

106TH CONGRESS  
1ST SESSION

# S. 396

To provide dollars to the classroom.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 1999

Mr. HUTCHINSON (for himself, Mr. COVERDELL, Mr. MURKOWSKI, Mr. DEWINE, Mr. ALLARD, Mr. SESSIONS, Mr. ASHCROFT, Mr. INHOFE, Mr. THOMAS, Mr. GRAMS, Mr. BUNNING, Mr. BROWNBACK, Mr. HELMS, and Mr. MCCONNELL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To provide dollars to the classroom.

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DIRECT AWARDS OF CERTAIN EDUCATION FUNDING**

7 **TO STATES.**

8 (a) DIRECT AWARDS OF CERTAIN EDUCATION  
9 FUNDING.—

1           (1) IN GENERAL.—Notwithstanding any other  
2 provision of law, for each fiscal year the Secretary  
3 shall award the total amount of funds described in  
4 paragraph (2) directly to States in accordance with  
5 this subsection.

6           (2) APPLICABLE FUNDING.—The total amount  
7 of funds referred to in paragraph (1) are all funds  
8 not used to carry out paragraph (6)(B) for the fiscal  
9 year that are appropriated for the Department of  
10 Education for the fiscal year to carry out programs  
11 or activities under the following provisions of law:

12                   (A) Title III of the Goals 2000: Educate  
13 America Act (20 U.S.C. 5881 et seq.).

14                   (B) Title IV of the Goals 2000: Educate  
15 America Act (20 U.S.C. 5911 et seq.).

16                   (C) Title VI of the Goals 2000: Educate  
17 America Act (20 U.S.C. 5951).

18                   (D) The Educational Research, Develop-  
19 ment, Disseminations, and Improvement Act of  
20 1994 (20 U.S.C. 6001 et seq.).

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

1 (F) Part B of title I of the Elementary  
2 and Secondary Education Act of 1965 (20  
3 U.S.C. 6361 et seq.).

4 (G) Section 1502 of the Elementary and  
5 Secondary Education Act of 1965 (20 U.S.C.  
6 6492).

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

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

13 (J) Title III of the Elementary and Sec-  
14 ondary Education Act of 1965 (20 U.S.C. 6801  
15 et seq.) (other than section 3132 of such title).

16 (K) Section 3132 of the Elementary and  
17 Secondary Education Act of 1965 (20 U.S.C.  
18 6842 et seq.).

19 (L) Subpart 1 of part A of title IV of the  
20 Elementary and Secondary Education Act of  
21 1965 (20 U.S.C. 7111 et seq.).

22 (M) Subpart 2 of part A of title IV of the  
23 Elementary and Secondary Education Act of  
24 1965 (20 U.S.C. 7131 et seq.).

1 (N) Part A of title V of the Elementary  
2 and Secondary Education Act of 1965 (20  
3 U.S.C. 7201 et seq.).

4 (O) Part B of title V of the Elementary  
5 and Secondary Education Act of 1965 (20  
6 U.S.C. 7231 et seq.).

7 (P) Title VI of the Elementary and Sec-  
8 ondary Education Act of 1965 (20 U.S.C. 7311  
9 et seq.).

10 (Q) Part B of title IX of the Elementary  
11 and Secondary Education Act of 1965 (20  
12 U.S.C. 7901 et seq.).

13 (R) Part C of title IX of the Elementary  
14 and Secondary Education Act of 1965 (20  
15 U.S.C. 7931 et seq.).

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

19 (T) Part B of title X of the Elementary  
20 and Secondary Education Act of 1965 (20  
21 U.S.C. 8031 et seq.).

22 (U) Part D of title X of the Elementary  
23 and Secondary Education Act of 1965 (20  
24 U.S.C. 8091 et seq.).

1 (V) Part F of title X of the Elementary  
2 and Secondary Education Act of 1965 (20  
3 U.S.C. 8141 et seq.).

4 (W) Part G of title X of the Elementary  
5 and Secondary Education Act of 1965 (20  
6 U.S.C. 8161 et seq.).

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

10 (Y) Part J of title X of the Elementary  
11 and Secondary Education Act of 1965 (20  
12 U.S.C. 8271 et seq.).

13 (Z) Part K of title X of the Elementary  
14 and Secondary Education Act of 1965 (20  
15 U.S.C. 8331 et seq.).

16 (AA) Part L of title X of the Elementary  
17 and Secondary Education Act of 1965 (20  
18 U.S.C. 8351 et seq.).

