MODERNIZATION.*—Title VIII of  
5 such Act (20 U.S.C. 7701 et seq.) is amended by inserting  
6 after section 8007 (20 U.S.C. 7707) the following:

7       **“SEC. 8007A. SCHOOL FACILITY MODERNIZATION.**

8       “(a) *PROGRAM AUTHORIZED.*—

9               “(1) *IN GENERAL.*—From 80 percent of the  
10 amount appropriated for each fiscal year under sec-  
11 tion 8014(d), the Secretary shall award grants to eli-  
12 gible local educational agencies to enable the local  
13 educational agencies to carry out modernization of  
14 school facilities.

15              “(2) *ALLOCATION AMONG ELIGIBLE LOCAL EDU-*  
16 *CATIONAL AGENCIES.*—The Secretary shall allocate—

17                      “(A) 45 percent of the amount made avail-  
18 able under paragraph (1) for each fiscal year for  
19 grants to local educational agencies described in  
20 clause (i) or (ii) of subsection (b)(2)(A);

21                      “(B) 45 percent of such amount for grants  
22 to local educational agencies described in sub-  
23 section (b)(2)(B); and

1           “(C) 10 percent of such amount for grants  
2           to local educational agencies described in sub-  
3           section (b)(2)(C).

4           “(3) *SPECIAL RULE.*—A local educational agency  
5           described in subsection (b)(2)(B) may use grant funds  
6           made available under this section for a school facility  
7           located on or near Federal property only if the school  
8           facility is located at a school where not less than 50  
9           percent of the children in average daily attendance in  
10          the school for the preceding school year are children  
11          for which a determination is made under section  
12          8003(a)(1).

13          “(b) *ELIGIBILITY REQUIREMENTS.*—A local edu-  
14          cational agency is eligible to receive funds under this section  
15          only if—

16               “(1) such agency (or in the case of a local edu-  
17               cational agency that does not have the authority to  
18               tax or issue bonds, such agency’s fiscal agent) has no  
19               capacity to issue bonds or is at such agency’s limit  
20               in bonded indebtedness for the purposes of generating  
21               funds for capital expenditures, except that a local  
22               educational agency that is eligible to receive funds  
23               under section 8003(b)(2) shall be deemed to have met  
24               the requirements of this paragraph; and

1           “(2)(A)(i) such agency received assistance under  
2           section 8002(a) and has an assessed value of taxable  
3           property per student in the school district that is less  
4           than the average of the assessed value of taxable prop-  
5           erty per student in the State in which the local edu-  
6           cational agency is located; or

7           “(ii) had an enrollment of children determined  
8           under section 8003(a)(1)(C) which constituted at least  
9           25 percent of the number of children who were in av-  
10          erage daily attendance in the schools of such agency  
11          during the school year preceding the school year for  
12          which the determination is made;

13          “(B) such agency received assistance under sec-  
14          tion 8003(b) and had an enrollment of children deter-  
15          mined under subparagraphs (A), (B), and (D) of sec-  
16          tion 8003(a)(1) which constituted at least 25 percent  
17          of the number of children who were in average daily  
18          attendance in the schools of such agency during the  
19          school year preceding the school year for which the de-  
20          termination is made; or

21          “(C) such agency had an enrollment of children  
22          determined under section 8003(a)(1)(C) which con-  
23          stituted at least 50 percent of the number of children  
24          who were in average daily attendance in the schools  
25          of such agency during the school year preceding the



1       *school year for which the determination is made, and*  
2       *has a school facility emergency, as determined by the*  
3       *Secretary, that poses a health or safety hazard to the*  
4       *students and school personnel assigned to the school*  
5       *facility.*

6       “(c) *AWARD CRITERIA.—In awarding grants under*  
7       *this section the Secretary shall consider 1 or more of the*  
8       *following factors:*

9               “(1) *The extent to which the local educational*  
10              *agency lacks the fiscal capacity to undertake the mod-*  
11              *ernization project without Federal assistance.*

12              “(2) *The extent to which property in the local*  
13              *educational agency is nontaxable due to the presence*  
14              *of the Federal Government.*

15              “(3) *The extent to which the local educational*  
16              *agency serves high numbers or percentages of children*  
17              *described in subparagraphs (A), (B), (C), and (D) of*  
18              *section 8003(a)(1).*

19              “(4) *The need for modernization to meet—*

20                      “(A) *the threat that the condition of the*  
21                      *school facility poses to the safety and well-being*  
22                      *of students;*

23                      “(B) *overcrowding conditions as evidenced*  
24                      *by the use of trailers and portable buildings and*

1           *the potential for future overcrowding because of*  
2           *increased enrollment; and*

3                   “(C) *facility needs resulting from actions of*  
4           *the Federal Government.*

5           “(5) *The age of the school facility to be modern-*  
6           *ized.*

7           “(d) *OTHER AWARD PROVISIONS.—*

8                   “(1) *AMOUNT CONSIDERATION.—In determining*  
9           *the amount of a grant awarded under this section, the*  
10          *Secretary shall consider the cost of the modernization*  
11          *and the ability of the local educational agency to*  
12          *produce sufficient funds to carry out the activities for*  
13          *which assistance is sought.*

14                  “(2) *FEDERAL SHARE.—The Federal funds pro-*  
15          *vided to a local educational agency under this section*  
16          *shall not exceed 50 percent of the total cost of the*  
17          *project to be assisted under this section. A local edu-*  
18          *cational agency may use in-kind contributions to*  
19          *meet the matching requirement of the preceding sen-*  
20          *tence.*

21                  “(3) *MAXIMUM GRANT.—A local educational*  
22          *agency may not receive a grant under this section in*  
23          *an amount that exceeds \$3,000,000 during any 5-year*  
24          *period.*

1       “(e) *APPLICATIONS.*—A local educational agency de-  
2       siring to receive a grant under this section shall submit an  
3       application to the Secretary at such time, in such manner,  
4       and accompanied by such information as the Secretary  
5       may require. Each application shall contain—

6               “(1) documentation of the agency’s lack of bond-  
7       ing capacity;

8               “(2) a listing of the school facilities to be mod-  
9       ernized, including the number and percentage of chil-  
10       dren determined under section 8003(a)(1) in average  
11       daily attendance in each school facility;

12              “(3) a description of the ownership of the prop-  
13       erty on which the current school facility is located or  
14       on which the planned school facility will be located;

15              “(4) a description of any school facility defi-  
16       ciency that poses a health or safety hazard to the oc-  
17       cupants of the school facility and a description of how  
18       that deficiency will be repaired;

19              “(5) a description of the modernization to be  
20       supported with funds provided under this section;

21              “(6) a cost estimate of the proposed moderniza-  
22       tion; and

23              “(7) such other information and assurances as  
24       the Secretary may reasonably require.

25       “(f) *EMERGENCY GRANTS.*—

1           “(1) *APPLICATIONS.*—*Each local educational*  
2 *agency described in subsection (b)(2)(C) that desires*  
3 *a grant under this section shall include in the appli-*  
4 *cation submitted under subsection (e) a signed state-*  
5 *ment from an appropriate State official certifying*  
6 *that a health or safety deficiency exists.*

7           “(2) *INAPPLICABILITY OF CERTAIN PROVI-*  
8 *SIONS.*—*Paragraphs (2) and (3) of subsection (d)*  
9 *shall not apply to grants under this section awarded*  
10 *to local educational agencies described in subsection*  
11 *(b)(2)(C).*

12           “(3) *SPECIAL RULES.*—*The Secretary shall make*  
13 *every effort to meet fully the school facility needs of*  
14 *local educational agencies described in subsection*  
15 *(b)(2)(C).*

16           “(4) *PRIORITY.*—*If the Secretary receives more*  
17 *than 1 application from local educational agencies*  
18 *described in subsection (b)(2)(C) for grants under this*  
19 *section for any fiscal year, the Secretary shall give*  
20 *priority to local educational agencies based on when*  
21 *an application was received and the severity of the*  
22 *emergency as determined by the Secretary.*

23           “(5) *CONSIDERATION FOR FOLLOWING YEAR.*—*A*  
24 *local educational agency described in subsection*  
25 *(b)(2)(C) that applies for a grant under this section*

1     *for any fiscal year and does not receive the grant*  
2     *shall have the application for the grant considered for*  
3     *the following fiscal year, subject to the priority de-*  
4     *scribed in paragraph (4).*

5     “(g) *GENERAL LIMITATIONS.*—

6             “(1) *REAL PROPERTY.*—*No part of any grant*  
7     *funds awarded under this section shall be used for the*  
8     *acquisition of any interest in real property.*

9             “(2) *MAINTENANCE.*—*Nothing in this section*  
10    *shall be construed to authorize the payment of main-*  
11    *tenance costs in connection with any school facilities*  
12    *modernized in whole or in part with Federal funds*  
13    *provided under this section.*

14            “(3)     *ENVIRONMENTAL       SAFEGUARDS.*—*All*  
15    *projects carried out with Federal funds provided*  
16    *under this section shall comply with all relevant Fed-*  
17    *eral, State, and local environmental laws and regula-*  
18    *tions.*

19            “(4) *ATHLETIC AND SIMILAR SCHOOL FACILI-*  
20    *TIES.*—*No Federal funds received under this section*  
21    *shall be used for outdoor stadiums or other school fa-*  
22    *cilities that are primarily used for athletic contests or*  
23    *exhibitions, or other events, for which admission is*  
24    *charged to the general public.*

1       “(h) *SUPPLEMENT NOT SUPPLANT.*—An eligible local  
 2 educational agency shall use funds received under this sec-  
 3 tion only to supplement the amount of funds that would,  
 4 in the absence of such Federal funds, be made available from  
 5 non-Federal sources for the modernization of school facili-  
 6 ties used for educational purposes, and not to supplant such  
 7 funds.”.

8       **SEC. 807. STATE CONSIDERATION OF PAYMENTS IN PRO-**  
 9   **VIDING STATE AID.**

10       Section 8009 (20 U.S.C. 7709) is amended—

11               (1) in subsection (a)(1), by striking “or under”  
 12 and all that follows through “of 1994”;

13               (2) by amending subsection (b)(1) to read as fol-  
 14 lows:

15               “(1) *IN GENERAL.*—A State may reduce State  
 16 aid to a local educational agency that receives a pay-  
 17 ment under section 8002 or 8003(b) (except the  
 18 amount calculated in excess of 1.0 under section  
 19 8003(a)(2)(B)) for any fiscal year if the Secretary de-  
 20 termines, and certifies under subsection (c)(3)(A),  
 21 that the State has in effect a program of State aid  
 22 that equalizes expenditures for free public education  
 23 among local educational agencies in the State.”; and

24               (3) in subsection (d)—

25                       (A) in paragraph (1)—

1                   (i) in the matter proceeding subpara-  
2                   graph (A), by striking “or under” and all  
3                   that follows through “of 1994”); and

4                   (ii) in subparagraph (B), by striking  
5                   “or under” and all that follows through “of  
6                   1994”); and

7                   (B) in paragraph (2), by striking “or  
8                   under” and all that follows through “of 1994”).

9 **SEC. 808. FEDERAL ADMINISTRATION.**

10           Section 8010(c) (20 U.S.C. 7710(c)) is amended—

11                   (1) by striking paragraph (1);

12                   (2) by redesignating paragraphs (2) and (3) as  
13                   paragraphs (1) and (2), respectively;

14                   (3) in paragraph (1) (as so redesignated), by  
15                   striking “paragraph (3)” each place the term appears  
16                   and inserting “paragraph (2)”; and

17                   (4) in paragraph (2) (as so redesignated)—

18                           (A) in subparagraph (D), by striking “sec-  
19                           tion 5(d)(2)” and all that follows through “of  
20                           1994) or”; and

21                           (B) in subparagraph (E)—

22                                   (i) by striking “1994” and inserting  
23                                   “1999”;

24                                   (ii) by striking “(or such section’s  
25                                   predecessor authority)”; and

1                   (iii) by striking “paragraph (2)” and  
2                   inserting “paragraph (1)”.

3 **SEC. 809. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**  
4 **VIEW.**

5       Section 8011(a) (20 U.S.C. 7711(a)) is amended—

6           (1) by striking “the Act” and all that follows  
7       through “of 1994)” and inserting “this title’s prede-  
8       cessor authorities”; and

9           (2) by inserting before the period “, if a request  
10       for such hearing is submitted to the Secretary by the  
11       affected local educational agency or State educational  
12       agency not later than 60 days after receiving notice  
13       that such action has occurred”.

14 **SEC. 810. FORGIVENESS OF OVERPAYMENTS.**

15       The matter preceding paragraph (1) of section 8012  
16       (20 U.S.C. 7712) is amended by striking “under the Act”  
17       and all that follows through “of 1994)” and inserting  
18       “under this title’s predecessor authorities”.

19 **SEC. 811. APPLICABILITY.**

20       Title VIII is amended by inserting after section 8012  
21       (20 U.S.C. 7712) the following:

22 **“SEC. 8012A. APPLICABILITY TO THIS TITLE.**

23       “Part B of title IV, parts D, E, and F of title VI,  
24       and part A of title X, shall not apply to this title.”.



1 **SEC. 812. DEFINITIONS.**

2 *Section 8013 (20 U.S.C. 7713) is amended—*

3 *(1) in the first sentence of paragraph (4), by*  
4 *striking “title VI” and inserting “part A of title VI”;*

5 *(2) in paragraph (5)—*

6 *(A) in subparagraph (A)(iii)—*

7 *(i) in subclause (I)—*

8 *(I) by striking “low-rent” and in-*  
9 *serting “low-income”; and*

10 *(II) by striking “or” after the*  
11 *semicolon; and*

12 *(ii) by adding at the end the following:*

13 *“(III) used for affordable housing*  
14 *assisted under the Native American*  
15 *Housing Assistance and Self-Deter-*  
16 *mination Act of 1996; or”;* and

17 *(B) in subparagraph (F)(i), by striking*  
18 *“the mutual” and all that follows through*  
19 *“1937” and inserting “or authorized by the Na-*  
20 *tive American Housing Assistance and Self-De-*  
21 *termination Act of 1996”;*

22 *(3) in paragraph (8)(B), by striking “all States”*  
23 *and inserting “the 50 States and the District of Co-*  
24 *lumbia”;*

25 *(4) in paragraph (9)(B)(i), by striking “or the*  
26 *Act” and all that follows through “of 1994)” and in-*

1       serting “(or under this title’s predecessor authori-  
2       ties)”;

3               (5) by redesignating paragraphs (11) and (12)  
4       as paragraphs (12) and (13), respectively;

5               (6) by inserting after paragraph (10) the fol-  
6       lowing:

7               “(11) MODERNIZATION.—The term ‘moderniza-  
8       tion’ means repair, renovation, alteration, or con-  
9       struction, including—

10               “(A) the concurrent installation of equip-  
11       ment; and

12               “(B) the complete or partial replacement of  
13       an existing school facility, but only if such re-  
14       placement is less expensive and more cost-effec-  
15       tive than repair, renovation, or alteration of the  
16       school facility.”; and

17               (7) by amending paragraph (13) (as so redesign-  
18       ated) to read as follows:

19               “(13) SCHOOL FACILITY.—The term ‘school facil-  
20       ity’ includes—

21               “(A) a classroom, laboratory, library, media  
22       center, or related facility, the primary purpose of  
23       which is the instruction of public elementary  
24       school or secondary school students; and

1                   “(B) equipment, machinery, and utilities  
2                   necessary or appropriate for school purposes.”.

3 **SEC. 813. AUTHORIZATION OF APPROPRIATIONS.**

4           (a) *IN GENERAL.*—Section 8014 (20 U.S.C. 7714) is  
5 amended—

6                   (1) in subsection (a), by striking “\$16,750,000  
7                   for fiscal year 1995” and inserting “\$35,000,000 for  
8                   fiscal year 2001”;

9                   (2) by amending subsection (b) to read as fol-  
10                  lows:

11               “(b) *BASIC PAYMENTS; PAYMENTS FOR HEAVILY IM-*  
12 *PACTED LOCAL EDUCATIONAL AGENCIES.*—For the purpose  
13 of making payments under subsection (b) of section 8003,  
14 there are authorized to be appropriated \$875,000,000 for  
15 fiscal year 2001 and such sums as may be necessary for  
16 each of the 4 succeeding fiscal years.”;

17                   (3) in subsection (c), by striking “\$45,000,000  
18                   for fiscal year 1995” and inserting “\$60,000,000 for  
19                   fiscal year 2001”;

20                   (4) by striking subsection (d);

21                   (5) by redesignating subsections (e), (f) and (g)  
22                   as subsections (d), (e) and (f), respectively;

23                   (6) in subsection (d) (as so redesignated)—

1           (A) *in the subsection heading by inserting*  
2           “AND FACILITY MODERNIZATION” *after* “CON-  
3           STRUCTION”;

4           (B) *by striking* “section 8007” *and insert-*  
5           *ing* “sections 8007 and 8007A”; *and*

6           (C) *by striking* “\$25,000,000 for fiscal year  
7           1995” *and inserting* “\$62,500,000 for fiscal year  
8           2001”;

9           (7) *in subsection (e) (as so redesignated), by*  
10          *striking* \$2,000,000 *for fiscal year 1995” and insert-*  
11          *ing* “\$7,000,000 for fiscal year 2001”; *and*

12          (8) *in subsection (f) (as so redesignated), by*  
13          *striking* “such sums as are necessary beginning in fis-  
14          cal year 1998 and for each succeeding fiscal year”  
15          *and inserting* “\$500,000 for fiscal year 2001 and such  
16          sums as may be necessary for each of the 4 succeeding  
17          fiscal years”.

18          (b) *CONFORMING AMENDMENTS.—Title VIII (20*  
19          *U.S.C. 7701 et seq.) is amended—*

20               (1) *in section 8002(j)(1) (20 U.S.C. 7702(j)(1)),*  
21               *by striking* “8014(g)” *and inserting* “8014(f)”; *and*

22               (2) *in section 8008(a) (20 U.S.C. 7708(a)), by*  
23               *striking* “8014(f)” *and inserting* “8014(e)”.

1 **SEC. 814. TECHNICAL AND CONFORMING AMENDMENT.**

2 *Section 426 of the General Education Provisions Act*  
 3 *(20 U.S.C. 1228) is amended by striking “subsections (d)*  
 4 *and (g) of section 8003” and inserting “section 8003(d)”.*

5 **TITLE IX—INDIAN, NATIVE HA-**  
 6 **WAIAN, AND ALASKA NATIVE**  
 7 **EDUCATION**

8 **SEC. 901. PROGRAMS.**

9 *Title IX (20 U.S.C. 7801 et seq.) is amended to read*  
 10 *as follows:*

11 **“TITLE IX—INDIAN, NATIVE HA-**  
 12 **WAIAN, AND ALASKA NATIVE**  
 13 **EDUCATION**

14 **“PART A—INDIAN EDUCATION**

15 **“SEC. 9101. FINDINGS.**

16 *“Congress finds that—*

17 *“(1) the Federal Government has a special re-*  
 18 *ponsibility to ensure that educational programs for*  
 19 *all American Indian and Alaska Native children and*  
 20 *adults—*

21 *“(A) are based on high-quality, internation-*  
 22 *ally competitive content standards and student*  
 23 *performance standards, and build on Indian cul-*  
 24 *ture and the Indian community;*

25 *“(B) assist local educational agencies, In-*  
 26  *dian tribes, and other entities and individuals in*

1           *providing Indian students the opportunity to*  
2           *achieve the standards described in subparagraph*  
3           *(A); and*

4           *“(C) meet the unique educational and cul-*  
5           *turally related academic needs of American In-*  
6           *dian and Alaska Native students;*

7           *“(2) since the date of enactment of the Indian*  
8           *Education Act in 1972, the level of involvement of In-*  
9           *dian parents in the planning, development, and im-*  
10          *plementation of educational programs that affect such*  
11          *parents and their children has increased significantly,*  
12          *and schools should continue to foster such involve-*  
13          *ment;*

14          *“(3) although the number of Indian teachers, ad-*  
15          *ministrators, and university professors has increased*  
16          *since 1972, teacher training programs are not recruit-*  
17          *ing, training, or retraining a sufficient number of In-*  
18          *dian individuals as educators to meet the needs of a*  
19          *growing Indian student population in elementary,*  
20          *secondary, vocational, adult, and higher education;*

21          *“(4) the dropout rate for Indian students is un-*  
22          *acceptably high: 9 percent of Indian students who*  
23          *were eighth graders in 1988 had already dropped out*  
24          *of school by 1990;*

1           “(5) during the period from 1980 to 1990, the  
2           percentage of Indian individuals living at or below  
3           the poverty level increased from 24 percent to 31 per-  
4           cent, and the readiness of Indian children to learn is  
5           hampered by the high incidence of poverty, unemploy-  
6           ment, and health problems among Indian children  
7           and their families; and

8           “(6) research related specifically to the education  
9           of Indian children and adults is very limited, and  
10          much of the research is of poor quality or is focused  
11          on limited local or regional issues.

12   **“SEC. 9102. PURPOSE.**

13          “(a) *PURPOSE.*—The purpose of this part is to support  
14          the efforts of local educational agencies, Indian tribes and  
15          organizations, postsecondary institutions, and other entities  
16          to meet the unique educational and culturally related aca-  
17          demic needs of American Indian and Alaska Native stu-  
18          dents, so that such students can meet the same challenging  
19          State performance standards as are expected for all stu-  
20          dents.

21          “(b) *PROGRAMS.*—This part carries out the purpose  
22          described in subsection (a) by authorizing programs of di-  
23          rect assistance for—

1           “(1) meeting the unique educational and cul-  
2           turally related academic needs of American Indians  
3           and Alaska Natives;

4           “(2) the education of Indian children and adults;

5           “(3) the training of Indian persons as educators  
6           and counselors, and in other professions serving In-  
7           dian people; and

8           “(4) research, evaluation, data collection, and  
9           technical assistance.

10   **“Subpart 1—Formula Grants to Local Educational**  
11                                   **Agencies**

12   **“SEC. 9111. PURPOSE.**

13           “The purpose of this subpart is to support local edu-  
14           cational agencies in their efforts to reform elementary school  
15           and secondary school programs that serve Indian students  
16           in order to ensure that such programs—

17           “(1) are based on challenging State content  
18           standards and State student performance standards  
19           that are used for all students; and

20           “(2) are designed to assist Indian students to  
21           meet those standards and assist the Nation in reach-  
22           ing the National Education Goals.



1 **“SEC. 9112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

2       “(a) *IN GENERAL.*—*The Secretary may make grants*  
3 *to local educational agencies and Indian tribes in accord-*  
4 *ance with this section.*

5       “(b) *LOCAL EDUCATIONAL AGENCIES.*—

6           “(1) *ENROLLMENT REQUIREMENTS.*—*A local*  
7 *educational agency shall be eligible for a grant under*  
8 *this subpart for any fiscal year if the number of In-*  
9 *dian children who are eligible under section 9117,*  
10 *and who were enrolled in the schools of the agency,*  
11 *and to whom the agency provided free public edu-*  
12 *cation, during the preceding fiscal year—*

13                   “(A) *was at least 10; or*

14                   “(B) *constituted not less than 25 percent of*  
15 *the total number of individuals enrolled in the*  
16 *schools of such agency.*

17           “(2) *EXCLUSION.*—*The requirement of para-*  
18 *graph (1) shall not apply in Alaska, California, or*  
19 *Oklahoma, or with respect to any local educational*  
20 *agency located on, or in proximity to, a reservation.*

21       “(c) *INDIAN TRIBES.*—

22           “(1) *IN GENERAL.*—*If a local educational agency*  
23 *that is otherwise eligible for a grant under this sub-*  
24 *part does not establish a parent committee under sec-*  
25 *tion 9114(c)(4), an Indian tribe that represents not*  
26 *less than 1/2 of the eligible Indian children who are*

1       *served by such local educational agency may apply*  
2       *for such grant by submitting an application in ac-*  
3       *cordance with section 9114.*

4               “(2) *SPECIAL RULE.—The Secretary shall treat*  
5       *each Indian tribe applying for a grant pursuant to*  
6       *paragraph (1) as if such Indian tribe were a local*  
7       *educational agency for purposes of this subpart, ex-*  
8       *cept that any such tribe shall not be subject to section*  
9       *9114(c)(4) (relating to a parent committee), section*  
10       *9118(c) (relating to maintenance of effort), or section*  
11       *9119 (relating to State review of applications).*

12       **“SEC. 9113. AMOUNT OF GRANTS.**

13               “(a) *AMOUNT OF GRANT AWARDS.—*

14               “(1) *IN GENERAL.—Except as provided in sub-*  
15       *sections (c) and (d), for purposes of making grants*  
16       *under this subpart the Secretary shall allocate to each*  
17       *local educational agency that has an approved appli-*  
18       *cation under this subpart an amount equal to the*  
19       *product of—*

20                       “(A) *the number of Indian children who are*  
21                       *eligible under section 9117 and served by such*  
22                       *agency; and*

23                       “(B) *the greater of—*

1                   “(i) the average per-pupil expenditure  
2                   of the State in which such agency is located;  
3                   or

4                   “(ii) 80 percent of the average per-  
5                   pupil expenditure of all the States.

6                   “(2) *REDUCTION.*—The Secretary shall reduce  
7                   the amount of each allocation determined under para-  
8                   graph (1) or subsection (b) in accordance with sub-  
9                   section (c).

