

107TH CONGRESS
1ST SESSION

H. R. 340

To amend the Elementary and Secondary Education Act of 1965 to improve the quality of public education and raise student achievement by increasing investment, strengthening accountability, raising standards for teachers, improving professional development and teacher compensation, rewarding successful schools, and providing better information to parents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2001

Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. ANDREWS, Mr. BALDACCI, Mr. BONIOR, Mr. BROWN of Ohio, Mr. CONYERS, Mr. CUMMINGS, Mr. DELAHUNT, Ms. DELAURO, Mr. DINGELL, Mr. FATTAH, Mr. FILNER, Mr. FROST, Mr. GREEN of Texas, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLT, Mr. KIND, Mr. KUCINICH, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mrs. MINK of Hawaii, Mr. NADLER, Mr. OWENS, Mr. PAYNE, Ms. PELOSI, Mr. RODRIGUEZ, Mr. REYES, Mr. RUSH, Ms. SANCHEZ, Mr. SCOTT, Ms. SOLIS, Mr. STARK, Mr. TIERNEY, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. WOOLSEY, Ms. DEGETTE, Mr. KENNEDY of Rhode Island, Mr. TOWNS, Mr. ENGEL, and Mr. DEFazio) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Elementary and Secondary Education Act of 1965 to improve the quality of public education and raise student achievement by increasing investment, strengthening accountability, raising standards for teachers, improving professional development and teacher com-

pensation, rewarding successful schools, and providing better information to parents, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Excellence and Accountability in Education Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References.

TITLE I—STUDENT RESULTS

PART A—BASIC PROGRAM

- Sec. 101. Low-achieving children meet high standards.
- Sec. 102. Purposes and intent.
- Sec. 103. Authorization of appropriations.
- Sec. 104. Reservation and allocation.
- Sec. 105. State plans.
- Sec. 106. Local educational agency plans.
- Sec. 107. Eligible school attendance areas.
- Sec. 108. Schoolwide programs.
- Sec. 109. Targeted assistance schools.
- Sec. 110. School choice.
- Sec. 111. Assessment and local educational agency and school improvement.
- Sec. 112. State assistance for school support and improvement.
- Sec. 113. Academic achievement awards program; improving State assessments.
- Sec. 114. Parental involvement changes.
- Sec. 115. Qualifications for teachers and paraprofessionals.
- Sec. 116. Professional development.
- Sec. 117. Participation of children enrolled in private schools.
- Sec. 118. Requirements; records.
- Sec. 119. Coordination requirements.
- Sec. 120. Amounts for grants.
- Sec. 121. Basic grants to local educational agencies.
- Sec. 122. Concentration grants.
- Sec. 123. Targeted grants.
- Sec. 124. Special allocation procedures.

PART B—EDUCATION OF MIGRATORY CHILDREN

- Sec. 131. State allocations.
- Sec. 132. State applications; services.
- Sec. 133. Authorized activities.

Sec. 134. Coordination of migrant education activities.

PART C—NEGLECTED OR DELINQUENT YOUTH

Sec. 141. Neglected or delinquent youth.
 Sec. 142. Findings.
 Sec. 143. Allocation of funds.
 Sec. 144. State plan and State agency applications.
 Sec. 145. Use of funds.
 Sec. 146. Purpose.
 Sec. 147. Transition services.
 Sec. 148. Programs operated by local educational agencies.
 Sec. 149. Local educational agency applications.
 Sec. 150. Uses of funds.
 Sec. 151. Program requirements.
 Sec. 152. Program evaluations.

PART D—GENERAL PROVISIONS

Sec. 161. General provisions.

PART E—COMPREHENSIVE SCHOOL REFORM

Sec. 171. Comprehensive school reform.

TITLE II—SMART CLASSROOMS

Sec. 201. Smart classrooms.
 Sec. 202. Reading Excellence Act.
 Sec. 203. Student loan forgiveness for teachers.

TITLE III—TECHNOLOGY FOR EDUCATION

Sec. 301. Technology for education.

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

Sec. 401. Safe and drug-free schools and communities.

TITLE V—MAGNET SCHOOLS ASSISTANCE, PUBLIC SCHOOL CHOICE, AND NATIONAL PRIORITIES

Sec. 501. Magnet schools assistance.
 Sec. 502. Women's educational equity.
 Sec. 503. Fund for the improvement of education.
 Sec. 504. Amendment to ESEA relating to gifted and talented children.
 Sec. 505. Charter schools.
 Sec. 506. Arts in education.
 Sec. 507. Inexpensive book distribution program.
 Sec. 508. Civic education.
 Sec. 509. Allen J. Ellender fellowship program.
 Sec. 510. 21st century community learning centers.
 Sec. 511. Rural education achievement program.
 Sec. 512. Physical education for progress.
 Sec. 513. Coordinated services.
 Sec. 514. Dropout prevention.
 Sec. 515. Office of Dropout Prevention and Program Completion.
 Sec. 516. Impact Aid amendments.

TITLE VI—INNOVATIVE EDUCATIONAL STRATEGIES

- Sec. 601. Innovative educational strategies.
 Sec. 602. School construction and renovation grants.

TITLE VII—EDUCATION OF LIMITED ENGLISH PROFICIENT
CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

- Sec. 701. Programs authorized.

TITLE VIII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE
EDUCATION

- Sec. 801. Amendments.
 Sec. 802. Native Hawaiian education.
 Sec. 803. Alaska native education.

TITLE IX—GENERAL PROVISIONS

- Sec. 901. General provisions.

TITLE X—REPEALS; EFFECTIVE DATE

- Sec. 1001. Repeals; effective date.

TITLE XI—AMENDMENTS TO OTHER ACTS

- Sec. 1101. Amendments to Education Amendments of 1978.
 Sec. 1102. Amendments to Tribally Controlled Schools Act of 1988.
 Sec. 1103. Amendments to Stewart B. McKinney Homeless Assistance Act.

1 SEC. 2. REFERENCES.

2 Except as otherwise expressly provided—

3 (1) whenever in this Act an amendment or re-
 4 peal is expressed in terms of an amendment to, or
 5 repeal of, a title, chapter, part, subpart, section,
 6 subsection, or other provision, the reference shall be
 7 considered to be made to a title, chapter, part, sub-
 8 part, section, subsection, or other provision of the
 9 Elementary and Secondary Education Act of 1965
 10 (20 U.S.C. 6301 et seq.); and

11 (2) each reference in this Act to “the Act” shall
 12 be considered to be a reference to the Elementary

1 and Secondary Education Act of 1965 (20 U.S.C.
2 6301 et seq.).

3 **TITLE I—STUDENT RESULTS**

4 **PART A—BASIC PROGRAM**

5 **SEC. 101. LOW-ACHIEVING CHILDREN MEET HIGH STAND-** 6 **ARDS.**

7 The heading for title I is amended by striking “**DIS-**
8 **ADVANTAGED**” and inserting “**LOW-ACHIEV-**
9 **ING**”.

10 **SEC. 102. PURPOSES AND INTENT.**

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

13 **“SEC. 1001. FINDINGS; RECOGNITION OF NEED; AND STATE-** 14 **MENT OF PURPOSE.**

15 “(a) FINDINGS.—Congress finds the following:

16 “(1) Schools that enroll high concentrations of
17 children living in poverty face the greatest challenges
18 but effective educational strategies based on scientif-
19 ically based research can succeed in educating chil-
20 dren to high standards.

21 “(2) High-poverty schools are much more likely
22 to be identified as failing to meet State standards
23 for satisfactory progress. As a result, these schools
24 are generally the most in need of additional re-
25 sources and technical assistance to build the capac-

1 ity of these schools to address the many needs of
2 their students.

3 “(3) The educational progress of children par-
4 ticipating in programs under this title is closely as-
5 sociated with their being taught by a fully qualified
6 staff, particularly in schools with the highest con-
7 centrations of poverty, where paraprofessionals,
8 uncertified teachers, and teachers teaching out of
9 field frequently provide instructional services.

10 “(4) States, local educational agencies, and
11 schools should be held accountable for improving
12 student achievement, while being given appropriate
13 flexibility.

14 “(5) Programs funded under this part must
15 demonstrate increased effectiveness in improving
16 schools in order to ensure all children achieve to
17 high standards.

18 “(b) RECOGNITION OF NEED.—The Congress recog-
19 nizes the following:

20 “(1) Educational needs are particularly great
21 for low-achieving children in our Nation’s highest-
22 poverty schools, children with limited English pro-
23 ficiency, children of migrant workers, children with
24 disabilities, Indian children, children who are ne-

1 glected or delinquent and young children and their
2 parents who are in need of family literacy services.

3 “(2) Despite decades of education reform ef-
4 forts, a sizable achievement gap remains between
5 minority and nonminority students, and between dis-
6 advantaged students and their more advantaged
7 peers.

8 “(3) States, local educational agencies and
9 schools should be held accountable for improving the
10 academic achievement of all students, and for identi-
11 fying and turning around low-performing schools.

12 “(4) Federal education assistance is intended
13 not only to increase pupil achievement overall, but
14 also more specifically and importantly, to help en-
15 sure that all pupils, especially the disadvantaged,
16 meet challenging standards for curriculum content
17 and pupil performance. It can only be determined if
18 schools, local educational agencies, and States, are
19 reaching this goal if pupil achievement results are
20 disaggregated by at-risk categories.”.

21 “(c) PURPOSE AND INTENT.—The purpose and in-
22 tent of this title are to ensure that all children have a
23 fair and equal opportunity to obtain a high quality edu-
24 cation.

1 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) LOCAL EDUCATIONAL AGENCY GRANTS.—Sub-
3 section (a) of section 1002 (20 U.S.C. 6302(a)) is amend-
4 ed by striking “\$7,400,000,000 for fiscal year 1995” and
5 all that follows through the period and inserting
6 \$10,321,000,000 for fiscal year 2002, \$12,040,000,000
7 for fiscal year 2003, \$13,760,000,000 for fiscal year 2004,
8 \$15,481,000,000 for fiscal year 2005, and
9 \$17,200,000,000 for fiscal year 2006.”.

10 (b) EVEN START.—Subsection (b) of section 1002
11 (20 U.S.C. 6302(b)) is amended by striking
12 “\$250,000,000 for fiscal year 2001” and inserting
13 “\$300,000,000 for fiscal year 2002”.

14 (c) EDUCATION OF MIGRATORY CHILDREN.—Sub-
15 section (c) of section 1002 (20 U.S.C. 6302(c)) is amend-
16 ed by striking “\$310,000,000 for fiscal year 1995” and
17 inserting “\$450,000,000 for fiscal year 2002”.

18 (d) PREVENTION AND INTERVENTION PROGRAMS
19 FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT
20 RISK OF DROPPING OUT.—Subsection (d) of section 1002
21 (20 U.S.C. 6302(d)) is amended by striking “\$40,000,000
22 for fiscal year 1995” and inserting “\$60,000,000 for fiscal
23 year 2002”.

24 (e) CAPITAL EXPENSES.—Subsection (e) of section
25 1002 (20 U.S.C. 6302(e)) is amended to read as follows:

1 “(e) CAPITAL EXPENSES.—For the purpose of car-
 2 rying out section 1120(e), there are authorized to be ap-
 3 propriated \$10,000,000 for fiscal year 2002.”.

4 (f) ADDITIONAL ASSISTANCE.—Subsection (f) of sec-
 5 tion 1002 is amended to read as follows:

6 “(f) SCHOOL IMPROVEMENT.—Each State may re-
 7 serve for the purpose of carrying out its duties under sec-
 8 tion 1116 and 1117, the greater of one-half of 1 percent
 9 of the amount allocated under this part, or \$200,000.”.

10 (g) FEDERAL ACTIVITIES.—Subsection (g) of section
 11 1002 (20 U.S.C. 6302(g)) is amended by striking “1995”
 12 each place it appears and inserting “2002”.

13 (h) STATE ADMINISTRATION.—Section 1002 is
 14 amended by adding at the end the following:

15 “(h) STATE ADMINISTRATION.—

16 “(1) STATE RESERVATION.—Each State may
 17 reserve, from the grants it receives under parts A,
 18 C, and D, of this title, an amount equal to the
 19 greater of—

20 “(A) 1 percent of the amount it received
 21 under parts A, C, and D; or

22 “(B) \$400,000 (\$50,000 for each outlying
 23 area), to carry out administrative duties as-
 24 signed under parts A, C, and D.

1 “(2) SPECIAL RULE.—The amount reserved by
2 each State under this subsection may not exceed the
3 amount of State funds expended by the State edu-
4 cational agency to administer elementary and sec-
5 ondary education programs in such State.

6 “(i) ASSISTANCE FOR LOCAL SCHOOL IMPROVE-
7 MENT.—

8 “(1) PROGRAM AUTHORIZED.—The Secretary
9 shall award grants to States to provide subgrants to
10 local educational agencies for the purpose of pro-
11 viding assistance for school improvement consistent
12 with section 1116. Such grants shall be allocated
13 among States, the Bureau of Indian Affairs, and the
14 outlying areas, in the same proportion to the grants
15 received by each State, the Bureau of Indian Affairs,
16 and the outlying areas for the fiscal year under
17 parts A, C, and D of this title. The Secretary shall
18 expeditiously allocate a portion of such funds to
19 States for the purpose of assisting local educational
20 agencies and schools that were in school improve-
21 ment status on the date preceding the date of the
22 enactment of the Excellence and Accountability in
23 Education Act.

24 “(2) REALLOCATIONS.—If a State does not
25 apply for funds under this subsection, the Secretary

1 shall reallocate such funds to other States in the
2 same proportion funds are allocated under para-
3 graph (1).