19 (BB) Part A of title XIII of the Elemen-  
20 tary and Secondary Education Act of 1965 (20  
21 U.S.C. 8621 et seq.).

22 (CC) Part C of title XIII of the Elemen-  
23 tary and Secondary Education Act of 1965 (20  
24 U.S.C. 8671 et seq.).

1 (DD) Part B of title VII of the Stewart B.  
2 McKinney Homeless Assistance Act (42 U.S.C.  
3 11421 et seq.).

4 (3) TIMELINES.—

5 (A) CENSUS DETERMINATION.—

6 (i) IN GENERAL.—Not later than 21  
7 days after the beginning of an academic  
8 year, each State shall conduct a census to  
9 determine the number of kindergarten  
10 through grade 12 students in the State for  
11 the academic year.

12 (ii) SUBMISSION.—Each State shall  
13 submit the number described in clause (i)  
14 to the Secretary not later than February 1  
15 of the academic year.

16 (B) PUBLICATION.—The Secretary shall  
17 publish in the Federal Register not later than  
18 March 15 of each fiscal year the amount each  
19 State shall receive under this subsection for the  
20 succeeding fiscal year.

21 (C) DISBURSAL.—The Secretary shall dis-  
22 burse the amount awarded to a State under  
23 this subsection for a fiscal year not later than  
24 July 1 of the fiscal year.

1           (4) DETERMINATION OF AWARD.—From the  
2 total amount made available under paragraph (1)  
3 and not used to carry out paragraph (6)(B), the  
4 Secretary, using the information provided under  
5 paragraph (3), shall award to each State an amount  
6 that bears the same relation to the total amount as  
7 the number of kindergarten through grade 12 stu-  
8 dents in the State for the academic year preceding  
9 the fiscal year bears to the total number of all such  
10 students in all States for the academic year.

11           (5) PENALTY.—If the Secretary determines  
12 that a State has knowingly submitted false informa-  
13 tion under paragraph (3) for the purpose of gaining  
14 additional funds under paragraph (1), then the  
15 State shall be fined an amount equal to twice the  
16 difference between the amount the State received  
17 under this subsection, and the correct amount the  
18 State would have received if the State had submitted  
19 accurate information under paragraph (3).

20           (6) HOLD HARMLESS.—

21           (A) IN GENERAL.—No State shall receive  
22 an award under this subsection—

23                   (i) for fiscal year 2000 in an amount  
24 that is less than the amount the State  
25 would have received to carry out programs

1 or activities under the provisions of law de-  
2 scribed in subparagraphs (A), (F), (I), (J),  
3 (L), (P) and (DD) of paragraph (2) for  
4 fiscal year 2000;

5 (ii) for fiscal year 2001 in an amount  
6 that is less than 95 percent of the mini-  
7 mum amount the State is eligible to receive  
8 under clause (i) for fiscal year 2000;

9 (iii) for fiscal year 2002 in an amount  
10 that is less than 90 percent of the mini-  
11 mum amount the State is eligible to receive  
12 under clause (ii) for fiscal year 2001;

13 (iv) for fiscal year 2003 in an amount  
14 that is less than 85 percent of the mini-  
15 mum amount the State is eligible to receive  
16 under clause (iii) for fiscal year 2002; and

17 (v) for fiscal year 2004 in an amount  
18 that is less than 80 percent of the mini-  
19 mum amount the State is eligible to receive  
20 under clause (iv) for fiscal year 2003.

21 (B) MULTIYEAR AWARDS.—The Secretary  
22 shall use funds appropriated to carry out the  
23 programs or activities under the provisions of  
24 law described in paragraph (2) (other than sub-  
25 paragraphs (A), (F), (I), (J), (L), (P) and

1 (DD) of paragraph (2)) to make payments to  
2 eligible recipients under such provisions pursu-  
3 ant to any multiyear award made under such  
4 provisions prior to the date of enactment of this  
5 Act.

6 (b) PAYMENTS AND AVAILABILITY.—

7 (1) PAYMENTS.—Funds awarded to a State  
8 under this subsection shall be paid to the Governor  
9 of the State.

10 (2) AVAILABILITY.—The Governor of the State  
11 shall make the funds provided under this subsection  
12 available to the individual or entity in the State that  
13 is responsible for the State administration of Fed-  
14 eral education funds pursuant to State law.