10                  “(b) *SCHOOLS OPERATED OR SUPPORTED BY THE BU-*  
11 *REAU OF INDIAN AFFAIRS.*—

12                   “(1) *IN GENERAL.*—In addition to the grants  
13                   awarded under subsection (a), and subject to para-  
14                   graph (2), for purposes of making grants under this  
15                   subpart the Secretary shall allocate to the Secretary  
16                   of the Interior an amount equal to the product of—

17                   “(A) the total number of Indian children  
18                   enrolled in schools that are operated by—

19                   “(i) the Bureau of Indian Affairs; or

20                   “(ii) an Indian tribe, or an organiza-  
21                   tion controlled or sanctioned by an Indian  
22                   tribal government, for the children of such  
23                   tribe under a contract with, or grant from,  
24                   the Department of the Interior under the

1           *Indian Self-Determination Act or the Trib-*  
2           *ally Controlled Schools Act of 1988; and*

3           “(B) *the greater of—*

4                   “(i) *the average per-pupil expenditure*  
5                   *of the State in which the school is located;*

6                   *or*

7                   “(ii) *80 percent of the average per-*  
8                   *pupil expenditure of all the States.*

9           “(2) *SPECIAL RULE.—Any school described in*  
10           *paragraph (1) may apply for an allocation under*  
11           *this subpart by submitting an application in accord-*  
12           *ance with section 9114. The Secretary shall treat the*  
13           *school as if the school were a local educational agency*  
14           *for purposes of this subpart, except that any such*  
15           *school shall not be subject to section 9114(c)(4),*  
16           *9118(c), or 9119.*

17           “(c) *RATABLE REDUCTIONS.—If the sums appro-*  
18           *priated for any fiscal year under section 9162(a) are insuf-*  
19           *ficient to pay in full the amounts determined for local edu-*  
20           *cational agencies under subsection (a) and for the Secretary*  
21           *of the Interior under subsection (b), each of those amounts*  
22           *shall be ratably reduced.*

23           “(d) *MINIMUM GRANT.—*

24                   “(1) *IN GENERAL.—Notwithstanding subsection*  
25           *(c), a local educational agency (including an Indian*

1 *tribe as authorized under section 9112(b)) that is eli-*  
2 *gible for a grant under section 9112, and a school*  
3 *that is operated or supported by the Bureau of Indian*  
4 *Affairs that is eligible for a grant under subsection*  
5 *(b), that submits an application that is approved by*  
6 *the Secretary, shall, subject to appropriations, receive*  
7 *a grant under this subpart in an amount that is not*  
8 *less than \$3,000.*

9 “(2) *CONSORTIA.*—*Local educational agencies*  
10 *may form a consortium for the purpose of obtaining*  
11 *grants under this subpart.*

12 “(3) *INCREASE.*—*The Secretary may increase*  
13 *the minimum grant under paragraph (1) to not more*  
14 *than \$4,000 for all grant recipients if the Secretary*  
15 *determines such increase is necessary to ensure qual-*  
16 *ity programs.*

17 “(e) *DEFINITION.*—*In this section, the term ‘average*  
18 *per-pupil expenditure’, for a State, means an amount equal*  
19 *to—*

20 “(1) *the sum of the aggregate current expendi-*  
21 *tures of all the local educational agencies in the State,*  
22 *plus any direct current expenditures by the State for*  
23 *the operation of such agencies, without regard to the*  
24 *sources of funds from which such local or State ex-*  
25 *penditures were made, during the second fiscal year*

1       *preceding the fiscal year for which the computation is*  
2       *made; divided by*

3               “(2) *the aggregate number of children who were*  
4       *included in average daily attendance and for whom*  
5       *such agencies provided free public education during*  
6       *such preceding fiscal year.*

7       **“SEC. 9114. APPLICATIONS.**

8               “(a) *APPLICATION REQUIRED.—Each local edu-*  
9       *cational agency that desires to receive a grant under this*  
10       *subpart shall submit an application to the Secretary at*  
11       *such time, in such manner, and containing such informa-*  
12       *tion as the Secretary may reasonably require.*

13               “(b) *COMPREHENSIVE PROGRAM REQUIRED.—Each*  
14       *application submitted under subsection (a) shall include a*  
15       *description of a comprehensive program for meeting the*  
16       *needs of Indian children served by the local educational*  
17       *agency, including the language and cultural needs of the*  
18       *children, that—*

19                       “(1) *describes how the comprehensive program*  
20       *will offer programs and activities to meet the cul-*  
21       *turally related academic needs of American Indian*  
22       *and Alaska Native students;*

23                       “(2)(A) *is consistent with the State and local*  
24       *plans submitted under other provisions of this Act;*  
25       *and*

1           “(B) includes academic content and student per-  
2           formance goals for such children, and benchmarks for  
3           attaining such goals, that are based on the chal-  
4           lenging State standards adopted under title I for all  
5           children;

6           “(3) explains how Federal, State, and local pro-  
7           grams, especially programs carried out under title I,  
8           will meet the needs of such students;

9           “(4) demonstrates how funds made available  
10          under this subpart will be used for activities described  
11          in section 9115;

12          “(5) describes the professional development op-  
13          portunities that will be provided, as needed, to ensure  
14          that—

15                 “(A) teachers and other school professionals  
16                 who are new to the Indian community are pre-  
17                 pared to work with Indian children; and

18                 “(B) all teachers who will be involved in  
19                 programs assisted under this subpart have been  
20                 properly trained to carry out such programs;  
21                 and

22          “(6) describes how the local educational  
23          agency—

24                 “(A) will periodically assess the progress of  
25                 all Indian children enrolled in the schools of the

1           *local educational agency, including Indian chil-*  
2           *dren who do not participate in programs as-*  
3           *sisted under this subpart, in meeting the goals*  
4           *described in paragraph (2);*

5           *“(B) will provide the results of each assess-*  
6           *ment referred to in subparagraph (A) to—*

7                   *“(i) the committee of parents described*  
8                   *in subsection (c)(4); and*

9                   *“(ii) the community served by the local*  
10                  *educational agency; and*

11                  *“(C) is responding to findings of any pre-*  
12                  *vious assessments that are similar to the assess-*  
13                  *ments described in subparagraph (A).*

14           *“(c) ASSURANCES.—Each application submitted*  
15           *under subsection (a) shall include assurances that—*

16                   *“(1) the local educational agency will use funds*  
17                   *received under this subpart only to supplement the*  
18                   *funds that, in the absence of the Federal funds made*  
19                   *available under this subpart, such agency would make*  
20                   *available for the education of Indian children, and*  
21                   *not to supplant such funds;*

22                   *“(2) the local educational agency will prepare*  
23                   *and submit to the Secretary such reports, in such*  
24                   *form and containing such information, as the Sec-*  
25                   *retary may require to—*



1           “(A) carry out the functions of the Sec-  
2           retary under this subpart; and

3           “(B) determine the extent to which activi-  
4           ties carried out with funds provided to the local  
5           educational agency under this subpart are effec-  
6           tive in improving the educational achievement of  
7           Indian students served by such agency;

8           “(3) the program for which assistance is  
9           sought—

10           “(A) is based on a comprehensive local as-  
11           sessment and prioritization of the unique edu-  
12           cational and culturally related academic needs of  
13           the American Indian and Alaska Native students  
14           for whom the local educational agency is pro-  
15           viding an education;

16           “(B) will use the best available talents and  
17           resources, including individuals from the Indian  
18           community; and

19           “(C) was developed by such agency in open  
20           consultation with parents of Indian children and  
21           teachers, and, if appropriate, Indian students  
22           from secondary schools, including through public  
23           hearings held by such agency to provide to the  
24           individuals described in this subparagraph a full  
25           opportunity to understand the program and to

1           *offer recommendations regarding the program;*  
2           *and*

3           “(4) *the local educational agency developed the*  
4           *program with the participation and written approval*  
5           *of a committee—*

6                   “(A) *that is composed of, and selected by—*

7                           “(i) *parents of Indian children in the*  
8                           *local educational agency’s schools and*  
9                           *teachers in the schools; and*

10                           “(ii) *if appropriate, Indian students*  
11                           *attending secondary schools of the agency;*

12                           “(B) *a majority of whose members are par-*  
13                           *ents of Indian children;*

14                           “(C) *that has set forth such policies and*  
15                           *procedures, including policies and procedures re-*  
16                           *lating to the hiring of personnel, as will ensure*  
17                           *that the program for which assistance is sought*  
18                           *will be operated and evaluated in consultation*  
19                           *with, and with the involvement of, parents of the*  
20                           *children, and representatives of the area, to be*  
21                           *served;*

22                           “(D) *with respect to an application describ-*  
23                           *ing a schoolwide program carried out in accord-*  
24                           *ance with section 9115(c), that has—*

1                   “(i) reviewed in a timely fashion the  
2                   program; and

3                   “(ii) determined that the program will  
4                   enhance the availability of culturally re-  
5                   lated activities for American Indian and  
6                   Alaska Native students; and

7                   “(E) that has adopted reasonable bylaws for  
8                   the conduct of the activities of the committee and  
9                   abides by such bylaws.

10 **“SEC. 9115. AUTHORIZED SERVICES AND ACTIVITIES.**

11           “(a) *GENERAL REQUIREMENTS.*—Each local edu-  
12           cational agency that receives a grant under this subpart  
13           shall use the grant funds, in a manner consistent with the  
14           purpose specified in section 9111, for services and activities  
15           that—

16                   “(1) are designed to carry out the comprehensive  
17                   program of the local educational agency for Indian  
18                   students, and described in the application of the local  
19                   educational agency submitted to the Secretary under  
20                   section 9114;

21                   “(2) are designed with special regard for the lan-  
22                   guage and cultural needs of the Indian students; and

23                   “(3) supplement and enrich the regular school  
24                   program of such agency.

1       “(b) *PARTICULAR SERVICES AND ACTIVITIES.*—The  
2 *services and activities referred to in subsection (a) may*  
3 *include—*

4               “(1) *culturally related activities that support the*  
5 *program described in the application submitted by*  
6 *the local educational agency;*

7               “(2) *early childhood and family programs that*  
8 *emphasize school readiness;*

9               “(3) *enrichment programs that focus on problem-*  
10 *solving and cognitive skills development and directly*  
11 *support the attainment of challenging State content*  
12 *standards and State student performance standards;*

13               “(4) *integrated educational services in combina-*  
14 *tion with other programs that meet the needs of In-*  
15 *Indian children and their families;*

16               “(5) *career preparation activities to enable In-*  
17 *Indian students to participate in programs such as the*  
18 *programs supported by Public Law 103–239 and*  
19 *Public Law 88–210, including programs for tech-*  
20 *prep, mentoring, and apprenticeship activities;*

21               “(6) *activities to educate individuals concerning*  
22 *substance abuse and to prevent substance abuse;*

23               “(7) *the acquisition of equipment, but only if the*  
24 *acquisition of the equipment is essential to meet the*  
25 *purpose described in section 9111;*

1           “(8) activities that promote the incorporation of  
2           culturally responsive teaching and learning strategies  
3           into the educational program of the local educational  
4           agency;

5           “(9) activities that incorporate American Indian  
6           and Alaska Native specific curriculum content, con-  
7           sistent with State standards, into the curriculum used  
8           by the local educational agency;

9           “(10) activities to promote coordination and col-  
10          laboration between tribal, Federal, and State public  
11          schools in areas that will improve American Indian  
12          and Alaska Native student achievement; and

13          “(11) family literacy services.

14          “(c) *SCHOOLWIDE PROGRAMS.*—Notwithstanding any  
15          other provision of law, a local educational agency may use  
16          funds made available to such agency under this subpart to  
17          support a schoolwide program under section 1114 if—

18                 “(1) the committee composed of parents estab-  
19                 lished pursuant to section 9114(c)(4) approves the use  
20                 of the funds for the schoolwide program; and

21                 “(2) the schoolwide program is consistent with  
22                 the purpose described in section 9111.

23          “(d) *ADMINISTRATIVE COSTS.*—Not more than 5 per-  
24          cent of the funds made available to a local educational agen-

1 *cy through a grant made under this subpart for a fiscal*  
2 *year may be used to pay for administrative costs.*

3 **“SEC. 9116. INTEGRATION OF SERVICES AUTHORIZED.**

4       “(a) *PLAN.*—*An entity receiving funds under this sub-*  
5 *part may submit a plan to the Secretary for a demonstra-*  
6 *tion project for the integration of education and related*  
7 *services provided to Indian students.*

8       “(b) *CONSOLIDATION OF PROGRAMS.*—*Upon the re-*  
9 *ceipt of an acceptable plan under subsection (a), the Sec-*  
10 *retary, in cooperation with each Federal agency providing*  
11 *grants for the provision of education and related services*  
12 *to the applicant, shall authorize the applicant to consoli-*  
13 *date, in accordance with such plan, the federally funded*  
14 *education and related services programs of the applicant*  
15 *and the agencies, or portions of the programs, serving In-*  
16 *dian students in a manner that integrates the program*  
17 *services involved into a single, coordinated, comprehensive*  
18 *program and reduces administrative costs by consolidating*  
19 *administrative functions.*

20       “(c) *PROGRAMS AFFECTED.*—*The funds that may be*  
21 *consolidated in a demonstration project under any such*  
22 *plan referred to in subsection (b) shall include funds for*  
23 *any Federal program exclusively serving Indian children,*  
24 *or the funds reserved exclusively to serve Indian children*  
25 *under any program, for which the applicant is eligible for*

1 receipt of funds under a statutory or administrative for-  
2 mula for the purposes of providing education and related  
3 services for Indian students.

4 “(d) *PLAN REQUIREMENTS.*—For a plan to be accept-  
5 able pursuant to subsection (b), the plan shall—

6 “(1) identify the programs or funding sources to  
7 be consolidated;

8 “(2) be consistent with the objectives of this sec-  
9 tion authorizing the program services to be integrated  
10 in a demonstration project;

11 “(3) describe a comprehensive strategy that iden-  
12 tifies the full range of potential educational opportu-  
13 nities and related services to be provided to assist In-  
14 dian students to achieve the objectives set forth in this  
15 subpart;

16 “(4) describe the way in which the services are  
17 to be integrated and delivered and the results expected  
18 from the plan;

19 “(5) identify the projected expenditures under  
20 the plan in a single budget;

21 “(6) identify the State, tribal, or local agencies  
22 to be involved in the delivery of the services integrated  
23 under the plan;

24 “(7) identify any statutory provisions, regula-  
25 tions, policies, or procedures that the applicant be-

1        *lieves need to be waived in order to implement the*  
2        *plan;*

3            *“(8) set forth measures of student achievement*  
4        *and performance goals designed to be met within a*  
5        *specified period of time for activities provided under*  
6        *the plan; and*

7            *“(9) be approved by a parent committee formed*  
8        *in accordance with section 9114(c)(4), if such a com-*  
9        *mittee exists, in consultation with the Committee on*  
10       *Resources of the House of Representatives and the*  
11       *Committee on Indian Affairs of the Senate.*

12        *“(e) PLAN REVIEW.—Upon receipt of the plan from*  
13       *an eligible entity, the Secretary shall consult with the head*  
14       *of each Federal agency providing funds to be used to imple-*  
15       *ment the plan, and with the entity submitting the plan.*  
16       *The parties so consulting shall identify any waivers of stat-*  
17       *utory requirements or of Federal regulations, policies, or*  
18       *procedures necessary to enable the applicant to implement*  
19       *the plan. Notwithstanding any other provision of law, the*  
20       *Secretary of the affected agency shall have the authority to*  
21       *waive, for the applicant, any regulation, policy, or proce-*  
22       *dure promulgated by that agency that has been so identified*  
23       *by the applicant or agency, unless the head of the affected*  
24       *agency determines that such a waiver is inconsistent with*  
25       *the objectives of this subpart or the provisions of the statute*



1 *from which the program involved derives authority that are*  
2 *specifically applicable to Indian students.*

3       “(f) *PLAN APPROVAL.*—Within 90 days after the re-  
4 *ceipt of an applicant’s plan by the Secretary under sub-*  
5 *section (a), the Secretary shall inform the applicant, in*  
6 *writing, of the Secretary’s approval or disapproval of the*  
7 *plan. If the plan is disapproved, the applicant shall be in-*  
8 *formed, in writing, of the reasons for the disapproval and*  
9 *shall be given an opportunity to amend the plan or to peti-*  
10 *tion the Secretary to reconsider such disapproval.*

11       “(g) *RESPONSIBILITIES OF DEPARTMENT OF EDU-*  
12 *CATION.*—Not later than 180 days after the date of enact-  
13 *ment of the Educational Opportunities Act, the Secretary*  
14 *of Education, the Secretary of the Interior, and the head*  
15 *of any other Federal agency identified by the Secretary of*  
16 *Education, shall enter into an interagency memorandum*  
17 *of agreement providing for the implementation of the dem-*  
18 *onstration projects authorized under this section. The lead*  
19 *agency for a demonstration project authorized under this*  
20 *section shall be—*

21               “(1) *the Department of the Interior, in the case*  
22 *of an applicant that is a contract or grant school, as*  
23 *defined in section 1146 of the Education Amendments*  
24 *of 1978; or*

1           “(2) *the Department of Education, in the case of*  
2           *any other applicant.*

3           “(h) *RESPONSIBILITIES OF LEAD AGENCY.—The re-*  
4           *sponsibilities of the lead agency for a demonstration project*  
5           *shall include—*

6           “(1) *the use of a single report format related to*  
7           *the plan for the individual project, which shall be*  
8           *used by an eligible entity to report on the activities*  
9           *undertaken under the project;*

10          “(2) *the use of a single report format related to*  
11          *the projected expenditures for the individual project,*  
12          *which shall be used by an eligible entity to report on*  
13          *all project expenditures;*

14          “(3) *the development of a single system of Fed-*  
15          *eral oversight for the project, which shall be imple-*  
16          *mented by the lead agency; and*

17          “(4) *the provision of technical assistance to an*  
18          *eligible entity appropriate to the project, except that*  
19          *an eligible entity shall have the authority to accept or*  
20          *reject the plan for providing such technical assistance*  
21          *and the technical assistance provider.*

22          “(i) *REPORT REQUIREMENTS.—*

23          “(1) *IN GENERAL.—The Secretary shall develop,*  
24          *consistent with the requirements of this section, a sin-*

1 *gle report format for the reports described in sub-*  
2 *section (h).*

3 “(2) *REPORT INFORMATION.*—*Such report for-*  
4 *mat shall require that the reports shall—*

5 “(A) *contain such information as will allow*  
6 *a determination that the eligible entity has com-*  
7 *plied with the requirements incorporated in the*  
8 *entity’s approved plan, including the demonstra-*  
9 *tion of student achievement; and*

10 “(B) *provide assurances to the Secretary of*  
11 *Education and the Secretary of the Interior that*  
12 *the eligible entity has complied with all directly*  
13 *applicable statutory requirements and with those*  
14 *directly applicable regulatory requirements that*  
15 *have not been waived.*

16 “(3) *RECORD INFORMATION.*—*The Secretary*  
17 *shall require that records maintained at the local level*  
18 *on the programs consolidated for the project shall con-*  
19 *tain the information and provide the assurances de-*  
20 *scribed in paragraph (2).*

21 “(j) *NO REDUCTION IN AMOUNTS.*—*In no case shall*  
22 *the amount of Federal funds available to an eligible entity*  
23 *involved in any demonstration project be reduced as a re-*  
24 *sult of the enactment of this section.*

1       “(k) *INTERAGENCY FUND TRANSFERS AUTHORIZED.*—  
2 *The Secretary is authorized to take such action as may be*  
3 *necessary to provide for an interagency transfer of funds*  
4 *otherwise available to an eligible entity in order to further*  
5 *the objectives of this section.*

6       “(l) *ADMINISTRATION OF FUNDS.*—

7               “(1) *IN GENERAL.*—*An eligible entity shall ad-*  
8 *minister the program funds for the consolidated pro-*  
9 *grams in such a manner as to allow for a determina-*  
10 *tion that funds from a specific program are spent on*  
11 *allowable activities authorized under such program,*  
12 *except that the eligible entity shall determine the pro-*  
13 *portion of the funds that shall be allocated to such*  
14 *program.*

15              “(2) *SEPARATE RECORDS NOT REQUIRED.*—  
16 *Nothing in this section shall be construed as requiring*  
17 *the eligible entity to maintain separate records trac-*  
18 *ing any services or activities conducted under the ap-*  
19 *proved plan to the individual programs under which*  
20 *funds were authorized for the services or activities,*  
21 *nor shall the eligible entity be required to allocate ex-*  
22 *penditures among such individual programs.*

23              “(m) *OVERAGE.*—*The eligible entity may commingle*  
24 *all administrative funds from the consolidated programs*  
25 *and shall be entitled to the full amount of such funds (under*

1 *each program's or agency's regulations). The overage (de-*  
 2 *fin ed as the difference between the amount of the commin-*  
 3 *gled funds and the actual administrative cost of the pro-*  
 4 *grams) shall be considered to be properly spent for Federal*  
 5 *audit purposes, if the overage is used for the purposes pro-*  
 6 *vided for under this section.*

7       “(n) *FISCAL ACCOUNTABILITY.*—*Nothing in this part*  
 8 *shall be construed so as to interfere with the ability of the*  
 9 *Secretary or the lead agency to fulfill responsibilities for*  
 10 *safeguarding Federal funds pursuant to chapter 75 of title*  
 11 *31, United States Code.*

12       “(o) *REPORT ON STATUTORY OBSTACLES TO PROGRAM*  
 13 *INTEGRATION.*—

14               “(1) *PRELIMINARY REPORT.*—*Not later than 2*  
 15 *years after the date of enactment of the Educational*  
 16 *Opportunities Act, the Secretary of Education shall*  
 17 *submit a preliminary report to the Committee on*  
 18 *Education and the Workforce and the Committee on*  
 19 *Resources of the House of Representatives and the*  
 20 *Committee on Health, Education, Labor, and Pen-*  
 21 *sions and the Committee on Indian Affairs of the*  
 22 *Senate on the status of the implementation of the*  
 23 *demonstration projects authorized under this section.*

24               “(2) *FINAL REPORT.*—*Not later than 5 years*  
 25 *after the date of enactment of the Educational Oppor-*

1        *tunities Act, the Secretary of Education shall submit*  
 2        *a report to the Committee on Education and the*  
 3        *Workforce and the Committee on Resources of the*  
 4        *House of Representatives and the Committee on*  
 5        *Health, Education, Labor, and Pensions and the*  
 6        *Committee on Indian Affairs of the Senate on the re-*  
 7        *sults of the implementation of the demonstration*  
 8        *projects authorized under this section. Such report*  
 9        *shall identify statutory barriers to the ability of par-*  
 10       *ticipants to integrate more effectively their education*  
 11       *and related services to Indian students in a manner*  
 12       *consistent with the objectives of this section.*

13       “(p) *DEFINITION.—In this section, the term ‘Sec-*  
 14       *retary’ means—*

15                “(1) *the Secretary of the Interior, in the case of*  
 16                *an applicant that is a contract or grant school, as de-*  
 17                *finied in section 1146 of the Education Amendments*  
 18                *of 1978; or*

19                “(2) *the Secretary of Education, in the case of*  
 20                *any other applicant.*

21        **“SEC. 9117. STUDENT ELIGIBILITY FORMS.**

22                “(a) *IN GENERAL.—The Secretary shall require that,*  
 23                *as part of an application for a grant under this subpart,*  
 24                *each applicant shall maintain a file, with respect to each*  
 25                *Indian child for whom the local educational agency pro-*

1 *vides a free public education, that contains a form that sets*  
2 *forth information establishing the status of the child as an*  
3 *Indian child eligible for assistance under this subpart, and*  
4 *that otherwise meets the requirements of subsection (b).*

5 “(b) *FORMS.*—

6 “(1) *IN GENERAL.*—*The form described in sub-*  
7 *section (a) shall include—*

8 “(A) *either—*

9 “(i)(I) *the name of the tribe or band of*  
10 *Indians (as defined in section 9161(3)) with*  
11 *respect to which the child claims member-*  
12 *ship;*

13 “(II) *the enrollment number estab-*  
14 *lishing the membership of the child (if read-*  
15 *ily available); and*

16 “(III) *the name and address of the or-*  
17 *ganization that maintains updated and ac-*  
18 *curate membership data for such tribe or*  
19 *band of Indians; or*

20 “(ii) *if the child is not a member of*  
21 *tribe or band of Indians (as so defined), the*  
22 *name, the enrollment number (if readily*  
23 *available), and the name and address of the*  
24 *organization responsible for maintaining*  
25 *updated and accurate membership rolls, of*

1           *any parent or grandparent of the child from*  
2           *whom the child claims eligibility under this*  
3           *subpart;*

4           “(B) *a statement of whether the tribe or*  
5           *band of Indians (as so defined) with respect to*  
6           *which the child, or parent or grandparent of the*  
7           *child, claims membership is federally recognized;*

8           “(C) *the name and address of the parent or*  
9           *legal guardian of the child;*

10          “(D) *a signature of the parent or legal*  
11          *guardian of the child that verifies the accuracy*  
12          *of the information supplied; and*

13          “(E) *any other information that the Sec-*  
14          *retary considers necessary to provide an accurate*  
15          *program profile.*

16          “(2) *MINIMUM INFORMATION.—In order for a*  
17          *child to be eligible to be counted for the purpose of*  
18          *computing the amount of a grant award made under*  
19          *section 9113, an eligibility form prepared pursuant to*  
20          *this section for a child shall include—*

21                 “(A) *the name of the child;*

22                 “(B) *the name of the tribe or band of Indi-*  
23                 *ans (as so defined) with respect to which the*  
24                 *child claims membership; and*



1           “(C) *the dated signature of the parent or*  
2           *guardian of the child.*

3           “(3) *FAILURE.—The failure of an applicant to*  
4           *furnish any information described in this subsection*  
5           *other than the information described in paragraph*  
6           *(2) with respect to any child shall have no bearing on*  
7           *the determination of whether the child is an eligible*  
8           *Indian child for the purposes of computing the*  
9           *amount of a grant award made under section 9113.*

10          “(c) *STATUTORY CONSTRUCTION.—Nothing in this sec-*  
11         *tion shall be construed to affect a definition contained in*  
12         *section 9161.*

13          “(d) *FORMS AND STANDARDS OF PROOF.—The forms*  
14         *and the standards of proof (including the standard of good*  
15         *faith compliance) that were in use during the 1985–86 aca-*  
16         *demie year to establish the eligibility of a child for entitle-*  
17         *ment under the Indian Elementary and Secondary School*  
18         *Assistance Act shall be the forms and standards of proof*  
19         *used—*

20                 “(1) *to establish eligibility under this subpart;*  
21         *and*

22                 “(2) *to meet the requirements of subsection (a).*

23          “(e) *DOCUMENTATION.—For purposes of determining*  
24         *whether a child is eligible to be counted for the purpose of*  
25         *computing the amount of a grant award under section*

1 9113, the membership of the child, or any parent or grand-  
2 parent of the child, in a tribe or band of Indians (as so  
3 defined) may be established by proof other than an enroll-  
4 ment number, notwithstanding the availability of an enroll-  
5 ment number for a member of such tribe or band. Nothing  
6 in subsection (b) shall be construed to require the furnishing  
7 of an enrollment number.

8 “(f) *MONITORING AND EVALUATION REVIEW.*—

9 “(1) *IN GENERAL.*—

10 “(A) *REVIEW.*—For each fiscal year, in  
11 order to provide such information as is necessary  
12 to carry out the responsibility of the Secretary to  
13 provide technical assistance under this subpart,  
14 the Secretary shall conduct a monitoring and  
15 evaluation review of a sampling of the local edu-  
16 cational agencies that are recipients of grants  
17 under this subpart. The sampling conducted  
18 under this paragraph shall take into account the  
19 size of such a local educational agency and the  
20 geographic location of such agency.

21 “(B) *EXCEPTION.*—A local educational  
22 agency may not be held liable to the United  
23 States or be subject to any penalty by reason of  
24 the findings of an audit that relates to the date  
25 of completion, or the date of submission, of any

1           *forms used to establish, before April 28, 1988, the*  
2           *eligibility of a child for entitlement under the*  
3           *Indian Elementary and Secondary School As-*  
4           *sistance Act.*

5           “(2) *FALSE INFORMATION.*—*Any local edu-*  
6           *cational agency that provides false information in an*  
7           *application for a grant under this subpart shall—*

8                   “(A) *be ineligible to apply for any other*  
9                   *grant under this subpart; and*

10                   “(B) *be liable to the United States for any*  
11                   *funds from the grant that have not been ex-*  
12                   *pended.*

13           “(3) *EXCLUDED CHILDREN.*—*A student who pro-*  
14           *vides false information for the form required under*  
15           *subsection (a) shall not be counted for the purpose of*  
16           *computing the amount of a grant award under sec-*  
17           *tion 9113.*

18           “(g) *TRIBAL GRANT AND CONTRACT SCHOOLS.*—*Not-*  
19           *withstanding any other provision of this section, the Sec-*  
20           *retary, in computing the amount of a grant award under*  
21           *section 9113 to a tribal school that receives a grant or con-*  
22           *tract from the Bureau of Indian Affairs, shall use only 1*  
23           *of the following, as selected by the school:*

24                   “(1) *A count, certified by the Bureau, of the*  
25                   *number of students in the school.*

1           “(2) A count of the number of students for whom  
2           the school has eligibility forms that comply with this  
3           section.

4           “(h) *TIMING OF CHILD COUNTS.*—For purposes of de-  
5           termining the number of children to be counted in com-  
6           puting the amount of a local educational agency’s grant  
7           award under section 9113 (other than in the case described  
8           in subsection (g)(1)), the local educational agency shall—

9           “(1) establish a date on, or a period not longer  
10          than 31 consecutive days during which, the agency  
11          counts those children, if that date or period occurs be-  
12          fore the deadline established by the Secretary for sub-  
13          mitting an application under section 9114; and

14          “(2) determine that each such child was enrolled,  
15          and receiving a free public education, in a school of  
16          the agency on that date or during that period, as the  
17          case may be.

18       **“SEC. 9118. PAYMENTS.**

19          “(a) *IN GENERAL.*—Subject to subsections (b) and (c),  
20          the Secretary shall pay to each local educational agency  
21          that submits an application that is approved by the Sec-  
22          retary under this subpart the amount computed under sec-  
23          tion 9113. The Secretary shall notify the local educational  
24          agency of the amount of the payment not later than June  
25          1 of the year for which the Secretary makes the payment.