4 “(3) STATE APPLICATIONS.—Each State edu-
5 cational agency that desires to receive funds under
6 this subsection shall submit an application to the
7 Secretary at such time, and containing such infor-
8 mation as the Secretary shall reasonably require, ex-
9 cept that such requirement shall be waived if a State
10 educational agency has submitted such information
11 as part of its State plan under this part. Each State
12 plan shall describe how such funds will be allocated
13 to ensure that the State educational agency and
14 local educational agencies comply with school im-
15 provement and corrective action requirements of sec-
16 tion 1116.

17 “(4) LOCAL EDUCATIONAL AGENCY GRANTS.—
18 A grant to a local educational agency under this
19 subsection shall be—

20 “(A) of sufficient size and scope to support
21 the activities required under sections 1116 and
22 1117, but not less than \$50,000 and not more
23 than \$500,000 to each participating school;

24 “(B) integrated with other funds under
25 this Act; and

1 “(C) renewable for 2 additional 1-year pe-
2 riods if schools are making yearly progress con-
3 sistent with State and local educational agency
4 plans developed under section 1116.

5 “(5) PRIORITY.—The State, in awarding such
6 grants, shall give priority to local educational agen-
7 cies with the lowest achieving schools, that dem-
8 onstrate the greatest need for such funds, and that
9 demonstrate the strongest commitment to making
10 sure such funds are used to provide adequate re-
11 sources to enable such schools to meet the yearly
12 progress goals under State and local school improve-
13 ment and corrective action plans under section 1116.

14 “(6) ADMINISTRATIVE COSTS.—A State edu-
15 cational agency that receives a grant award under
16 this subsection may reserve not more than 5 percent
17 of such award for administration, evaluation, and
18 technical assistance expenses.

19 “(7) LOCAL AWARDS.—Each local educational
20 agency that applies for assistance under this sub-
21 section shall describe how it will provide the lowest
22 achieving schools the resources necessary to meet
23 yearly progress goals under State and local school
24 improvement and corrective action plans under sec-
25 tion 1116.

1 “(8) AUTHORIZATION OF APPROPRIATIONS.—
2 For the purpose of carrying out this subsection,
3 there are authorized to be appropriated
4 \$250,000,000 for fiscal year 2002, \$300,000,000 for
5 fiscal year 2003, \$350,000,000 for fiscal year 2004,
6 \$400,000,000 for fiscal year 2005, and
7 \$450,000,000 for fiscal year 2006.”.

8 **SEC. 104. RESERVATION AND ALLOCATION.**

9 Section 1003 (20 U.S.C. 6303) is repealed.

10 **SEC. 105. STATE PLANS.**

11 Section 1111 (20 U.S.C. 6311) is amended to read
12 as follows:

13 **“SEC. 1111. STATE PLANS.**

14 “(a) PLANS REQUIRED.—

15 “(1) IN GENERAL.—Any State desiring to re-
16 ceive a grant under this part shall submit to the
17 Secretary a plan, developed in consultation with local
18 educational agencies, teachers, pupil services per-
19 sonnel, administrators (including administrators of
20 programs described in other parts of this title),
21 other staff, and parents, that satisfies the require-
22 ments of this section and that is coordinated with
23 other programs under this Act, the Individuals with
24 Disabilities Education Act, the Carl D. Perkins Vo-

1 cational and Technical Education Act of 1998, and
2 the Head Start Act.

3 “(2) CONSOLIDATED PLAN.—A State plan sub-
4 mitted under paragraph (1) may be submitted as
5 part of a consolidated plan under section 10202.

6 “(b) STANDARDS, ASSESSMENTS, AND ACCOUNT-
7 ABILITY.—

8 “(1) CHALLENGING STANDARDS.—(A) Each
9 State plan shall demonstrate that the State has
10 adopted and implemented challenging content stand-
11 ards and challenging student performance standards
12 that will be used by the State, its local educational
13 agencies, and its schools to carry out this part, ex-
14 cept that a State shall not be required to submit
15 such standards to the Secretary.

16 “(B) The standards required by subparagraph
17 (A) shall be the same standards that the State ap-
18 plies to all schools and children in the State.

19 “(C) The State shall have such standards for
20 elementary and secondary school children served
21 under this part in subjects determined by the State,
22 but including at least mathematics, reading or lan-
23 guage arts, and science, which shall include the
24 same knowledge, skills, and levels of performance ex-
25 pected of all children.

1 “(D) Standards under this paragraph shall
2 include—

3 “(i) challenging content standards in aca-
4 demic subjects that—

5 “(I) specify what children are ex-
6 pected to know and be able to do;

7 “(II) contain coherent and rigorous
8 content; and

9 “(III) encourage the teaching of ad-
10 vanced skills; and

11 “(ii) challenging student performance
12 standards that—

13 “(I) are aligned with the State’s con-
14 tent standards;

15 “(II) describe 2 levels of high per-
16 formance, proficient and advanced, that
17 determine how well children are mastering
18 the material in the State content stand-
19 ards; and

20 “(III) describe a third level of per-
21 formance, basic, to provide complete infor-
22 mation about the progress of the lower
23 performing children toward achieving to
24 the proficient and advanced levels of per-
25 formance.

1 “(E) For the subjects in which students will be
2 served under this part, but for which a State is not
3 required by subparagraphs (A), (B), and (C) to de-
4 velop, and has not otherwise developed such stand-
5 ards, the State plan shall describe a strategy for en-
6 suring that such students are taught the same
7 knowledge and skills and held to the same expecta-
8 tions as are all children.

9 “(2) ADEQUATE YEARLY PROGRESS.—

10 “(A) IN GENERAL.—Each State plan shall
11 demonstrate, based on assessments described
12 under paragraph (4), what constitutes adequate
13 yearly progress of—

14 “(i) any school served under this part
15 toward enabling all children to meet the
16 State’s challenging student performance
17 standards;

18 “(ii) any local educational agency that
19 received funds under this part toward ena-
20 bling all children in schools receiving as-
21 sistance under this part to meet the
22 State’s challenging student performance
23 standards; and

24 “(iii) the State in enabling all children
25 in schools receiving assistance under this

1 part to meet the State’s challenging stu-
2 dent performance standards.

3 “(B) DEFINITION.—Adequate yearly
4 progress shall be defined in a manner that—

5 “(i) applies the same high standards
6 of academic performance to all students in
7 the State;

8 “(ii) takes into account the progress
9 of all students in the State and in each
10 local educational agency and school served
11 under section 1114 or 1115;

12 “(iii) uses the State challenging con-
13 tent and challenging student performance
14 standards and assessments described in
15 paragraphs (1) and (4);

16 “(iv) compares separately, within each
17 State, local educational agency, and school,
18 the performance and progress of students
19 by gender, each major ethnic and racial
20 group, by English proficiency status, by
21 migrant status, by students with disabili-
22 ties as compared to nondisabled students,
23 and by economically disadvantaged stu-
24 dents as compared to students who are not
25 economically disadvantaged (except that

1 such disaggregation shall not be required
2 in a case in which the number of students
3 in a category is insufficient to yield statis-
4 tically reliable information or the results
5 would reveal individually identifiable infor-
6 mation about an individual student);

7 “(v) compares the proportions of stu-
8 dents at the ‘basic’, ‘proficient’, and ‘ad-
9 vanced’ levels of performance with the pro-
10 portions of students at each of the 3 levels
11 in the same grade in the previous school
12 year;

13 “(vi) includes annual numerical goals
14 for improving the performance of all
15 groups specified in clause (iv) and nar-
16 rowing gaps in performance between these
17 groups; and

18 “(vii) includes a timeline for ensuring
19 that each group of students described in
20 clause (iv) meets or exceeds the State’s
21 proficient level of performance on each
22 State assessment used for the purposes of
23 section 1111 and section 1116 not later
24 than 10 years after the date of the enact-

1 ment of the Excellence and Accountability
2 in Education Act; and

3 “(viii) at the State’s discretion, may
4 also include other academic measures such
5 as promotion, completion of college pre-
6 paratory courses, and high school comple-
7 tion, except that inclusion of such other
8 measures may not change which schools or
9 local educational agencies would otherwise
10 be subject to improvement or corrective ac-
11 tion under section 1116 if the discretionary
12 indicators were not included.

13 “(C) ANNUAL IMPROVEMENT FOR
14 STATES.—For a State to make adequate yearly
15 progress under subparagraph (A)(iii), not less
16 than 90 percent of the local educational agen-
17 cies within its jurisdiction shall meet the State’s
18 criteria for adequate yearly progress.

19 “(D) ANNUAL IMPROVEMENT FOR LOCAL
20 EDUCATIONAL AGENCIES.—For a local edu-
21 cational agency to make adequate yearly
22 progress under subparagraph (A)(ii), not less
23 than 90 percent of the schools within its juris-
24 diction must meet the State’s criteria for ade-
25 quate yearly progress.

1 “(E) ANNUAL IMPROVEMENT FOR
2 SCHOOLS.—For a school to make adequate
3 yearly progress under subparagraph (A)(i), not
4 less than 90 percent of each group of students
5 described in subparagraph (A)(iv) who are en-
6 rolled in such school are required to take the
7 assessments consistent with section
8 612(a)(17)(A) of the Individuals with Disabil-
9 ities Education Act and paragraph (4)(F)(iv)
10 on which adequate yearly progress is based.
11 The requirement of this subparagraph must be
12 met for such assessments to be used to deter-
13 mine whether a school is making adequate year-
14 ly progress.

15 “(F) PUBLIC NOTICE AND COMMENT.—
16 Each State shall ensure that in developing its
17 plan for adequate yearly progress, it diligently
18 seeks public comment from a range of institu-
19 tions and individuals in the State with an inter-
20 est in improved student achievement and that
21 the State makes and will continue to make a
22 substantial effort to ensure that information
23 under this part is widely known and understood
24 by the public, parents, teachers, and school ad-
25 ministrators throughout the State. Such efforts

1 shall include, at a minimum, publication of such
2 information and explanatory text, broadly to the
3 public through such means as the Internet, the
4 media, and public agencies.

5 “(G) REVIEW.—The Secretary shall review
6 the information from States on the adequate
7 yearly progress of schools and local educational
8 agencies required under subparagraphs (A) and
9 (B) for the purpose of determining State and
10 local compliance with section 1116.

11 “(H) REVISION.—The Secretary shall re-
12 quire States to revise their definition of ade-
13 quate yearly progress, consistent with the re-
14 quirements of this paragraph. Such revisions
15 shall be submitted to the Secretary for approval
16 not later than 1 year after the date of the en-
17 actment of the Excellence and Accountability in
18 Education Act.

19 “(3) STATE AUTHORITY.—If a State edu-
20 cational agency provides evidence, which is satisfac-
21 tory to the Secretary, that neither the State edu-
22 cational agency nor any other State government offi-
23 cial, agency, or entity has sufficient authority, under
24 State law, to adopt curriculum content and student
25 performance standards, and assessments aligned

1 with such standards, which will be applicable to all
2 students enrolled in the State’s public schools, then
3 the State educational agency may meet the require-
4 ments of this subsection by—

5 “(A) adopting standards and assessments
6 that meet the requirements of this subsection,
7 on a statewide basis, limiting their applicability
8 to students served under this part; or

9 “(B) adopting and implementing policies
10 that ensure that each local educational agency
11 in the State which receives grants under this
12 part will adopt curriculum content and student
13 performance standards, and assessments
14 aligned with such standards, which meet all of
15 the criteria in this subsection and any regula-
16 tions regarding such standards and assessments
17 which the Secretary may publish, and which are
18 applicable to all students served by each such
19 local educational agency.

20 “(4) ASSESSMENTS.—Each State plan shall
21 demonstrate that the State has implemented and is
22 administering a set of high-quality, yearly student
23 assessments that include, at a minimum, assess-
24 ments in mathematics, reading or language arts, and
25 science as the primary means of determining the

1 yearly performance of each local educational agency
2 and school served under this title in enabling all
3 children served under this part to meet the State’s
4 challenging student performance standards. Such as-
5 sements shall—

6 “(A) be the same assessments used to
7 measure the performance of all children, if the
8 State measures the performance of all children;

9 “(B) be criterion referenced and aligned
10 with the State’s challenging content and stu-
11 dent performance standards and provide coher-
12 ent information about student attainment of
13 such standards;

14 “(C) be used for purposes for which such
15 assessments are valid and reliable, and be con-
16 sistent with relevant, nationally recognized pro-
17 fessional and technical standards for such as-
18 sements;

19 “(D) measure the proficiency of students
20 in the academic subjects in which a State has
21 adopted challenging content and student per-
22 formance standards and be administered not
23 less than one or more times during—

24 “(i) grades 3 through 5;

25 “(ii) grades 6 through 9; and

1 “(iii) grades 10 through 12;

2 “(E) involve multiple up-to-date measures
3 of student performance, including measures
4 that assess higher order thinking skills and un-
5 derstanding;

6 “(F) provide for—

7 “(i) the participation in such assess-
8 ments of all students;

9 “(ii) the reasonable adaptations and
10 accommodations for students with disabil-
11 ities defined under 602(3) of the Individ-
12 uals with Disabilities Education Act nec-
13 essary to measure the achievement of such
14 students relative to State content and
15 State student performance standards; and

16 “(iii) the inclusion of limited English
17 proficient students who shall be assessed,
18 to the extent practicable, in the language
19 and form most likely to yield accurate and
20 reliable information on such students’
21 knowledge of, and skills in, the subject
22 area being assessed;

23 “(G) include students who have attended
24 schools in a local educational agency for a full
25 academic year but have not attended a single

1 school for a full academic year, except that the
2 performance of students who have attended
3 more than 1 school in the local educational
4 agency in any academic year shall be used only
5 in determining the progress of the local edu-
6 cational agency;

7 “(H) provide individual student reports,
8 which include assessment scores, or other infor-
9 mation on the attainment of student perform-
10 ance standards; and

11 “(I) enable results to be disaggregated
12 within each State, local educational agency, and
13 school by gender, by each major racial and eth-
14 nic group, by English proficiency status, by mi-
15 grant status, by students with disabilities as
16 compared to nondisabled students, and by eco-
17 nomically disadvantaged students as compared
18 to students who are not economically disadvan-
19 taged.