15 (c) USE OF STATE AWARDS.—

16 (1) IN GENERAL.—From the amount made  
17 available to a State under subsection (a) for a fiscal  
18 year, the State—

19 (A) shall use not more than 5 percent of  
20 the amount to support programs or activities,  
21 for kindergarten through grade 12 students,  
22 that the State determines appropriate, of which  
23 the State shall distribute 20 percent of the 5  
24 percent to local educational agencies in the  
25 State to pay the administrative expenses of the

1 local educational agencies that are associated  
 2 with the activities and services assisted under  
 3 this section; and

4 (B) shall distribute not less than 95 per-  
 5 cent of the amount to local educational agencies  
 6 in the State for the fiscal year to enable the  
 7 local educational agencies to pay the costs of  
 8 activities or services, for kindergarten through  
 9 grade 12 students, that—

10 (i) the local educational agencies de-  
 11 termine appropriate; and

12 (ii) are provided in the classroom.

13 (2) CLASSROOM ACTIVITIES AND SERVICES.—

14 For the purpose of paragraph (1)(B), the costs of  
 15 activities and services provided in the classroom—

16 (A) exclude the administrative expenses as-  
 17 sociated with the activities and services; and

18 (B) subject to paragraph (1)(B)(i), include  
 19 nonadministrative expenses associated with  
 20 statewide or districtwide initiatives directly af-  
 21 fecting classroom learning.

22 (d) REGULATIONS.—

23 (1) IN GENERAL.—No head of a Federal de-  
 24 partment or agency other than the Secretary may  
 25 promulgate regulations under this section.

1           (2) CLASSROOM ACTIVITIES AND SERVICES.—

2           The Secretary of Education shall not issue any regu-  
3           lation regarding the type of classroom activities or  
4           services that may be assisted under this section.

5           (e) REPORT.—Each Governor of a State receiving as-  
6           sistance under this section shall prepare and submit, not  
7           later than 60 days after the date of enactment of this Act,  
8           to the Committee on Labor and Human Resources of the  
9           Senate and the Committee on Education and the Work-  
10          force of the House of Representatives, a report that de-  
11          scribes the classroom activities and services provided in  
12          the State under this section.

13   **SEC. 3. TITLE I FUNDING.**

14          Section 1603 of the Elementary and Secondary Edu-  
15          cation Act of 1965 (20 U.S.C. 6513) is amended by add-  
16          ing at the end the following:

17          “(d) DOLLARS TO THE CLASSROOM.—

18                  “(1) IN GENERAL.—Notwithstanding any other  
19                  provision of law, from the funds made available to  
20                  a local educational agency under this part for a fis-  
21                  cal year, not less than 95 percent of the funds shall  
22                  be used for the costs of activities and services that—

23                          “(A) the local educational agency deems  
24                          appropriate; and

25                          “(B) are provided in the classroom.

1           “(2) CLASSROOM ACTIVITIES AND SERVICES.—

2           For the purpose of paragraph (1), the costs of ac-  
3           tivities and services provided in the classroom—

4                   “(A) exclude the administrative expenses  
5                   associated with the activities and services; and

6                   “(B) subject to paragraph (1)(A), include  
7                   nonadministrative expenses associated with  
8                   statewide or districtwide initiatives directly af-  
9                   fecting classroom learning.

10           “(3) PLAN.—Not later than 6 months after the  
11           date of enactment of the Dollars to the Classroom  
12           Act, the Secretary shall—

13                   “(A) develop and implement a plan for  
14                   streamlining regulations and eliminating bu-  
15                   reaueraey so that 95 percent of the funds made  
16                   available to local educational agencies under  
17                   this part are used for the costs of activities and  
18                   services provided in the classroom; and

19                   “(B) prepare and submit to Congress rec-  
20                   ommended legislation containing changes to  
21                   Federal law that are needed for 95 percent of  
22                   the funds to be so used.”.

1 **SEC. 4. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**  
2 **VATE AND HOME SCHOOLS.**

3 Each local educational agency that receives funds  
4 under section 2 shall provide for the participation of chil-  
5 dren enrolled in private and home schools in the activities  
6 and services assisted under such section in the same man-  
7 ner as private school children participate in activities and  
8 services under the Elementary and Secondary Education  
9 Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to sections  
10 14503, 14504, 14505, and 14506 of such Act (20 U.S.C.  
11 8893, 8894, 8895, and 8896).

12 **SEC. 5. DEFINITIONS.**

13 In this Act—

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

18 (2) the term “Secretary” means the Secretary  
19 of Education; and

20 (3) the term “State” means each of the several  
21 States of the United States, the District of Colum-  
22 bia, the Commonwealth of Puerto Rico, Guam,  
23 American Samoa, the Commonwealth of the North-  
24 ern Mariana Islands, and the United States Virgin  
25 Islands.

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