1       “(b) *PAYMENTS TAKEN INTO ACCOUNT BY THE*  
2 *STATE.*—*The Secretary may not make a grant under this*  
3 *subpart to a local educational agency for a fiscal year if,*  
4 *for such fiscal year, the State in which the local educational*  
5 *agency is located takes into consideration payments made*  
6 *under this subpart in determining the eligibility of the local*  
7 *educational agency for State aid, or the amount of the State*  
8 *aid, with respect to the free public education of children*  
9 *during such fiscal year or the preceding fiscal year.*

10       “(c) *REDUCTION OF PAYMENT FOR FAILURE TO MAIN-*  
11 *TAIN FISCAL EFFORT.*—

12               “(1) *IN GENERAL.*—*The Secretary may not pay*  
13 *a local educational agency in a State the full amount*  
14 *of a grant award computed under section 9113 for*  
15 *any fiscal year unless the State educational agency*  
16 *notifies the Secretary, and the Secretary determines,*  
17 *that with respect to the provision of free public edu-*  
18 *cation by the local educational agency for the pre-*  
19 *ceding fiscal year, that the combined fiscal effort of*  
20 *the local educational agency and the State, computed*  
21 *on either a per student or aggregate expenditure basis*  
22 *was not less than 90 percent of the amount of the*  
23 *combined fiscal effort, computed on the same basis, for*  
24 *the second preceding fiscal year.*

1           “(2) *FAILURE.*—*If, for any fiscal year, the Sec-*  
2           *retary determines that a local educational agency and*  
3           *State failed to maintain the combined fiscal effort at*  
4           *the level specified in paragraph (1), the Secretary*  
5           *shall—*

6                   “(A) *reduce the amount of the grant that*  
7                   *would otherwise be made to such agency under*  
8                   *this subpart in the exact proportion of the fail-*  
9                   *ure to maintain the fiscal effort at such level;*  
10                  *and*

11                  “(B) *not use the reduced amount of the*  
12                  *combined fiscal effort for the year to determine*  
13                  *compliance with paragraph (1) for any suc-*  
14                  *ceeding fiscal year, but shall use the amount of*  
15                  *expenditures that would have been required to*  
16                  *comply with paragraph (1) during the fiscal*  
17                  *year for which the determination is made.*

18           “(3) *WAIVER.*—

19                   “(A) *IN GENERAL.*—*The Secretary may*  
20                   *waive the requirement of paragraph (1) for a*  
21                   *local educational agency, for not more than 1*  
22                   *year at a time, if the Secretary determines that*  
23                   *the failure to comply with such requirement is*  
24                   *due to exceptional or uncontrollable cir-*  
25                   *cumstances, such as a natural disaster or a pre-*

1           *cipitous and unforeseen decline in the agency's*  
 2           *financial resources.*

3           “(B) *FUTURE DETERMINATIONS.*—*The Sec-*  
 4           *retary shall not use the reduced amount of the*  
 5           *combined fiscal effort for the year for which the*  
 6           *waiver is granted to determine compliance with*  
 7           *paragraph (1) for any succeeding fiscal year, but*  
 8           *shall use the amount of expenditures that would*  
 9           *have been required to comply with paragraph (1)*  
 10           *in the absence of the waiver during the fiscal*  
 11           *year for which the waiver is granted.*

12           “(d) *REALLOCATIONS.*—*The Secretary may reallocate,*  
 13           *in a manner that the Secretary determines will best carry*  
 14           *out the purpose of this subpart, any amounts that—*

15           “(1) *based on estimates made by local edu-*  
 16           *cational agencies or other information, the Secretary*  
 17           *determines will not be needed by such agencies to*  
 18           *carry out approved programs under this subpart; or*

19           “(2) *otherwise become available for reallocation*  
 20           *under this subpart.*

21           **“SEC. 9119. STATE EDUCATIONAL AGENCY REVIEW.**

22           *“Before submitting an application to the Secretary*  
 23           *under section 9114, a local educational agency shall submit*  
 24           *the application to the State educational agency, which may*  
 25           *comment on the application. If the State educational agen-*

1 *cy comments on the application, the agency shall comment*  
 2 *on each such application submitted by a local educational*  
 3 *agency in the State and shall provide the comment to the*  
 4 *appropriate local educational agency, with an opportunity*  
 5 *to respond.*

6 **“Subpart 2—Special Programs and Projects To Im-**  
 7 **prove Educational Opportunities for Indian Chil-**  
 8 **dren**

9 **“SEC. 9121. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**  
 10 **TIES FOR INDIAN CHILDREN.**

11 *“(a) PURPOSE.—*

12 *“(1) IN GENERAL.—The purpose of this section is*  
 13 *to support projects to develop, test, and demonstrate*  
 14 *the effectiveness of services and programs to improve*  
 15 *educational opportunities and achievement of Indian*  
 16 *children.*

17 *“(2) COORDINATION.—The Secretary shall take*  
 18 *such actions as are necessary to achieve the coordina-*  
 19 *tion of activities assisted under this subpart with—*

20 *“(A) other programs funded under this Act;*  
 21 *and*

22 *“(B) other Federal programs operated for*  
 23 *the benefit of American Indian and Alaska Na-*  
 24 *tive children.*



1       “(b) *ELIGIBLE ENTITIES.*—*In this section, the term*  
2 *‘eligible entity’ means a State educational agency, local*  
3 *educational agency, Indian tribe, Indian organization, fed-*  
4 *erally supported elementary school or secondary school for*  
5 *Indian students, Indian institution (including an Indian*  
6 *institution of higher education) or a consortium of such en-*  
7 *tities.*

8       “(c) *GRANTS AUTHORIZED.*—

9           “(1) *IN GENERAL.*—*The Secretary shall award*  
10 *grants to eligible entities to enable such entities to*  
11 *carry out activities that meet the purpose specified in*  
12 *subsection (a)(1), including—*

13           “(A) *innovative programs related to the*  
14 *educational needs of educationally disadvantaged*  
15 *children;*

16           “(B) *educational services that are not avail-*  
17 *able to such children in sufficient quantity or*  
18 *quality, including remedial instruction, to raise*  
19 *the achievement of Indian children in 1 or more*  
20 *of the core academic subjects of English, mathe-*  
21 *matics, science, foreign languages, art, history,*  
22 *and geography;*

23           “(C) *bilingual and bicultural programs and*  
24 *projects;*

1           “(D) special health and nutrition services,  
2           and other related activities, that address the spe-  
3           cial health, social, and psychological problems of  
4           Indian children;

5           “(E) special compensatory and other pro-  
6           grams and projects designed to assist and en-  
7           courage Indian children to enter, remain in, or  
8           reenter school, and to increase the rate of sec-  
9           ondary school graduation for Indian children;

10          “(F) comprehensive guidance, counseling,  
11          and testing services;

12          “(G) early childhood and kindergarten pro-  
13          grams, including family-based preschool pro-  
14          grams that emphasize school readiness and pa-  
15          rental skills, and the provision of services to In-  
16          dian children with disabilities;

17          “(H) partnership projects between local edu-  
18          cational agencies and institutions of higher edu-  
19          cation that allow secondary school students to  
20          enroll in courses at the postsecondary level to aid  
21          such students in the transition from secondary  
22          school to postsecondary education;

23          “(I) partnership projects between schools  
24          and local businesses for school-to-work transition  
25          programs designed to provide Indian youth with

1           *the knowledge and skills the youth need to make*  
 2           *an effective transition from school to a first job*  
 3           *in a high-skill, high-wage career;*

4           “(J) *programs designed to encourage and*  
 5           *assist Indian students to work toward, and gain*  
 6           *entrance into, an institution of higher education;*

7           “(K) *family literacy services; or*

8           “(L) *other services that meet the purpose de-*  
 9           *scribed in subsection (a)(1).*

10          “(2) *PRE-SERVICE OR IN-SERVICE TRAINING.—*  
 11          *Pre-service or in-service training of professional and*  
 12          *paraprofessional personnel may be a part of any pro-*  
 13          *gram assisted under this section.*

14          “(d) *GRANT REQUIREMENTS AND APPLICATIONS.—*

15          “(1) *GRANT REQUIREMENTS.—*

16          “(A) *IN GENERAL.—The Secretary may*  
 17          *make multiyear grants under subsection (c) for*  
 18          *the planning, development, pilot operation, or*  
 19          *demonstration of any activity described in sub-*  
 20          *section (c). The Secretary shall make the grants*  
 21          *for periods of not more than 5 years.*

22          “(B) *PRIORITY.—In making multiyear*  
 23          *grants described in this paragraph, the Secretary*  
 24          *shall give priority to entities submitting applica-*  
 25          *tions that present a plan for combining 2 or*

1           *more of the activities described in subsection (c)*  
2           *over a period of more than 1 year.*

3           “(C) *PROGRESS.*—*The Secretary shall make*  
4           *a payment for a grant described in this para-*  
5           *graph to an eligible entity after the initial year*  
6           *of the multiyear grant period only if the Sec-*  
7           *retary determines that the eligible entity has*  
8           *made substantial progress in carrying out the*  
9           *activities assisted under the grant in accordance*  
10           *with the application submitted under paragraph*  
11           *(3) and any subsequent modifications to such*  
12           *application.*

13           “(2) *DISSEMINATION GRANTS.*—

14           “(A) *IN GENERAL.*—*In addition to award-*  
15           *ing the multiyear grants described in paragraph*  
16           *(1), the Secretary may award grants under sub-*  
17           *section (c) to eligible entities for the dissemina-*  
18           *tion of exemplary materials or programs assisted*  
19           *under this section.*

20           “(B) *DETERMINATION.*—*The Secretary may*  
21           *award a dissemination grant described in this*  
22           *paragraph if, prior to awarding the grant, the*  
23           *Secretary determines that the material or pro-*  
24           *gram to be disseminated—*

25                   *“(i) has been adequately reviewed;*

1                   “(ii) has demonstrated educational  
2                   merit; and

3                   “(iii) can be replicated.

4                   “(3) APPLICATION.—

5                   “(A) IN GENERAL.—Any eligible entity that  
6                   desires to receive a grant under this section shall  
7                   submit an application to the Secretary at such  
8                   time and in such manner as the Secretary may  
9                   require.

10                  “(B) CONTENTS.—Each application sub-  
11                  mitted to the Secretary under subparagraph (A),  
12                  other than an application for a dissemination  
13                  grant under paragraph (2), shall contain—

14                         “(i) a description of how parents of In-  
15                         dian children and representatives of Indian  
16                         tribes have been, and will be, involved in  
17                         developing and implementing the activities  
18                         for which assistance is sought;

19                         “(ii) assurances that the applicant will  
20                         participate, at the request of the Secretary,  
21                         in any national evaluation of activities as-  
22                         sisted under this section;

23                         “(iii) information demonstrating that  
24                         the proposed program for the activities is a  
25                         research-based program, which may include

1           *a program that has been modified to be cul-*  
2           *turally appropriate for students who will be*  
3           *served;*

4           *“(iv) a description of how the appli-*  
5           *cant will incorporate the proposed activities*  
6           *into the ongoing school program involved*  
7           *once the grant period is over; and*

8           *“(v) such other assurances and infor-*  
9           *mation as the Secretary may reasonably re-*  
10          *quire.*

11          *“(e) ADMINISTRATIVE COSTS.—Not more than 5 per-*  
12          *cent of the funds provided to a grant recipient under this*  
13          *subpart for any fiscal year may be used to pay for adminis-*  
14          *trative costs.*

15          **“SEC. 9122. PROFESSIONAL DEVELOPMENT.**

16          *“(a) PURPOSES.—The purposes of this section are—*

17                  *“(1) to increase the number of qualified Indian*  
18                  *individuals in teaching or other education professions*  
19                  *that serve Indian people;*

20                  *“(2) to provide training to qualified Indian in-*  
21                  *dividuals to enable such individuals to become teach-*  
22                  *ers, administrators, teacher aides, social workers, and*  
23                  *ancillary educational personnel; and*

1           “(3) to improve the skills of qualified Indian in-  
2           dividuals who serve in the capacities described in  
3           paragraph (2).

4           “(b) *ELIGIBLE ENTITIES*.—In this section, the term  
5           ‘eligible entity’ means a consortium of—

6           “(1) a State or local educational agency; and

7           “(2) an institution of higher education (includ-  
8           ing an Indian institution of higher education) or an  
9           Indian tribe or organization.

10          “(c) *PROGRAM AUTHORIZED*.—The Secretary is au-  
11          thorized to award grants to eligible entities with applica-  
12          tions approved under subsection (e) to enable such entities  
13          to carry out the activities described in subsection (d).

14          “(d) *AUTHORIZED ACTIVITIES*.—

15                 “(1) *IN GENERAL*.—Grant funds made available  
16                 under subsection (c) shall be used for activities to pro-  
17                 vide support and training for Indian individuals in  
18                 a manner consistent with the purposes of this section.  
19                 Such activities may include continuing programs,  
20                 symposia, workshops, conferences, and direct finan-  
21                 cial support.

22                 “(2) *SPECIAL RULES*.—

23                         “(A) *TYPE OF TRAINING*.—For education  
24                         personnel, the training received pursuant to a

1           *grant awarded under subsection (c) may be in-*  
2           *service or pre-service training.*

3           “(B) *PROGRAM.—For individuals who are*  
4           *being trained to enter any field other than edu-*  
5           *cation, the training received pursuant to a grant*  
6           *awarded under subsection (c) shall be in a pro-*  
7           *gram that results in a graduate degree.*

8           “(e) *APPLICATION.—Each eligible entity desiring a*  
9           *grant under subsection (c) shall submit an application to*  
10          *the Secretary at such time, in such manner, and accom-*  
11          *panied by such information, as the Secretary may reason-*  
12          *ably require.*

13          “(f) *SPECIAL RULE.—In awarding grants under sub-*  
14          *section (c), the Secretary—*

15                  “(1) *shall consider the prior performance of an*  
16                  *eligible entity; and*

17                  “(2) *may not limit eligibility to receive a grant*  
18                  *under subsection (c) on the basis of—*

19                          “(A) *the number of previous grants the Sec-*  
20                          *retary has awarded such entity; or*

21                          “(B) *the length of any period during which*  
22                          *such entity received such grants.*

23          “(g) *GRANT PERIOD.—Each grant awarded under sub-*  
24          *section (c) shall be awarded for a program of activities of*  
25          *not more than 5 years.*



1       “(h) *SERVICE OBLIGATION.*—

2               “(1) *IN GENERAL.*—*The Secretary shall require,*  
3       *by regulation, that an individual who receives pre-*  
4       *service training pursuant to a grant awarded under*  
5       *subsection (c)*—

6               “(A) *perform work*—

7                       “(i) *related to the training received*  
8               *under this section; and*

9                       “(ii) *that benefits Indian people; or*

10               “(B) *repay all or a prorated part of the as-*  
11       *sistance received for the training.*

12               “(2) *REPORTING.*—*The Secretary shall establish,*  
13       *by regulation, a reporting procedure under which a*  
14       *recipient of the pre-service training shall, not later*  
15       *than 12 months after the date of completion of the*  
16       *training, and periodically thereafter, provide infor-*  
17       *mation concerning the compliance of such recipient*  
18       *with the work requirement described in paragraph*  
19       *(1).*

20               “(i) *INSERVICE TRAINING FOR TEACHERS OF INDIAN*  
21       *CHILDREN.*—

22               “(1) *GRANTS AUTHORIZED.*—*In addition to the*  
23       *grants authorized by subsection (c), the Secretary*  
24       *may make grants to eligible consortia for the provi-*

1        *sion of high quality in-service training. The Secretary*  
2        *may make such a grant to—*

3                *“(A) a consortium of a tribal college and an*  
4                *institution of higher education that awards a de-*  
5                *gree in education; or*

6                *“(B) a consortium of—*

7                        *“(i) a tribal college;*

8                        *“(ii) an institution of higher education*  
9                        *that awards a degree in education; and*

10                      *“(iii) 1 or more elementary schools or*  
11                      *secondary schools operated by the Bureau of*  
12                      *Indian Affairs, local educational agencies*  
13                      *servicing Indian children, or tribal edu-*  
14                      *cational agencies.*

15        *“(2) USE OF FUNDS.—*

16                *“(A) IN-SERVICE TRAINING.—A consortium*  
17                *that receives a grant under paragraph (1) shall*  
18                *use the grant funds only to provide high quality*  
19                *in-service training to teachers, including teachers*  
20                *who are not Indians, in schools of local edu-*  
21                *cational agencies with substantial numbers of*  
22                *Indian children enrolled in their schools, in*  
23                *order to better meet the needs of those children.*

24                *“(B) COMPONENTS.—The training described*  
25                *in subparagraph (A) shall include such activities*

1           *as preparing teachers to use the best available re-*  
 2           *search-based practices and learning strategies,*  
 3           *and to make the most effective use of curricula*  
 4           *and materials, to respond to the unique needs of*  
 5           *Indian children in their classrooms.*

6           “(3) *PREFERENCE FOR INDIAN APPLICANTS.*—*In*  
 7           *applying section 9153 to this subsection, the Sec-*  
 8           *retary shall give a preference to any consortium that*  
 9           *includes 1 or more of the entities described in that*  
 10          *section.*

11   **“SEC. 9123. FELLOWSHIPS FOR INDIAN STUDENTS.**

12          “(a) *FELLOWSHIPS.*—

13               “(1) *AUTHORITY.*—*The Secretary is authorized*  
 14               *to award fellowships to Indian students to enable such*  
 15               *students to study in graduate and professional pro-*  
 16               *grams at institutions of higher education.*

17               “(2) *REQUIREMENTS.*—*The fellowships described*  
 18               *in paragraph (1) shall be awarded to Indian students*  
 19               *to enable such students to pursue a course of study—*

20                       “(A) *of not more than 4 academic years;*  
 21                       *and*

22                       “(B) *that leads—*

23                               “(i) *toward a postbaccalaureate degree*  
 24                               *in medicine, clinical psychology, psy-*

1                    *chology, law, education, or a related field;*

2                    *or*

3                    *“(ii) to an undergraduate or graduate*

4                    *degree in engineering, business administra-*

5                    *tion, natural resources, or a related field.*

6                    *“(b) STIPENDS.—The Secretary shall pay to Indian*  
7 *students awarded fellowships under subsection (a) such sti-*  
8 *pends (including allowances for subsistence of such students*  
9 *and dependents of such students) as the Secretary deter-*  
10 *mines to be consistent with prevailing practices under com-*  
11 *parable federally supported programs.*

12                    *“(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUI-*  
13 *TION.—The Secretary shall pay to the institution of higher*  
14 *education at which such a fellowship recipient is pursuing*  
15 *a course of study, in lieu of tuition charged to such recipi-*  
16 *ent, such amounts as the Secretary may determine to be*  
17 *necessary to cover the cost of education provided to such*  
18 *recipient.*

19                    *“(d) SPECIAL RULES.—*

20                    *“(1) IN GENERAL.—If a fellowship awarded*  
21 *under subsection (a) is vacated prior to the end of the*  
22 *period for which the fellowship is awarded, the Sec-*  
23 *retary may award an additional fellowship for the*  
24 *unexpired portion of the period of the first fellowship.*

1           “(2) *WRITTEN NOTICE.*—Not later than 45 days  
2 before the commencement of an academic term, the  
3 Secretary shall provide to each individual who is  
4 awarded a fellowship under subsection (a) for such  
5 academic term written notice of—

6                   “(A) the amount of the funding for the fel-  
7 lowship; and

8                   “(B) any stipends or other payments that  
9 will be made under this section to, or for the ben-  
10 efit of, the individual for the academic term.

11           “(3) *PRIORITY.*—Not more than 10 percent of the  
12 fellowships awarded under subsection (a) shall be  
13 awarded, on a priority basis, to persons receiving  
14 training in guidance counseling with a specialty in  
15 the area of alcohol and substance abuse counseling  
16 and education.

17           “(e) *SERVICE OBLIGATION.*—

18                   “(1) *IN GENERAL.*—The Secretary shall require,  
19 by regulation, that an individual who receives finan-  
20 cial assistance under this section—

21                   “(A) perform work—

22                           “(i) related to the training for which  
23 the individual receives the assistance under  
24 this section; and

25                           “(ii) that benefits Indian people; or

1           “(B) repay all or a prorated portion of such  
2           assistance.

3           “(2) *REPORTING.*—The Secretary shall establish,  
4           by regulation, a reporting procedure under which a  
5           recipient of assistance under this section shall, not  
6           later than 12 months after the date of completion of  
7           the training, and periodically thereafter, provide in-  
8           formation concerning the compliance of such recipient  
9           with the work requirement described in paragraph  
10          (1).

11          “(f) *ADMINISTRATION OF FELLOWSHIPS.*—The Sec-  
12         retary may administer the fellowships authorized under  
13         this section through a grant to, or contract or cooperative  
14         agreement with, an Indian organization with demonstrated  
15         qualifications to administer all facets of the program as-  
16         sisted under this section.

17         **“SEC. 9124. GIFTED AND TALENTED INDIAN STUDENTS.**

18           “(a) *PROGRAM AUTHORIZED.*—The Secretary is au-  
19         thorized to—

20           “(1) establish 2 centers for gifted and talented  
21           Indian students at tribally controlled community col-  
22           leges in accordance with this section; and

23           “(2) support demonstration projects described in  
24           subsection (c).

1       “(b) *ELIGIBLE ENTITIES.*—*The Secretary shall make*  
2 *grants, or enter into contracts, for the activities described*  
3 *in subsection (a), to or with—*

4               “(1) *2 tribally controlled community colleges*  
5 *that—*

6                       “(A) *are eligible for funding under the Trib-*  
7 *ally Controlled College or University Assistance*  
8 *Act of 1978; and*

9                       “(B) *are fully accredited; or*

10               “(2) *if the Secretary does not receive applica-*  
11 *tions that the Secretary determines to be approvable*  
12 *from 2 colleges that meet the requirements of para-*  
13 *graph (1), the American Indian Higher Education*  
14 *Consortium.*

15       “(c) *USE OF FUNDS.*—

16               “(1) *IN GENERAL.*—*Funds made available*  
17 *through the grants made, or contracts entered into, by*  
18 *the Secretary under subsection (b) shall be used for—*

19                       “(A) *the establishment of centers described*  
20 *in subsection (a); and*

21                       “(B) *carrying out demonstration projects*  
22 *designed to—*

23                               “(i) *address the special needs of Indian*  
24 *students in elementary schools and sec-*

1            *ondary schools who are gifted and talented;*  
2            *and*

3            *“(ii) provide such support services to*  
4            *the families of the students described in*  
5            *clause (i) as are needed to enable such stu-*  
6            *dents to benefit from the projects.*

7            *“(2) SUBCONTRACTS.—Each recipient of a grant*  
8            *or contract under subsection (b) to carry out a dem-*  
9            *onstration project under subsection (a) may enter into*  
10           *a contract with any other entity, including the Chil-*  
11           *dren’s Television Workshop, to carry out the dem-*  
12           *onstration project.*

13           *“(3) DEMONSTRATION PROJECTS.—Demonstra-*  
14           *tion projects assisted under subsection (b) may*  
15           *include—*

16           *“(A) the identification of the special needs*  
17           *of gifted and talented Indian students, particu-*  
18           *larly at the elementary school level, giving atten-*  
19           *tion to—*

20           *“(i) identifying the emotional and psy-*  
21           *chosocial needs of such students; and*

22           *“(ii) providing such support services to*  
23           *the families of such students as are needed*  
24           *to enable such students to benefit from the*  
25           *project;*



1           “(B) the conduct of educational, psycho-  
2           social, and developmental activities that the Sec-  
3           retary determines hold a reasonable promise of  
4           resulting in substantial progress toward meeting  
5           the educational needs of such gifted and talented  
6           children, including—

7                   “(i) demonstrating and exploring the  
8                   use of Indian languages and exposure to In-  
9                   dian cultural traditions; and

10                   “(ii) carrying out mentoring and ap-  
11                   prenticeship programs;

12           “(C) the provision of technical assistance  
13           and the coordination of activities at schools that  
14           receive grants under subsection (d) with respect  
15           to the activities assisted under such grants, the  
16           evaluation of programs assisted under such  
17           grants, or the dissemination of such evaluations;

18           “(D) the use of public television in meeting  
19           the special educational needs of such gifted and  
20           talented children;

21           “(E) leadership programs designed to rep-  
22           licate programs for such children throughout the  
23           United States, including disseminating informa-  
24           tion derived from the demonstration projects con-  
25           ducted under subsection (a); and

1           “(F) appropriate research, evaluation, and  
2           related activities pertaining to the needs of such  
3           children and to the provision of such support  
4           services to the families of such children as are  
5           needed to enable such children to benefit from the  
6           project.

7           “(4) APPLICATION.—Each entity desiring a  
8           grant or contract under subsection (b) shall submit an  
9           application to the Secretary at such time and in such  
10          manner as the Secretary may prescribe.

11          “(d) ADDITIONAL GRANTS.—

12           “(1) IN GENERAL.—The Secretary, in consulta-  
13          tion with the Secretary of the Interior, shall award  
14          5 grants to schools funded by the Bureau of Indian  
15          Affairs (referred to individually in this section as a  
16          ‘Bureau school’) for program research and develop-  
17          ment and the development and dissemination of cur-  
18          riculum and teacher training material, regarding—

19           “(A) gifted and talented students;

20           “(B) college preparatory studies (including  
21          programs for Indian students with an interest in  
22          pursuing teaching careers);

23           “(C) students with special culturally related  
24          academic needs, including students with social,  
25          lingual, and cultural needs; or

1                   “(D) *mathematics and science education.*

2                   “(2) *APPLICATIONS.—Each Bureau school desir-*  
3                   *ing a grant to conduct 1 or more of the activities de-*  
4                   *scribed in paragraph (1) shall submit an application*  
5                   *to the Secretary at such time and in such manner as*  
6                   *the Secretary may prescribe.*

7                   “(3) *SPECIAL RULE.—Each application de-*  
8                   *scribed in paragraph (2) shall be developed, and each*  
9                   *grant under this subsection shall be administered,*  
10                  *jointly by the supervisor of the Bureau school and the*  
11                  *local educational agency serving such school.*

12                  “(4) *REQUIREMENTS.—In awarding grants*  
13                  *under paragraph (1), the Secretary shall achieve a*  
14                  *mixture of the programs described in paragraph (1)*  
15                  *that ensures that Indian students at all grade levels*  
16                  *and in all geographic areas of the United States are*  
17                  *able to participate in a program assisted under this*  
18                  *subsection.*

19                  “(5) *GRANT PERIOD.—Subject to the availability*  
20                  *of appropriations, a grant awarded under paragraph*  
21                  *(1) shall be awarded for a 3-year period and may be*  
22                  *renewed by the Secretary for additional 3-year peri-*  
23                  *ods if the Secretary determines that the performance*  
24                  *of the grant recipient has been satisfactory.*

25                  “(6) *DISSEMINATION.—*

1           “(A) *COOPERATIVE EFFORTS.*—*The dissemination of any materials developed from activities*  
2           *assisted under paragraph (1) shall be carried out*  
3           *in cooperation with entities that receive funds*  
4           *pursuant to subsection (b).*

6           “(B) *REPORT.*—*The Secretary shall prepare*  
7           *and submit to the Secretary of the Interior and*  
8           *to Congress a report concerning any results from*  
9           *activities described in this subsection.*

10          “(7) *EVALUATION COSTS.*—

11           “(A) *DIVISION.*—*The costs of evaluating*  
12           *any activities assisted under paragraph (1) shall*  
13           *be divided between the Bureau schools conducting*  
14           *such activities and the recipients of grants or*  
15           *contracts under subsection (b) who conduct dem-*  
16           *onstration projects under subsection (a).*

17           “(B) *GRANTS AND CONTRACTS.*—*If no funds*  
18           *are provided under subsection (b) for—*

19                   “(i) *the evaluation of activities assisted*  
20                   *under paragraph (1);*

21                   “(ii) *technical assistance and coordina-*  
22                   *tion with respect to such activities; or*

23                   “(iii) *the dissemination of the evalua-*  
24                   *tions referred to in clause (i),*

1           *the Secretary shall make such grants, or enter*  
 2           *into such contracts, as are necessary to provide*  
 3           *for the evaluations, technical assistance, and co-*  
 4           *ordination of such activities, and the dissemina-*  
 5           *tion of the evaluations.*

6           “(e) *INFORMATION NETWORK.—The Secretary shall*  
 7           *encourage each recipient of a grant or contract under this*  
 8           *section to work cooperatively as part of a national network*  
 9           *to ensure that the information developed by the grant or*  
 10           *contract recipient is readily available to the entire edu-*  
 11           *cational community.*

12           **“SEC. 9125. GRANTS TO TRIBES FOR EDUCATION ADMINIS-**  
 13                                   **TRATIVE PLANNING AND DEVELOPMENT.**

14           “(a) *IN GENERAL.—The Secretary may make grants*  
 15           *to Indian tribes, and tribal organizations approved by In-*  
 16           *dian tribes, to plan and develop a centralized tribal admin-*  
 17           *istrative entity to—*

18                           “(1) *coordinate all education programs operated*  
 19           *by the tribe or within the territorial jurisdiction of*  
 20           *the tribe;*

21                           “(2) *develop education codes for schools within*  
 22           *the territorial jurisdiction of the tribe;*

23                           “(3) *provide support services and technical as-*  
 24           *istance to schools serving children of the tribe; and*

1           “(4) *perform child-find screening services for the*  
2           *preschool-aged children of the tribe to—*

3                   “(A) *ensure placement in appropriate edu-*  
4                   *cational facilities; and*

5                   “(B) *coordinate the provision of any needed*  
6                   *special services for conditions such as disabilities*  
7                   *and English language skill deficiencies.*

8           “(b) *PERIOD OF GRANT.—Each grant awarded under*  
9           *this section may be awarded for a period of not more than*  
10           *3 years. Such grant may be renewed upon the termination*  
11           *of the initial period of the grant if the grant recipient dem-*  
12           *onstrates to the satisfaction of the Secretary that renewing*  
13           *the grant for an additional 3-year period is necessary to*  
14           *carry out the objectives of the grant described in subsection*  
15           *(c)(2)(A).*

16           “(c) *APPLICATION FOR GRANT.—*

17                   “(1) *IN GENERAL.—Each Indian tribe and tribal*  
18                   *organization desiring a grant under this section shall*  
19                   *submit an application to the Secretary at such time,*  
20                   *in such manner, containing such information, and*  
21                   *consistent with such criteria, as the Secretary may*  
22                   *prescribe in regulations.*

23                   “(2) *CONTENTS.—Each application described in*  
24                   *paragraph (1) shall contain—*

1           “(A) a statement describing the activities to  
2           be conducted, and the objectives to be achieved,  
3           under the grant; and

4           “(B) a description of the method to be used  
5           for evaluating the effectiveness of the activities  
6           for which assistance is sought and for deter-  
7           mining whether such objectives are achieved.

8           “(3) APPROVAL.—The Secretary may approve an  
9           application submitted by a tribe or tribal organiza-  
10          tion pursuant to this section only if the Secretary is  
11          satisfied that such application, including any docu-  
12          mentation submitted with the application—

13           “(A) demonstrates that the applicant has  
14           consulted with other education entities, if any,  
15           within the territorial jurisdiction of the appli-  
16           cant who will be affected by the activities to be  
17           conducted under the grant;

18           “(B) provides for consultation with such  
19           other education entities in the operation and  
20           evaluation of the activities conducted under the  
21           grant; and

22           “(C) demonstrates that there will be ade-  
23           quate resources provided under this section or  
24           from other sources to complete the activities for  
25           which assistance is sought, except that the avail-

1           *ability of such other resources shall not be a*  
2           *basis for disapproval of such application.*

3           “(d) *RESTRICTION.—A tribe may not receive funds*  
4           *under this section if such tribe receives funds under section*  
5           *1144 of the Education Amendments of 1978.*

6           “(e) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
7           *authorized to be appropriated to the Secretary of Education*  
8           *to carry out this section \$3,000,000 for each of fiscal years*  
9           *2001 through 2005.*

10           **“Subpart 3—Special Programs Relating to Adult**  
11                                   **Education for Indians**

12           **“SEC. 9131. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**  
13                                   **TIES FOR ADULT INDIANS.**

14           “(a) *IN GENERAL.—The Secretary shall make grants*  
15           *to State and local educational agencies and to Indian*  
16           *tribes, institutions, and organizations—*

17                           “(1) *to support planning, pilot, and demonstra-*  
18           *tion projects that are designed to test and demonstrate*  
19           *the effectiveness of programs for improving employ-*  
20           *ment and educational opportunities for adult Indi-*  
21           *ans;*

22                           “(2) *to assist in the establishment and operation*  
23           *of programs that are designed to stimulate—*

24                                   “(A) *the provision of basic literacy opportu-*  
25           *nities for all nonliterate Indian adults; and*



1           “(B) the provision of opportunities to all  
2           Indian adults to qualify for a secondary school  
3           diploma, or its recognized equivalent, in the  
4           shortest period of time feasible;

5           “(3) to support a major research and develop-  
6           ment program to develop more innovative and effec-  
7           tive techniques for achieving literacy and secondary  
8           school equivalency for Indians;

9           “(4) to provide for basic surveys and evaluations  
10          to define accurately the extent of the problems of illit-  
11          eracy and lack of secondary school completion among  
12          Indians; and

13          “(5) to encourage the dissemination of informa-  
14          tion and materials relating to, and the evaluation of,  
15          the effectiveness of education programs that may offer  
16          educational opportunities to Indian adults.