20 “(5) SPECIAL RULE.—

21 “(A) IN GENERAL.—Assessment measures
22 that do not meet the requirements of paragraph
23 (4)(C) may be included as one of the multiple
24 measures, if a State includes in the State plan

1 information regarding the State’s efforts to
2 validate such measures.

3 “(B) STUDENT LITERACY SKILLS.—States
4 may measure the literacy skills of students 1 or
5 more times during grades K–2. Such measure-
6 ment shall serve only as a diagnostic tool, with
7 its sole purpose being the improvement of read-
8 ing instruction.

9 “(6) LANGUAGE ASSESSMENTS.—Each State
10 plan shall identify the languages other than English
11 that are present in the participating student popu-
12 lation and indicate the languages for which yearly
13 student assessments are not available and are need-
14 ed. The State shall make every effort to develop
15 such assessments and may request assistance from
16 the Secretary if linguistically accessible assessment
17 measures are needed. Upon request, the Secretary
18 shall assist with the identification of appropriate as-
19 sessment measures in the needed languages, but
20 shall not mandate a specific assessment or mode of
21 instruction.

22 “(7) REQUIREMENT.—Each State plan shall
23 describe—

24 “(A) how the State educational agency will
25 ensure that each local educational agency and

1 school affected by the State plan to develop the
2 capacity to comply with each of the require-
3 ments of sections 1112(c)(1)(D), 1114(c), and
4 1115(c) that is applicable to such agency or
5 school;

6 “(B) what specific steps the State edu-
7 cational agency will take to assist, and provide
8 resources to, schools and local educational agen-
9 cies that receive funds under this part to ensure
10 that all students enrolled in such schools and
11 local educational agencies reach, at a minimum,
12 the proficient level of performance;

13 “(C) the actions the State will take to en-
14 sure that critical education services and re-
15 sources are available in local educational agen-
16 cies that receive funds under this part to the
17 extent that such services are available in local
18 educational agencies that do not receive funds
19 under this part;

20 “(D) whether services in local educational
21 agencies that receive funds under this part are
22 of comparable quality to the services in local
23 educational agencies that do not receive funds
24 under this part;

25 “(E) at a minimum—

1 “(i) how the State will ensure, not
2 later than December 1, 2004, that stu-
3 dents from families with incomes below the
4 poverty line and minority students receive
5 instruction from fully qualified teachers at
6 the same rate as other students;

7 “(ii) how the State will ensure, not
8 later than December 1, 2004, that stu-
9 dents from families with incomes below the
10 poverty line and minority students have
11 the same access to challenging curricula
12 and rigorous courses, including advance
13 placement courses, as do other students;

14 “(iii) how the State will ensure, not
15 later than December 1, 2004, that the
16 quality and availability of instructional ma-
17 terials and instructional resources includ-
18 ing technology in local educational agencies
19 receiving funds under this part, is com-
20 parable to such quality and availability in
21 local educational agencies not receiving
22 funds under this part; and

23 “(F) the measures that the State edu-
24 cational agency will use annually to measure

1 and publicly report progress regarding subpara-
2 graph (E).

3 “(8) EXCLUSION FROM ASSESSMENTS.—

4 “(A) IN GENERAL.—Local educational
5 agencies receiving funds under this part shall
6 compile information and report, by individual
7 school, on students who do not participate in
8 assessments required under paragraph (4).
9 Such report, which shall be distributed widely
10 to the public, shall include—

11 “(i) a list of each reason that students
12 did not participate in any such assessment;
13 and

14 “(ii) the number from each group of
15 students described in paragraph (2)(B)(iv)
16 who did not participate on any such as-
17 sessment for each reason.

18 “(B) PROTECTION.—Reports required
19 under subparagraph (A) shall not report infor-
20 mation in a case in which it would reveal indi-
21 vidually identifiable information.

22 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
23 AND LEARNING.—Each State plan shall contain assur-
24 ances that—

1 “(1) the State educational agency will work
2 with other agencies, including educational service
3 agencies or other local consortia, and institutions to
4 provide technical assistance to local educational
5 agencies and schools to carry out the State edu-
6 cational agency’s responsibilities under this part, in-
7 cluding technical assistance in providing professional
8 development under section 1119 and technical as-
9 sistance under section 1117; and

10 “(2)(A) where educational service agencies
11 exist, the State educational agency will consider pro-
12 viding professional development and technical assist-
13 ance through such agencies; and

14 “(B) where educational service agencies do not
15 exist, the State educational agency will consider pro-
16 viding professional development and technical assist-
17 ance through other cooperative agreements such as
18 through a consortium of local educational agencies;

19 “(3) the State educational agency will notify
20 local educational agencies and the public of the con-
21 tent and student performance standards and assess-
22 ments developed under this section, and of the au-
23 thority to operate schoolwide programs, and will ful-
24 fill the State educational agency’s responsibilities re-
25 garding local educational agency improvement and

1 school improvement under section 1116, including
2 such corrective actions as are necessary;

3 “(4) the State educational agency will provide
4 the least restrictive and burdensome regulations for
5 local educational agencies and individual schools par-
6 ticipating in a program assisted under this part;

7 “(5) if applicable, the State educational agency
8 will inform the Secretary and the public of how and
9 which Federal laws hinder the ability of States—

10 “(A) to improve overall student achieve-
11 ment; and

12 “(B) to close achievement gaps between
13 groups of students described in subsection
14 (b)(2)(A)(iv);

15 “(6) the State educational agency will encour-
16 age schools to consolidate funds from other Federal,
17 State, and local sources for schoolwide reform in
18 schoolwide programs under section 1114;

19 “(7) the State educational agency will modify or
20 eliminate State fiscal and accounting barriers so
21 that schools can easily consolidate funds from other
22 Federal, State, and local sources for schoolwide pro-
23 grams under section 1114;

24 “(8) the State educational agency has involved
25 the committee of practitioners established under sec-

1 tion 1603(b) in developing the plan and monitoring
2 its implementation; and

3 “(9) the State educational agency will inform
4 local educational agencies of the local educational
5 agency’s authority to seek waivers under title X and,
6 if the State is an Ed-Flex Partnership State, waivers
7 under the Education Flexibility Partnership Act of
8 1999 (30 U.S.C. 589a et seq.).

9 “(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

10 “(1) SECRETARIAL DUTIES.—The Secretary
11 shall—

12 “(A) establish a peer review process to as-
13 sist in the review of State plans;

14 “(B) approve a State plan after its submis-
15 sion unless the Secretary determines that the
16 plan does not meet the requirements of this sec-
17 tion;

18 “(C) if the Secretary determines that the
19 State plan does not meet the requirements of
20 subsection (a), (b), or (c), immediately notify
21 the State of such determination and the reasons
22 for such determination;

23 “(D) not decline to approve a State’s plan
24 before—

1 “(i) offering the State an opportunity
2 to revise its plan;

3 “(ii) providing technical assistance in
4 order to assist the State to meet the re-
5 quirements under subsections (a), (b), and
6 (c); and

7 “(iii) providing a hearing;

8 “(E) have the authority to disapprove a
9 State plan for not meeting the requirements of
10 this part, but shall not have the authority to re-
11 quire a State, as a condition of approval of the
12 State plan, to include in, or delete from, such
13 plan one or more specific elements of the
14 State’s content standards or to use specific as-
15 sessment instruments or items; and

16 “(2) STATE REVISIONS.—States shall revise
17 their plans if necessary to satisfy the requirements
18 of this section. Revised plans shall be submitted to
19 the Secretary for approval not later than 1 year
20 after the date of the enactment of the Excellence
21 and Accountability in Education Act.

22 “(e) DURATION OF THE PLAN.—

23 “(1) IN GENERAL.—Each State plan shall—

24 “(A) be submitted for the first year for
25 which this part is in effect after the date of the

1 enactment of the Excellence and Accountability
2 in Education Act;

3 “(B) remain in effect for the duration of
4 the State’s participation under this part; and

5 “(C) be periodically reviewed and revised
6 by the State, as necessary, to reflect changes in
7 the State’s strategies and programs under this
8 part.

9 “(2) ADDITIONAL INFORMATION.—If the State
10 makes significant changes in its plan, such as the
11 adoption of new State content standards and State
12 student performance standards, new assessments, or
13 a new definition of adequate yearly progress, the
14 State shall submit such information to the Sec-
15 retary.

16 “(f) LIMITATION ON CONDITIONS.—Nothing in this
17 part shall be construed to authorize an officer or employee
18 of the Federal Government to mandate, direct, or control
19 a State, local educational agency, or school’s specific in-
20 structional content or student performance standards and
21 assessments, curriculum, or program of instruction, as a
22 condition of eligibility to receive funds under this part.

23 “(g) PENALTIES.—

24 “(1) IN GENERAL.—If a State fails to dem-
25 onstrate that it has in place challenging content

1 standards and student performance standards and
2 assessments, and a system for measuring and moni-
3 toring adequate yearly progress which includes the
4 disaggregation of data by groups, as described in
5 subsection (b)(2)(A)(iv), the State shall be ineligible
6 to receive any administrative funds under section
7 1002(h) that exceed the amount received by the
8 State for such purpose in the previous year.

9 “(2) ADDITIONAL FUNDS.—Based on the extent
10 to which the requirements of paragraph (1) are not
11 met, additional administrative funds shall be with-
12 held in such amount as the Secretary determines ap-
13 propriate, except that for each additional year that
14 the State fails to comply with such requirements, the
15 Secretary shall withhold not less than one-fifth of
16 the amount the State receives for administrative ex-
17 penses under section 1002(h).

18 “(3) WAIVER.—Notwithstanding title X of this
19 Act and the Education Flexibility Partnership Act of
20 1999 or any other provision of law, a waiver shall
21 not be granted except that a State may request a 1-
22 time, 1-year waiver to meet the requirements of this
23 section.

24 “(h) SCHOOL REPORT CARDS; PARENTAL INFORMA-
25 TION.—

1 “(1) IN GENERAL.—

2 “(A) ANNUAL REPORT.—Not later than
3 the beginning of the 2002–2003 school year, a
4 State that receives assistance under this Act
5 shall prepare and publicly disseminate an an-
6 nual report on all schools that receive funds
7 under this part. States and local educational
8 agencies may issue report cards under this sec-
9 tion only for local educational agencies and
10 schools receiving funds under this part, except
11 that if a State or local educational agency
12 issues a report card for all students, the State
13 or local educational agency may include the in-
14 formation under this section as part of such re-
15 port card.

16 “(B) IMPLEMENTATION.—The State shall
17 ensure the dissemination of this information at
18 all levels. Such information shall be—

19 “(i) concise; and

20 “(ii) presented in a format and man-
21 ner that parents can understand, and
22 which, to the extent practicable, shall be in
23 a language the parents can understand.

24 “(2) CONTENT OF ANNUAL STATE REPORTS.—

1 “(A) REQUIRED INFORMATION.—The
2 State shall, at a minimum, include in the an-
3 nual State reports information for the State on
4 each local educational agency and school
5 regarding—

6 “(i) student performance on statewide
7 assessments for the current and preceding
8 years in at least mathematics, reading or
9 language arts, and science, including—

10 “(I) a comparison of the propor-
11 tions of students who performed at
12 ‘basic’, ‘proficient’, and ‘advanced’
13 levels in each subject area, for each
14 grade level at which assessments are
15 required under this part, with propor-
16 tions in each of the same 3 categories
17 at the same grade levels in the pre-
18 vious school year; and

19 “(II) a statement of the percent-
20 age of students not tested and a list-
21 ing of categories of the reasons why
22 they were not tested;

23 “(ii) retention in grade, completion of
24 advanced placement courses, and 4-year
25 graduation rates;

1 “(iii) the professional qualifications of
2 teachers in the aggregate, including the
3 percentage of course sections in core aca-
4 demic subjects taught by teachers with
5 emergency or provisional credentials, and
6 the percentage of class sections not taught
7 by fully qualified teachers; and

8 “(iv) the professional qualifications of
9 paraprofessionals, the number of para-
10 professionals in the aggregate and the
11 ratio of paraprofessionals to teachers in
12 the classroom.

13 “(B) STUDENT DATA.—Student data in
14 each report shall contain disaggregated results
15 for the following categories:

16 “(i) gender;

17 “(ii) racial and ethnic group;

18 “(iii) migrant status;

19 “(iv) students with disabilities, as
20 compared to students who are not disabled;

21 “(v) economically disadvantaged stu-
22 dents, as compared to students who are
23 not economically disadvantaged; and

1 “(vi) students with limited English
2 proficiency, as compared to students who
3 are proficient in English.

4 “(C) OPTIONAL INFORMATION.—A State
5 may include in its report any other information
6 it determines appropriate to reflect school qual-
7 ity and school achievement, including informa-
8 tion on average class size by grade level, and in-
9 formation on school safety, such as the inci-
10 dence of school violence and drug and alcohol
11 abuse, and the incidence of student suspensions
12 and expulsions.

13 “(3) CONTENT OF LOCAL EDUCATIONAL AGEN-
14 CIES REPORTS.—

15 “(A) MINIMUM REQUIREMENTS.—The
16 State shall ensure that each local educational
17 agency collects appropriate data and publishes
18 and publicly disseminates an annual report for
19 each of its schools which includes, at a
20 minimum—

21 “(i) the information described in para-
22 graphs (2)(A) and (2)(B) for each local
23 educational agency and school—

24 “(I) in the case of a local edu-
25 cational agency—

1 “(aa) the number and per-
2 centage of schools identified for
3 school improvement, including
4 schools identified under section
5 1116(b) of this Act;

6 “(bb) information that
7 shows how students in its schools
8 perform on the statewide assess-
9 ment compared to students in the
10 State as a whole;

11 “(II) in the case of a school—

12 “(aa) whether it has been
13 identified for school improve-
14 ment; and

15 “(bb) information that
16 shows how its students performed
17 on the statewide assessment com-
18 pared to students in the local
19 educational agency and the State
20 as a whole.

21 “(B) OTHER INFORMATION.—A local edu-
22 cational agency may include in its annual re-
23 ports any other appropriate information wheth-
24 er or not such information is included in the
25 annual State report.

1 “(4) DISSEMINATION AND ACCESSIBILITY OF
2 REPORTS.—

3 “(A) STATE REPORTS.—State annual re-
4 ports under paragraph (2) shall be dissemi-
5 nated to all schools and local educational agen-
6 cies in the State, and made broadly available to
7 the public through means such as posting on
8 the Internet, distribution to the media, and dis-
9 tribution through public agencies.

10 “(B) LOCAL EDUCATIONAL AGENCY RE-
11 PORTS.—Local educational agency reports
12 under paragraph (3) shall be disseminated to
13 all schools in the school district and to all par-
14 ents of students attending these schools and
15 made broadly available to the public through
16 means such as posting on the Internet, distribu-
17 tion to the media, and distribution through
18 public agencies.

19 “(5) PARENT’S RIGHT-TO-KNOW.—

20 “(A) QUALIFICATIONS.—A local edu-
21 cational agency that receives funds under this
22 part shall provide, upon request, in an under-
23 standable and uniform format, to any parent of
24 a student attending any school receiving funds
25 under this part, information regarding the pro-

1 fessional qualifications of the student’s class-
2 room teachers, including, at a minimum, the
3 following:

4 “(i) Whether the teacher has met
5 State qualification and licensing criteria
6 for the grade levels and subject areas in
7 which the teacher provides instruction.

8 “(ii) Whether the teacher is teaching
9 under emergency or other provisional sta-
10 tus through which State qualification or li-
11 censing criteria have been waived.

12 “(iii) The baccalaureate degree major
13 of the teacher and any other graduate cer-
14 tification or degree held by the teacher,
15 and the field of discipline of the certifi-
16 cation or degree.

17 “(iv) Whether the child is provided
18 services by paraprofessionals and the quali-
19 fications of such paraprofessional.

20 “(B) ADDITIONAL INFORMATION.—In ad-
21 dition to the information which parents may re-
22 quest under subparagraph (A), and the infor-
23 mation provided in subsection (c), a school
24 which receives funds under this part shall pro-
25 vide to each individual parent or guardian—

1 “(i) information on the level of per-
2 formance of the individual student for
3 whom they are the parent or guardian in
4 each of the State assessments as required
5 under this part; and

6 “(ii) timely notice that the student for
7 whom they are the parent or guardian has
8 been assigned or has been taught for 2 or
9 more consecutive weeks by a substitute
10 teacher or by a teacher not fully qualified.

11 “(C) NOTIFICATION.—A local educational
12 agency shall notify parents of students attend-
13 ing any school receiving funds under this part,
14 on an annual basis, of their ability to request
15 information under this paragraph and initially
16 not later than 1 year after the date of the en-
17 actment of the Excellence and Accountability in
18 Education Act. A local educational agency shall
19 provide such notification to parents in a format,
20 and to the extent practicable, in a language
21 they can understand.

22 “(6) PLAN CONTENT.—A State shall include in
23 its plan under subsection (b) an assurance that it
24 has in effect a policy that meets the requirements of
25 this section.

1 “(i) PRIVACY.—Information collected under this sec-
2 tion shall be collected and disseminated in a manner that
3 protects the privacy of individuals.

4 “(j) SPECIAL RULE ON SCIENCE STANDARDS AND
5 ASSESSMENTS.—Notwithstanding subsections (b) and (h),
6 no State shall be required to meet the requirements under
7 this title relating to science standards or assessments until
8 the beginning of the 2006–2007 school year.”.

9 **SEC. 106. LOCAL EDUCATIONAL AGENCY PLANS.**

10 (a) PLANS REQUIRED.—

11 (1) Paragraph (1) of section 1112(a) (20
12 U.S.C. 6312(a)(1)) is amended by striking “the
13 Goals 2000: Educate America Act” and all that fol-
14 lows and inserting the following: “the Individuals
15 with Disabilities Education Act, the Carl D. Perkins
16 Vocational and Technical Education Act of 1998,
17 the Head Start Act, and other Acts, as appro-
18 priate.”.

19 (2) Paragraph (2) of section 1112(a) is amend-
20 ed by striking “14304” and inserting “10204”.

21 (b) PLAN PROVISIONS.—Subsection (b) of section
22 1112 (20 U.S.C. 6312(b)) is amended—

23 (1) by striking “Each” in the matter preceding
24 paragraph (1) and inserting “In order to help low-
25 achieving children achieve to high standards, each”;

1 (2) in paragraph (1)—

2 (A) by striking “part” each place it ap-
3 pears and inserting “title”;

4 (B) in subparagraph (B), by inserting
5 “low-achieving” before “children”;

6 (C) by striking “and” at the end of sub-
7 paragraph (B);

8 (D) by inserting “and” at the end of sub-
9 paragraph (C); and

10 (E) by adding at the end the following new
11 subparagraph:

12 “(D) determine the literacy levels of first
13 graders and their need for interventions, and a
14 description of how the local educational agency
15 will ensure that any such assessments—

16 “(i) are developmentally appropriate;
17 and

18 “(ii) use multiple measures to provide
19 information about the variety of skills that
20 scientifically based research has identified
21 as leading to early acquisition of reading
22 skills.”;

23 (3) in paragraph (4)(B), by striking “under
24 part C or who were formerly eligible for services
25 under part C in the 2-year period preceding the date

1 of the enactment of the Improving America’s School
2 Act of 1994, neglected or delinquent youth and
3 youth at risk of dropping out” and inserting “under
4 part C, neglected or delinquent youth, Indian chil-
5 dren served under title IX,”;

6 (4) in paragraph (7), by striking “eligible
7 homeless children” and inserting “homeless chil-
8 dren”;

9 (5) by striking the period at the end of para-
10 graph (9) and inserting “; and”; and

11 (6) by adding at the end the following new
12 paragraphs:

13 “(10) a description of the actions the local edu-
14 cational agency will take to assist its low-performing
15 schools, including schools identified under section
16 1116 as in need of improvement;

17 “(11) a description of how the agency will pro-
18 mote the use of extended learning time, such as an
19 extended school year and before and after school and
20 summer programs; and

21 “(12) a description of the criteria established by
22 the local educational agency pursuant to section
23 1119(b)(1).”.

24 (c) ASSURANCES.—Subsection (c) of section 1112
25 (20 U.S.C. 6312(c)) is amended to read as follows:

1 “(c) ASSURANCES.—

2 “(1) IN GENERAL.—Each local educational
3 agency plan shall provide assurances that the local
4 educational agency will—

5 “(A) inform eligible schools and parents of
6 schoolwide project authority and the ability of
7 such schools to consolidate funds from Federal,
8 State, and local sources;

9 “(B) provide technical assistance and sup-
10 port to schoolwide programs;

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

19 “(D) fulfill such agency’s school improve-
20 ment responsibilities under section 1116, in-
21 cluding taking corrective actions under section
22 1116(b)(9);

23 “(E) provide services to eligible children
24 attending private elementary and secondary
25 schools in accordance with section 1120, and

1 timely and meaningful consultation with private
2 school officials regarding such services;

3 “(F) take into account the experience of
4 model programs for the educationally disadvan-
5 taged, and the findings of relevant scientifically
6 based research indicating that services may be
7 most effective if focused on students in the ear-
8 liest grades at schools that receive funds under
9 this part;

10 “(G) in the case of a local educational
11 agency that chooses to use funds under this
12 part to provide early childhood development
13 services to low-income children below the age of
14 compulsory school attendance, ensure that such
15 services comply with the performance standards
16 established under section 641A(a) of the Head
17 Start Act;

18 “(H) comply with the requirements of sec-
19 tion 1119 regarding the qualifications of teach-
20 ers and paraprofessionals;

21 “(I) inform eligible schools of the local
22 educational agency’s authority to obtain waivers
23 on the school’s behalf under title X of this Act,
24 and if the State is an Ed-Flex Partnership

1 State, waivers under the Education Flexibility
2 Partnership Act of 1999;

3 “(J) coordinate and collaborate, to the ex-
4 tent feasible and necessary as determined by
5 the local educational agency, with other agen-
6 cies providing services to children, youth, and
7 families; and

8 “(K) ensure that by not later than Decem-
9 ber 1, 2004, students from families with in-
10 comes below the poverty line and minority stu-
11 dents are not taught by teachers who are not
12 fully qualified at a greater rate than other stu-
13 dents.

14 “(2) SPECIAL RULE.—In carrying out subpara-
15 graph (G) of paragraph (1) the Secretary—

16 “(A) shall consult with the Secretary of
17 Health and Human Services on the implemen-
18 tation of such subparagraph and shall establish
19 procedures (taking into consideration existing
20 State and local laws, and local teacher con-
21 tracts) to assist local educational agencies to
22 comply with such subparagraph; and

23 “(B) upon publication, shall disseminate to
24 local educational agencies the Head Start per-
25 formance standards as in effect under section

1 641A(a) of the Head Start Act, and such agen-
2 cies affected by such subparagraph shall plan
3 for the implementation of such subparagraph
4 (taking into consideration existing State and
5 local laws, and local teacher contracts), includ-
6 ing pursuing the availability of other Federal,
7 State, and local funding sources to assist in
8 compliance with such subparagraph.”.

9 (d) PLAN DEVELOPMENT AND DURATION.—Section
10 1112 is amended by striking subsection (d) and inserting
11 the following:

12 “(d) PLAN DEVELOPMENT AND DURATION.—

13 “(1) CONSULTATION.—Each local educational
14 agency plan shall be developed in consultation with
15 teachers, administrators (including administrators of
16 programs described in other parts of this title), and
17 other appropriate school personnel, and with parents
18 of children in schools served under this part.

19 “(2) DURATION.—Each such plan shall be sub-
20 mitted for the first year for which this part is in ef-
21 fect following the date of the enactment of the Ex-
22 cellence and Accountability in Education Act and
23 shall remain in effect for the duration of the agen-
24 cy’s participation under this part.

1 “(3) REVIEW.—Each such local educational
2 agency shall periodically review, and as necessary,
3 revise its plan.”.

4 (e) STATE APPROVAL.—Section 1112 (20 U.S.C.
5 6312(e)) is amended by striking subsection (e) and insert-
6 ing the following:

7 “(e) STATE APPROVAL.—

8 “(1) IN GENERAL.—Each local educational
9 agency plan shall be filed according to a schedule es-
10 tablished by the State educational agency.

11 “(2) APPROVAL.—The State educational agency
12 shall approve a local educational agency’s plan only
13 if the State educational agency determines that the
14 local educational agency’s plan—

15 “(A) will enable schools served under this
16 part to substantially help children served under
17 this part meet the standards expected of all
18 children described in section 1111(b)(1); and

19 “(B) will meet the requirements of this
20 section.”.

21 **SEC. 107. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

22 Section 1113(e) (20 U.S.C. 6313(e)) is amended by
23 adding at the end the following:

24 “(4) ALLOCATION FOR EQUITABLE SERVICE TO
25 PRIVATE SCHOOL STUDENTS.—

1 “(A) CALCULATION.—A local educational
2 agency shall have the final authority, consistent
3 with section 1120 to calculate the number of
4 private school children, ages 5 through 17, who
5 are low-income by—

6 “(i) using the same measure of low-in-
7 come used to count public school children;

8 “(ii) using the results of a survey
9 that, to the extent possible, protects the
10 identity of families of private school stu-
11 dents and allowing such survey results to
12 be extrapolated if complete actual data are
13 not available; or

14 “(iii) applying the low-income percent-
15 age of each participating public school at-
16 tendance area, determined pursuant to this
17 section, to the number of private school
18 children who reside in that attendance
19 area.

20 “(B) COMPLAINT PROCESS.—Any dispute
21 regarding low-income data on private school
22 students shall be subject to the complaint proc-
23 ess authorized in section 10405.

24 “(5) SCHOOL IMPROVEMENT RESERVATION.—A
25 local educational agency shall reserve such funds as

1 are necessary under this part to meet such agency's
2 school improvement responsibilities under section
3 1116, including taking corrective actions under sec-
4 tion 1116(b)(9).”.