17          “(b) *EDUCATIONAL SERVICES.*—The Secretary may  
18          make grants to Indian tribes, institutions, and organiza-  
19          tions to develop and establish educational services and pro-  
20          grams specifically designed to improve educational oppor-  
21          tunities for Indian adults.

22          “(c) *INFORMATION AND EVALUATION.*—The Secretary  
23          may make grants to, and enter into contracts with, public  
24          agencies and institutions and Indian tribes, institutions,  
25          and organizations, for—

1           “(1) *the dissemination of information concerning*  
2           *educational programs, services, and resources avail-*  
3           *able to Indian adults, including evaluations of the*  
4           *programs, services, and resources; and*

5           “(2) *the evaluation of federally assisted programs*  
6           *in which Indian adults may participate to determine*  
7           *the effectiveness of the programs in achieving the pur-*  
8           *poses of the programs with respect to Indian adults.*

9           “(d) *APPLICATIONS.—*

10           “(1) *IN GENERAL.—Each entity desiring a grant*  
11           *or contract under this section shall submit to the Sec-*  
12           *retary an application at such time, in such manner,*  
13           *containing such information, and consistent with*  
14           *such criteria, as the Secretary may prescribe in regu-*  
15           *lations.*

16           “(2) *CONTENTS.—Each application described in*  
17           *paragraph (1) shall contain—*

18           “(A) *a statement describing the activities to*  
19           *be conducted and the objectives to be achieved*  
20           *under the grant or contract; and*

21           “(B) *a description of the method to be used*  
22           *for evaluating the effectiveness of the activities*  
23           *for which assistance is sought and determining*  
24           *whether the objectives of the grant or contract are*  
25           *achieved.*

1           “(3) *APPROVAL.*—*The Secretary shall not ap-*  
2           *prove an application described in paragraph (1) un-*  
3           *less the Secretary determines that such application,*  
4           *including any documentation submitted with the ap-*  
5           *plication, indicates that—*

6                     “(A) *there has been adequate participation,*  
7                     *by the individuals to be served and the appro-*  
8                     *priate tribal communities, in the planning and*  
9                     *development of the activities to be assisted; and*

10                    “(B) *the individuals and tribal commu-*  
11                    *nities referred to in subparagraph (A) will par-*  
12                    *ticipate in the operation and evaluation of the*  
13                    *activities to be assisted.*

14           “(4) *PRIORITY.*—*In approving applications*  
15           *under paragraph (1), the Secretary shall give priority*  
16           *to applications from Indian educational agencies, or-*  
17           *ganizations, and institutions.*

18           “(e) *ADMINISTRATIVE COSTS.*—*Not more than 5 per-*  
19           *cent of the funds made available to an entity through a*  
20           *grant or contract made or entered into under this subpart*  
21           *for a fiscal year may be used to pay for administrative*  
22           *costs.*

1           **“Subpart 4—National Research Activities**

2   **“SEC. 9141. NATIONAL ACTIVITIES.**

3           “(a) *AUTHORIZED ACTIVITIES.*—*The Secretary may*  
4 *use funds made available under section 9162(b) for each*  
5 *fiscal year to—*

6                   “(1) *conduct research related to effective ap-*  
7 *proaches for the education of Indian children and*  
8 *adults;*

9                   “(2) *evaluate federally assisted education pro-*  
10 *grams from which Indian children and adults may*  
11 *benefit;*

12                   “(3) *collect and analyze data on the educational*  
13 *status and needs of Indians; and*

14                   “(4) *carry out other activities that are consistent*  
15 *with the purpose of this part.*

16           “(b) *ELIGIBILITY.*—*The Secretary may carry out any*  
17 *of the activities described in subsection (a) directly or*  
18 *through grants to, or contracts or cooperative agreements*  
19 *with, Indian tribes, Indian organizations, State edu-*  
20 *cational agencies, local educational agencies, institutions of*  
21 *higher education, including Indian institutions of higher*  
22 *education, and other public and private agencies and insti-*  
23 *tutions.*

24           “(c) *COORDINATION.*—*Research activities supported*  
25 *under this section—*

1           “(1) shall be carried out in consultation with the  
2           Office of Educational Research and Improvement to  
3           assure that such activities are coordinated with and  
4           enhance the research and development activities sup-  
5           ported by the Office; and

6           “(2) may include collaborative research activities  
7           that are jointly funded and carried out by the Office  
8           of Indian Education and the Office of Educational  
9           Research and Improvement.

10          “(d) ADMINISTRATIVE COSTS.—Not more than 5 per-  
11       cent of the funds made available to an entity through a  
12       grant, contract, or agreement made or entered into under  
13       this subpart for a fiscal year may be used to pay for admin-  
14       istrative costs.

15                   **“Subpart 5—Federal Administration**

16       **“SEC. 9151. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-**  
17                   **CATION.**

18          “(a) MEMBERSHIP.—There is established a National  
19       Advisory Council on Indian Education (referred to in this  
20       section as the ‘Council’), which shall—

21               “(1) consist of 15 Indian members, who shall be  
22               appointed by the President from lists of nominees fur-  
23               nished, from time to time, by Indian tribes and In-  
24               dian organizations; and

1           “(2) represent different geographic areas of the  
2           United States.

3           “(b) DUTIES.—The Council shall—

4           “(1) advise the Secretary concerning the funding  
5           and administration (including the development of  
6           regulations and administrative policies and practices)  
7           of any program, including any program established  
8           under this part—

9           “(A) with respect to which the Secretary has  
10          jurisdiction; and

11          “(B)(i) that includes Indian children or  
12          adults as participants; or

13          “(ii) that may benefit Indian children or  
14          adults;

15          “(2) make recommendations to the Secretary for  
16          filling the position of Director of Indian Education  
17          whenever a vacancy occurs; and

18          “(3) prepare and submit to Congress, not later  
19          than June 30 of each year, a report on the activities  
20          of the Council, including—

21          “(A) any recommendations that the Council  
22          considers to be appropriate for the improvement  
23          of Federal education programs that include In-  
24          dian children or adults as participants, or that  
25          may benefit Indian children or adults; and

1                   “(B) recommendations concerning the fund-  
2                   ing of any program described in subparagraph  
3                   (A).

4   **“SEC. 9152. PEER REVIEW.**

5                   “The Secretary may use a peer review process to re-  
6   view applications submitted to the Secretary under subpart  
7   2, 3, or 4.

8   **“SEC. 9153. PREFERENCE FOR INDIAN APPLICANTS.**

9                   “In making grants and entering into contracts or co-  
10   operative agreements under subpart 2, 3, or 4, the Secretary  
11   shall give a preference to Indian tribes, organizations, and  
12   institutions of higher education under any program with  
13   respect to which Indian tribes, organizations, and institu-  
14   tions are eligible to apply for grants, contracts, or coopera-  
15   tive agreements.

16   **“SEC. 9154. MINIMUM GRANT CRITERIA.**

17                   “The Secretary may not approve an application for  
18   a grant, contract, or cooperative agreement under subpart  
19   2 or 3 unless the application is for a grant, contract, or  
20   cooperative agreement that is—

21                   “(1) of sufficient size, scope, and quality to  
22   achieve the purpose or objectives of such grant, con-  
23   tract, or cooperative agreement; and

24                   “(2) based on relevant research findings.

1           **“Subpart 6—Definitions; Authorizations of**  
2                                   **Appropriations**

3   **“SEC. 9161. DEFINITIONS.**

4           *“In this part:*

5                   *“(1) ADULT.—The term ‘adult’ means an indi-*  
6           *vidual who—*

7                           *“(A) has attained age 16; or*

8                           *“(B) has attained an age that is greater*  
9                   *than the age of compulsory school attendance*  
10                   *under an applicable State law.*

11                   *“(2) FREE PUBLIC EDUCATION.—The term ‘free*  
12           *public education’ means education that is—*

13                           *“(A) provided at public expense, under pub-*  
14                   *lic supervision and direction, and without tui-*  
15                   *tion charge; and*

16                           *“(B) provided as elementary or secondary*  
17                   *education in the applicable State or to preschool*  
18                   *children.*

19                   *“(3) INDIAN.—The term ‘Indian’ means an indi-*  
20           *vidual who is—*

21                           *“(A) a member of an Indian tribe or band,*  
22                   *as membership is defined by the tribe or band,*  
23                   *including—*

24                           *“(i) any tribe or band terminated since*  
25                   *1940; and*



1                   “(ii) any tribe or band recognized by  
2                   the State in which the tribe or band resides;

3                   “(B) a descendant, in the first or second de-  
4                   gree, of an individual described in subparagraph  
5                   (A);

6                   “(C) an individual who is considered by the  
7                   Secretary of the Interior to be an Indian for any  
8                   purpose;

9                   “(D) an Eskimo, Aleut, or other Alaska Na-  
10                  tive (as defined in section 9306); or

11                  “(E) a member of an organized Indian  
12                  group that received a grant under the Indian  
13                  Education Act of 1988 as in effect the day pre-  
14                  ceding the date of enactment of the ‘Improving  
15                  America’s Schools Act of 1994’ (108 Stat. 3518).

16 **“SEC. 9162. AUTHORIZATIONS OF APPROPRIATIONS.**

17                  “(a) *SUBPART 1.*—There are authorized to be appro-  
18                  priated to the Secretary of Education to carry out subpart  
19                  1 \$62,000,000 for fiscal year 2001 and such sums as may  
20                  be necessary for each of the 4 succeeding fiscal years.

21                  “(b) *SUBPARTS 2 THROUGH 4.*—There are authorized  
22                  to be appropriated to the Secretary of Education to carry  
23                  out subparts 2, 3, and 4 \$4,000,000 for fiscal year 2001  
24                  and such sums as may be necessary for each of the 4 suc-  
25                  ceeding fiscal years.

1           **“PART B—NATIVE HAWAIIAN EDUCATION**

2   **“SEC. 9201. SHORT TITLE.**

3           *“This part may be cited as the ‘Native Hawaiian Edu-*  
4 *cation Act’.*

5   **“SEC. 9202. FINDINGS.**

6           *“Congress finds the following:*

7                   *“(1) Native Hawaiians are a distinct and*  
8 *unique indigenous people with a historical continuity*  
9 *to the original inhabitants of the Hawaiian archi-*  
10 *pelago, whose society was organized as a nation and*  
11 *internationally recognized as a nation by the United*  
12 *States, Britain, France, and Japan, as evidenced by*  
13 *treaties governing friendship, commerce, and naviga-*  
14 *tion.*

15                   *“(2) At the time of the arrival of the first non-*  
16 *indigenous people in Hawai’i in 1778, the Native*  
17 *Hawaiian people lived in a highly organized, self-suf-*  
18 *ficient subsistence social system based on a communal*  
19 *land tenure system with a sophisticated language,*  
20 *culture, and religion.*

21                   *“(3) A unified monarchical government of the Ha-*  
22 *waiian Islands was established in 1810 under Kame-*  
23 *hameha I, the first King of Hawai’i.*

24                   *“(4) From 1826 until 1893, the United States*  
25 *recognized the sovereignty and independence of the*  
26 *Kingdom of Hawai’i, which was established in 1810*

1        *under Kamehameha I, extended full and complete*  
2        *diplomatic recognition to the Kingdom of Hawai‘i,*  
3        *and entered into treaties and conventions with the*  
4        *Kingdom of Hawai‘i to govern friendship, commerce*  
5        *and navigation in 1826, 1842, 1849, 1875, and 1887.*

6            *“(5) In 1893, the sovereign, independent, inter-*  
7        *nationally recognized, and indigenous government of*  
8        *Hawai‘i, the Kingdom of Hawai‘i, was overthrown by*  
9        *a small group of non-Hawaiians, including United*  
10       *States citizens, who were assisted in their efforts by*  
11       *the United States Minister, a United States naval*  
12       *representative, and armed naval forces of the United*  
13       *States. Because of the participation of United States*  
14       *agents and citizens in the overthrow of the Kingdom*  
15       *of Hawai‘i, in 1993 the United States apologized to*  
16       *Native Hawaiians for the overthrow and the depriva-*  
17       *tion of the rights of Native Hawaiians to self-deter-*  
18       *mination through Public Law 103–150 (107 Stat.*  
19       *1510).*

20            *“(6) In 1898, the joint resolution entitled ‘Joint*  
21       *Resolution to provide for annexing the Hawaiian Is-*  
22       *lands to the United States’, approved July 7, 1898*  
23       *(30 Stat. 750), ceded absolute title of all lands held*  
24       *by the Republic of Hawai‘i, including the government*  
25       *and crown lands of the former Kingdom of Hawai‘i,*

1        *to the United States, but mandated that revenue gen-*  
2        *erated from the lands be used ‘solely for the benefit of*  
3        *the inhabitants of the Hawaiian Islands for edu-*  
4        *cational and other public purposes’.*

5            *“(7) By 1919, the Native Hawaiian population*  
6        *had declined from an estimated 1,000,000 in 1778 to*  
7        *an alarming 22,600, and in recognition of this severe*  
8        *decline, Congress enacted the Hawaiian Homes Com-*  
9        *mission Act, 1920 (42 Stat. 108), which designated*  
10       *approximately 200,000 acres of ceded public lands for*  
11       *homesteading by Native Hawaiians.*

12           *“(8) Through the enactment of the Hawaiian*  
13       *Homes Commission Act, 1920, Congress affirmed the*  
14       *special relationship between the United States and the*  
15       *Native Hawaiians, which was described by then Sec-*  
16       *retary of the Interior Franklin K. Lane, who said:*  
17       *‘One thing that impressed me . . . was the fact that*  
18       *the natives of the island who are our wards, I should*  
19       *say, and for whom in a sense we are trustees, are fall-*  
20       *ing off rapidly in numbers and many of them are in*  
21       *poverty.’.*

22           *“(9) In 1938, Congress again acknowledged the*  
23       *unique status of the Hawaiian people by including in*  
24       *the Act of June 20, 1938 (52 Stat. 781, chapter 530;*  
25       *16 U.S.C. 391b, 391b–1, 392b, 392c, 396, 396a), a*

1        *provision to lease lands within the National Parks ex-*  
2        *ension to Native Hawaiians and to permit fishing in*  
3        *the area ‘only by native Hawaiian residents of said*  
4        *area or of adjacent villages and by visitors under*  
5        *their guidance.’.*

6                *“(10) Under the Act entitled ‘An Act to provide*  
7        *for the admission of the State of Hawai‘i into the*  
8        *Union’, approved March 18, 1959 (73 Stat. 4), the*  
9        *United States transferred responsibility for the ad-*  
10        *ministration of the Hawaiian Home Lands to the*  
11        *State of Hawai‘i but reaffirmed the trust relationship*  
12        *between the United States and the Hawaiian people*  
13        *by retaining the exclusive power to enforce the trust,*  
14        *including the power to approve land exchanges and*  
15        *amendments to such Act affecting the rights of bene-*  
16        *ficiaries under such Act.*

17                *“(11) In 1959, under the Act entitled ‘An Act to*  
18        *provide for the admission of the State of Hawai‘i into*  
19        *the Union’, the United States also ceded to the State*  
20        *of Hawai‘i title to the public lands formerly held by*  
21        *the United States, but mandated that such lands be*  
22        *held by the State ‘in public trust’ and reaffirmed the*  
23        *special relationship that existed between the United*  
24        *States and the Hawaiian people by retaining the*  
25        *legal responsibility to enforce the public trust respon-*

1       *sibility of the State of Hawai‘i for the betterment of*  
2       *the conditions of Native Hawaiians, as defined in sec-*  
3       *tion 201(a) of the Hawaiian Homes Commission Act,*  
4       *1920.*

5               “(12) *The United States has recognized and re-*  
6       *affirmed that—*

7                       “(A) *Native Hawaiians have a cultural,*  
8       *historic, and land-based link to the indigenous*  
9       *people who exercised sovereignty over the Hawai-*  
10       *ian Islands, and that group has never relin-*  
11       *quished its claims to sovereignty or its sovereign*  
12       *lands;*

13                      “(B) *Congress does not extend services to*  
14       *Native Hawaiians because of their race, but be-*  
15       *cause of their unique status as the indigenous*  
16       *people of a once sovereign nation as to whom the*  
17       *United States has established a trust relation-*  
18       *ship;*

19                      “(C) *Congress has also delegated broad au-*  
20       *thority to administer a portion of the Federal*  
21       *trust responsibility to the State of Hawai‘i;*

22                      “(D) *the political status of Native Hawai-*  
23       *ians is comparable to that of American Indians*  
24       *and Alaska Natives; and*

1           “(E) the aboriginal, indigenous people of  
2           the United States have—

3                   “(i) a continuing right to autonomy in  
4                   their internal affairs; and

5                   “(ii) an ongoing right of self-deter-  
6                   mination and self-governance that has never  
7                   been extinguished.

8           “(13) The political relationship between the  
9           United States and the Native Hawaiian people has  
10           been recognized and reaffirmed by the United States,  
11           as evidenced by the inclusion of Native Hawaiians  
12           in—

13                   “(A) the Native American Programs Act of  
14                   1974 (42 U.S.C. 2991 et seq.);

15                   “(B) the American Indian Religious Free-  
16                   dom Act (42 U.S.C. 1996);

17                   “(C) the National Museum of the American  
18                   Indian Act (20 U.S.C. 80q et seq.);

19                   “(D) the Native American Graves Protec-  
20                   tion and Repatriation Act (25 U.S.C. 3001 et  
21                   seq.);

22                   “(E) the National Historic Preservation Act  
23                   (16 U.S.C. 470 et seq.);

24                   “(F) the Native American Languages Act  
25                   (25 U.S.C. 2901 et seq.);

1           “(G) *the American Indian, Alaska Native,*  
2           *and Native Hawaiian Culture and Art Develop-*  
3           *ment Act (20 U.S.C. 4401 et seq.);*

4           “(H) *the Job Training Partnership Act (29*  
5           *U.S.C. 1501 et seq.) and the Workforce Invest-*  
6           *ment Act of 1998 (29 U.S.C. 2801 et seq.); and*

7           “(I) *the Older Americans Act of 1965 (42*  
8           *U.S.C. 3001 et seq.).*

9           “(14) *In 1981, Congress instructed the Office of*  
10          *Education to submit to Congress a comprehensive re-*  
11          *port on Native Hawaiian education. The report, enti-*  
12          *tled the ‘Native Hawaiian Educational Assessment*  
13          *Project’, was released in 1983 and documented that*  
14          *Native Hawaiians scored below parity with regard to*  
15          *national norms on standardized achievement tests,*  
16          *were disproportionately represented in many negative*  
17          *social and physical statistics indicative of special*  
18          *educational needs, and had educational needs that*  
19          *were related to their unique cultural situation, such*  
20          *as different learning styles and low self-image.*

21          “(15) *In recognition of the educational needs of*  
22          *Native Hawaiians, in 1988, Congress enacted title IV*  
23          *of the Augustus F. Hawkins-Robert T. Stafford Ele-*  
24          *mentary and Secondary School Improvement Amend-*  
25          *ments of 1988 (102 Stat. 130) to authorize and de-*



1        *velop supplemental educational programs to address*  
2        *the unique conditions of Native Hawaiians.*

3                *“(16) In 1993, the Kamehameha Schools Bishop*  
4        *Estate released a 10-year update of findings of the*  
5        *Native Hawaiian Educational Assessment Project,*  
6        *which found that despite the successes of the programs*  
7        *established under title IV of the Augustus F. Haw-*  
8        *kins-Robert T. Stafford Elementary and Secondary*  
9        *School Improvement Amendments of 1988, many of*  
10       *the same educational needs still existed for Native*  
11       *Hawaiians. Subsequent reports by the Kamehameha*  
12       *Schools Bishop Estate and other organizations have*  
13       *generally confirmed those findings. For example—*

14                *“(A) educational risk factors continue to*  
15        *start even before birth for many Native Hawai-*  
16        *ian children, including—*

17                        *“(i) late or no prenatal care;*

18                        *“(ii) high rates of births by Native Ha-*  
19        *waiian women who are unmarried; and*

20                        *“(iii) high rates of births to teenage*  
21        *parents;*

22                *“(B) Native Hawaiian students continue to*  
23        *begin their school experience lagging behind other*  
24        *students in terms of readiness factors such as vo-*  
25        *cabulary test scores;*

1           “(C) Native Hawaiian students continue to  
2 score below national norms on standardized edu-  
3 cation achievement tests at all grade levels;

4           “(D) both public and private schools con-  
5 tinue to show a pattern of lower percentages of  
6 Native Hawaiian students in the uppermost  
7 achievement levels and in gifted and talented  
8 programs;

9           “(E) Native Hawaiian students continue to  
10 be overrepresented among students qualifying for  
11 special education programs provided to students  
12 with learning disabilities, mild mental retarda-  
13 tion, emotional impairment, and other such dis-  
14 abilities;

15           “(F) Native Hawaiians continue to be  
16 underrepresented in institutions of higher edu-  
17 cation and among adults who have completed 4  
18 or more years of college;

19           “(G) Native Hawaiians continue to be dis-  
20 proportionately represented in many negative so-  
21 cial and physical statistics indicative of special  
22 educational needs, as demonstrated by the fact  
23 that—

1           “(i) Native Hawaiian students are  
2           more likely to be retained in grade level and  
3           to be excessively absent in secondary school;

4           “(ii) Native Hawaiian students have  
5           the highest rates of drug and alcohol use in  
6           the State of Hawai‘i; and

7           “(iii) Native Hawaiian children con-  
8           tinue to be disproportionately victimized by  
9           child abuse and neglect; and

10          “(H) Native Hawaiians now comprise over  
11          23 percent of the students served by the State of  
12          Hawai‘i Department of Education, and there are  
13          and will continue to be geographically rural, iso-  
14          lated areas with a high Native Hawaiian popu-  
15          lation density.

16          “(17) In the 1998 National Assessment of Edu-  
17          cational Progress, Hawaiian fourth-graders ranked  
18          39th among groups of students from 39 States in  
19          reading. Given that Hawaiian students rank among  
20          the lowest groups of students nationally in reading,  
21          and that Native Hawaiian students rank the lowest  
22          among Hawaiian students in reading, it is impera-  
23          tive that greater focus be placed on beginning reading  
24          and early education and literacy in Hawai‘i.

1           “(18) *The findings described in paragraphs (16)*  
2           *and (17) are inconsistent with the high rates of lit-*  
3           *eracy and integration of traditional culture and*  
4           *Western education historically achieved by Native*  
5           *Hawaiians through a Hawaiian language-based pub-*  
6           *lic school system established in 1840 by Kamehameha*  
7           *III.*

8           “(19) *Following the overthrow of the Kingdom of*  
9           *Hawai‘i in 1893, Hawaiian medium schools were*  
10          *banned. After annexation, throughout the territorial*  
11          *and statehood period of Hawai‘i, and until 1986, use*  
12          *of the Hawaiian language as an instructional me-*  
13          *dium in education in public schools was declared un-*  
14          *lawful. The declaration caused incalculable harm to a*  
15          *culture that placed a very high value on the power of*  
16          *language, as exemplified in the traditional saying: ‘I*  
17          *ka ‘olelo nō ke ola; I ka ‘olelo nō ka make. In the lan-*  
18          *guage rests life; In the language rests death.’.*

19          “(20) *Despite the consequences of over 100 years*  
20          *of nonindigenous influence, the Native Hawaiian peo-*  
21          *ple are determined to preserve, develop, and transmit*  
22          *to future generations their ancestral territory and*  
23          *their cultural identity in accordance with their own*  
24          *spiritual and traditional beliefs, customs, practices,*  
25          *language, and social institutions.*

1           “(21) *The State of Hawai‘i, in the constitution*  
2           *and statutes of the State of Hawai‘i—*

3                   “(A) *reaffirms and protects the unique right*  
4                   *of the Native Hawaiian people to practice and*  
5                   *perpetuate their culture and religious customs,*  
6                   *beliefs, practices, and language;*

7                   “(B) *recognizes the traditional language of*  
8                   *the Native Hawaiian people as an official lan-*  
9                   *guage of the State of Hawai‘i, which may be*  
10                   *used as the language of instruction for all sub-*  
11                   *jects and grades in the public school system; and*

12                   “(C) *promotes the study of the Hawaiian*  
13                   *culture, language, and history by providing a*  
14                   *Hawaiian education program and using commu-*  
15                   *nity expertise as a suitable and essential means*  
16                   *to further the program.*

17 **“SEC. 9203. PURPOSES.**

18           *“The purposes of this part are to—*

19                   “(1) *authorize and develop innovative edu-*  
20                   *cational programs to assist Native Hawaiians in*  
21                   *reaching the National Education Goals;*

22                   “(2) *provide direction and guidance to appro-*  
23                   *priate Federal, State, and local agencies to focus re-*  
24                   *sources, including resources made available under this*

1        *part, on Native Hawaiian education, and to provide*  
 2        *periodic assessment and data collection;*

3            *“(3) supplement and expand programs and au-*  
 4        *thorities in the area of education to further the pur-*  
 5        *poses of this title; and*

6            *“(4) encourage the maximum participation of*  
 7        *Native Hawaiians in planning and management of*  
 8        *Native Hawaiian education programs.*

9        **“SEC. 9204. NATIVE HAWAIIAN EDUCATION COUNCIL AND**  
 10        **ISLAND COUNCILS.**

11        *“(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDU-*  
 12        *CATION COUNCIL.—In order to better effectuate the purposes*  
 13        *of this part through the coordination of educational and*  
 14        *related services and programs available to Native Hawai-*  
 15        *ians, including those programs receiving funding under this*  
 16        *part, the Secretary is authorized to establish a Native Ha-*  
 17        *waiian Education Council (referred to in this part as the*  
 18        *‘Education Council’).*

19        *“(b) COMPOSITION OF EDUCATION COUNCIL.—The*  
 20        *Education Council shall consist of not more than 21 mem-*  
 21        *bers, unless otherwise determined by a majority of the coun-*  
 22        *cil.*

23        *“(c) CONDITIONS AND TERMS.—*

24            *“(1) CONDITIONS.—At least 10 members of the*  
 25        *Education Council shall be Native Hawaiian edu-*

1        *cation service providers and 10 members of the Edu-*  
 2        *cation Council shall be Native Hawaiians or Native*  
 3        *Hawaiian education consumers. In addition, a rep-*  
 4        *resentative of the State of Hawai'i Office of Hawai-*  
 5        *ian Affairs shall serve as a member of the Education*  
 6        *Council.*

7                *“(2) APPOINTMENTS.—The members of the Edu-*  
 8        *cation Council shall be appointed by the Secretary*  
 9        *based on recommendations received from the Native*  
 10        *Hawaiian community.*

11                *“(3) TERMS.—Members of the Education Council*  
 12        *shall serve for staggered terms of 3 years, except as*  
 13        *provided in paragraph (4).*

14                *“(4) COUNCIL DETERMINATIONS.—Additional*  
 15        *conditions and terms relating to membership on the*  
 16        *Education Council, including term lengths and term*  
 17        *renewals, shall be determined by a majority of the*  
 18        *Education Council.*

19                *“(d) NATIVE HAWAIIAN EDUCATION COUNCIL*  
 20        *GRANT.—The Secretary shall make a direct grant to the*  
 21        *Education Council in order to enable the Education Coun-*  
 22        *cil to—*

23                *“(1) coordinate the educational and related serv-*  
 24        *ices and programs available to Native Hawaiians, in-*  
 25        *cluding the programs assisted under this part;*

1           “(2) assess the extent to which such services and  
2           programs meet the needs of Native Hawaiians, and  
3           collect data on the status of Native Hawaiian edu-  
4           cation;

5           “(3) provide direction and guidance, through the  
6           issuance of reports and recommendations, to appro-  
7           priate Federal, State, and local agencies in order to  
8           focus and improve the use of resources, including re-  
9           sources made available under this part, relating to  
10          Native Hawaiian education, and serve, where appro-  
11          priate, in an advisory capacity; and

12          “(4) make direct grants, if such grants enable the  
13          Education Council to carry out the duties of the Edu-  
14          cation Council, as described in paragraphs (1)  
15          through (3).

16          “(e) *ADDITIONAL DUTIES OF THE EDUCATION COUN-*  
17          *CIL.—*

18                 “(1) *IN GENERAL.—*The Education Council shall  
19                 provide copies of any reports and recommendations  
20                 issued by the Education Council, including any infor-  
21                 mation that the Education Council provides to the  
22                 Secretary pursuant to subsection (i), to the Secretary,  
23                 the Committee on Education and the Workforce of the  
24                 House of Representatives, and the Committee on In-  
25                 dian Affairs of the Senate.