5 **SEC. 108. SCHOOLWIDE PROGRAMS.**

6 Section 1114 (20 U.S.C. 6314) is amended to read
7 as follows:

8 **“SEC. 1114. SCHOOLWIDE PROGRAMS.**

9 “(a) PURPOSE.—The purpose of a schoolwide pro-
10 gram under this section is—

11 “(1) to enable a local educational agency to
12 consolidate funds under this part with other Federal,
13 State, and local funds, to upgrade the entire edu-
14 cational program in a high poverty school; and

15 “(2) to help ensure that all children in such a
16 school meet challenging State standards for student
17 performance, particularly those children who are
18 most at risk of not meeting those standards.

19 “(b) USE OF FUNDS FOR SCHOOLWIDE PRO-
20 GRAMS.—

21 “(1) IN GENERAL.—A local educational agency
22 may consolidate funds under this part, together with
23 other Federal, State, and local funds, in order to up-
24 grade the entire educational program of a school
25 that serves an eligible school attendance area in

1 which not less than 50 percent of the children are
2 from low-income families, or not less than 50 per-
3 cent of the children enrolled in the school are from
4 such families.

5 “(2) STATE ASSURANCES.—A local educational
6 agency may start new schoolwide programs under
7 this section only after the State educational agency
8 provides written information to each local edu-
9 cational agency in the State that demonstrates that
10 such State educational agency has established the
11 statewide system of support and improvement re-
12 quired by subsections (c)(1) and (e) of section 1117.

13 “(3) IDENTIFICATION OF STUDENTS NOT RE-
14 QUIRED.—(A) No school participating in a
15 schoolwide program shall be required to identify par-
16 ticular children under this part as eligible to partici-
17 pate in a schoolwide program or to provide supple-
18 mental services to such children.

19 “(B) A school participating in a schoolwide pro-
20 gram shall use funds available to carry out this sec-
21 tion only to supplement the amount of funds that
22 would, in the absence of funds under this part, be
23 made available from non-Federal sources for the
24 school, including funds needed to provide services

1 that are required by law for children with disabilities
2 and children with limited English proficiency.

3 “(4) EXEMPTION FROM STATUTORY AND REGU-
4 LATORY REQUIREMENTS.—(A) Except as provided in
5 subsection (c), the Secretary may, through publica-
6 tion of a notice in the Federal Register, exempt
7 schoolwide programs under this section from statu-
8 tory or regulatory provisions of any other non-
9 competitive formula grant program administered by
10 the Secretary (other than formula or discretionary
11 grant programs under the Individuals with Disabil-
12 ities Education Act, except as provided in section
13 613(a)(2)(D) of such Act), or any discretionary
14 grant program administered by the Secretary, to
15 support schoolwide programs if the intent and pur-
16 poses of such other programs are met.

17 “(B) A school that chooses to use funds from
18 such other programs shall not be relieved of the re-
19 quirements relating to health, safety, civil rights,
20 student and parental participation and involvement,
21 services to private school children, maintenance of
22 effort, uses of Federal funds to supplement, not sup-
23 plant non-Federal funds, or the distribution of funds
24 to State or local educational agencies that apply to
25 the receipt of funds from such programs.

1 “(C)(i) A school that consolidates funds from
2 different Federal programs under this section shall
3 not be required to maintain separate fiscal account-
4 ing records, by program, that identify the specific
5 activities supported by those particular funds as long
6 as it maintains records that demonstrate that the
7 schoolwide program, considered as a whole addresses
8 the intent and purposes of each of the Federal pro-
9 grams that were consolidated to support the
10 schoolwide program.

11 “(5) PROFESSIONAL DEVELOPMENT.—Each
12 school receiving funds under this part for any fiscal
13 year shall devote sufficient resources to effectively
14 carry out the activities described in subsection
15 (c)(1)(E) in accordance with section 1119A for such
16 fiscal year, except that a school may enter into a
17 consortium with another school to carry out such ac-
18 tivities.

19 “(c) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

20 “(1) IN GENERAL.—A schoolwide program shall
21 include the following components:

22 “(A) A comprehensive needs assessment of
23 the entire school (including taking into account
24 the needs of migratory children as defined in
25 section 1309(2)) that is based on information

1 which includes the performance of children in
2 relation to the State content standards and the
3 State student performance standards described
4 in section 1111(b)(1).

5 “(B) Schoolwide reform strategies that—

6 “(i) provide opportunities for all chil-
7 dren to meet the State’s proficient and ad-
8 vanced levels of student performance de-
9 scribed in section 1111(b)(1)(D);

10 “(ii) use effective methods and in-
11 structional strategies that are based upon
12 scientifically based research that—

13 “(I) strengthen the core aca-
14 demic program in the school;

15 “(II) increase the amount and
16 quality of learning time, such as pro-
17 viding an extended school year and
18 before- and after-school and summer
19 programs and opportunities, and help
20 provide an enriched and accelerated
21 curriculum; and

22 “(III) include strategies for meet-
23 ing the educational needs of histori-
24 cally underserved populations, includ-
25 ing girls and women;

1 “(iii)(I) address the needs of all chil-
2 dren in the school, but particularly the
3 needs of low-achieving children and those
4 at risk of not meeting the State student
5 performance standards who are members
6 of the target population of any program
7 that is included in the schoolwide program,
8 which may include incorporation of gender-
9 equitable methods and practices;

10 “(II) address how the school will de-
11 termine if such needs have been met; and

12 “(iv) are consistent with, and are de-
13 signed to implement, the State and local
14 improvement plans, if any.

15 “(D) Instruction by fully qualified (as de-
16 fined in section 10001) teachers.

17 “(E) In accordance with section 1119A,
18 high quality and ongoing professional develop-
19 ment for teachers and paraprofessionals, and,
20 where appropriate, pupil services personnel,
21 parents, principals, and other staff to enable all
22 children in the school to meet the State’s stu-
23 dent performance standards.

1 “(F) Strategies to increase parental in-
2 volvement in accordance with section 1118,
3 such as family literary services.

4 “(G) Plans for assisting preschool children
5 in the transition from early childhood programs,
6 such as Head Start, Even Start, or a State-run
7 preschool program, to local elementary school
8 programs.

9 “(H) Measures to assist teachers in the
10 use of State content and performance standards
11 and the data yielded by assessments described
12 in section 1111(b)(4) and other assessments in
13 order to provide information on, and to im-
14 prove, the performance of individual students
15 and the overall instructional program.

16 “(I) Activities to ensure that students who
17 experience difficulty mastering the proficient or
18 advanced levels of performance standards re-
19 quired by section 1111(b) shall be provided with
20 effective, timely additional assistance which
21 shall include measures to ensure that students’
22 difficulties are identified on a timely basis and
23 to provide sufficient information on which to
24 base effective assistance.

1 “(2) PLAN.—Any eligible school that desires to
2 operate a schoolwide program shall first develop (or
3 amend a plan for such a program that was in exist-
4 ence on the day before the date of the enactment of
5 the Excellence and Accountability in Education Act),
6 a comprehensive plan for reforming the total in-
7 structional program in the school that—

8 “(A) incorporates the components de-
9 scribed in paragraph (1);

10 “(B) describes how the school will use re-
11 sources under this part and from other sources
12 to implement those components;

13 “(C) includes a list of State and local edu-
14 cational agency programs and other Federal
15 programs under subsection (b)(4) that will be
16 consolidated in the schoolwide program;

17 “(D) describes how the school will provide
18 individual student assessment results, including
19 an interpretation of those results, to the par-
20 ents of a child who participates in the assess-
21 ments required by section 1111(b)(4) and in a
22 format and, to the extent practicable, in a lan-
23 guage that they can understand; and

24 “(E) provides for the collection of data on
25 the achievement and assessment results of stu-

1 dents disaggregated by gender, major ethnic or
2 racial groups, limited English proficiency sta-
3 tus, migrant students, by children with disabili-
4 ties as compared to other students, and by eco-
5 nomically disadvantaged students as compared
6 to students who are not economically disadvan-
7 taged, except that such disaggregation shall not
8 be required in a case in which the number of
9 students in a category is insufficient to yield
10 statistically reliable information or the results
11 would reveal individually identifiable informa-
12 tion about an individual student.

13 “(3) PLAN DEVELOPMENT.—The comprehen-
14 sive plan shall be—

15 “(A) developed during a 1-year period,
16 unless—

17 “(i) the local educational agency de-
18 termines that less time is needed to de-
19 velop and implement the schoolwide pro-
20 gram; or

21 “(ii) the school operated a schoolwide
22 program on the day preceding the date of
23 the enactment of the Excellence and Ac-
24 countability in Education Act, in which
25 case such school may continue to operate

1 such program, but shall develop amend-
2 ments to its existing plan during the first
3 year of assistance under such Act to reflect
4 the provisions of this section;

5 “(B) developed with the involvement of the
6 community to be served and individuals who
7 will carry out such plan, including teachers,
8 principals, administrators (including adminis-
9 trators of programs described in other parts of
10 this title), if appropriate pupil services per-
11 sonnel, school staff and parents, and, if the
12 plan relates to a secondary school, students
13 from such school;

14 “(C) in effect for the duration of the
15 school’s participation under this part and re-
16 viewed and revised, as necessary, by the school;

17 “(D) available to the local educational
18 agency, parents, and the public, and the infor-
19 mation contained in such plan shall be provided
20 in a format, and to the extent practicable, in a
21 language that they can understand; and

22 “(E) if appropriate, developed in coordina-
23 tion with programs under the Reading Excel-
24 lence Act, the Carl D. Perkins Vocational and

1 Technical Education Act of 1998, the Head
2 Start Act, and part B of this title.

3 “(d) ACCOUNTABILITY.—A schoolwide program
4 under this section shall be subject to the school improve-
5 ment provisions of section 1116.

6 “(e) PREKINDERGARTEN PROGRAM.—A school that
7 is eligible for a schoolwide program under this section may
8 use funds made available under this title to establish or
9 enhance prekindergarten programs for 3-, 4-, and 5-year-
10 old children, such as Even Start programs.”.

11 **SEC. 109. TARGETED ASSISTANCE SCHOOLS.**

12 (a) FULLY QUALIFIED TEACHER.—Subsection
13 (c)(1)(F) of section 1115 (20 U.S.C. 6315(c)(1)(F)) is
14 amended by striking “highly qualified staff;” and inserting
15 “fully qualified teachers (as defined in section 11001);”.

16 (b) INTEGRATION OF PROFESSIONAL DEVELOP-
17 MENT.—Subsection (d) of section 1115 (20 U.S.C.
18 6515(d)) is amended to read as follows:

19 “(d) INTEGRATION OF PROFESSIONAL DEVELOP-
20 MENT.—To promote the integration of staff supported
21 with funds under this part, public school personnel who
22 are paid with funds received under this part may partici-
23 pate in general professional development and school plan-
24 ning activities.”.

1 **SEC. 110. SCHOOL CHOICE.**

2 Subsection (b) of section 1115A (20 U.S.C. 6316(b))
3 is amended by striking paragraphs (7) through (10) and
4 inserting the following:

5 “(7) parents of eligible students in the local
6 educational agency will be given prompt notice of the
7 existence of the public school choice program and its
8 availability to them, and a clear explanation of how
9 the program will operate;

10 “(8) the program will include charter schools
11 and any other public school and shall not include a
12 school that is or has been identified as a school in
13 school improvement or is or has been in corrective
14 action for the past 2 consecutive years;

15 “(9) transportation services or the costs of
16 transportation may be provided by the local edu-
17 cational agency with funds under this part; and

18 “(10) such local educational agency will comply
19 with the other requirements of this part.”.

20 **SEC. 111. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY**
21 **AND SCHOOL IMPROVEMENT.**

22 (a) LOCAL REVIEW.—Section 1116(a) (20 U.S.C.
23 6317(a)) is amended—

24 (1) in paragraph (2), by striking
25 “1111(b)(2)(A)(i)” and inserting “1111(b)(2)(B)”;

1 (2) in paragraph (3), by striking “individual
2 school performance profiles” and inserting “school
3 reports”;

4 (3) in paragraph (3), by striking “and” after
5 the semicolon;

6 (4) in paragraph (4), by striking the period at
7 the end and inserting “; and”; and

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

9 “(5) review the effectiveness of the actions and
10 activities the schools are carrying out under this
11 part with respect to parental involvement assisted
12 under this Act.”.

13 (b) SCHOOL IMPROVEMENT.—Section 1116 (20
14 U.S.C. 6317) is amended by striking subsection (b) and
15 by redesignating subsections (c) and (d) as subsections (b)
16 and (c), respectively, and amending them to read as fol-
17 lows:

18 “(b) SCHOOL IMPROVEMENT.—

19 “(1) IN GENERAL.—A local educational agency
20 shall identify for school improvement any school
21 served under this part that—

22 “(A) for 2 consecutive years failed to make
23 adequate yearly progress as defined in the
24 State’s plan under section 1111(b)(2); or

1 “(B) was in school improvement status
2 under this section on the day preceding the
3 date of the enactment of the Excellence and Ac-
4 countability in Education Act.

5 “(2) TRANSITION.—The 2-year period described
6 in paragraph (1)(A) shall include any continuous pe-
7 riod of time immediately preceding the date of the
8 enactment of the Excellence and Accountability in
9 Education Act during which a school did not make
10 adequate yearly progress as defined in the State’s
11 plan, as such plan was in effect on the day preceding
12 the date of such enactment.

13 “(3) TARGETED ASSISTANCE SCHOOLS.—To de-
14 termine if a school that is conducting a targeted as-
15 sistance program under section 1115 should be iden-
16 tified as in need of improvement under this sub-
17 section, a local educational agency may choose to re-
18 view the progress of only those students in such
19 school who are served under this part.