1           “(2) *ANNUAL REPORT.*—*The Education Council*  
 2           *shall prepare and submit to the Secretary an annual*  
 3           *report on the Education Council’s activities.*

4           “(3) *ISLAND COUNCIL SUPPORT AND ASSIST-*  
 5           *ANCE.*—*The Education Council shall provide such ad-*  
 6           *ministrative support and financial assistance to the*  
 7           *island councils established pursuant to subsection (f)*  
 8           *as the Secretary determines to be appropriate, in a*  
 9           *manner that supports the distinct needs of each island*  
 10           *council.*

11           “(f) *ESTABLISHMENT OF ISLAND COUNCILS.*—

12           “(1) *IN GENERAL.*—*In order to better effectuate*  
 13           *the purposes of this part and to ensure the adequate*  
 14           *representation of island and community interests*  
 15           *within the Education Council, the Secretary is au-*  
 16           *thorized to facilitate the establishment of Native Ha-*  
 17           *waiian education island councils (referred to individ-*  
 18           *ually in this part as an ‘island council’) for the fol-*  
 19           *lowing islands:*

20                   “(A) *Hawai‘i.*

21                   “(B) *Mauī.*

22                   “(C) *Moloka‘i.*

23                   “(D) *Lana‘i.*

24                   “(E) *O‘ahu.*

25                   “(F) *Kaua‘i.*

1                   “(G) *Ni‘ihau.*

2                   “(2) *COMPOSITION OF ISLAND COUNCILS.—Each*  
3                   *island council shall consist of parents, students, and*  
4                   *other community members who have an interest in*  
5                   *the education of Native Hawaiians, and shall be rep-*  
6                   *resentative of individuals concerned with the edu-*  
7                   *cational needs of all age groups, from children in pre-*  
8                   *school through adults. At least  $\frac{3}{4}$  of the members of*  
9                   *each island council shall be Native Hawaiians.*

10                  “(g) *ADMINISTRATIVE PROVISIONS RELATING TO EDU-*  
11                  *CATION COUNCIL AND ISLAND COUNCILS.—The Education*  
12                  *Council and each island council shall meet at the call of*  
13                  *the chairperson of the appropriate council, or upon the re-*  
14                  *quest of the majority of the members of the appropriate*  
15                  *council, but in any event not less often than 4 times during*  
16                  *each calendar year. The provisions of the Federal Advisory*  
17                  *Committee Act shall not apply to the Education Council*  
18                  *and each island council.*

19                  “(h) *COMPENSATION.—Members of the Education*  
20                  *Council and each island council shall not receive any com-*  
21                  *penensation for service on the Education Council and each*  
22                  *island council, respectively.*

23                  “(i) *REPORT.—Not later than 4 years after the date*  
24                  *of enactment of the Educational Opportunities Act, the Sec-*  
25                  *retary shall prepare and submit to the Committee on Edu-*

1 *cation and the Workforce of the House of Representatives*  
 2 *and the Committee on Indian Affairs of the Senate a report*  
 3 *that summarizes the annual reports of the Education Coun-*  
 4 *cil, describes the allocation and use of funds under this part,*  
 5 *and contains recommendations for changes in Federal,*  
 6 *State, and local policy to advance the purposes of this part.*

7       “(j) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
 8 *authorized to be appropriated to carry out this section*  
 9 *\$300,000 for fiscal year 2001 and such sums as may be*  
 10 *necessary for each of the 4 succeeding fiscal years. Funds*  
 11 *appropriated under this subsection shall remain available*  
 12 *until expended.*

13 **“SEC. 9205. PROGRAM AUTHORIZED.**

14       “(a) *GENERAL AUTHORITY.—*

15               “(1) *GRANTS AND CONTRACTS.—The Secretary is*  
 16 *authorized to make direct grants to, or enter into con-*  
 17 *tracts with—*

18                       “(A) *Native Hawaiian educational organi-*  
 19 *zations;*

20                       “(B) *Native Hawaiian community-based*  
 21 *organizations;*

22                       “(C) *public and private nonprofit organiza-*  
 23 *tions, agencies, and institutions with experience*  
 24 *in developing or operating Native Hawaiian*

1            *programs or programs of instruction in the Na-*  
2            *tive Hawaiian language; and*

3            *“(D) consortia of the organizations, agen-*  
4            *cies, and institutions described in subparagraphs*  
5            *(A) through (C),*

6            *to carry out programs that meet the purposes of this*  
7            *part.*

8            *“(2) PRIORITIES.—In awarding grants or con-*  
9            *tracts to carry out activities described in paragraph*  
10           *(3), the Secretary shall give priority to entities pro-*  
11           *posing projects that are designed to address—*

12           *“(A) beginning reading and literacy among*  
13           *students in kindergarten through third grade;*

14           *“(B) the needs of at-risk children and*  
15           *youth;*

16           *“(C) needs in fields or disciplines in which*  
17           *Native Hawaiians are underemployed; and*

18           *“(D) the use of the Hawaiian language in*  
19           *instruction.*

20           *“(3) AUTHORIZED ACTIVITIES.—Activities pro-*  
21           *vided through programs carried out under this part*  
22           *may include—*

23           *“(A) the development and maintenance of a*  
24           *statewide Native Hawaiian early education and*  
25           *care system to provide a continuum of services*

1           *for Native Hawaiian children from the prenatal*  
2           *period of the children through age 5;*

3           “(B) *the operation of family-based edu-*  
4           *cation centers that provide such services as—*

5                   “(i) *programs for Native Hawaiian*  
6                   *parents and their infants from the prenatal*  
7                   *period of the infants through age 3;*

8                   “(ii) *preschool programs for Native*  
9                   *Hawaiians; and*

10                   “(iii) *research on, and development*  
11                   *and assessment of, family-based, early child-*  
12                   *hood, and preschool programs for Native*  
13                   *Hawaiians;*

14           “(C) *activities that enhance beginning read-*  
15           *ing and literacy in either the Hawaiian or the*  
16           *English language among Native Hawaiian stu-*  
17           *dents in kindergarten through third grade and*  
18           *assistance in addressing the distinct features of*  
19           *combined English and Hawaiian literacy for*  
20           *Hawaiian speakers in fifth and sixth grade;*

21           “(D) *activities to meet the special needs of*  
22           *Native Hawaiian students with disabilities,*  
23           *including—*

24                   “(i) *the identification of such students*  
25                   *and their needs;*

1                   “(ii) the provision of support services  
2                   to the families of those students; and

3                   “(iii) other activities consistent with  
4                   the requirements of the Individuals with  
5                   Disabilities Education Act;

6                   “(E) activities that address the special  
7                   needs of Native Hawaiian students who are gift-  
8                   ed and talented, including—

9                   “(i) educational, psychological, and de-  
10                  velopmental activities designed to assist in  
11                  the educational progress of those students;  
12                  and

13                  “(ii) activities that involve the parents  
14                  of those students in a manner designed to  
15                  assist in the students’ educational progress;

16                  “(F) the development of academic and voca-  
17                  tional curricula to address the needs of Native  
18                  Hawaiian children and adults, including cur-  
19                  riculum materials in the Hawaiian language  
20                  and mathematics and science curricula that in-  
21                  corporate Native Hawaiian tradition and cul-  
22                  ture;

23                  “(G) professional development activities for  
24                  educators, including—

1           “(i) the development of programs to  
2           prepare prospective teachers to address the  
3           unique needs of Native Hawaiian students  
4           within the context of Native Hawaiian cul-  
5           ture, language, and traditions;

6           “(ii) in-service programs to improve  
7           the ability of teachers who teach in schools  
8           with concentrations of Native Hawaiian  
9           students to meet those students’ unique  
10          needs; and

11          “(iii) the recruitment and preparation  
12          of Native Hawaiians, and other individuals  
13          who live in communities with a high con-  
14          centration of Native Hawaiians, to become  
15          teachers;

16          “(H) the operation of community-based  
17          learning centers that address the needs of Native  
18          Hawaiian families and communities through the  
19          coordination of public and private programs and  
20          services, including—

21                  “(i) preschool programs;

22                  “(ii) after-school programs; and

23                  “(iii) vocational and adult education  
24          programs;

1           “(I) activities to enable Native Hawaiians  
2 to enter and complete programs of postsecondary  
3 education, including—

4           “(i) provision of full or partial schol-  
5 arships for undergraduate or graduate  
6 study that are awarded to students based on  
7 their academic promise and financial need,  
8 with a priority, at the graduate level, given  
9 to students entering professions in which  
10 Native Hawaiians are underrepresented;

11           “(ii) family literacy services;

12           “(iii) counseling and support services  
13 for students receiving scholarship assistance;

14           “(iv) counseling and guidance for Na-  
15 tive Hawaiian secondary students who have  
16 the potential to receive scholarships; and

17           “(v) faculty development activities de-  
18 signed to promote the matriculation of Na-  
19 tive Hawaiian students;

20           “(J) research and data collection activities  
21 to determine the educational status and needs of  
22 Native Hawaiian children and adults;

23           “(K) other research and evaluation activi-  
24 ties related to programs carried out under this  
25 part; and



1           “(L) *other activities, consistent with the*  
2           *purposes of this part, to meet the educational*  
3           *needs of Native Hawaiian children and adults.*

4           “(4) *SPECIAL RULE AND CONDITIONS.—*

5           “(A) *INSTITUTIONS OUTSIDE HAWAII.—The*  
6           *Secretary shall not establish a policy under this*  
7           *section that prevents a Native Hawaiian student*  
8           *enrolled at a 2- or 4-year degree granting insti-*  
9           *tution of higher education outside of the State of*  
10           *Hawai‘i from receiving a fellowship pursuant to*  
11           *paragraph (3)(I).*

12           “(B) *FELLOWSHIP CONDITIONS.—The Sec-*  
13           *retary shall establish conditions for receipt of a*  
14           *fellowship awarded under paragraph (3)(I). The*  
15           *conditions shall require that an individual seek-*  
16           *ing such a fellowship enter into a contract to*  
17           *provide professional services, either during the*  
18           *fellowship period or upon completion of a pro-*  
19           *gram of postsecondary education, to the Native*  
20           *Hawaiian community.*

21           “(b) *ADMINISTRATIVE COSTS.—Not more than 5 per-*  
22           *cent of funds provided to a grant recipient under this sec-*  
23           *tion for any fiscal year may be used for administrative pur-*  
24           *poses.*

1       “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
2 *authorized to be appropriated to carry out this section*  
3 *\$23,000,000 for fiscal year 2001 and such sums as may be*  
4 *necessary for each of the 4 succeeding fiscal years. Funds*  
5 *appropriated under this subsection shall remain available*  
6 *until expended.*

7       “**SEC. 9206. ADMINISTRATIVE PROVISIONS.**

8       “(a) *APPLICATION REQUIRED.*—*No grant may be*  
9 *made under this part, and no contract may be entered into*  
10 *under this part, unless the entity seeking the grant or con-*  
11 *tract submits an application to the Secretary at such time,*  
12 *in such manner, and containing such information as the*  
13 *Secretary may determine to be necessary to carry out the*  
14 *provisions of this part.*

15       “(b) *SPECIAL RULE.*—*Each applicant for a grant or*  
16 *contract under this part shall submit the application for*  
17 *comment to the local educational agency serving students*  
18 *who will participate in the program to be carried out under*  
19 *the grant or contract, and include those comments, if any,*  
20 *with the application to the Secretary.*

21       “**SEC. 9207. DEFINITIONS.**

22       “*In this part:*

23               “(1) *NATIVE HAWAIIAN.*—*The term ‘Native Ha-*  
24 *waiian’ means any individual who is—*

25                       “(A) *a citizen of the United States; and*

1           “(B) a descendant of the aboriginal people  
2           who, prior to 1778, occupied and exercised sov-  
3           ereignty in the area that now comprises the  
4           State of Hawai‘i, as evidenced by—

5                     “(i) genealogical records;

6                     “(ii) Kupuna (elders) or Kama‘aina  
7                     (long-term       community       residents)  
8                     verification; or

9                     “(iii) certified birth records.

10           “(2) NATIVE HAWAIIAN COMMUNITY-BASED ORGA-  
11           NIZATION.—The term ‘Native Hawaiian community-  
12           based organization’ means any organization that is  
13           composed primarily of Native Hawaiians from a spe-  
14           cific community and that assists in the social, cul-  
15           tural, and educational development of Native Hawai-  
16           ians in that community.

17           “(3) NATIVE HAWAIIAN EDUCATIONAL ORGANIZA-  
18           TION.—The term ‘Native Hawaiian educational orga-  
19           nization’ means a private nonprofit organization  
20           that—

21                     “(A) serves the interests of Native Hawai-  
22                     ians;

23                     “(B) has Native Hawaiians in substantive  
24                     and policymaking positions within the organiza-  
25                     tion;

1           “(C) incorporates Native Hawaiian per-  
2           spective, values, language, culture, and tradi-  
3           tions into the core function of the organization;

4           “(D) has demonstrated expertise in the edu-  
5           cation of Native Hawaiian youth; and

6           “(E) has demonstrated expertise in research  
7           and program development.

8           “(4) NATIVE HAWAIIAN LANGUAGE.—The term  
9           ‘Native Hawaiian language’ means the single Native  
10          American language indigenous to the original inhab-  
11          itants of the State of Hawai‘i.

12          “(5) NATIVE HAWAIIAN ORGANIZATION.—The  
13          term ‘Native Hawaiian organization’ means a pri-  
14          vate nonprofit organization that—

15               “(A) serves the interests of Native Hawai-  
16               ians;

17               “(B) has Native Hawaiians in substantive  
18               and policymaking positions within the organiza-  
19               tions; and

20               “(C) is recognized by the Governor of  
21               Hawai‘i for the purpose of planning, conducting,  
22               or administering programs (or portions of pro-  
23               grams) for the benefit of Native Hawaiians.

24          “(6) OFFICE OF HAWAIIAN AFFAIRS.—The term  
25          ‘Office of Hawaiian Affairs’ means the office of Ha-

1        *waiian Affairs established by the Constitution of the*  
2        *State of Hawai‘i.*

3            **“PART C—ALASKA NATIVE EDUCATION**

4        **“SEC. 9301. SHORT TITLE.**

5            *“This part may be cited as the ‘Alaska Native Edu-*  
6        *catational Equity, Support, and Assistance Act’.*

7        **“SEC. 9302. FINDINGS.**

8            *“Congress finds the following:*

9                    *“(1) The attainment of educational success is*  
10        *critical to the betterment of the conditions, long-term*  
11        *well-being, and preservation of the culture of Alaska*  
12        *Natives.*

13                    *“(2) It is the policy of the Federal Government*  
14        *to encourage the maximum participation by Alaska*  
15        *Natives in the planning and the management of Alas-*  
16        *ka Native education programs.*

17                    *“(3) Alaska Native children enter and exit school*  
18        *with serious educational handicaps.*

19                    *“(4) The educational achievement of Alaska Na-*  
20        *tive children is far below national norms. Native per-*  
21        *formance on standardized tests is low, Native student*  
22        *dropout rates are high, and Natives are significantly*  
23        *underrepresented among holders of baccalaureate de-*  
24        *grees in the State of Alaska. As a result, Native stu-*  
25        *dents are being denied their opportunity to become*

1 *full participants in society by grade school and high*  
2 *school educations that are condemning an entire gen-*  
3 *eration to an underclass status and a life of limited*  
4 *choices.*

5 *“(5) The programs authorized in this title, com-*  
6 *bined with expanded Head Start, infant learning and*  
7 *early childhood education programs, and parent edu-*  
8 *cation programs are essential if educational handi-*  
9 *caps are to be overcome.*

10 *“(6) The sheer magnitude of the geographic bar-*  
11 *riers to be overcome in delivering educational services*  
12 *in rural Alaska and Alaska villages should be ad-*  
13 *dressed through the development and implementation*  
14 *of innovative, model programs in a variety of areas.*

15 *“(7) Congress finds that Native children should*  
16 *be afforded the opportunity to begin their formal edu-*  
17 *cation on a par with their non-Native peers. The Fed-*  
18 *eral Government should lend support to efforts devel-*  
19 *oped by and undertaken within the Alaska Native*  
20 *community to improve educational opportunity for*  
21 *all students.*

22 **“SEC. 9303. PURPOSES.**

23 *“The purposes of this part are to—*

24 *“(1) recognize the unique educational needs of*  
25 *Alaska Natives;*

1           “(2) authorize the development of supplemental  
2           educational programs to benefit Alaska Natives;

3           “(3) supplement programs and authorities in the  
4           area of education to further the objectives of this part;  
5           and

6           “(4) provide direction and guidance to appro-  
7           priate Federal, State, and local agencies to focus re-  
8           sources, including resources made available under this  
9           part, on meeting the educational needs of Alaska Na-  
10          tives.

11 **“SEC. 9304. PROGRAM AUTHORIZED.**

12          “(a) *GENERAL AUTHORITY.*—

13                 “(1) *GRANTS AND CONTRACTS.*—*The Secretary is*  
14                 *authorized to make grants to, or enter into contracts*  
15                 *with, Alaska Native organizations, educational enti-*  
16                 *ties with experience in developing or operating Alaska*  
17                 *Native programs or programs of instruction con-*  
18                 *ducted in Alaska Native languages, and consortia of*  
19                 *such organizations and entities to carry out programs*  
20                 *that meet the purposes of this part.*

21                 “(2) *PERMISSIBLE ACTIVITIES.*—*Activities pro-*  
22                 *vided through programs carried out under this part*  
23                 *may include—*

1           “(A) the development and implementation  
2 of plans, methods, and strategies to improve the  
3 education of Alaska Natives;

4           “(B) the development of curricula and edu-  
5 cational programs that address the educational  
6 needs of Alaska Native students, including—

7               “(i) curriculum materials that reflect  
8 the cultural diversity or the contributions of  
9 Alaska Natives;

10              “(ii) instructional programs that make  
11 use of Native Alaskan languages; and

12              “(iii) networks that introduce success-  
13 ful programs, materials, and techniques to  
14 urban and rural schools;

15           “(C) professional development activities for  
16 educators, including—

17               “(i) programs to prepare teachers to  
18 address the cultural diversity and unique  
19 needs of Alaska Native students;

20              “(ii) in-service programs to improve  
21 the ability of teachers to meet the unique  
22 needs of Alaska Native students; and

23              “(iii) recruitment and preparation of  
24 teachers who are Alaska Native, reside in  
25 communities with high concentrations of



1           *Alaska Native students, or are likely to suc-*  
2           *ceed as teachers in isolated, rural commu-*  
3           *nities and engage in cross-cultural instruc-*  
4           *tion in Alaska;*

5           “(D) *the development and operation of home*  
6           *instruction programs for Alaska Native preschool*  
7           *children, the purpose of which is to ensure the*  
8           *active involvement of parents in their children’s*  
9           *education from the earliest ages;*

10           “(E) *family literacy services;*

11           “(F) *the development and operation of stu-*  
12           *dent enrichment programs in science and mathe-*  
13           *matics that—*

14                   “(i) *are designed to prepare Alaska*  
15                   *Native students from rural areas, who are*  
16                   *preparing to enter secondary school, to excel*  
17                   *in science and math; and*

18                   “(ii) *provide appropriate support serv-*  
19                   *ices to the families of such students that are*  
20                   *needed to enable such students to benefit*  
21                   *from the programs;*

22           “(G) *research and data collection activities*  
23           *to determine the educational status and needs of*  
24           *Alaska Native children and adults;*

1           “(H) other research and evaluation activi-  
2 ties related to programs carried out under this  
3 part; and

4           “(I) other activities, consistent with the  
5 purposes of this part, to meet the educational  
6 needs of Alaska Native children and adults.

7           “(3) HOME INSTRUCTION PROGRAMS.—Home in-  
8 struction programs for Alaska Native preschool chil-  
9 dren carried out under paragraph (2)(D) may  
10 include—

11           “(A) programs for parents and their in-  
12 fants, from the prenatal period of the infant  
13 through age 3;

14           “(B) preschool programs; and

15           “(C) training, education, and support for  
16 parents in such areas as reading readiness, ob-  
17 servation, story telling, and critical thinking.

18           “(b) ADMINISTRATIVE COSTS.—Not more than 5 per-  
19 cent of funds provided to a grant recipient under this sec-  
20 tion for any fiscal year may be used for administrative pur-  
21 poses.

22           “(c) AUTHORIZATION OF APPROPRIATIONS.—There are  
23 authorized to be appropriated to carry out this section  
24 \$17,000,000 for fiscal year 2001 and such sums as may be  
25 necessary for each of the 4 succeeding fiscal years.

1 **“SEC. 9305. ADMINISTRATIVE PROVISIONS.**

2       “(a) *APPLICATION REQUIRED.*—No grant may be  
3 made under this part, and no contract may be entered into  
4 under this part, unless the entity seeking the grant or con-  
5 tract submits an application to the Secretary at such time,  
6 in such manner, and containing such information as the  
7 Secretary may determine to be necessary to carry out the  
8 provisions of this part.

9       “(b) *APPLICATIONS.*—A State educational agency or  
10 local educational agency may apply for a grant or contract  
11 under this part only as part of a consortium involving an  
12 Alaska Native organization. The consortium may include  
13 other eligible applicants.

14       “(c) *CONSULTATION REQUIRED.*—Each applicant for  
15 a grant or contract under this part shall provide for ongo-  
16 ing advice from and consultation with representatives of the  
17 Alaska Native community.

18       “(d) *LOCAL EDUCATIONAL AGENCY COORDINATION.*—  
19 Each applicant for a grant or contract under this part shall  
20 inform each local educational agency serving students who  
21 will participate in the program to be carried out under the  
22 grant or contract about the application.

23 **“SEC. 9306. DEFINITIONS.**

24       “*In this part:*

1           “(1) *ALASKA NATIVE*.—The term ‘Alaska Native’  
2           has the meaning given the term ‘Native’ in section  
3           3(b) of the Alaska Native Claims Settlement Act.

4           “(2) *ALASKA NATIVE ORGANIZATION*.—The term  
5           ‘Alaska Native organization’ means a federally recog-  
6           nized tribe, consortium of tribes, regional nonprofit  
7           Native association, or another organization that—

8                   “(A) has or commits to acquire expertise in  
9                   the education of Alaska Natives; and

10                   “(B) has Alaska Natives in substantive and  
11                   policymaking positions within the organiza-  
12                   tion.”.

13 **SEC. 902. CONFORMING AMENDMENTS.**

14           (a) *HIGHER EDUCATION ACT OF 1965*.—Section  
15           317(b) of the Higher Education Act of 1965 (20 U.S.C.  
16           1059d(b)) is amended—

17                   (1) in paragraph (1), by striking “section 9308”  
18                   and inserting “section 9306”; and

19                   (2) in paragraph (3), by striking “section 9212”  
20                   and inserting “section 9207”.

21           (b) *PUBLIC LAW 88-210*.—Section 116 of Public Law  
22           88-210 (as added by section 1 of Public Law 105-332 (112  
23           Stat. 3076)) is amended by striking “section 9212 of the  
24           Native Hawaiian Education Act (20 U.S.C. 7912)” and in-

1 *serting “section 9207 of the Native Hawaiian Education*  
2 *Act”.*

3 (c) *CARL D. PERKINS VOCATIONAL AND TECHNICAL*  
4 *EDUCATION ACT OF 1998.*—Section 116(a)(5) of the *Carl*  
5 *D. Perkins Vocational and Technical Education Act of 1998*  
6 *(20 U.S.C. 2326(a)(5)) is amended by striking “section*  
7 *9212” and all that follows and inserting “section 9207 of*  
8 *the Native Hawaiian Education Act”.*

9 (d) *MUSEUM AND LIBRARY SERVICES ACT.*—Section  
10 *261 of the Museum and Library Services Act (20 U.S.C.*  
11 *9161) is amended by striking “section 9212 of the Native*  
12 *Hawaiian Education Act (20 U.S.C. 7912)” and inserting*  
13 *“section 9207 of the Native Hawaiian Education Act”.*

14 (e) *ACT OF APRIL 16, 1934.*—Section 5 of the *Act of*  
15 *April 16, 1934 (commonly known as the “Johnson-O’Malley*  
16 *Act”)* (88 Stat. 2213; 25 U.S.C. 456) is amended by strik-  
17 *ing “section 9104(c)(4)” and inserting “section 9114(c)(4)”.*

18 (f) *NATIVE AMERICAN LANGUAGES ACT.*—Section 103  
19 *of the Native American Languages Act (25 U.S.C. 2902)*  
20 *is amended—*

21 (1) *in paragraph (2), by striking “section*  
22 *9161(4) of the Elementary and Secondary Education*  
23 *Act of 1965 (20 U.S.C. 7881(4))” and inserting “sec-*  
24 *tion 9161(3) of the Elementary and Secondary Edu-*  
25 *cation Act of 1965”;* and

1           (2) *in paragraph (3), by striking “section*  
 2           *9212(1) of the Elementary and Secondary Education*  
 3           *Act of 1965 (20 U.S.C. 7912(1))” and inserting “sec-*  
 4           *tion 9207 of the Elementary and Secondary Edu-*  
 5           *cation Act of 1965”.*

6           (g) *WORKFORCE INVESTMENT ACT OF 1998.—Section*  
 7           *166(b)(3) of the Workforce Investment Act of 1998 (29*  
 8           *U.S.C. 2911(b)(3)) is amended by striking “paragraphs (1)*  
 9           *and (3), respectively, of section 9212 of the Native Hawai-*  
 10           *ian Education Act (20 U.S.C. 7912)” and inserting “sec-*  
 11           *tion 9207 of the Native Hawaiian Education Act”.*

12           (h) *ASSETS FOR INDEPENDENCE ACT.—Section*  
 13           *404(11) of the Assets for Independence Act (42 U.S.C. 604*  
 14           *note) is amended by striking “section 9212 of the Native*  
 15           *Hawaiian Education Act (20 U.S.C. 7912)” and inserting*  
 16           *“section 9207 of the Native Hawaiian Education Act”.*

17           **TITLE X—GENERAL PROVISIONS**

18           **SEC. 10001. UNIFORM PROVISIONS.**

19           *The Act (20 U.S.C. 6301 et seq.) is amended—*

20                   (1) *by amending the heading for title X (20*  
 21           *U.S.C. 8001 et seq.) to read as follows:*

22                                   **“TITLE X—GENERAL**  
 23                                   **PROVISIONS”;**

24                   (2) *by repealing part A of title X (20 U.S.C.*  
 25           *8001 et seq.);*

1           (3) *by transferring part E of title XIV (20*  
2 *U.S.C. 8891 et seq.) to title X, inserting such part E*  
3 *after the heading for title X (as so amended), and re-*  
4 *designating such part E (as so transferred) as part*  
5 *A of title X;*

6           (4) *by redesignating sections 14501 through*  
7 *14514 (as so transferred) (20 U.S.C. 8891, 8904) as*  
8 *sections 10101 through 10114;*

9           (5) *in section 10103(b)(1) (as so redesignated)*  
10 *(20 U.S.C. 8893(b)(1)), by striking subparagraphs*  
11 *(A) through (E) and inserting the following:*

12                   *“(A) part C of title I;*

13                   *“(B) title II;*

14                   *“(C) part A of title IV;*

15                   *“(D) part A of title V; and*

16                   *“(E) title VII.”;*

17           (6) *in section 10104 (as so redesignated) (20*  
18 *U.S.C. 8894)—*

19                   *(A) in the matter preceding paragraph (1),*  
20 *by striking “14503” and inserting “10103”; and*

21                   *(B) in paragraph (2), by striking “14503,*  
22 *14505, and 14506” and inserting “10103, 10105,*  
23 *and 10106”;*

1           (7) in section 10105(a) (as so redesignated) (20  
2           U.S.C. 8895(a)), by striking “14503” and inserting  
3           “10103”;

4           (8) in section 10106 (as so redesignated) (20  
5           U.S.C. 8896)—

6                   (A) in subsection (a)(1), by striking  
7                   “14504” and inserting “10104”; and

8                   (B) in subsection (b), by striking “14503”  
9                   and inserting “10103”; and

10           (9) by inserting after section 10114 (as so redesi-  
11           gnated) the following:

12   **“SEC. 10115. CONSTRUCTION.**

13           *“Nothing in this Act shall be construed to prohibit re-  
14           cruiters for the Armed Forces of the United States from re-  
15           ceiving the same access to secondary school students, and  
16           to directory information concerning such students, as is  
17           provided to postsecondary educational institutions or to  
18           prospective employers of such students, because all students  
19           should have access to high quality continuing education or  
20           service opportunities.*

21   **“SEC. 10116. APPLICABILITY TO BUREAU OF INDIAN AF-  
22           FAIRS OPERATED SCHOOLS.**

23           *“For purposes of any competitive program under this  
24           Act—*



1           “(1) a consortium of schools operated by the Bu-  
2           reau of Indian Affairs;

3           “(2) a school operated under a contract or grant  
4           with the Bureau of Indian Affairs in consortium with  
5           another contract or grant school, or with a tribal or  
6           community organization; or

7           “(3) a Bureau of Indian Affairs school in con-  
8           sortium with an institution of higher education, with  
9           a contract or grant school, or with a tribal or commu-  
10          nity organization,

11 shall be given the same consideration as a local educational  
12 agency.”.