20 “(4) OPPORTUNITY TO REVIEW AND PRESENT
21 EVIDENCE.—

22 “(A) IN GENERAL.—Before identifying a
23 school for school improvement under paragraph
24 (1), the local educational agency shall provide
25 the school with an opportunity to review the

1 school-level data, including assessment data, on
2 which the proposed identification is based.

3 “(B) SUPPORTING EVIDENCE.—If the school
4 principal believes that the proposed identification is
5 in error for statistical or other substantive reasons,
6 the principal may provide supporting evidence to the
7 local educational agency, which such agency shall
8 consider before making a final determination.

9 “(5) NOTIFICATION TO PARENTS.—A local edu-
10 cational agency shall, in an easily understandable
11 format, provide in writing to parents of each student
12 in a school identified for school improvement—

13 “(A) an explanation of what the school im-
14 provement identification means and how the
15 school compares in terms of academic perform-
16 ance to other schools in the local educational
17 agency and State;

18 “(B) the reasons for such identification;

19 “(C) the data on which such identification
20 is based;

21 “(D) an explanation of what the school is
22 doing to address the problem of low achieve-
23 ment;

1 “(E) an explanation of how parents can
2 become involved in upgrading the quality of the
3 school;

4 “(F) an explanation of the right of par-
5 ents, pursuant to paragraph (6), to transfer
6 their child to another public school, including a
7 public charter school, that is not in school im-
8 provement, and how such transfer shall operate;
9 and

10 “(G) notification to parents in a format
11 and, to the extent practicable, in a language
12 they can understand.

13 “(6) PUBLIC SCHOOL CHOICE OPTION.—

14 “(A) SCHOOLS IDENTIFIED FOR IMPROVE-
15 MENT.—After the date of the enactment of the
16 Excellence and Accountability in Education Act,
17 a local educational agency shall provide all stu-
18 dents enrolled in a school identified for school
19 improvement with an option to transfer to any
20 other public school within the local educational
21 agency or any public school consistent with sub-
22 paragraph (C), including a public charter school
23 that has not been identified for school improve-
24 ment, unless such option to transfer is prohib-
25 ited by State law, or local law, which includes

1 school board-approved local educational agency
2 policy.

3 “(B) CAPACITY.—If a local educational
4 agency described in subparagraph (A) dem-
5 onstrates to the satisfaction of the State edu-
6 cational agency that such local educational
7 agency lacks the capacity to provide all students
8 with the option to transfer described in sub-
9 paragraph (A), and after giving notice to the
10 parents of children affected that it is not pos-
11 sible, consistent with State and local law, to ac-
12 commodate the transfer request of every stu-
13 dent, the local educational agency shall permit
14 as many students as possible (who shall be se-
15 lected by the local educational agency on an eq-
16 uitable basis) to transfer to a public school that
17 has not been identified for school improvement
18 under section 1116(b).

19 “(C) COOPERATIVE AGREEMENT.—If all
20 public schools in the local educational agency to
21 which a child may transfer to, are identified for
22 school improvement, the agency shall, to the ex-
23 tent practicable, establish a cooperative agree-
24 ment with other local educational agencies in
25 the area for the transfer.

1 “(D) TRANSPORTATION.—The local edu-
2 cational agency in which the schools have been
3 identified for improvement may use up to 10
4 percent of the funds received under this part to
5 provide transportation to students whose par-
6 ents choose to transfer their child or children to
7 a different school.

8 “(E) WAIVER.—A local educational agency
9 using funds received under this part for trans-
10 portation consistent with subparagraph (D)
11 may request to waiver of the limit of the use of
12 such funds described in subparagraph (D) from
13 the Secretary.

14 “(F) CONTINUE OPTION.—Once a school is
15 no longer identified for school improvement, the
16 local educational agency may continue to pro-
17 vide public school choice as an option to stu-
18 dents in such school for a period of not less
19 than 2 years.

20 “(7) SCHOOL PLAN.—

21 “(A) IN GENERAL.—Each school identified
22 under paragraph (1) for school improvement
23 shall, not later than 3 months after being so
24 identified, develop or revise a school plan, in
25 consultation with parents, school staff, the local

1 educational agency, and other outside experts
2 for approval by the local educational agency.
3 Such plan shall—

4 “(i) incorporate scientifically based re-
5 search strategies that strengthen the core aca-
6 demic program in the school;

7 “(ii) adopt policies that have the greatest
8 likelihood of improving the performance of par-
9 ticipating children in meeting the State’s stu-
10 dent performance standards;

11 “(iii) address the professional development
12 needs of staff, particularly teachers and prin-
13 cipals;

14 “(iv) establish specific goals and objectives
15 the school will undertake for making adequate
16 yearly progress which include specific numerical
17 performance goals and targets for each of the
18 groups of students identified in the
19 disaggregated data pursuant to section
20 1111(b)(2), consistent with section
21 1111(b)(2)(B);

22 “(v) identify how the school will provide
23 written notification to parents, in a format and
24 to the extent practicable in a language such
25 parents can understand; and

1 “(vi) specify the responsibilities of the local
2 educational agency and the school under the
3 plan.

4 “(B) CONDITIONAL APPROVAL.—A local edu-
5 cational agency may condition approval of a school
6 plan on inclusion of one or more of the corrective ac-
7 tions specified in paragraph (9).

8 “(C) IMPLEMENTATION.—A school shall imple-
9 ment its plan or revised plan expeditiously, but not
10 later than the beginning of the school year after
11 which the school has been identified for improve-
12 ment.

13 “(D) REVIEW.—The local educational agency
14 shall promptly review the plan, work with the school
15 as necessary, and approve the plan if it meets the
16 requirements of this section.

17 “(8) TECHNICAL ASSISTANCE.—

18 “(A) IN GENERAL.—For each school iden-
19 tified for school improvement under paragraph
20 (1), the local educational agency shall provide
21 technical assistance as the school develops and
22 implements its plan.

23 “(B) SPECIFIC TECHNICAL ASSISTANCE.—Such
24 technical assistance—

1 “(i) shall include effective methods and in-
2 structional strategies that are based upon sci-
3 entifically based research that strengthens the
4 core academic program in the school and ad-
5 dresses the specific elements of student per-
6 formance problems in the school;

7 “(ii) may be provided directly by the local
8 educational agency, through mechanisms au-
9 thorized under section 1117, or with the local
10 educational agency’s approval, by an institution
11 of higher education, a private nonprofit organi-
12 zation, an educational service agency, a com-
13 prehensive regional assistance center under part
14 A of title XIII (as such center was in existence
15 prior to the date of the enactment of Excellence
16 and Accountability in Education Act), or other
17 entities with experience in helping schools im-
18 prove achievement.

19 “(C) TECHNICAL ASSISTANCE.—Technical as-
20 sistance provided under this section by the local edu-
21 cational agency or an entity authorized by such
22 agency shall be based upon scientifically based re-
23 search.

24 “(9) CORRECTIVE ACTION.—In order to help
25 students served under this part meet challenging

1 State standards, each local educational agency shall
2 implement a system of corrective action in accord-
3 ance with the following:

4 “(A) IN GENERAL.—After providing tech-
5 nical assistance under paragraph (8) and sub-
6 ject to subparagraph (F), the local educational
7 agency—

8 “(i) may take corrective action at any
9 time with respect to a school that has been
10 identified under paragraph (1);

11 “(ii) shall take corrective action with
12 respect to any school that fails to make
13 adequate yearly progress, as defined by the
14 State, after the end of the second year fol-
15 lowing its identification under paragraph
16 (1); and

17 “(iii) shall continue to provide tech-
18 nical assistance while instituting any cor-
19 rective action under clause (i) or (ii).

20 “(B) DEFINITION.—As used in this para-
21 graph, the term ‘corrective action’ means ac-
22 tion, consistent with State and local law, that—

23 “(i) substantially and directly re-
24 sponds to the consistent academic failure
25 that caused the local educational agency to

1 take such action and to any underlying
2 staffing, curricular, or other problems in
3 the school; and

4 “(ii) is designed to substantially in-
5 crease the likelihood that students will per-
6 form at the proficient and advanced per-
7 formance levels.

8 “(C) CERTAIN SCHOOLS.—In the case of a
9 school described in subparagraph (A)(ii), the
10 local educational agency shall take not less than
11 1 of the following corrective actions:

12 “(i) Withhold funds from the school.

13 “(ii) Decrease decisionmaking author-
14 ity at the school level.

15 “(iii) Make alternative governance ar-
16 rangements, including reopening the school
17 as a public charter school.

18 “(iv) Reconstitute the school by re-
19 quiring each person employed at the school
20 to reapply for future employment at the
21 same school or for any position in the local
22 educational agency.

23 “(v) Authorize students to transfer to
24 other higher performing public schools
25 served by the local educational agency, in-

1 cluding public charter schools, and provide
2 such students transportation (or the costs
3 of transportation) to such schools in con-
4 junction with not less than 1 additional ac-
5 tion described under this subparagraph.

6 “(vi) Institute and fully implement a
7 new curriculum, including appropriate pro-
8 fessional development for all relevant staff,
9 that is based upon scientifically based re-
10 search and offers substantial promise of
11 improving educational achievement for low-
12 performing students.

13 “(D) IMPLEMENTATION DELAY.—A local
14 educational agency may delay, for a period not
15 to exceed 1 year, implementation of corrective
16 action only if the failure to make adequate
17 yearly progress was justified due to exceptional
18 or uncontrollable circumstances such as a nat-
19 ural disaster or a precipitous and unforeseen
20 decline in the financial resources of the local
21 educational agency or school.

22 “(E) PUBLICATION.—The local educational
23 agency shall publish, and disseminate to the
24 public and to parents in a format and, to the
25 extent practicable, in a language that they can

1 understand, any corrective action it takes under
2 this paragraph through such means as the
3 Internet, the media, and public agencies.

4 “(F) REVIEW.—(i) Before taking correc-
5 tive action with respect to any school under this
6 paragraph, a local educational agency shall pro-
7 vide the school an opportunity to review the
8 school level data, including assessment data, on
9 which the proposed determination is made.

10 “(ii) If the school believes that the pro-
11 posed determination is in error for statistical or
12 other substantive reasons, it may provide sup-
13 porting evidence to the local educational agency,
14 which shall consider such evidence before mak-
15 ing a final determination.

16 “(10) STATE EDUCATIONAL AGENCY RESPON-
17 SIBILITIES.—If a State educational agency deter-
18 mines that a local educational agency failed to carry
19 out its responsibilities under this section, it shall
20 take such action as it finds necessary, consistent
21 with this section, to improve the affected schools and
22 to ensure that the local educational agency carries
23 out its responsibilities under this section.

24 “(c) STATE REVIEW AND LOCAL EDUCATIONAL
25 AGENCY IMPROVEMENT.—

1 “(1) IN GENERAL.—A State educational agency
2 shall—

3 “(A) annually review the progress of each
4 local educational agency receiving funds under
5 this part to determine whether schools receiving
6 assistance under this part are making adequate
7 yearly progress as defined in section 1111(b)(2)
8 toward meeting the State’s student performance
9 standards; and

10 “(B) publicize and disseminate to local
11 educational agencies, teachers and other staff,
12 parents, students, and the community the re-
13 sults of the State review consistent with section
14 1111, including statistically sound
15 disaggregated results, as required by section
16 1111(b)(2).

17 “(2) IDENTIFICATION OF LOCAL EDUCATIONAL
18 AGENCY FOR IMPROVEMENT.—A State educational
19 agency shall identify for improvement any local edu-
20 cational agency that—

21 “(A) for 2 consecutive years failed to make
22 adequate yearly progress as defined in the
23 State’s plan under section 1111(b)(2); or

24 “(B) was in improvement status under this
25 section as this section was in effect on the day

1 preceding the date of the enactment of the Ex-
2 cellence and Accountability in Education Act.

3 “(3) TRANSITION.—The 2-year period described
4 in paragraph (2)(A) shall include any continuous pe-
5 riod of time immediately preceding the date of the
6 enactment of the Excellence and Accountability in
7 Education Act, during which a local educational
8 agency did not make adequate yearly progress as de-
9 fined in the State’s plan, as such plan was in effect
10 on the day preceding the date of such enactment.

11 “(4) TARGETED ASSISTANCE SCHOOLS.—For
12 purposes of targeted assistance schools in a local
13 educational agency, a State educational agency may
14 choose to review the progress of only the students in
15 such schools who are served under this part.

16 “(5) OPPORTUNITY TO REVIEW AND PRESENT
17 EVIDENCE.—

18 “(A) REVIEW.—Before identifying a local
19 educational agency for improvement under
20 paragraph (2), a State educational agency shall
21 provide the local educational agency with an op-
22 portunity to review the local educational agency
23 data, including assessment data, on which that
24 proposed identification is based.

1 “(B) SUPPORTING EVIDENCE.—If the local edu-
2 cational agency believes that the proposed identifica-
3 tion is in error for statistical or other substantive
4 reasons, it may provide supporting evidence to the
5 State educational agency, which such agency shall
6 consider before making a final determination.

7 “(6) NOTIFICATION TO PARENTS.—The State
8 educational agency shall promptly notify parents in
9 a format, and to the extent practicable in a language
10 they can understand, of each student enrolled in a
11 school in a local educational agency identified for
12 improvement, of the reasons for such agency’s iden-
13 tification and how parents can participate in upgrad-
14 ing the quality of the local educational agency.

15 “(7) LOCAL EDUCATIONAL AGENCY REVI-
16 SIONS.—

17 “(A) PLAN.—Each local educational agen-
18 cy identified under paragraph (2) shall, not
19 later than 3 months after being so identified,
20 develop or revise a local educational agency
21 plan, in consultation with parents, school staff,
22 and others. Such plan shall—

23 “(i) incorporate scientifically based re-
24 search strategies that strengthen the core aca-
25 demic program in the local educational agency;

1 “(ii) identify specific goals and objectives
2 the local educational agency will undertake to
3 make adequate yearly progress and which—

4 “(I) have the greatest likelihood of
5 improving the performance of participating
6 children in meeting the State’s student
7 performance standards;

8 “(II) address the professional develop-
9 ment needs of staff; and

10 “(III) include specific numerical per-
11 formance goals and targets for each of the
12 groups of students identified in the
13 disaggregated data pursuant to section
14 1111(b)(2) consistent with section
15 1111(b)(2)(B);

16 “(iii) identify how the local educational
17 agency will provide written notification to par-
18 ents in a format, and to the extent practicable
19 in a language, that they can understand, pursu-
20 ant to paragraph (6); and

21 “(iv) specify the responsibilities of the
22 State educational agency and the local edu-
23 cational agency under the plan.

24 “(B) IMPLEMENTATION.—The local educational
25 agency shall implement its plan or revised plan expe-

1 ditionously, but not later than the beginning of the
2 school year after which the school has been identi-
3 fied for improvement.

4 “(8) STATE EDUCATIONAL AGENCY RESPONSIBI-
5 BILITY.—

6 “(A) IN GENERAL.—For each local edu-
7 cational agency identified under paragraph (2),
8 the State educational agency shall provide tech-
9 nical or other assistance, if requested, as au-
10 thorized under section 1117, to better enable
11 the local educational agency—

12 “(i) to develop and implement its re-
13 vised plan as approved by the State edu-
14 cational agency consistent with the require-
15 ments of this section; and

16 “(ii) to work with schools needing im-
17 provement.

18 “(B) TECHNICAL ASSISTANCE.—Technical
19 assistance provided under this section by the
20 State educational agency or an entity author-
21 ized by such agency shall be based upon sci-
22 entifically based research.

23 “(9) CORRECTIVE ACTION.—In order to help
24 students served under this part meet challenging
25 State standards, each State educational agency shall

1 implement a system of corrective action in accord-
2 ance with the following:

3 “(A) IN GENERAL.—After providing tech-
4 nical assistance under paragraph (8) and sub-
5 ject to subparagraph (D), the State educational
6 agency—

7 “(i) may take corrective action at any
8 time with respect to a local educational
9 agency that has been identified under
10 paragraph (2);

11 “(ii) shall take corrective action with
12 respect to any local educational agency
13 that fails to make adequate yearly
14 progress, as defined by the State, after the
15 end of the second year following its identi-
16 fication under paragraph (2); and

17 “(iii) shall continue to provide tech-
18 nical assistance while instituting any cor-
19 rective action under clause (i) or (ii).

20 “(B) DEFINITION.—As used in this para-
21 graph, the term ‘corrective action’ means ac-
22 tion, consistent with State law, that—

23 “(i) substantially and directly re-
24 sponds to the consistent academic failure
25 that caused the State educational agency

1 to take such action and to any underlying
2 staffing, curricular, or other problems in
3 the school; and

4 “(ii) is designed to meet the goal of
5 having all students served under this part
6 perform at the proficient and advanced
7 performance levels.

8 “(C) CERTAIN LOCAL EDUCATIONAL AGEN-
9 CIES.—In the case of a local educational agency
10 described in this paragraph, the State edu-
11 cational agency shall take not less than 1 of the
12 following corrective actions:

13 “(i) Withhold funds from the local
14 educational agency.

15 “(ii) Reconstitute school district per-
16 sonnel.

17 “(iii) Remove particular schools from
18 the jurisdiction of the local educational
19 agency and establish alternative arrange-
20 ments for public governance and super-
21 vision of such schools.

22 “(iv) Appoint, through the State edu-
23 cational agency, a receiver or trustee to ad-
24 minister the affairs of the local educational

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

3 “(v) Abolish or restructure the local
4 educational agency.

5 “(vi) Authorize students to transfer
6 from a school operated by a local edu-
7 cational agency to a higher performing
8 public school operated by another local
9 educational agency, or to a public charter
10 school and provide such students transpor-
11 tation (or the costs of transportation to
12 such schools, in conjunction with not less
13 than 1 additional action described under
14 this paragraph.

15 “(D) HEARING.—Prior to implementing
16 any corrective action, the State educational
17 agency shall provide due process and a hearing
18 to the affected local educational agency, if State
19 law provides for such process and hearing.

20 “(E) PUBLICATION.—The State edu-
21 cational agency shall publish, and disseminate
22 to parents and the public any corrective action
23 it takes under this paragraph through such
24 means as the Internet, the media, and public
25 agencies.

1 “(F) DELAY.—A local educational agency
2 may delay, for a period not to exceed 1 year,
3 implementation of corrective action if the fail-
4 ure to make adequate yearly progress was justi-
5 fied due to exceptional or uncontrollable cir-
6 cumstances such as a natural disaster or a pre-
7 cipitous and unforeseen decline in the financial
8 resources of the local educational agency or
9 school.”.

10 **SEC. 112. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**
11 **IMPROVEMENT.**

12 Section 1117 (20 U.S.C. 6318) is amended to read
13 as follows:

14 **“SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**
15 **IMPROVEMENT.**

16 “(a) SYSTEM FOR SUPPORT.—Each State edu-
17 cational agency shall establish a statewide system of inten-
18 sive and sustained support and improvement for local edu-
19 cational agencies and schools receiving funds under this
20 part, in order to increase the opportunity for all students
21 in those agencies and schools to meet the State’s content
22 standards and student performance standards.

23 “(b) PRIORITIES.—In carrying out this section, a
24 State educational agency shall—

1 “(1) first, provide support and assistance to
2 local educational agencies subject to corrective action
3 under section 1116 and assist schools, in accordance
4 with section 1116(b)(10), for which a local edu-
5 cational agency has failed to carry out its respon-
6 sibilities under paragraph (8) or (9) of section
7 1116(b);

8 “(2) second, provide support and assistance to
9 other local educational agencies identified as in need
10 of improvement under section 1116; and

11 “(3) third, provide support and assistance to
12 other local educational agencies and schools partici-
13 pating under this part that need that support and
14 assistance in order to achieve the purpose of this
15 part.

16 “(c) APPROACHES.—In order to achieve the purpose
17 described in subsection (a), each such system shall provide
18 technical assistance and support through such approaches
19 as—

20 “(1) school support teams, composed of individ-
21 uals who are knowledgeable about scientifically
22 based research and practice on teaching and learn-
23 ing, particularly about strategies for improving edu-
24 cational results for low-achieving children; and

1 “(2) the designation and use of “Distinguished
2 Educators”, chosen from schools served under this
3 part that have been especially successful in improv-
4 ing academic achievement.

5 “(d) FUNDS.—Each State educational agency shall
6 use funds reserved under section 1002(f) and authorized
7 under section 1002(i) for such purpose.

8 “(e) ALTERNATIVES.—The State may devise addi-
9 tional approaches to providing the assistance described in
10 paragraphs (1) and (2) of subsection (c), such as pro-
11 viding assistance through institutions of higher education
12 and educational service agencies or other local consortia,
13 and the State may seek approval from the Secretary to
14 use funds made available under section 1002(h) for such
15 approaches as part of the State plan.”.

16 **SEC. 113. ACADEMIC ACHIEVEMENT AWARDS PROGRAM;**
17 **IMPROVING STATE ASSESSMENTS.**

18 Subpart 1 of part A of title I is amended by inserting
19 after section 1117 the following:

20 **“SEC. 1117A. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.**

21 “(a) ESTABLISHMENT OF ACADEMIC ACHIEVEMENT
22 AWARDS PROGRAM.—

23 “(1) IN GENERAL.—Each State receiving a
24 grant under this part shall establish a program for
25 making academic achievement awards to recognize

1 and financially reward schools served under this part
2 that have—

3 “(A) significantly closed the achievement
4 gap between the groups of students defined in
5 section 1111(b)(2); or

6 “(B) exceeded their adequate yearly
7 progress goals, consistent with section
8 1111(b)(2), for 2 or more consecutive years.

9 “(2) AWARDS TO TEACHERS.—A State program
10 under paragraph (1) shall also recognize and provide
11 financial awards to teachers teaching in a school de-
12 scribed in such paragraph whose students consist-
13 ently make significant gains in academic achieve-
14 ment in the areas in which the teacher provides in-
15 struction over multiple academic years.

16 “(b) FUNDING.—

17 “(1) RESERVATION OF FUNDS BY STATE.—For
18 the purpose of carrying out this section, each State
19 receiving a grant under this part shall reserve, from
20 the amount (if any) by which the funds received by
21 the State under this part for a fiscal year exceed the
22 amount received by the State under this part for the
23 preceding fiscal year, not more than 25 percent of
24 such excess amount.

1 “(2) USE WITHIN 3 YEARS.—Notwithstanding
2 any other provision of law, the amount reserved
3 under paragraph (1) by a State for each fiscal year
4 shall remain available to the State until expended
5 for a period not exceeding 3 years.

6 “(3) SPECIAL ALLOCATION RULE FOR SCHOOLS
7 IN HIGH-POVERTY AREAS.—

8 “(A) IN GENERAL.—Each State receiving
9 a grant under this part shall distribute at least
10 85 percent of the amount reserved under para-
11 graph (1) for each fiscal year to schools de-
12 scribed in subparagraph (B), or to teachers
13 teaching in such schools.

14 “(B) SCHOOLS DESCRIBED.—A school de-
15 scribed in subparagraph (A) is a school whose
16 student population is in the highest quartile of
17 schools statewide in terms of the percentage of
18 children eligible for free and reduced priced
19 lunches under the Richard B. Russell National
20 School Lunch Act.

21 **“SEC. 1117B. GRANTS FOR THE IMPROVEMENT OF STATE**
22 **ASSESSMENT SYSTEMS.**

23 “(a) PURPOSE.—The purpose of this section is to en-
24 able States to improve the quality and fairness of State
25 assessments systems and to ensure that they accurately

1 measure how well all children are achieving challenging
2 State student performance standards.

3 “(b) PROGRAM AUTHORIZED.—The Secretary is au-
4 thorized to award grants, in an amount not less than
5 \$500,000, to State educational agencies with final assess-
6 ments systems that have been reviewed by the Secretary
7 and approved as having deemed to be in full compliance
8 with section 1111(b)(4).

9 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated, \$100,000,000 for fiscal
11 year 2002 and such sums as may be necessary for each
12 of the 4 succeeding fiscal years, to carry out this section.

13 “(d) APPLICATION.—In order to receive a grant
14 under this section for any fiscal year, a State educational
15 agency shall submit, at such time and containing such in-
16 formation as the Secretary may require, an application to
17 the Secretary for approval.

18 “(e) AUTHORIZED USES OF FUNDS.—States having
19 an approved application under subsection (d) may use
20 grant funds for the purpose of—

21 “(1) assuring the continued validity and reli-
22 ability of State assessments;

23 “(2) refining the assessments to ensure their
24 continued alignment with the State’s content stand-
25 ards;

1 “(3) providing for multiple measures to increase
2 the reliability and validity of student and school clas-
3 sifications that have high stakes consequences;

4 “(4) strengthening the capacity of local edu-
5 cational agencies and schools to provide all students
6 the opportunity to increase educational achievement
7 and to ensure fairness and equitable treatment in
8 testing;

9 “(5) expanding the range of accommodations
10 available to limited English proficient students and
11 students with disabilities to improve rates of inclu-
12 sion and to include instructional material develop-
13 ment and modified assessment practices that are
14 culturally and ability appropriate, respectively;

15 “(6) improving the alignment of curricula and
16 instruction materials with the State content stand-
17 ards and State performance standards;

18 “(7) enhancing opportunities for professional
19 development for teachers that include—

20 “(A) improving the capability of teachers
21 to be proficient in sound classroom assessment
22 and knowledgeable in State content and per-
23 formance standards and assessments; and

1 “(B) improving the capability of teachers
2 to provide high quality instruction within the
3 content areas;

4 “(8) providing for the collection of performance
5 data for children in grades K–2—

6 “(A) for early diagnosis of children’s
7 needs;

8 “(B) to evaluate program effectiveness;

9 “(C) to guide curriculum and instruction;

10 or

11 “(D) to provide information that can be
12 used to measure school and local educational
13 agency progress;

14 “(9) expanding the range of valid and reliable
15 assessments to other academic subjects such as
16 science, history, geography, foreign languages, the
17 arts, civic and government, and economics; and

18 “(10) improving the dissemination of informa-
19 tion on student achievement and school performance
20 to parents and the community.”.

21 **SEC. 114. PARENTAL INVOLVEMENT CHANGES.**

22 (a) LOCAL EDUCATIONAL AGENCY POLICY.—Sub-
23 section (a) of section 1118 (20 U.S.C. 6319(a)) is
24 amended—

1 (1) in paragraph (1), by striking “programs,
2 activities, and procedures” and inserting “activities
3 and procedures”.

4 (2) in paragraph (2) by striking subparagraphs
5 (E) and (F) and inserting the following:

6 “(E) conduct, with the involvement of par-
7 ents, an annual evaluation of the content and
8 effectiveness of the parental involvement policy
9 in improving the academic quality of the schools
10 served under this part;

11 “(F) involve parents in efforts to improve
12 academics in schools served under this part;
13 and

14 “(G) promote consumer friendly environ-
15 ments at the local educational agency and
16 schools served under this part.”;

17 (3) in paragraph (3) by adding at the end the
18 following new subparagraph:

19 “(C) Not less than 90 percent of the funds re-
20 served under subparagraph (A) shall be distributed
21 to schools served under this part.”.