13 **SEC. 10002. EVALUATIONS.**

14           Part B of title X (20 U.S.C. 8031 et seq.) is amended  
15 to read as follows:

16                                   **“PART B—EVALUATIONS**

17 **“SEC. 10201. EVALUATIONS.**

18           “(a) *EVALUATIONS.*—

19                                   “(1) *IN GENERAL.*—Except as provided in para-  
20 graph (2), the Secretary is authorized to reserve not  
21 more than 0.50 percent of the amount appropriated  
22 to carry out each program authorized under this  
23 Act—

24                                   “(A) to carry out comprehensive evaluations  
25                                   of categorical programs and demonstration

1        *projects, and studies of program effectiveness,*  
2        *under this Act, and the administrative impact of*  
3        *such programs on schools and local educational*  
4        *agencies in accordance with subsection (b);*

5            *“(B) to evaluate the aggregate short- and*  
6            *long-term effects and cost efficiencies across Fed-*  
7            *eral programs under this Act; and*

8            *“(C) to strengthen the usefulness of grant*  
9            *recipient evaluations for continuous program*  
10           *progress through improving the quality, timeli-*  
11           *ness, efficiency, and utilization of program infor-*  
12           *mation on program performance.*

13        *“(2) SPECIAL RULE.—*

14            *“(A) APPLICABILITY.—Paragraph (1) shall*  
15            *not apply to any program under title I.*

16            *“(B) SPECIAL RULE.—If funds are made*  
17            *available under any program assisted under this*  
18            *Act (other than a program under title I) for*  
19            *evaluation activities, then the Secretary shall re-*  
20            *serve no additional funds pursuant to the au-*  
21            *thority in paragraph (1) to evaluate such pro-*  
22            *gram, but shall coordinate the evaluation of such*  
23            *program with the national evaluation described*  
24            *in subsection (b).*

25        *“(b) NATIONAL EVALUATIONS.—*

1           “(1) *IN GENERAL.*—*The Secretary shall use the*  
2           *funds made available under subsection (a)—*

3                   “(A) *to carry out independent studies of*  
4                   *categorical and demonstration programs under*  
5                   *this Act and the administrative impact of such*  
6                   *programs on schools and local educational agen-*  
7                   *cies, that are coordinated with research sup-*  
8                   *ported through the Office of Educational Re-*  
9                   *search and Improvement, using rigorous meth-*  
10                   *odological designs and techniques, including lon-*  
11                   *gitudinal designs, control groups, and random*  
12                   *assignment, as appropriate, to determine—*

13                           “(i) *the success of such programs in*  
14                           *meeting the measurable goals and objectives,*  
15                           *through appropriate targeting, quality serv-*  
16                           *ices, and efficient administration, and in*  
17                           *contributing to achieving America’s Edu-*  
18                           *cation Goals, with a priority on assessing*  
19                           *program impact on student performance;*

20                           “(ii) *the short- and long-term effects of*  
21                           *program participation on program partici-*  
22                           *pants, as appropriate;*

23                           “(iii) *the cost and efficiency of such*  
24                           *programs;*

1           “(iv) to the extent feasible, the cost of  
2           serving all students eligible to be served  
3           under such programs;

4           “(v) specific intervention strategies  
5           and implementation of such strategies that,  
6           based on theory, research and evaluation,  
7           offer the promise of improved achievement  
8           of program objectives;

9           “(vi) promising means of identifying  
10          and disseminating effective management  
11          and educational practices;

12          “(vii) the effect of such programs on  
13          school and local educational agencies’ ad-  
14          ministrative responsibilities and structure,  
15          including the use of local and State re-  
16          sources, with particular attention to schools  
17          and agencies serving a high concentration of  
18          disadvantaged students;

19          “(viii) the effect of Federal categorical  
20          programs at the elementary and secondary  
21          levels on the proliferation of State categor-  
22          ical education aid programs and regula-  
23          tions, including an evaluation of the State  
24          regulations that are developed in response to  
25          Federal education laws; and

1           “(ix) the effect of such programs on  
2           school reform efforts;

3           “(B) to carry out a study of the waivers  
4           granted under section 6601, which study shall  
5           include—

6           “(i) data on the total number of waiver  
7           requests that were granted and the total  
8           number of such requests that were denied,  
9           disaggregated by the statutory or regulatory  
10          requirement for which the waivers were re-  
11          quested; and

12          “(ii) an analysis of the effect of waiv-  
13          ers on categorical program requirements  
14          and other flexibility provisions in this Act  
15          on improvement in educational achievement  
16          of participating students and on school and  
17          local educational agency administrative re-  
18          sponsibilities, structure, and resources based  
19          on an appropriate sample of State edu-  
20          cational agencies, local educational agen-  
21          cies, schools, and tribes receiving waivers;

22          “(C) to carry out a study of the waivers  
23          under section 1114 to support schoolwide pro-  
24          grams which shall include—

1                   “(i) the extent to which schoolwide pro-  
2                   grams are meeting the intent and purposes  
3                   of any program for which provisions were  
4                   waived; and

5                   “(ii) the extent to which the needs of  
6                   all students are being served by such pro-  
7                   grams particularly students who would be  
8                   eligible for assistance under any provisions  
9                   waived; and

10                  “(D) to provide for a study, conducted by  
11                  the National Academy of Sciences, regarding the  
12                  relationship between time and learning, which  
13                  shall include—

14                         “(i) an analysis of the impact of in-  
15                         creasing education time on student achieve-  
16                         ment;

17                         “(ii) an analysis of how schools, teach-  
18                         ers, and students use time and the quality  
19                         of instructional activities;

20                         “(iii) an analysis of how time outside  
21                         of school may be used to enhance student  
22                         learning; and

23                         “(iv) cost estimates for increasing time  
24                         in school.

1           “(2) *INDEPENDENT PANEL.*—*The Secretary shall*  
2           *appoint an independent panel to review the plan for*  
3           *the evaluation described in paragraph (1), to advise*  
4           *the Secretary on such evaluation’s progress, and to*  
5           *comment, if the panel so wishes, on the final report*  
6           *described in paragraph (3).*

7           “(3) *REPORT.*—*The Secretary shall submit a*  
8           *final report on the evaluation described in this sub-*  
9           *section by January 1, 2004, to the Committee on*  
10           *Education and the Workforce of the House of Rep-*  
11           *resentatives and to the Committee on Health, Edu-*  
12           *cation, Labor, and Pensions of the Senate.*

13           “(c) *RECIPIENT EVALUATION AND QUALITY ASSUR-*  
14           *ANCE IMPROVEMENT.*—*The Secretary is authorized to pro-*  
15           *vide guidance, technical assistance, and model programs to*  
16           *recipients of assistance under this Act to strengthen infor-*  
17           *mation for quality assurance and performance information*  
18           *feedback at State and local levels. Such guidance and assist-*  
19           *ance shall promote the development, measurement and re-*  
20           *porting of valid, reliable, timely and consistent performance*  
21           *indicators within a program in order to promote contin-*  
22           *uous program improvement. Nothing in this subsection*  
23           *shall be construed to establish a national data system.”.*

1 **SEC. 10003. AMERICA'S EDUCATION GOALS.**

2 *Part C of title X (20 U.S.C. 8061 et seq.) is amended*  
3 *to read as follows:*

4 **“PART C—AMERICA'S EDUCATION GOALS**

5 **“SEC. 10301. AMERICA'S EDUCATION GOALS.**

6 *“America's Education Goals are as follows:*

7 *“(1) SCHOOL READINESS.—*

8 *“(A) GOAL.—All children in America will*  
9 *start school ready to learn.*

10 *“(B) OBJECTIVES.—The objectives for this*  
11 *goal are that—*

12 *“(i) all children will have access to*  
13 *high-quality and developmentally appro-*  
14 *priate preschool programs that help prepare*  
15 *children for school;*

16 *“(ii) every parent in the United States*  
17 *will be a child's first teacher and devote*  
18 *time each day to helping such parent's pre-*  
19 *school child learn, and parents will have ac-*  
20 *cess to the training and support parents*  
21 *need; and*

22 *“(iii) children will receive the nutri-*  
23 *tion, physical activity experiences, and*  
24 *health care needed to arrive at school with*  
25 *healthy minds and bodies, and to maintain*  
26 *the mental alertness necessary to be pre-*



1            *pared to learn, and the number of low-*  
2            *birthweight babies will be significantly re-*  
3            *duced through enhanced prenatal health sys-*  
4            *tems.*

5            “(2) *SCHOOL COMPLETION.—*

6            “(A) *GOAL.—The high school graduation*  
7            *rate will increase to at least 90 percent.*

8            “(B) *OBJECTIVES.—The objectives for this*  
9            *goal are that—*

10            “(i) *the Nation must dramatically re-*  
11            *duce its school dropout rate, and 75 percent*  
12            *of the students who do drop out will success-*  
13            *fully complete a high school degree or its*  
14            *equivalent; and*

15            “(ii) *the gap in high school graduation*  
16            *rates between American students from mi-*  
17            *nority backgrounds and their non-minority*  
18            *counterparts will be eliminated.*

19            “(3) *STUDENT ACHIEVEMENT AND CITIZEN-*  
20            *SHIP.—*

21            “(A) *GOAL.—All students will leave grades*  
22            *4, 8, and 12 having demonstrated competency*  
23            *over challenging subject matter including*  
24            *English, mathematics, science, foreign languages,*  
25            *civics and government, economics, arts, history,*

1           *and geography, and every school in America will*  
2           *ensure that all students learn to use their minds*  
3           *well, so they may be prepared for responsible*  
4           *citizenship, further learning, and productive em-*  
5           *ployment in our Nation's modern economy.*

6           “(B) *OBJECTIVES.*—*The objectives for this*  
7           *goal are that—*

8                   “(i) *the academic performance of all*  
9                   *students at the elementary and secondary*  
10                  *level will increase significantly in every*  
11                  *quartile, and the distribution of minority*  
12                  *students in each quartile will more closely*  
13                  *reflect the student population as a whole;*

14                  “(ii) *the percentage of all students who*  
15                  *demonstrate the ability to reason, solve*  
16                  *problems, apply knowledge, and write and*  
17                  *communicate effectively will increase sub-*  
18                  *stantially;*

19                  “(iii) *all students will be involved in*  
20                  *activities that promote and demonstrate*  
21                  *good citizenship, good health, community*  
22                  *service, and personal responsibility;*

23                  “(iv) *all students will have access to*  
24                  *physical education and health education to*  
25                  *ensure they are healthy and fit;*

1           “(v) the percentage of all students who  
2           are competent in more than one language  
3           will substantially increase; and

4           “(vi) all students will be knowledgeable  
5           about the diverse cultural heritage of this  
6           Nation and about the world community.

7           “(4) *TEACHER EDUCATION AND PROFESSIONAL*  
8           *DEVELOPMENT.—*

9           “(A) *GOAL.—The Nation’s teaching force*  
10          *will have access to programs for the continued*  
11          *improvement of their professional skills and the*  
12          *opportunity to acquire the knowledge and skills*  
13          *needed to instruct and prepare all American stu-*  
14          *dents.*

15          “(B) *OBJECTIVES.—The objectives for this*  
16          *goal are that—*

17               “(i) all teachers will have access to  
18               preservice teacher education and continuing  
19               professional development activities that will  
20               provide such teachers with the knowledge  
21               and skills needed to teach to an increasingly  
22               diverse student population with a variety of  
23               educational, social, and health needs;

24               “(ii) all teachers will have continuing  
25               opportunities to acquire additional knowl-

1 *edge and skills needed to teach challenging*  
2 *subject matter and to use emerging new*  
3 *methods, forms of assessment, and tech-*  
4 *nologies;*

5 *“(iii) States and school districts will*  
6 *create integrated strategies to attract, re-*  
7 *cruit, prepare, retrain, and support the con-*  
8 *tinued professional development of teachers,*  
9 *administrators, and other educators, so that*  
10 *there is a highly talented work force of pro-*  
11 *fessional educators to teach challenging sub-*  
12 *ject matter; and*

13 *“(iv) partnerships will be established,*  
14 *whenever possible, among local educational*  
15 *agencies, institutions of higher education,*  
16 *parents, and local labor, business, and pro-*  
17 *fessional associations to provide and sup-*  
18 *port programs for the professional develop-*  
19 *ment of educators.*

20 *“(5) MATHEMATICS AND SCIENCE.—*

21 *“(A) GOAL.—United States students will be*  
22 *first in the world in mathematics and science*  
23 *achievement.*

24 *“(B) OBJECTIVES.—The objectives for this*  
25 *goal are that—*

1           “(i) *mathematics and science edu-*  
2           *cation, including the metric system of meas-*  
3           *urement, will be strengthened throughout the*  
4           *education system, especially in the early*  
5           *grades;*

6           “(ii) *the number of teachers with a*  
7           *substantive background in mathematics and*  
8           *science, including the metric system of*  
9           *measurement, will increase by 50 percent;*  
10          *and*

11          “(iii) *the number of United States un-*  
12          *dergraduate and graduate students, espe-*  
13          *cially women and minorities, who complete*  
14          *degrees in mathematics, science, and engi-*  
15          *neering will increase significantly.*

16          “(6) *ADULT LITERACY AND LIFELONG LEARN-*  
17          *ING.—*

18                 “(A) *GOAL.—Every adult American will be*  
19                 *literate and will possess the knowledge and skills*  
20                 *necessary to compete in a global economy and*  
21                 *exercise the rights and responsibilities of citizen-*  
22                 *ship.*

23                 “(B) *OBJECTIVES.—The objectives for this*  
24                 *goal are that—*

1           “(i) every major American business  
2 will be involved in strengthening the con-  
3 nection between education and work;

4           “(ii) all workers will have the oppor-  
5 tunity to acquire the knowledge and skills,  
6 from basic to highly technical, needed to  
7 adapt to emerging new technologies, work  
8 methods, and markets through public and  
9 private educational, vocational, technical,  
10 workplace, or other programs;

11           “(iii) the number of quality programs,  
12 including those at libraries, that are de-  
13 signed to serve more effectively the needs of  
14 the growing number of part-time and  
15 midcareer students will increase substan-  
16 tially;

17           “(iv) the proportion of the qualified  
18 students, especially minorities, who enter  
19 college, who complete at least two years, and  
20 who complete their degree programs will in-  
21 crease substantially;

22           “(v) the proportion of college graduates  
23 who demonstrate an advanced ability to  
24 think critically, communicate effectively,

1           *and solve problems will increase substan-*  
2           *tially; and*

3           “(vi) *schools, in implementing com-*  
4           *prehensive parent involvement programs,*  
5           *will offer more adult literacy, parent train-*  
6           *ing and life-long learning opportunities to*  
7           *improve the ties between home and school,*  
8           *and enhance parents’ work and home lives.*

9           “(7) *SAFE, DISCIPLINED, AND ALCOHOL- AND*  
10          *DRUG-FREE SCHOOLS.—*

11           “(A) *GOAL.—Every school in the United*  
12           *States will be free of drugs, violence, and the un-*  
13           *authorized presence of firearms and alcohol, and*  
14           *will offer a disciplined environment conducive to*  
15           *learning.*

16           “(B) *OBJECTIVES.—The objectives for this*  
17           *goal are that—*

18           “(i) *every school will implement a firm*  
19           *and fair policy on use, possession, and dis-*  
20           *tribution of drugs and alcohol;*

21           “(ii) *parents, businesses, governmental*  
22           *and community organizations will work to-*  
23           *gether to ensure the rights of students to*  
24           *study in a safe and secure environment that*  
25           *is free of drugs and crime, and that schools*

1           *provide a healthy environment and are a*  
2           *safe haven for all children;*

3           “(iii) *every local educational agency*  
4           *will develop and implement a policy to en-*  
5           *sure that all schools are free of violence and*  
6           *the unauthorized presence of weapons;*

7           “(iv) *every local educational agency*  
8           *will develop a sequential, comprehensive*  
9           *kindergarten through twelfth grade drug*  
10           *and alcohol prevention education program;*

11           “(v) *drug and alcohol curriculum*  
12           *should be taught as an integral part of se-*  
13           *quential, comprehensive health education;*

14           “(vi) *community-based teams should be*  
15           *organized to provide students and teachers*  
16           *with needed support; and*

17           “(vii) *every school should work to*  
18           *eliminate sexual harassment.*

19           “(8) *PARENTAL PARTICIPATION.—*

20           “(A) *GOAL.—Every school will promote*  
21           *partnerships that will increase parental involve-*  
22           *ment and participation in promoting the social,*  
23           *emotional, and academic growth of children.*

24           “(B) *OBJECTIVES.—The objectives for this*  
25           *Goal are that—*



1           “(i) every State will develop policies to  
 2           assist local schools and local educational  
 3           agencies to establish programs for increas-  
 4           ing partnerships that respond to the vary-  
 5           ing needs of parents and the home, includ-  
 6           ing parents of children who are disadvan-  
 7           taged or bilingual, or parents of children  
 8           with disabilities;

9           “(ii) every school will actively engage  
 10          parents and families in a partnership  
 11          which supports the academic work of chil-  
 12          dren at home and shared educational deci-  
 13          sionmaking at school; and

14          “(iii) parents and families will help to  
 15          ensure that schools are adequately supported  
 16          and will hold schools and teachers to high  
 17          standards of accountability.”.

18 **SEC. 10004. AMERICA’S EDUCATION GOALS PANEL.**

19          (a) *AMENDMENT.*—Part D of title X (20 U.S.C. 8091  
 20 *et seq.*) is amended to read as follows:

21 **“PART D—AMERICA’S EDUCATION GOALS PANEL**

22 **“SEC. 10401. AMERICA’S EDUCATION GOALS PANEL.**

23          “(a) *PURPOSE.*—It is the purpose of this section to es-  
 24 *tablish a bipartisan mechanism for—*

1           “(1) *building a national consensus for education*  
2           *improvement; and*

3           “(2) *reporting on progress toward achieving the*  
4           *National Education Goals.*

5           “(b) *AMERICA’S EDUCATION GOALS PANEL.—*

6           “(1) *ESTABLISHMENT.—There is established in*  
7           *the executive branch an America’s Education Goals*  
8           *Panel (hereafter in this section referred to as the*  
9           *‘Goals Panel’) to advise the President, the Secretary,*  
10          *and Congress.*

11          “(2) *COMPOSITION.—The Goals Panel shall be*  
12          *composed of 18 members (hereafter in this section re-*  
13          *ferred to as ‘members’), including—*

14                  “(A) *2 members appointed by the President;*

15                  “(B) *8 members who are Governors, 3 of*  
16                  *whom shall be from the same political party as*  
17                  *the President and 5 of whom shall be from the*  
18                  *opposite political party of the President, ap-*  
19                  *pointed by the Chairperson and Vice Chair-*  
20                  *person of the National Governors’ Association,*  
21                  *with the Chairperson and Vice Chairperson each*  
22                  *appointing representatives of such Chairperson’s*  
23                  *or Vice Chairperson’s respective political party,*  
24                  *in consultation with each other;*

25                  “(C) *4 Members of Congress, of whom—*

1           “(i) 1 member shall be appointed by  
2           the Majority Leader of the Senate from  
3           among the Members of the Senate;

4           “(ii) 1 member shall be appointed by  
5           the Minority Leader of the Senate from  
6           among the Members of the Senate;

7           “(iii) 1 member shall be appointed by  
8           the Majority Leader of the House of Rep-  
9           resentatives from among the Members of the  
10          House of Representatives; and

11          “(iv) 1 member shall be appointed by  
12          the Minority Leader of the House of Rep-  
13          resentatives from among the Members of the  
14          House of Representatives; and

15          “(D) 4 members of State legislatures ap-  
16          pointed by the President of the National Con-  
17          ference of State Legislatures, of whom 2 shall be  
18          of the same political party as the President of  
19          the United States.

20          “(3) SPECIAL APPOINTMENT RULES.—

21                 “(A) IN GENERAL.—The members appointed  
22                 pursuant to paragraph (2)(B) shall be appointed  
23                 as follows:

24                         “(i) SAME PARTY.—If the Chairperson  
25                         of the National Governors’ Association is

1           *from the same political party as the Presi-*  
2           *dent, the Chairperson shall appoint 3 indi-*  
3           *viduals and the Vice Chairperson of such*  
4           *association shall appoint 5 individuals.*

5           “(ii) *OPPOSITE PARTY.*—*If the Chair-*  
6           *person of the National Governors’ Associa-*  
7           *tion is from the opposite political party as*  
8           *the President, the Chairperson shall appoint*  
9           *5 individuals and the Vice Chairperson of*  
10          *such association shall appoint 3 individ-*  
11          *uals.*

12          “(B) *SPECIAL RULE.*—*If the National Gov-*  
13          *ernors’ Association has appointed a panel that*  
14          *meets the requirements of paragraph (2) and*  
15          *subparagraph (A), except for the requirements of*  
16          *subparagraph (D) of paragraph (2), prior to the*  
17          *date of enactment of the Elementary and Sec-*  
18          *ondary Education Amendments of 1999, then the*  
19          *members serving on such panel shall be deemed*  
20          *to be in compliance with the provisions of such*  
21          *paragraph and subparagraph and shall not be*  
22          *required to be reappointed pursuant to such*  
23          *paragraph and subparagraph.*

24          “(C) *REPRESENTATION.*—*To the extent fea-*  
25          *sible, the membership of the Goals Panel shall be*

1           *geographically representative and reflect the ra-*  
2           *cial, ethnic, and gender diversity of the United*  
3           *States.*

4           “(4) *TERMS.*—*The terms of service of members*  
5           *shall be as follows:*

6                   “(A) *PRESIDENTIAL APPOINTEES.*—*Mem-*  
7                   *bers appointed under paragraph (2)(A) shall*  
8                   *serve at the pleasure of the President.*

9                   “(B) *GOVERNORS.*—*Members appointed*  
10                   *under paragraph (2)(B) shall serve for 2-year*  
11                   *terms, except that the initial appointments*  
12                   *under such paragraph shall be made to ensure*  
13                   *staggered terms with 1/2 of such members’ terms*  
14                   *concluding every 2 years.*

15                   “(C) *CONGRESSIONAL APPOINTEES AND*  
16                   *STATE LEGISLATORS.*—*Members appointed under*  
17                   *subparagraphs (C) and (D) of paragraph (2)*  
18                   *shall serve for 2-year terms.*

19                   “(5) *DATE OF APPOINTMENT.*—*The initial mem-*  
20                   *bers shall be appointed not later than 60 days after*  
21                   *the date of enactment of the Elementary and Sec-*  
22                   *ondary Education Amendments of 1999.*

23                   “(6) *INITIATION.*—*The Goals Panel may begin to*  
24                   *carry out the Goals Panel’s duties under this section*

1       *when 10 members of the Goals Panel have been ap-*  
2       *pointed.*

3               “(7) *VACANCIES.*—*A vacancy on the Goals Panel*  
4       *shall not affect the powers of the Goals Panel, but*  
5       *shall be filled in the same manner as the original ap-*  
6       *pointment.*

7               “(8) *TRAVEL.*—*Each member may be allowed*  
8       *travel expenses, including per diem in lieu of subsist-*  
9       *ence, as authorized by section 5703 of title 5, United*  
10       *States Code, for each day the member is engaged in*  
11       *the performance of duties for the Goals Panel away*  
12       *from the home or regular place of business of the*  
13       *member.*

14               “(9) *CHAIRPERSON.*—

15                       “(A) *IN GENERAL.*—*The members shall se-*  
16       *lect a Chairperson from among the members.*

17                       “(B) *TERM AND POLITICAL AFFILIATION.*—  
18       *The Chairperson of the Goals Panel shall serve*  
19       *a 1-year term and shall alternate between polit-*  
20       *ical parties.*

21               “(10) *CONFLICT OF INTEREST.*—*A member of the*  
22       *Goals Panel who is an elected official of a State*  
23       *which has developed content or student performance*  
24       *standards may not participate in Goals Panel consid-*  
25       *eration of such standards.*

1           “(11) *EX OFFICIO MEMBER.*—*If the President*  
2           *has not appointed the Secretary as 1 of the 2 mem-*  
3           *bers the President appoints pursuant to paragraph*  
4           *(2)(A), then the Secretary shall serve as a nonvoting*  
5           *ex officio member of the Goals Panel.*

6           “(c) *DUTIES.*—

7           “(1) *IN GENERAL.*—*The Goals Panel shall—*

8           “(A) *report to the President, the Secretary,*  
9           *and Congress regarding the progress the Nation*  
10           *and the States are making toward achieving*  
11           *America’s Education Goals, including issuing an*  
12           *annual report;*

13           “(B) *report on, and widely disseminate*  
14           *through multiple strategies, promising or effec-*  
15           *tive actions being taken at the Federal, State,*  
16           *and local levels, and in the public and private*  
17           *sectors, to achieve America’s Education Goals;*

18           “(C) *report on, and widely disseminate on*  
19           *promising or effective practices pertaining to, the*  
20           *achievement of each of the 8 America’s Edu-*  
21           *cation Goals; and*

22           “(D) *help build a bipartisan consensus for*  
23           *the reforms necessary to achieve America’s Edu-*  
24           *cation Goals.*

25           “(2) *REPORT.*—

1           “(A) *IN GENERAL.*—*The Goals Panel shall*  
2           *annually prepare and submit to the President,*  
3           *the Secretary, the appropriate committees of*  
4           *Congress, and the Governor of each State a re-*  
5           *port that shall—*

6                     “(i) *assess the progress of the United*  
7                     *States toward achieving America’s Edu-*  
8                     *cation Goals; and*

9                     “(ii) *identify actions that should be*  
10                    *taken by Federal, State, and local*  
11                    *governments—*

12                    “(I) *to enhance progress toward*  
13                    *achieving America’s Education Goals;*  
14                    *and*

15                    “(II) *to provide all students with*  
16                    *a fair opportunity-to-learn.*

17           “(B) *FORM; DATA.*—*Reports shall be pre-*  
18           *sented in a form, and include data, that is un-*  
19           *derstandable to parents and the general public.*

20           “(d) *POWERS OF THE GOALS PANEL.*—

21                    “(1) *HEARINGS.*—

22                    “(A) *IN GENERAL.*—*The Goals Panel shall,*  
23                    *for the purpose of carrying out this section, con-*  
24                    *duct such hearings, sit and act at such times and*



1           *places, take such testimony, and receive such evi-*  
2           *dence, as the Goals Panel considers appropriate.*

3           “(B) *REPRESENTATION.*—*In carrying out*  
4           *this section, the Goals Panel shall conduct hear-*  
5           *ings to receive reports, views, and analyses of a*  
6           *broad spectrum of experts and the public on the*  
7           *establishment of voluntary national content*  
8           *standards, voluntary national student perform-*  
9           *ance standards, and State assessments.*

10          “(2) *INFORMATION.*—*The Goals Panel may se-*  
11          *cure directly from any department or agency of the*  
12          *United States information necessary to enable the*  
13          *Goals Panel to carry out this section. Upon request*  
14          *of the Chairperson of the Goals Panel, the head of a*  
15          *department or agency shall furnish such information*  
16          *to the Goals Panel to the extent permitted by law.*

17          “(3) *POSTAL SERVICES.*—*The Goals Panel may*  
18          *use the United States mail in the same manner and*  
19          *under the same conditions as other departments and*  
20          *agencies of the United States.*

21          “(4) *USE OF FACILITIES.*—*The Goals Panel*  
22          *may, with or without reimbursement, and with the*  
23          *consent of any agency or instrumentality of the*  
24          *United States, or of any State or political subdivision*  
25          *thereof, use the research, equipment, services, and fa-*

1 *cilities of such agency, instrumentality, State, or sub-*  
 2 *division, respectively.*

3 “(5) *ADMINISTRATIVE ARRANGEMENTS AND SUP-*  
 4 *PORT.—*

5 “(A) *IN GENERAL.—The Secretary shall*  
 6 *provide to the Goals Panel, on a reimbursable*  
 7 *basis, such administrative support services as the*  
 8 *Goals Panel may request.*

9 “(B) *CONTRACTS AND OTHER ARRANGE-*  
 10 *MENTS.—The Secretary, to the extent appro-*  
 11 *priate, and on a reimbursable basis, shall enter*  
 12 *into contracts and make other arrangements that*  
 13 *are requested by the Goals Panel to help the*  
 14 *Goals Panel compile and analyze data or carry*  
 15 *out other functions necessary to the performance*  
 16 *of such responsibilities.*

17 “(6) *GIFTS.—The Goals Panel may accept, ad-*  
 18 *minister, and utilize gifts or donations of services,*  
 19 *money, or property, whether real or personal, tangible*  
 20 *or intangible.*

21 “(e) *ADMINISTRATIVE PROVISIONS.—*

22 “(1) *MEETINGS.—The Goals Panel shall meet on*  
 23 *a regular basis, as necessary, at the call of the Chair-*  
 24 *person of the Goals Panel or a majority of the Goals*  
 25 *Panel’s members.*

1           “(2) *QUORUM*.—A majority of the members shall  
2           *constitute a quorum for the transaction of business.*

3           “(3) *VOTING AND FINAL DECISION*.—

4           “(A) *VOTING*.—No individual may vote, or  
5           *exercise any of the powers of a member, by*  
6           *proxy.*

7           “(B) *FINAL DECISIONS*.—

8           “(i) *CONSENSUS*.—In making final de-  
9           *isions of the Goals Panel with respect to*  
10           *the exercise of the Goals Panel’s duties and*  
11           *powers the Goals Panel shall operate on the*  
12           *principle of consensus among the members*  
13           *of the Goals Panel.*

14           “(ii) *VOTES*.—Except as otherwise pro-  
15           *vided in this section, if a vote of the mem-*  
16           *bership of the Goals Panel is required to*  
17           *reach a final decision with respect to the ex-*  
18           *ercise of the Goals Panel’s duties and pow-*  
19           *ers, then such final decision shall be made*  
20           *by a  $\frac{3}{4}$  vote of the members of the Goals*  
21           *Panel who are present and voting.*

22           “(4) *PUBLIC ACCESS*.—The Goals Panel shall en-  
23           *sure public access to the Goals Panel’s proceedings*  
24           *(other than proceedings, or portions of proceedings,*  
25           *relating to internal personnel and management mat-*

1       *ters) and make available to the public, at reasonable*  
 2       *cost, transcripts of such proceedings.*

3       “(f) *DIRECTOR AND STAFF; EXPERTS AND CONSULT-*  
 4       *ANTS.—*

5               “(1) *DIRECTOR.—The Chairperson of the Goals*  
 6       *Panel, without regard to the provisions of title 5,*  
 7       *United States Code, relating to the appointment and*  
 8       *compensation of officers or employees of the United*  
 9       *States, shall appoint a Director of the Goals Panel to*  
 10       *be paid at a rate not to exceed the rate of basic pay*  
 11       *payable for level V of the Executive Schedule.*

12               “(2) *APPOINTMENT AND PAY OF EMPLOYEES.—*

13               “(A) *APPOINTMENT.—*

14                       “(i) *IN GENERAL.—The Director may*  
 15       *appoint not more than 4 additional em-*  
 16       *ployees to serve as staff to the Goals Panel*  
 17       *without regard to the provisions of title 5,*  
 18       *United States Code, governing appoint-*  
 19       *ments in the competitive service.*

20                       “(ii) *PAY.—The employees appointed*  
 21       *under subparagraph (A) may be paid with-*  
 22       *out regard to the provisions of chapter 51*  
 23       *and subchapter III of chapter 53 of that*  
 24       *title relating to classification and General*  
 25       *Schedule pay rates, but shall not be paid a*

1           *rate that exceeds the maximum rate of basic*  
2           *pay payable for GS-15 of the General*  
3           *Schedule.*

4           “(B) *ADDITIONAL EMPLOYEES.*—*The Direc-*  
5           *tor may appoint additional employees to serve as*  
6           *staff to the Goals Panel in accordance with title*  
7           *5, United States Code.*

8           “(3) *EXPERTS AND CONSULTANTS.*—*The Goals*  
9           *Panel may procure temporary and intermittent serv-*  
10          *ices of experts and consultants under section 3109(b)*  
11          *of title 5, United States Code.*

12          “(4) *STAFF OF FEDERAL AGENCIES.*—*Upon the*  
13          *request of the Goals Panel, the head of any depart-*  
14          *ment or agency of the United States may detail any*  
15          *of the personnel of such agency to the Goals Panel to*  
16          *assist the Goals Panel in the Goals Panel’s duties*  
17          *under this section.*

18          “(g) *AUTHORIZATION OF APPROPRIATIONS.*—*There*  
19          *are authorized to be appropriated to carry out this part*  
20          *\$2,500,000 for fiscal year 2001 and such sums as may be*  
21          *necessary for each of the 4 succeeding fiscal years.”.*

22          “(b) *TRANSITION RULE.*—*Each individual who is a*  
23          *member or employee of the National Education Goals Panel*  
24          *on the date of enactment of the Elementary and Secondary*  
25          *Education Amendments of 1999 shall be a member or em-*

1 *ployee, respectively, of the America's Education Goals*  
 2 *Panel, without interruption or loss of service or status.*

3 **SEC. 10005. COMPREHENSIVE REGIONAL ASSISTANCE CEN-**  
 4 **TERS.**

5 *Part E of title X (20 U.S.C. 8131 et seq.) is amended*  
 6 *to read as follows:*

7 **“PART E—COMPREHENSIVE REGIONAL**  
 8 **ASSISTANCE CENTERS**

9 **“SEC. 10501. PROGRAM AUTHORIZED.**

10 *“(a) COMPREHENSIVE REGIONAL ASSISTANCE CEN-*  
 11 *TERS.—*

12 *“(1) IN GENERAL.—The Secretary is authorized*  
 13 *to award grants to, or enter into contracts or coopera-*  
 14 *tive agreements with, public or private nonprofit enti-*  
 15 *ties or consortia of such entities in order to establish*  
 16 *a networked system of 15 comprehensive regional as-*  
 17 *sistance centers to provide comprehensive training*  
 18 *and technical assistance, related to administration*  
 19 *and implementation of programs under this Act, to*  
 20 *States, local educational agencies, schools, tribes, com-*  
 21 *munity-based organizations, and other recipients of*  
 22 *funds under this Act.*

23 *“(2) CONSIDERATION.—In establishing com-*  
 24 *prehensive regional assistance centers and allocating*

1        *resources among the centers, the Secretary shall*  
2        *consider—*

3                *“(A) the geographic distribution of students*  
4                *assisted under title I;*

5                *“(B) the geographic and linguistic distribu-*  
6                *tion of students of limited-English proficiency;*

7                *“(C) the geographic distribution of Indian*  
8                *students;*

9                *“(D) the special needs of students living in*  
10                *urban and rural areas; and*

11                *“(E) the special needs of States and out-*  
12                *lying areas in geographic isolation.*

13                *“(3) SPECIAL RULE.—The Secretary shall estab-*  
14                *lish 1 comprehensive regional assistance center under*  
15                *this section in Hawaii.*

16                *“(b) SERVICE TO INDIANS AND ALASKA NATIVES.—*  
17        *The Secretary shall ensure that each comprehensive regional*  
18        *assistance center that serves a region with a significant*  
19        *population of Indian or Alaska Native students shall—*

20                *“(1) be awarded to a consortium which includes*  
21                *a tribally controlled community college or other In-*  
22                *Indian organization; and*

23                *“(2) assist in the development and implementa-*  
24                *tion of instructional strategies, methods and materials*

1       *which address the specific cultural and other needs of*  
2       *Indian or Alaska Native students.*

3       “(c) *ACCOUNTABILITY.*—*To ensure the quality and ef-*  
4       *fectiveness of the networked system of comprehensive re-*  
5       *gional assistance centers supported under this part, the Sec-*  
6       *retary shall—*

7               “(1) *develop, in consultation with the Assistant*  
8       *Secretary for Elementary and Secondary Education,*  
9       *the Director of Bilingual Education and Minority*  
10       *Languages Affairs, and the Assistant Secretary for*  
11       *Educational Research and Improvement, a set of per-*  
12       *formance indicators that assesses whether the work of*  
13       *the centers assists in improving teaching and learn-*  
14       *ing under this Act for all children, particularly chil-*  
15       *dren at risk of educational failure;*

16               “(2) *conduct surveys every two years of popu-*  
17       *lations to be served under this Act to determine if*  
18       *such populations are satisfied with the access to and*  
19       *quality of such services;*

20               “(3) *collect, as part of the Department’s reviews*  
21       *of programs under this Act, information about the*  
22       *availability and quality of services provided by the*  
23       *centers, and share that information with the centers;*  
24       *and*



1           “(4) take whatever steps are reasonable and nec-  
2           essary to ensure that each center performs its respon-  
3           sibilities in a satisfactory manner, which may  
4           include—

5                   “(A) termination of an award under this  
6                   part (if the Secretary concludes that performance  
7                   has been unsatisfactory) and the selection of a  
8                   new center; and

9                   “(B) whatever interim arrangements the  
10                  Secretary determines are necessary to ensure the  
11                  satisfactory delivery of services under this part  
12                  to an affected region.

13           “(d) *DURATION.*—Grants, contracts or cooperative  
14           agreements under this section shall be awarded for a period  
15           of 5 years.

16           **“SEC. 10502. REQUIREMENTS OF COMPREHENSIVE RE-**  
17           **REGIONAL ASSISTANCE CENTERS.**

18           “(a) *IN GENERAL.*—Each comprehensive regional as-  
19           sistance center established under section 10501(a) shall—

20                   “(1) maintain appropriate staff expertise and  
21                   provide support, training, and assistance to State  
22                   educational agencies, tribal divisions of education,  
23                   local educational agencies, schools, and other grant re-  
24                   cipients under this Act, in—

1           “(A) improving the quality of instruction,  
2           *curricula, assessments, and other aspects of*  
3           *school reform, supported with funds under title I;*

4           “(B) implementing effective schoolwide pro-  
5           *grams under section 1114;*

6           “(C) meeting the needs of children served  
7           *under this Act, including children in high-pov-*  
8           *erty areas, migratory children, immigrant chil-*  
9           *dren, children with limited-English proficiency,*  
10          *neglected or delinquent children, homeless chil-*  
11          *dren and youth, Indian children, children with*  
12          *disabilities, and, where applicable, Alaska Native*  
13          *children and Native Hawaiian children;*

14          “(D) implementing high-quality profes-  
15          *sional development activities for teachers, and*  
16          *where appropriate, administrators, pupil serv-*  
17          *ices personnel and other staff;*

18          “(E) improving the quality of bilingual  
19          *education, including programs that emphasize*  
20          *English and native language proficiency and*  
21          *promote multicultural understanding;*

22          “(F) creating safe and drug-free environ-  
23          *ments, especially in areas experiencing high lev-*  
24          *els of drug use and violence in the community*  
25          *and school;*

1           “(G) implementing educational applications  
2 of technology;

3           “(H) coordinating services and programs to  
4 meet the needs of students so that students can  
5 fully participate in the educational program of  
6 the school;

7           “(I) expanding the involvement and partici-  
8 pation of parents in the education of their chil-  
9 dren;

10          “(J) reforming schools, school systems, and  
11 the governance and management of schools;

12          “(K) evaluating programs; and

13          “(L) meeting the special needs of students  
14 living in urban and rural areas and the special  
15 needs of local educational agencies serving urban  
16 and rural areas;

17          “(2) ensure that technical assistance staff have  
18 sufficient training, knowledge, and expertise in how  
19 to integrate and coordinate programs under this Act  
20 with each other, as well as with other Federal, State,  
21 and local programs and reforms;

22          “(3) provide technical assistance using the high-  
23 est quality and most cost-effective strategies possible;

24          “(4) coordinate services, work cooperatively, and  
25 regularly share information with, the regional edu-

1        *ational laboratories, research and development cen-*  
2        *ters, State literacy centers authorized under the Na-*  
3        *tional Literacy Act of 1991, and other entities en-*  
4        *gaged in research, development, dissemination, and*  
5        *technical assistance activities which are supported by*  
6        *the Department as part of a Federal technical assist-*  
7        *ance system, to provide a broad range of support serv-*  
8        *ices to schools in the region while minimizing the du-*  
9        *plication of such services;*

10            *“(5) work collaboratively with the Department’s*  
11            *regional offices;*

12            *“(6) consult with representatives of State edu-*  
13            *cational agencies, local educational agencies, and*  
14            *populations served under this Act;*

15            *“(7) provide services to States, local educational*  
16            *agencies, tribes, and schools in order to better imple-*  
17            *ment the purposes of this part; and*

18            *“(8) provide professional development services to*  
19            *State educational agencies and local educational*  
20            *agencies to increase the capacity of such entities to*  
21            *provide high-quality technical assistance in support*  
22            *of programs under this Act.*

23            *“(b) PRIORITY.—Each comprehensive regional assist-*  
24            *ance center assisted under this part shall give priority to*  
25            *servicing—*

1           “(1) schoolwide programs under section 1114;  
2           and

3           “(2) local educational agencies and Bureau-  
4           funded schools with the highest percentages or num-  
5           bers of children in poverty.

6   **“SEC. 10503. MAINTENANCE OF SERVICE AND APPLICATION**  
7                                   **REQUIREMENTS.**

8           “(a) *MAINTENANCE OF SERVICE.*—*The Secretary shall*  
9           *ensure that the comprehensive regional assistance centers*  
10           *funded under this part provide technical assistance services*  
11           *that address the needs of educationally disadvantaged stu-*  
12           *dents, including students in urban and rural areas, and*  
13           *bilingual, migrant, immigrant, and Indian students, that*  
14           *are at least comparable to the level of such technical assist-*  
15           *ance services provided under programs administered by the*  
16           *Secretary on the day preceding the date of enactment of*  
17           *the Improving America’s Schools Act of 1994.*

18           “(b) *APPLICATION REQUIREMENTS.*—*Each entity or*  
19           *consortium desiring assistance under this part shall submit*  
20           *an application to the Secretary at such time, in such man-*  
21           *ner and accompanied by such information, as the Secretary*  
22           *may require. Each such application shall—*

23           “(1) *demonstrate how the comprehensive regional*  
24           *assistance center will provide expertise and services in*  
25           *the areas described in section 10502;*

1           “(2) *demonstrate how such centers will work to*  
2           *conduct outreach to local educational agencies receiv-*  
3           *ing priority under section 10502;*

4           “(3) *demonstrate support from States, local edu-*  
5           *cational agencies and tribes in the area to be served;*

6           “(4) *demonstrate how such centers will ensure a*  
7           *fair distribution of services to urban and rural areas;*  
8           *and*

9           “(5) *provide such other information as the Sec-*  
10          *retary may require.*

11          **“SEC. 10504. TRANSITION.**

12          “(a) *EXTENSION OF PREVIOUS CENTERS.—The Sec-*  
13          *retary shall, notwithstanding any other provision of law,*  
14          *use funds appropriated under section 10505 to extend or*  
15          *continue contracts and grants for existing comprehensive*  
16          *regional assistance centers assisted under this Act (as such*  
17          *Act was in effect on the day preceding the date of enactment*  
18          *of the Educational Opportunities Act), and take other nec-*  
19          *essary steps to ensure a smooth transition of services pro-*  
20          *vided under this part and that such services will not be*  
21          *interrupted, curtailed, or substantially diminished.*

22          “(b) *STAFF EXPERTISE.—In planning for the competi-*  
23          *tion for the new comprehensive regional assistance centers*  
24          *under this part, the Secretary may draw on the expertise*  
25          *of staff from existing comprehensive regional assistance cen-*

1 *ters assisted under this Act prior to the date of enactment*  
 2 *of the Educational Opportunities Act.*

3 **“SEC. 10505. AUTHORIZATION OF APPROPRIATIONS.**

4 *“For the purpose of carrying out this part, there are*  
 5 *authorized to be appropriated \$70,000,000 for fiscal year*  
 6 *2001 and such sums as may be necessary for each of the*  
 7 *four succeeding fiscal years.”.*

8 **SEC. 10006. REPEALS.**

9 *Parts F through K of title X, and titles XI, XII, XIII,*  
 10 *and XIV (20 U.S.C. 8141 et seq., 8331 et seq., 8401 et seq.,*  
 11 *8501 et seq., 8601 et seq., 8801 et seq.) are repealed.*

12 **SEC. 10007. TECHNICAL AND CONFORMING AMENDMENTS.**

13 *(a) LEGISLATIVE BRANCH APPROPRIATIONS ACT,*  
 14 *1997.—Section 5(d)(1) of the Legislative Branch Appro-*  
 15 *priations Act, 1997 (2 U.S.C. 117b–2(d)(1)) is amended—*

16 *(1) by striking “14101” and inserting “3”; and*

17 *(2) by striking “(20 U.S.C. 8801)”.*

18 *(b) LEGISLATIVE BRANCH APPROPRIATIONS ACT,*  
 19 *1987.—Section 104(3)(B)(ii) of the Legislative Branch Ap-*  
 20 *propriations Act, 1987 (as incorporated by reference in sec-*  
 21 *tion 101(j) of Public Law 99–500 and Public Law 99–591)*  
 22 *(2 U.S.C. 117e(3)(B)(ii)) is amended by striking “14101”*  
 23 *and inserting “3”.*

24 *(c) NATIONAL AGRICULTURAL RESEARCH, EXTENSION,*  
 25 *AND TEACHING POLICY ACT OF 1977.—Section*

1 1417(j)(1)(B) of the National Agricultural Research, Exten-  
2 sion, and Teaching Policy Act of 1977 (7 U.S.C.  
3 3152(j)(1)(B)) is amended—

4 (1) by striking “14101(25)” and inserting “3”;  
5 and

6 (2) by striking “(20 U.S.C. 8801(25))”.

7 (d) REFUGEE EDUCATION ASSISTANCE ACT OF  
8 1980.—Section 101(1) of the Refugee Education Assistance  
9 Act of 1980 (8 U.S.C. 1522 note) is amended by striking  
10 “14101” and inserting “3”.

11 (e) TITLE 10, UNITED STATES CODE.—Section  
12 2194(e) of title 10, United States Code, is amended—

13 (1) by striking “14101” and inserting “3”; and

14 (2) by striking “(20 U.S.C. 8801)”.

15 (f) TOXIC SUBSTANCES CONTROL ACT.—

16 (1) ASBESTOS.—Paragraphs (7), (9) and (12) of  
17 section 202 of the Toxic Substances Control Act (15  
18 U.S.C. 2642) are amended by striking “14101” and  
19 inserting “3”.

20 (2) RADON.—Section 302(1)(A) of the Toxic  
21 Substances Control Act (15 U.S.C. 2662(1)(A)) is  
22 amended by striking “14101” and inserting “3”.

23 (g) HIGHER EDUCATION ACT OF 1965.—Paragraphs  
24 (4), (5), (6), (10), and (14) of section 103 of the Higher



1 *Education Act of 1965 (20 U.S.C. 1003) are amended by*  
 2 *striking “14101” and inserting “3”.*

3 (h) *GENERAL EDUCATION PROVISIONS ACT.*—Section  
 4 *425(6) of the General Education Provisions Act (20 U.S.C.*  
 5 *1226c(6)) is amended by striking “14701” and inserting*  
 6 *“10201”.*

7 (i) *INDIVIDUALS WITH DISABILITIES EDUCATION*  
 8 *ACT.*—Section *613(f) of the Individuals with Disabilities*  
 9 *Education Act (20 U.S.C. 1413(f)) is amended by striking*  
 10 *paragraph (3).*

11 (j) *EDUCATION AMENDMENTS OF 1972.*—Section  
 12 *908(2)(B) of the Education Amendments of 1972 (20 U.S.C.*  
 13 *1687(2)(B)) is amended by striking “14101” and inserting*  
 14 *“3”.*

15 (k) *CARL D. PERKINS VOCATIONAL AND TECHNICAL*  
 16 *EDUCATION ACT OF 1998.*—Section *3 of the Carl D. Per-*  
 17 *kins Vocational and Technical Education Act of 1998 (20*  
 18 *U.S.C. 2302) is amended—*

19 (1) *in paragraph (5)—*

20 (A) *by striking “10306” and inserting*  
 21 *“5410”; and*

22 (B) *by striking “(20 U.S.C. 8066)”;* and

23 (2) *in paragraphs (8), (16), and (21)—*

24 (A) *by striking “14101” and inserting “3”;*

25 *and*

1                   (B) by striking “(20 U.S.C. 8801)”.

2           (l) *EDUCATION FOR ECONOMIC SECURITY ACT.*—

3                   (1) *ECONOMIC SECURITY.*—Section 3(3) of the  
4           *Education for Economic Security Act (20 U.S.C.*  
5           *3902) is amended—*

6                   (A) in paragraph (3)—

7                           (i) by striking “198(a)(7)” and insert-  
8                           ing “3”; and

9                   (B) in paragraph (7)—

10                           (i) by striking “198(a)(10)” and in-  
11                           serting “3”; and

12                   (C) in paragraph (12)—

13                           (i) by striking “198(a)(17)” and in-  
14                           serting “3”.

15                   (2) *ASBESTOS.*—Section 511 of the *Education*  
16           *for Economic Security Act (20 U.S.C. 4020) is*  
17           *amended—*

18                   (A) in paragraph (4)(A), by striking  
19                   “198(a)(10)” and inserting “3”; and

20                   (B) in paragraph (5)(A), by striking  
21                   “198(a)(7)” and inserting “3”.

22           (m) *JAMES MADISON MEMORIAL FELLOWSHIP ACT.*—

23           Section 815(4) of the *James Madison Memorial Fellowship*  
24           *Act (20 U.S.C. 4514(4)) is amended by striking “14101”*  
25           *and inserting “3”.*

1           (n) *NATIONAL ENVIRONMENTAL EDUCATION ACT.*—  
2 *Section 3(5) of the National Environmental Education Act*  
3 *(20 U.S.C. 5502(5)) is amended—*

4                   (1) *by striking “14101” and inserting “3”; and*  
5                   (2) *by striking “(20 U.S.C. 3381)”.*

6           (o) *EDUCATION FLEXIBILITY PARTNERSHIP ACT OF*  
7 *1999.—Section 3(1) of the Education Flexibility Partner-*  
8 *ship Act of 1999 (20 U.S.C. 5891a(1)) is amended by strik-*  
9 *ing “14101” and inserting “3”.*

10           (p) *DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF*  
11 *1999.—Section 3(c)(5) of the District of Columbia Colle-*  
12 *ge Access Act of 1999 (Public Law 106–98; 113 Stat. 1323)*  
13 *is amended—*

14                   (1) *by striking “14101” and inserting “3”; and*  
15                   (2) *by striking “(20 U.S.C. 8801)”.*

16           (q) *SCHOOL-TO-WORK OPPORTUNITIES ACT OF*  
17 *1994.—*

18                   (1) *WAIVERS.—Section 502(b) of the School-to-*  
19 *Work Opportunities Act of 1994 (20 U.S.C. 6212(b))*  
20 *is amended—*

21                           (A) *in paragraph (4), by striking the semi-*  
22 *colon and inserting “; and”;*

23                           (B) *by striking paragraph (5); and*

24                           (C) *by redesignating paragraph (6) as*  
25 *paragraph (5).*

1           (2)    COMBINATION    OF    FUNDS.—Section  
2           504(a)(2)(B)(i) of the School-to-Work Opportunities  
3           Act of 1994 (20 U.S.C. 6214(a)(2)(B)(i)) is amended  
4           by striking “paragraphs (2) through (6)” and insert-  
5           ing “paragraphs (2) through (5)”.

6           (r) NATIONAL EDUCATION STATISTICS ACT OF 1994.—  
7           Paragraphs (4) and (6) of section 402(c) of the National  
8           Education Statistics Act of 1994 (20 U.S.C. 9001(c)) are  
9           amended by striking “14101” and inserting “3”.

10          (s) ADULT EDUCATION AND FAMILY LITERACY ACT.—  
11          Section 203(13) of the Adult Education and Family Lit-  
12          eracy Act (20 U.S.C. 9202(13)) is amended—

13               (1) by striking “14101” and inserting “3”; and  
14               (2) by striking “(20 U.S.C. 8801)”.

15          (t) INTERNAL REVENUE CODE OF 1986.—Section  
16          1397E(d)(4)(B) of the Internal Revenue Code of 1986 is  
17          amended by striking “14101” and inserting “3”.

18          (u) REHABILITATION ACT OF 1973.—

19               (1) RESEARCH.—Section 202(b)(4)(A)(i) of the  
20          Rehabilitation Act of 1973 (29 U.S.C.  
21          762(b)(4)(A)(i)) is amended by striking “14101” and  
22          inserting “3”.

23               (2) NONDISCRIMINATION.—Section 504(b)(2)(B)  
24          of the Rehabilitation Act of 1973 (29 U.S.C.

1       794(b)(2)(B)) is amended by striking “14101” and  
2       inserting “3”.

3       (v) *FAMILY AND MEDICAL LEAVE ACT OF 1993*.—Sec-  
4       tion 108(a)(1)(A) of the *Family and Medical Leave Act of*  
5       1993 (29 U.S.C. 2618(a)(1)(A)) is amended—

6             (1) by striking “14101” and inserting “3”; and

7             (2) by striking “(20 U.S.C. 2891(12))”.

8       (w) *WORKFORCE INVESTMENT ACT OF 1998*.—Para-  
9       graphs (23) and (40) of section 101 of the *Workforce Invest-*  
10       ment Act of 1998 (29 U.S.C. 2801) are amended—

11            (1) by striking “14101” and inserting “3”; and

12            (2) by striking “(20 U.S.C. 8801)”.

13       (x) *SAFE DRINKING WATER ACT*.—Paragraphs (3)(A)  
14       and (6) of section 1461 of the *Safe Drinking Water Act*  
15       (42 U.S.C. 300j–21) are amended by striking “14101” and  
16       inserting “3”.

17       (y) *CIVIL RIGHTS ACT OF 1964*.—Section 606(2)(B)  
18       of the *Civil Rights Act of 1964* (42 U.S.C. 2000d–4a(2)(B))  
19       is amended by striking “14101” and inserting “3”.

20       (z) *OLDER AMERICANS ACT OF 1965*.—

21             (1) *APPLICATION*.—Section 338A(a)(1) of the  
22       *Older Americans Act of 1965* (42 U.S.C. 3030g–  
23       12(a)(1)) is amended by striking “14101” and insert-  
24       ing “3”.

1           (2) *DEFINITION.*—Section 363(5)(B) of the Older  
2           Americans Act of 1965 (42 U.S.C. 3030o(5)(B)) is  
3           amended by striking “14101” and inserting “3”.

4           (aa) *AGE DISCRIMINATION ACT OF 1975.*—Section  
5           309(4)(B)(ii) of the Age Discrimination Act of 1975 (42  
6           U.S.C. 6107(4)(B)(ii)) is amended by striking “14101” and  
7           inserting “3”.

8           (bb) *HAZARDOUS AND SOLID WASTE AMENDMENTS OF*  
9           1989.—Section 221(f)(3)(B)(i) of The Hazardous and Solid  
10          Waste Amendments of 1984 (42 U.S.C. 6921 note) is  
11          amended by striking “198(a)(7)” and inserting “3”.

12          (cc) *ALBERT EINSTEIN DISTINGUISHED EDUCATOR*  
13          *FELLOWSHIP ACT OF 1994.*—Paragraphs (1), (2), and (3)  
14          of section 514 of the Albert Einstein Distinguished Educa-  
15          tor Fellowship Act of 1994 (42 U.S.C. 7382b) are amended  
16          by striking “14101” and inserting “3”.

17          (dd) *EARTHQUAKE HAZARDS.*—Section 2(c)(1)(A) of  
18          the Act entitled “An Act to authorize appropriations for  
19          carrying out the Earthquake Hazards Reduction Act of  
20          1977 for fiscal years 1998 and 1999, and for other pur-  
21          poses”, approved October 1, 1997 (42 U.S.C. 7704 note) is  
22          amended—

23                 (1) by striking “14101” and inserting “3”; and

24                 (2) by striking “(20 U.S.C. 8801)”.

1           *(ee) STATE DEPENDENT CARE DEVELOPMENT GRANTS*  
2 *ACT.—Paragraphs (6) and (11) of section 670G of the State*  
3 *Dependent Care Development Grants Act (42 U.S.C. 9877)*  
4 *are amended by striking “14101” and inserting “3”.*

5           *(ff) COMMUNITY SERVICES BLOCK GRANT ACT.—Sec-*  
6 *tion 682(b)(4) of the Community Services Block Grant Act*  
7 *(42 U.S.C. 9923(b)(4)) is amended—*

8                   *(1) by striking “14101” and inserting “3”; and*  
9                   *(2) by striking “(20 U.S.C. 8801)”.*

10           *(gg) NATIONAL AND COMMUNITY SERVICE ACT OF*  
11 *1990.—Paragraphs (8), (14), (22), and (28) of section 101*  
12 *of the National and Community Service Act of 1990 (42*  
13 *U.S.C. 12511) are amended by striking “14101” and insert-*  
14 *ing “3”.*

15           *(hh) TELECOMMUNICATIONS ACT OF 1996.—Section*  
16 *706(c)(2) of the Telecommunications Act of 1996 (47 U.S.C.*  
17 *157 note) is amended—*

18                   *(1) by striking “paragraphs (14) and (25), re-*  
19 *spectively, of section 14101” and inserting “section*  
20 *3”; and*

21                   *(2) by striking “(20 U.S.C. 8801)”.*

22           *(ii) COMMUNICATIONS ACT OF 1934.—Section*  
23 *254(h)(5)(A) of the Communications Act of 1934 (47 U.S.C.*  
24 *254(h)(5)(A)) is amended—*

1           (1) *by striking “paragraphs (14) and (25), re-*  
 2           *spectively, of section 14101” and inserting “section*  
 3           *3”; and*

4           (2) *by striking “(20 U.S.C. 8801)”.*

5           (jj) *TRANSPORTATION EQUITY ACT FOR THE 21ST*  
 6           *CENTURY.—Section 4024 of the Transportation Equity Act*  
 7           *for the 21st Century (49 U.S.C. 31136 note) is amended*  
 8           *by striking “14101” and inserting “3”.*

9           **TITLE XI—AMENDMENTS TO**  
 10           **OTHER LAWS**

11           **PART A—REPEALS**

12           **SEC. 11101. GOALS 2000: EDUCATE AMERICA ACT.**

13           *The Goals 2000: Educate America Act (20 U.S.C. 5801*  
 14           *et seq.) is repealed.*

15           **SEC. 11102. HIGHER EDUCATION AMENDMENTS OF 1998.**

16           *Part B of title VIII of the Higher Education Amend-*  
 17           *ments of 1998 (20 U.S.C. 1070a–ll note) is repealed.*

18           **SEC. 11103. CONFORMING AMENDMENTS.**

19           (a) *SCHOOL-TO-WORK OPPORTUNITIES ACT OF*  
 20           *1994.—*

21           (1) *Section 3(a) of the School-to-Work Opportu-*  
 22           *nities Act of 1994 (20 U.S.C. 6102(a)) is amended—*

23           (A) *in paragraph (1)(B), by striking “the*  
 24           *Goals 2000: Educate America Act and”; and*



1                   (B) in paragraph (14), by striking “the Na-  
2                   tional Education Goals set forth in title I of the  
3                   Goals 2000: Educate America Act” and inserting  
4                   “America’s Education Goals”.

5                   (2) Section 4(3) of the School-to-Work Opportu-  
6                   nities Act of 1994 (20 U.S.C. 6103(3)) is amended—

7                   (A) by inserting “and” after “section 213,”;  
8                   and

9                   (B) by striking “, and is consistent with the  
10                  State improvement plan for the State, if any,  
11                  under the Goals 2000: Educate America Act”.

12                  (3) Section 102(3) of the School-to-Work Oppor-  
13                  tunities Act of 1994 (20 U.S.C. 6112(3)) is amended  
14                  by striking “including, where applicable, standards  
15                  established under the Goals 2000: Educate America  
16                  Act,”.

17                  (4) Section 203 of the School-to-Work Opportuni-  
18                  ties Act of 1994 (20 U.S.C. 6123) is amended by  
19                  striking subsection (c).

20                  (5) Section 204 of the School-to-Work Opportuni-  
21                  ties Act of 1994 (20 U.S.C. 6124) is repealed.

22                  (6) Section 213 of the School-to-Work Opportuni-  
23                  ties Act of 1994 (20 U.S.C. 6143) is amended—

24                  (A) by striking subsection (c); and

25                  (B) in subsection (d)—

1 (i) in paragraph (6)—

2 (I) by striking subparagraph (F);

3 and

4 (II) by redesignating subpara-

5 graphs (G) through (L) as subpara-

6 graphs (F) through (K), respectively;

7 and

8 (ii) in paragraph (8), by striking

9 “academic and skill standards established

10 pursuant to the Goals 2000: Educate Amer-

11 ica Act and the National Skill Standards

12 Act of 1994” and inserting “standards es-

13 tablished pursuant to the National Skill

14 Standards Act of 1994”.

15 (7) Section 214(b)(3) of the School-to-Work Op-

16 portunities Act of 1994 (20 U.S.C. 6144(b)(3)) is

17 amended—

18 (A) in subparagraph (B), by inserting

19 “and” after the semicolon;

20 (B) in subparagraph (C), by striking “;

21 and” and inserting a period; and

22 (C) by striking subparagraph (D).

23 (b) EDUCATION AMENDMENTS OF 1978.—Section 1121

24 of the Education Amendments of 1978 (25 U.S.C. 2001) is

25 amended—

1 (1) in subsection (a)—

2 (A) in the first sentence, by striking “the  
3 National Education Goals embodied in the Goals  
4 2000: Educate America Act” and inserting  
5 “America’s Education Goals”; and

6 (B) by striking the second sentence; and

7 (2) in subsection (b), by striking “the Goals  
8 2000: Educate America Act” and inserting “the Goals  
9 2000: Educate America Act (as in effect on the date  
10 of enactment of the Educational Opportunities Act)”.

11 **PART B—EDUCATION FOR HOMELESS CHILDREN**

12 **AND YOUTH**

13 **SEC. 11201. STATEMENT OF POLICY.**

14 Section 721(3) of the Stewart B. McKinney Homeless  
15 Assistance Act (42 U.S.C. 11431(3)) is amended by striking  
16 “should not be” and inserting “is not”.

17 **SEC. 11202. GRANTS FOR STATE AND LOCAL ACTIVITIES.**

18 Section 722 of such Act (42 U.S.C. 11432) is  
19 amended—

20 (1) in subsection (c)—

21 (A) in paragraph (2)(A)—

22 (i) by inserting “and” after “Samoa,”;

23 and

24 (ii) by striking “, and Palau” and all  
25 that follows through “Palau”); and

1                   (B) in paragraph (3)—

2                   (i) by inserting “or” after “Samoa,”;

3                   and

4                   (ii) by striking “, or Palau”;

5                   (2) in subsection (e), by adding at the end the  
6 following:

7                   “(3) *PROHIBITION ON SEGREGATING HOMELESS*  
8 *STUDENTS.—In providing a free public education to*  
9 *a homeless child or youth, no State receiving funds*  
10 *under this subtitle shall segregate such child or youth,*  
11 *either in a separate school, or in a separate program*  
12 *within a school, based on such child or youth’s status*  
13 *as homeless, except as provided in section*  
14 *723(a)(2)(B)(ii).”;*

15                   (3) by amending subsection (f) to read as follows:

16                   “(f) *FUNCTIONS OF THE OFFICE OF COORDINATOR.—*  
17 *The Coordinator of Education of Homeless Children and*  
18 *Youth established in each State shall—*

19                   “(1) *gather reliable, valid, and comprehensive*  
20 *information on the nature and extent of the problems*  
21 *homeless children and youth have in gaining access to*  
22 *public preschool programs and to public elementary*  
23 *schools and secondary schools, the difficulties in iden-*  
24 *tifying the special needs of such children and youth,*  
25 *any progress made by the State educational agency*

1 *and local educational agencies in the State in ad-*  
2 *dresssing such problems and difficulties, and the suc-*  
3 *cess of the program under this subtitle in allowing*  
4 *homeless children and youth to enroll in, attend, and*  
5 *succeed in, school;*

6 *“(2) develop and carry out the State plan de-*  
7 *scribed in subsection (g);*

8 *“(3) collect and transmit to the Secretary, at*  
9 *such time and in such manner as the Secretary may*  
10 *require, such information as the Secretary deems nec-*  
11 *essary to assess the educational needs of homeless chil-*  
12 *dren and youth within the State;*

13 *“(4) facilitate coordination between the State*  
14 *educational agency, the State social services agency,*  
15 *and other agencies providing services to homeless chil-*  
16 *dren and youth, including homeless children and*  
17 *youth who are preschool age, and families of such*  
18 *children and youth; and*

19 *“(5) in order to improve the provision of com-*  
20 *prehensive education and related services to homeless*  
21 *children and youth and their families, coordinate and*  
22 *collaborate with—*

23 *“(A) educators, including child development*  
24 *and preschool program personnel;*

1           “(B) providers of services to homeless and  
2 runaway children and youth and homeless fami-  
3 lies (including domestic violence agencies, shelter  
4 operators, transitional housing facilities, run-  
5 away and homeless youth centers, and transi-  
6 tional living programs for homeless youth);

7           “(C) local educational agency liaisons for  
8 homeless children and youth; and

9           “(D) community organizations and groups  
10 representing homeless children and youth and  
11 their families.”; and

12 (4) in subsection (g)—

13           (A) in paragraph (1)—

14           (i) in subparagraph (E)—

15           (I) by striking “the report” and  
16 inserting “the information”; and

17           (II) by striking “(f)(4)” and in-  
18 sserting “(f)(3)”; and

19           (ii) by amending subparagraph (H) to  
20 read as follows:

21           “(H) contain assurances that—

22           “(i) the State educational agency and  
23 local educational agencies in the State will  
24 adopt policies and practices to ensure that  
25 homeless children and youth are not seg-

1                   *regated on the basis of their status as home-*  
 2                   *less or stigmatized; and*

3                   “(ii) *local educational agencies serving*  
 4                   *school districts in which homeless children*  
 5                   *and youth reside or attend school will—*

6                   “(I) *post public notice of the edu-*  
 7                   *cational rights of such children and*  
 8                   *youth where such children and youth*  
 9                   *receive services under this Act (such as*  
 10                   *family shelters and soup kitchens); and*

11                   “(II) *designate an appropriate*  
 12                   *staff person, who may also be a coordi-*  
 13                   *nator for other Federal programs, as a*  
 14                   *liaison for homeless children and*  
 15                   *youth.”;*

16                   *(B) by amending paragraph (3) to read as*  
 17                   *follows:*

18                   “(3) *LOCAL EDUCATIONAL AGENCY REQUIRE-*  
 19                   *MENTS.—*

20                   “(A) *IN GENERAL.—Each local educational*  
 21                   *agency serving a homeless child or youth assisted*  
 22                   *under this subtitle shall, according to the child’s*  
 23                   *or youth’s best interest—*

24                   “(i) *continue the child’s or youth’s edu-*  
 25                   *cation in the school of origin—*

1                   “(I) for the duration of their  
2                   homelessness;

3                   “(II) if the child becomes perma-  
4                   nently housed, for the remainder of the  
5                   academic year; or

6                   “(III) in any case in which a  
7                   family becomes homeless between aca-  
8                   demic years, for the following academic  
9                   year; or

10                  “(ii) enroll the child or youth in any  
11                  school that nonhomeless students who live in  
12                  the attendance area in which the child or  
13                  youth is actually living are eligible to at-  
14                  tend.

15                  “(B) BEST INTEREST.—In determining the  
16                  best interest of the child or youth under subpara-  
17                  graph (A), the local educational agency shall—

18                  “(i) to the extent feasible, keep a home-  
19                  less child or youth in the school of origin,  
20                  except when doing so is contrary to the  
21                  wishes of the child’s or youth’s parent or  
22                  guardian; and

23                  “(ii) provide a written explanation to  
24                  the homeless child’s or youth’s parent or  
25                  guardian when the local educational agency



1           *sends such child or youth to a school other*  
2           *than the school of origin or a school re-*  
3           *quested by the parent or guardian.*

4           “(C) *ENROLLMENT.*—

5                 “(i) *IN GENERAL.*—*The school selected*  
6                 *in accordance with this paragraph shall im-*  
7                 *mediately enroll the homeless child or youth*  
8                 *even if the child or youth is unable to*  
9                 *produce records normally required for en-*  
10                *rollment, such as previous academic records,*  
11                *medical records, proof of residency, or other*  
12                *documentation.*

13               “(ii) *SPECIAL RULE.*—*The enrolling*  
14                *school immediately shall contact the school*  
15                *last attended by the child or youth to obtain*  
16                *relevant academic and other records. If the*  
17                *child or youth needs to obtain immuniza-*  
18                *tions, the enrolling school shall promptly*  
19                *refer the child or youth to the appropriate*  
20                *authorities for such immunizations.*

21           “(D) *DEFINITION OF SCHOOL OF ORIGIN.*—

22           *For purposes of this paragraph, the term ‘school*  
23           *of origin’ means the school that the child or*  
24           *youth attended when permanently housed, or the*

1 school in which the child or youth was last en-  
2 rolled.

3 “(E) *PLACEMENT CHOICE.*—The choice re-  
4 garding placement shall be made regardless of  
5 whether the child or youth lives with the home-  
6 less parents or has been temporarily placed else-  
7 where by the parents.”;

8 (C) by amending paragraph (6) to read as  
9 follows:

10 “(6) *COORDINATION.*—

11 “(A) *IN GENERAL.*—Each local educational  
12 agency serving homeless children and youth that  
13 receives assistance under this subtitle shall co-  
14 ordinate the provision of services under this sub-  
15 title with local services agencies and other agen-  
16 cies or programs providing services to homeless  
17 children and youth and their families, including  
18 services and programs funded under the Run-  
19 away and Homeless Youth Act (42 U.S.C. 5701  
20 et seq.).

21 “(B) *HOUSING ASSISTANCE.*—If applicable,  
22 each State and local educational agency that re-  
23 ceives assistance under this subtitle shall coordi-  
24 nate with State and local housing agencies re-  
25 sponsible for developing the comprehensive hous-

1            *ing affordability strategy described in section*  
 2            *105 of the Cranston-Gonzales National Afford-*  
 3            *able Housing Act (42 U.S.C. 12705) to minimize*  
 4            *educational disruption for children and youth*  
 5            *who become homeless.*

6            “(C) *COORDINATION PURPOSE.*—*The coordi-*  
 7            *nation required under subparagraphs (A) and*  
 8            *(B) shall be designed to—*

9                    *“(i) ensure that homeless children and*  
 10                    *youth have access to available education*  
 11                    *and related support services; and*

12                    *“(ii) raise the awareness of school per-*  
 13                    *sonnel and service providers of the effects of*  
 14                    *short-term stays in shelters and other chal-*  
 15                    *lenges associated with homeless children and*  
 16                    *youth.”;*

17            *(D) by amending paragraph (7) to read as*  
 18            *follows:*

19            “(7) *LIAISON.*—

20                    *“(A) IN GENERAL.*—*Each local liaison for*  
 21                    *homeless children and youth designated pursuant*  
 22                    *to paragraph (1)(H)(ii)(II) shall ensure that—*

23                    *“(i) homeless children and youth en-*  
 24                    *roll, and have a full and equal opportunity*

1           to succeed, in the schools of the local edu-  
2           cational agency;

3           “(ii) homeless families, children, and  
4           youth receive educational services for which  
5           such families, children, and youth are eligi-  
6           ble, including Head Start and Even Start  
7           programs and preschool programs adminis-  
8           tered by the local educational agency, and  
9           referrals to health care services, dental serv-  
10          ices, mental health services, and other ap-  
11          propriate services;

12          “(iii) the parents or guardians of  
13          homeless children and youth are informed of  
14          the education and related opportunities  
15          available to their children and are provided  
16          with meaningful opportunities to partici-  
17          pate in the education of their children; and

18          “(iv) public notice of the educational  
19          rights of homeless children and youth is  
20          posted where such children and youth re-  
21          ceive services under this Act (such as family  
22          shelters and soup kitchens).

23          “(B) INFORMATION.—State coordinators in  
24          States receiving assistance under this subtitle  
25          and local educational agencies receiving assist-

1           *ance under this subtitle shall inform school per-*  
 2           *sonnel, service providers, and advocates working*  
 3           *with homeless families of the duties of the liai-*  
 4           *sons for homeless children and youth.*

5           “(C) *LOCAL AND STATE COORDINATION.*—  
 6           *Liaisons for homeless children and youth shall,*  
 7           *as a part of their duties, coordinate and collabo-*  
 8           *rate with State coordinators and community*  
 9           *and school personnel responsible for the provision*  
 10           *of education and related services to homeless chil-*  
 11           *dren and youth.*

12           “(D) *DISPUTE RESOLUTION.*—*Unless an-*  
 13           *other individual is designated by State law, the*  
 14           *local liaison for homeless children and youth*  
 15           *shall provide resource information and assist in*  
 16           *resolving a dispute under this subtitle if such a*  
 17           *dispute arises.”; and*

18           *(E) by striking paragraph (9).*

19 **SEC. 11203. LOCAL EDUCATIONAL AGENCY GRANTS.**

20           *Section 723 of such Act (42 U.S.C. 11433) is*  
 21           *amended—*

22           *(1) in subsection (a), by amending paragraph*  
 23           *(2) to read as follows:*

24           “(2) *SERVICES.*—

1           “(A) *IN GENERAL.—Services provided*  
2           *under paragraph (1)—*

3                   “(i) *may be provided through pro-*  
4                   *grams on school grounds or at other facili-*  
5                   *ties;*

6                   “(ii) *shall, to the maximum extent*  
7                   *practicable, be provided through existing*  
8                   *programs and mechanisms that integrate*  
9                   *homeless individuals with nonhomeless indi-*  
10                  *viduals; and*

11                  “(iii) *shall be designed to expand or*  
12                  *improve services provided as part of a*  
13                  *school’s regular academic program, but not*  
14                  *replace that program.*

15           “(B) *SERVICES ON SCHOOL GROUNDS.—If*  
16           *services under paragraph (1) are provided on*  
17           *school grounds, schools—*

18                   “(i) *may use funds under this subtitle*  
19                   *to provide the same services to other chil-*  
20                   *dren and youth who are determined by the*  
21                   *local educational agency to be at risk of*  
22                   *failing in, or dropping out of, schools, sub-*  
23                   *ject to clause (ii); and*

24                   “(ii) *shall not provide services in set-*  
25                   *tings within a school that segregates home-*

1           *less children and youth from other children*  
2           *and youth, except as is necessary for short*  
3           *periods of time—*

4                     “(I) *for health and safety emer-*  
5                     *gencies; or*

6                     “(II) *to provide temporary, spe-*  
7                     *cial, supplementary services to meet*  
8                     *the unique needs of homeless children*  
9                     *and youth.”;*

10           (2) *in subsection (b)—*

11                     (A) *by redesignating paragraphs (1)*  
12                     *through (4) as paragraphs (2) through (5), re-*  
13                     *spectively;*

14                     (B) *by inserting before paragraph (2) (as so*  
15                     *redesignated) the following:*

16                     “(1) *an assessment of the educational and related*  
17                     *needs of homeless children and youth in the school*  
18                     *district (which may be undertaken as a part of needs*  
19                     *assessments for other disadvantaged groups);”;* and

20                     (C) *in paragraph (4) (as so redesignated),*  
21                     *by striking “(9)” and inserting “(8)”;* and

22           (3) *in subsection (c)—*

23                     (A) *by amending paragraph (1) to read as*  
24                     *follows:*

1           “(1) *IN GENERAL.*—*The State educational agen-*  
2           *cy, in accordance with the requirements of this sub-*  
3           *title and from amounts made available to the State*  
4           *educational agency under section 726, shall award*  
5           *grants, on a competitive basis, to local educational*  
6           *agencies that submit applications under subsection*  
7           *(b). Such grants shall be awarded on the basis of the*  
8           *need of such agencies for assistance under this subtitle*  
9           *and the quality of the applications submitted.”;*

10                   *(B) by redesignating paragraph (3) as*  
11                   *paragraph (4); and*

12                   *(C) by inserting after paragraph (2) the fol-*  
13                   *lowing:*

14           “(3) *QUALITY.*—*In determining the quality of*  
15           *applications under paragraph (1), the State edu-*  
16           *cational agency shall consider—*

17                   *“(A) the local educational agency’s needs*  
18                   *assessment under subsection (b)(1) and the likeli-*  
19                   *hood that the program to be assisted will meet*  
20                   *the needs;*

21                   *“(B) the types, intensity, and coordination*  
22                   *of services to be assisted under the program;*

23                   *“(C) the involvement of parents or guard-*  
24                   *ians;*



1           “(D) the extent to which homeless children  
2 and youth will be integrated within the regular  
3 education program;

4           “(E) the quality of the local educational  
5 agency’s evaluation plan for the program;

6           “(F) the extent to which services provided  
7 under this subtitle will be coordinated with other  
8 available services;

9           “(G) the extent to which the local edu-  
10 cational agency provides case management or re-  
11 lated services to homeless children and youth who  
12 are unaccompanied by a parent or guardian;  
13 and

14           “(H) such other measures as the State edu-  
15 cational agency determines indicative of a high-  
16 quality program.”.

17 **SEC. 11204. SECRETARIAL RESPONSIBILITIES.**

18       Section 724 (42 U.S.C. 11434) is amended—

19           (1) in subsection (a), by striking “the State edu-  
20 cational” and inserting “State educational”;

21           (2) by striking subsection (f);

22           (3) by redesignating subsections (c) through (e)  
23 as subsections (d) through (f), respectively;

24           (4) by inserting after subsection (b) the fol-  
25 lowing:

1       “(c) *GUIDELINES.*—*The Secretary shall develop, issue,*  
2 *and publish in the Federal Register, not later than 60 days*  
3 *after the date of enactment of the Educational Opportuni-*  
4 *ties Act, school enrollment guidelines for States with respect*  
5 *to homeless children and youth. The guidelines shall*  
6 *describe—*

7               “(1) *successful ways in which a State may assist*  
8 *local educational agencies to enroll immediately*  
9 *homeless children and youth in school; and*

10              “(2) *how a State can review the State’s require-*  
11 *ments regarding immunization and medical or school*  
12 *records and make revisions to the requirements as are*  
13 *appropriate and necessary in order to enroll homeless*  
14 *children and youth in school more quickly.”; and*

15              “(5) *by adding at the end the following:*

16              “(g) *INFORMATION.*—

17              “(1) *IN GENERAL.*—*From funds appropriated*  
18 *under section 726, the Secretary, directly or through*  
19 *grants, contracts, or cooperative agreements, shall pe-*  
20 *riodically collect and disseminate data and informa-*  
21 *tion regarding—*

22              “(A) *the number and location of homeless*  
23 *children and youth;*

24              “(B) *the education and related services*  
25 *homeless children and youth receive;*

1           “(C) *the extent to which the needs of home-*  
2           *less children and youth are met; and*

3           “(D) *such other data and information as*  
4           *the Secretary determines necessary and relevant*  
5           *to carry out this subtitle.*

6           “(2) *COORDINATION.—The Secretary shall co-*  
7           *ordinate such collection and dissemination with other*  
8           *agencies and entities that receive assistance and ad-*  
9           *minister programs under this subtitle.*

10          “(h) *REPORT.—Not later than 4 years after the date*  
11          *of enactment of the Educational Opportunities Act, the Sec-*  
12          *retary shall prepare and submit to the President and the*  
13          *appropriate committees of the House of Representatives and*  
14          *the Senate a report on the status of the education of home-*  
15          *less children and youth, which shall include information*  
16          *regarding—*

17                 “(1) *the education of homeless children and*  
18                 *youth; and*

19                 “(2) *the actions of the Department of Education*  
20                 *and the effectiveness of the programs supported under*  
21                 *this subtitle.”.*

22          **SEC. 11205. DEFINITIONS.**

23          *Section 725 of such Act (42 U.S.C. 11434a) is*  
24          *amended—*

1           (1) by redesignating paragraphs (1) and (2) as  
2           paragraphs (2) and (3), respectively; and

3           (2) by inserting before paragraph (2) (as so re-  
4           designated) the following:

5           “(1) the terms ‘local educational agency’ and  
6           ‘State educational agency’ have the meanings given  
7           the terms in section 2 of the Elementary and Sec-  
8           ondary Education Act of 1965;”.

9   **SEC. 11206. AUTHORIZATION OF APPROPRIATIONS.**

10          Section 726 (42 U.S.C. 11435) is amended to read as  
11          follows:

12   **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

13          “*For the purpose of carrying out this subtitle, there*  
14          *are authorized to be appropriated \$40,000,000 for fiscal*  
15          *year 2001 and such sums as may be necessary for each of*  
16          *the 4 succeeding fiscal years.*”.

17   **SEC. 11207. CONFORMING AMENDMENTS.**

18          (a) *GRANTS FOR STATE AND LOCAL ACTIVITIES.*—*Sec-*  
19          *tion 722 of the Stewart B. McKinney Homeless Assistance*  
20          *Act (42 U.S.C. 11432) is amended—*

21                 (1) *in subsection (c)(1), by striking “section*  
22                 *724(c)” and inserting “section 724(d)”;* and

23                 (2) *in subsection (g)(2), by striking “paragraphs*  
24                 *(3) through (9)” and inserting “paragraphs (3)*  
25                 *through (8)”.*

1       **(b) LOCAL EDUCATIONAL AGENCY GRANTS.**—Section  
 2 723(b)(3) of such Act (42 U.S.C. 11433(b)(3)) is amended  
 3 by striking “paragraphs (3) through (9) of section 722(g)”  
 4 and inserting “paragraphs (3) through (8) of section  
 5 722(g)”.

6       **(c) SECRETARIAL RESPONSIBILITIES.**—Section 724(f)  
 7 of such Act (as amended by section 11204(3)) is amended  
 8 by striking “subsection (d)” and inserting “subsection (e)”.

9       **PART C—ALBERT EINSTEIN DISTINGUISHED**

10                               **EDUCATORS**

11       **SEC. 11301. ALBERT EINSTEIN DISTINGUISHED EDUCATOR**

12                               **ACT OF 1994.**

13       Part A of title V of the Improving America’s Schools  
 14 Act of 1994 (42 U.S.C. 7382 et seq.) is amended to read  
 15 as follows:

16       **“PART A—ALBERT EINSTEIN DISTINGUISHED**

17                               **EDUCATOR FELLOWSHIP ACT**

18       **“SEC. 511. SHORT TITLE.**

19       *“This part may be cited as the ‘Albert Einstein Distin-*  
 20 *guished Educator Fellowship Act of 1994’.*

21       **“SEC. 512. PURPOSE; DESIGNATION.**

22       *“(a) PURPOSE.—The purpose of this part is to estab-*  
 23 *lish within the Department of Energy a national fellowship*  
 24 *program for elementary and secondary school mathematics*  
 25 *and science teachers.*

1       “(b) *DESIGNATION.*—A recipient of a fellowship under  
2 this part shall be known as an ‘Albert Einstein Fellow’.

3       **“SEC. 513. DEFINITIONS.**

4       “*As used in this part—*

5               “(1) the term ‘elementary school’ has the mean-  
6 ing provided by section 3 of the Elementary and Sec-  
7 ondary Education Act of 1965;

8               “(2) the term ‘local educational agency’ has the  
9 meaning provided by section 3 of the Elementary and  
10 Secondary Education Act of 1965;

11               “(3) the term ‘secondary school’ has the meaning  
12 provided by section 3 of the Elementary and Sec-  
13 ondary Education Act of 1965; and

14               “(4) the term ‘Secretary’ means the Secretary of  
15 Energy.

16       **“SEC. 514. FELLOWSHIP PROGRAM.**

17       “(a) *IN GENERAL.*—

18               “(1) *ESTABLISHMENT.*—The Secretary shall es-  
19 tablish the Albert Einstein Distinguished Educator  
20 Fellowship Program (hereafter in this part referred to  
21 as the ‘Program’) to provide 12 elementary or sec-  
22 ondary school mathematics or science teachers with  
23 fellowships in each fiscal year in accordance with this  
24 part.

1           “(2) *ORDER OF PRIORITY.*—*The Secretary may*  
2           *reduce the number of fellowships awarded under this*  
3           *part for any fiscal year in which the amount appro-*  
4           *propriated for the Program is insufficient to support 12*  
5           *fellowships. If the number of fellowships awarded*  
6           *under this part is reduced for any fiscal year, then*  
7           *the Secretary shall award fellowships based on the fol-*  
8           *lowing order of priority:*

9                   “(A) *Two fellowships in the Department of*  
10                  *Energy.*

11                   “(B) *Two fellowships in the Senate.*

12                   “(C) *Two fellowships in the House of Rep-*  
13                  *resentatives.*

14                   “(D) *One fellowship in each of the following*  
15                  *entities:*

16                           “(i) *The Department of Education.*

17                           “(ii) *The National Institutes of Health.*

18                           “(iii) *The National Science Founda-*  
19                          *tion.*

20                           “(iv) *The National Aeronautics and*  
21                          *Space Administration.*

22                           “(v) *The Office of Science and Tech-*  
23                          *nology Policy.*

24           “(3) *TERMS OF FELLOWSHIPS.*—*Each fellowship*  
25           *awarded under this part shall be awarded for a pe-*

1        *riod of 10 months that, to the extent practicable, coin-*  
2        *cide with the academic year.*

3            “(4) *ELIGIBILITY.—To be eligible for a fellow-*  
4        *ship under this part, an elementary or secondary*  
5        *school mathematics or science teacher shall*  
6        *demonstrate—*

7            “(A) *that such teacher will bring unique*  
8        *and valuable contributions to the Program;*

9            “(B) *that such teacher is recognized for ex-*  
10       *cellence in mathematics or science education;*  
11       *and*

12           “(C)(i) *a sabbatical leave from teaching will*  
13       *be granted in order to participate in the Pro-*  
14       *gram; or*

15           “(ii) *the teacher will return to a teaching*  
16       *position comparable to the position held prior to*  
17       *participating in the Program.*

18        “(b) *ADMINISTRATION.—The Secretary shall—*

19           “(1) *provide for the development and adminis-*  
20       *tration of an application and selection process for fel-*  
21       *lowships under the Program, including a process*  
22       *whereby final selections of fellowship recipients are*  
23       *made in accordance with subsection (c);*

24           “(2) *provide for the publication of information*  
25       *on the Program in appropriate professional publica-*



1        *tions, including an invitation for applications from*  
2        *teachers listed in the directories of national and State*  
3        *recognition programs;*

4            *“(3) select from the pool of applicants 12 elemen-*  
5        *tary and secondary school mathematics teachers and*  
6        *12 elementary and secondary school science teachers;*

7            *“(4) develop a program of orientation for fellow-*  
8        *ship recipients under this part; and*

9            *“(5) not later than August 31 of each year in*  
10       *which fellowships are awarded, prepare and submit*  
11       *an annual report and evaluation of the Program to*  
12       *the appropriate Committees of the Senate and the*  
13       *House of Representatives.*

14       *“(c) SELECTION.—*

15            *“(1) IN GENERAL.—The Secretary shall arrange*  
16       *for the 24 semifinalists to travel to Washington, D.C.,*  
17       *to participate in interviews in accordance with the*  
18       *selection process described in paragraph (2).*

19            *“(2) FINAL SELECTION.—(A) Not later than May*  
20       *1 of each year preceding each year in which fellow-*  
21       *ships are to be awarded, the Secretary shall select and*  
22       *announce the names of the fellowship recipients.*

23            *“(B) The Secretary shall provide for the develop-*  
24       *ment and administration of a process to select fellow-*

1       *ship recipients from the pool of semifinalists as fol-*  
2       *lows:*

3               “(i) *The Secretary shall select three fellow-*  
4       *ship recipients who shall be assigned to the De-*  
5       *partment of Energy.*

6               “(ii) *The Majority Leader of the Senate and*  
7       *the Minority Leader of the Senate, or their des-*  
8       *ignees, shall each select a fellowship recipient*  
9       *who shall be assigned to the Senate.*

10              “(iii) *The Speaker of the House of Rep-*  
11       *resentatives and the Minority Leader of the*  
12       *House of Representatives, or their designees,*  
13       *shall each select a fellowship recipient who shall*  
14       *be assigned to the House of Representatives.*

15              “(iv) *Each of the following individuals, or*  
16       *their designees, shall select one fellowship recipi-*  
17       *ent who shall be assigned within the department,*  
18       *office, agency, or institute such individual ad-*  
19       *ministrators:*

20                      “(I) *The Secretary of Education.*

21                      “(II) *The Director of the National In-*  
22       *stitutes of Health.*

23                      “(III) *The Director of the National*  
24       *Science Foundation.*

1                   “(IV) *The Administrator of the Na-*  
2                   *tional Aeronautics and Space Administra-*  
3                   *tion.*

4                   “(V) *The Director of the Office of*  
5                   *Science and Technology Policy.*

6   **“SEC. 515. FELLOWSHIP AWARDS.**

7           “(a) *FELLOWSHIP RECIPIENT COMPENSATION.—Each*  
8           *recipient of a fellowship under this part shall be paid dur-*  
9           *ing the fellowship period at a rate of pay that shall not*  
10           *exceed the minimum annual rate payable for a position*  
11           *under GS–13 of the General Schedule.*

12           “(b) *LOCAL EDUCATIONAL AGENCY.—The Secretary*  
13           *shall seek to ensure that no local educational agency penal-*  
14           *izes a teacher who elects to participate in the Program.*

15   **“SEC. 516. AUTHORIZATION OF APPROPRIATIONS.**

16           “*There are authorized to be appropriated for the Pro-*  
17           *gram \$700,000 for fiscal year 2001, and such sums as may*  
18           *be necessary for each of the 4 succeeding fiscal years.”.*