22 (b) NOTICE.—Paragraph (1) of section 1118(b) (20
23 U.S.C. 6319(b)(1)) is amended by inserting after the first
24 sentence the following: “Parents shall be notified of the

1 policy in a format, and to the extent practicable, in a lan-
2 guage that they can understand.”.

3 (c) PARENTAL INVOLVEMENT.—Paragraph (4) of
4 section 1118(c) (20 U.S.C. 6319(c)(4)) is amended—

5 (1) in subparagraph (B), by striking “perform-
6 ance profiles required under section 1116(a)(3)” and
7 inserting “school reports required under section
8 1111”;

9 (2) by redesignating subparagraphs (D) and
10 (E) as subparagraphs (F) and (G), respectively;

11 (3) by inserting after subparagraph (C) the fol-
12 lowing new subparagraphs:

13 “(D) notice of the schools’ identification as
14 a school in school improvement under section
15 1116(b), if applicable, and a clear explanation
16 of what such identification means;

17 “(E) notice of the corrective action that
18 has been taken against the school under section
19 1116(b)(9) and 1116(c)(9), if applicable, and a
20 clear explanation of what such action means;”;
21 and

22 (4) in subparagraph (G) (as so redesignated),
23 by striking “subparagraph (D)” and inserting “sub-
24 paragraph (F)”.

1 (d) BUILDING CAPACITY FOR INVOLVEMENT.—Sub-
2 section (e) of section 1118 (20 U.S.C 6319(e)) is amended
3 to read as follows:

4 “(e) BUILDING CAPACITY FOR INVOLVEMENT.—To
5 ensure effective involvement of parents and to support a
6 partnership among the school, parents, and the commu-
7 nity to improve student achievement, each school and local
8 educational agency—

9 “(1) shall provide assistance to participating
10 parents in such areas as understanding the State’s
11 content standards and State student performance
12 standards, the provisions of section 1111(b)(8),
13 State and local assessments, the requirements of this
14 part, and how to monitor a child’s progress and
15 work with educators to improve the performance of
16 their children as well as information on how parents
17 can participate in decisions relating to the education
18 of their children;

19 “(2) shall provide materials and training, such
20 as—

21 “(A) coordinating necessary literacy train-
22 ing from other sources to help parents work
23 with their children to improve their children’s
24 achievement; and

1 “(B) training to help parents to work with
2 their children to improve their children’s
3 achievement;

4 “(3) shall educate teachers, pupil services per-
5 sonnel, principals and other staff, with the assist-
6 ance of parents, in the value and utility of contribu-
7 tions of parents, and in how to reach out to, commu-
8 nicate with, and work with parents as equal part-
9 ners, implement and coordinate parent programs,
10 and build ties between home and school;

11 “(4) shall coordinate and integrate parent in-
12 volvement programs and activities with Head Start,
13 Even Start, the Home Instruction Programs for
14 Preschool Youngsters, the Parents as Teachers Pro-
15 gram, and public preschool programs and other pro-
16 grams, to the extent feasible and appropriate;

17 “(5) shall conduct other activities, as appro-
18 priate and feasible, such as parent resource centers
19 and opportunities for parents to learn how to be-
20 come full partners in the education of their children;

21 “(6) shall ensure, to the extent possible, that
22 information related to school and parent programs,
23 meetings, and other activities is sent to the homes
24 of participating children in the language used in
25 such homes;

1 “(7) shall provide such other reasonable sup-
2 port for parental involvement activities under this
3 section as parents may request;

4 “(8) shall expand the use of electronic commu-
5 nications among teachers, students, and parents,
6 such as through the use of websites and e-mail com-
7 munications;

8 “(9) may involve parents in the development of
9 training for teachers, principals, and other educators
10 to improve the effectiveness of such training in im-
11 proving instruction and services to the children of
12 such parents in a format, and to the extent prac-
13 ticable, in a language the parent can understand;

14 “(10) may provide necessary literacy training
15 from funds received under this part if the local edu-
16 cational agency has exhausted all other reasonably
17 available sources of funding for such activities;

18 “(11) may pay reasonable and necessary ex-
19 penses associated with local parental involvement ac-
20 tivities, including transportation and child care
21 costs, to enable parents to participate in school-re-
22 lated meetings and training sessions;

23 “(12) may train and support parents to en-
24 hance the involvement of other parents;

1 “(13) may arrange meetings at a variety of
2 times, such as in the mornings and evenings, in
3 order to maximize the opportunities for parents to
4 participate in school related activities;

5 “(14) may arrange for teachers or other edu-
6 cators, who work directly with participating children,
7 to conduct in-home conferences with parents who are
8 unable to attend such conferences at school;

9 “(15) may adopt and implement model ap-
10 proaches to improving parental involvement, such as
11 Even Start;

12 “(16) may establish a district-wide parent advi-
13 sory council to advise on all matters related to pa-
14 rental involvement in programs supported under this
15 part; and

16 “(17) may develop appropriate roles for com-
17 munity-based organizations and businesses in parent
18 involvement activities, including providing informa-
19 tion about opportunities for organizations and busi-
20 nesses to work with parents and schools, and en-
21 couraging the formation of partnerships between ele-
22 mentary, middle, and secondary schools and local
23 businesses that include a role for parents.”.

24 (e) ACCESSIBILITY.—Subsection (f) of section 1118
25 (20 U.S.C. 6319(f)) is amended to read as follows:

1 “(f) ACCESSIBILITY.—In carrying out the parental
2 involvement requirements of this part, local educational
3 agencies and schools, to the extent practicable, shall pro-
4 vide full opportunities for the participation of parents with
5 limited English proficiency or with disabilities and parents
6 of migratory children, including providing information and
7 school reports required under section 1111 in a format,
8 and to the extent practicable, in a language such parents
9 understand.”.

10 **SEC. 115. QUALIFICATIONS FOR TEACHERS AND PARA-**
11 **PROFESSIONALS.**

12 Section 1119 (20 U.S.C. 6301) is amended to read
13 as follows:

14 **“SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARA-**
15 **PROFESSIONALS.**

16 “(a) TEACHERS.—

17 “(1) IN GENERAL.—Each local educational
18 agency receiving assistance under this part shall en-
19 sure that all teachers hired on or after the effective
20 date of the Excellence and Accountability in Edu-
21 cation Act and teaching in a program supported
22 with funds under this part are fully qualified.

23 “(2) PLAN.—Each State receiving assistance
24 under this part shall develop and submit to the Sec-
25 retary, not later than 1 year after the date of the

1 enactment of the Excellence and Accountability in
2 Education Act, a plan to ensure that all teachers
3 teaching within the State are fully qualified not later
4 than December 31, 2005. Such plan shall include an
5 assurance that the State will require each local edu-
6 cational agency and school receiving funds under
7 this part publicly to report their annual progress on
8 the agency's and the school's performance in in-
9 creasing the percentage of classes in core academic
10 areas taught by fully qualified teachers.

11 “(b) NEW PARAPROFESSIONALS.—

12 “(1) IN GENERAL.—Each local educational
13 agency receiving assistance under this part shall en-
14 sure that all paraprofessionals hired 1 year or more
15 after the effective date of the Excellence and Ac-
16 countability in Education Act and working in a pro-
17 gram supported with funds under this part shall—

18 “(A) have completed at least 2 years of
19 study at an institution of higher education;

20 “(B) have obtained an associate's (or high-
21 er) degree; or

22 “(C) have met a rigorous standard of qual-
23 ity that demonstrates, through a formal State
24 or local assessment—

1 “(i) knowledge of, and the ability to
2 assist in instructing reading, writing, and
3 math; or

4 “(ii) knowledge of, and the ability to
5 assist in instructing reading readiness,
6 writing readiness, and math readiness, as
7 appropriate.

8 “(2) CLARIFICATION.—For purposes of para-
9 graph (1)(C), the receipt of a high school diploma
10 (or its recognized equivalent) shall be necessary but
11 not by itself sufficient to satisfy the requirements of
12 such paragraph.

13 “(3) CERTIFICATION.—The requirement of
14 paragraph (1)(C) may be included as part of a State
15 of local educational agency certification program for
16 paraprofessionals.

17 “(c) EXISTING PARAPROFESSIONALS.—Each local
18 educational agency receiving assistance under this part
19 shall ensure that all paraprofessionals hired before the
20 date that is 1 year after the effective date of the Excel-
21 lence and Accountability in Education Act and working
22 in a program supported with funds under this part shall,
23 not later than 3 years after such effective date, satisfy
24 the requirements of subsection (b).

1 “(d) EXCEPTIONS FOR TRANSLATION AND PAREN-
2 TAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c)
3 shall not apply to a paraprofessional—

4 “(A) who is proficient in English and a
5 language other than English and who provides
6 services primarily to enhance the participation
7 of children in programs under this part by act-
8 ing as a translator; or

9 “(B) whose duties consist solely of con-
10 ducting parental involvement activities con-
11 sistent with section 1118.

12 “(e) GENERAL REQUIREMENT FOR ALL PARA-
13 PROFESSIONALS.—Each local educational agency receiving
14 assistance under this part shall ensure that all paraprofes-
15 sionals working in a program supported with funds under
16 this part, regardless of the paraprofessional’s hiring date,
17 possess a high school diploma or its recognized equivalent.

18 “(f) DUTIES OF PARAPROFESSIONALS.—

19 “(1) IN GENERAL.—Each local educational
20 agency receiving assistance under this part shall en-
21 sure that a paraprofessional working in a program
22 supported with funds under this part is not assigned
23 a duty inconsistent with this subsection.

1 “(2) RESPONSIBILITIES PARAPROFESSIONALS
2 MAY BE ASSIGNED.—A paraprofessional described in
3 paragraph (1) may only be assigned—

4 “(A) to provide one-on-one tutoring for eli-
5 gible students, if the tutoring is scheduled at a
6 time when a student would not otherwise re-
7 ceive instruction from a teacher;

8 “(B) to assist with classroom management,
9 such as organizing instructional and other ma-
10 terials;

11 “(C) to provide assistance in a computer
12 laboratory;

13 “(D) to conduct parental involvement ac-
14 tivities;

15 “(E) to provide support in a library or
16 media center;

17 “(F) to act as a translator; or

18 “(G) to provide supplementary instruc-
19 tional services to students;

20 “(3) ADDITIONAL LIMITATIONS.—A paraprofes-
21 sional described in paragraph (1)—

22 “(A) may not provide any instructional
23 service to a student unless the paraprofessional
24 is working under the direct supervision of a
25 fully qualified teacher; and

1 “(B) may not provide instructional services
2 to students in the area of reading, writing, or
3 math unless the paraprofessional has dem-
4 onstrated, through a State or local assessment,
5 the ability effectively to carry out reading, writ-
6 ing, or math instruction.

7 “(g) USE OF FUNDS.—

8 “(1) PROFESSIONAL DEVELOPMENT.—A local
9 educational agency receiving funds under this part
10 may use such funds to support ongoing training and
11 professional development to assist teachers and
12 paraprofessionals in satisfying the requirements of
13 this section.

14 “(2) LIMITATION ON USE OF FUNDS FOR PARA-
15 PROFESSIONALS.—

16 “(A) IN GENERAL.—Beginning on and
17 after the effective date of the Excellence and
18 Accountability in Education Act, a local edu-
19 cational agency may not use funds received
20 under this part to fund any paraprofessional
21 hired after such date unless the hiring is to fill
22 a vacancy created by the departure of another
23 paraprofessional funded under this part and
24 such new paraprofessional satisfies the require-
25 ments of subsection (b) or (c).

1 “(B) EXCEPTION.—Subparagraph (A)
2 shall not apply for a fiscal year to a local edu-
3 cational agency that can demonstrate to the
4 State that all teachers under the jurisdiction of
5 the agency are fully qualified.

6 “(h) VERIFICATION OF COMPLIANCE.—

7 “(1) IN GENERAL.—In verifying compliance
8 with this section, each local educational agency at a
9 minimum shall require that the principal of each
10 school operating a program under section 1114 or
11 1115 annually attest in writing as to whether such
12 school is in compliance with the requirements of this
13 section.

14 “(2) AVAILABILITY OF INFORMATION.—Copies
15 of attestations under paragraph (1)—

16 “(A) shall be sent to the Secretary and
17 maintained at each school operating a program
18 under section 1114 or 1115 and at the main of-
19 fice of the local educational agency; and

20 “(B) shall be available to any member of
21 the general public upon request.”.

22 **SEC. 116. PROFESSIONAL DEVELOPMENT.**

23 Subpart 1 of part A of title I (20 U.S.C. 6311 et
24 seq.) is amended by inserting after section 1119 the fol-
25 lowing:

1 **“SEC. 1119A. PROFESSIONAL DEVELOPMENT.**

2 “(a) PURPOSE.—The purpose of this section is to as-
3 sist each local educational agency receiving assistance
4 under this part in increasing the academic achievement
5 of eligible children (as defined in section 1115(b)(1)(B))
6 through improved teacher quality.

7 “(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—

8 “(1) REQUIRED ACTIVITIES.—Professional de-
9 velopment activities under this section shall—

10 “(A) support professional development ac-
11 tivities that give teachers, principals, and ad-
12 ministrators the knowledge and skills to provide
13 students with the opportunity to meet chal-
14 lenging State or local content standards and
15 student performance standards;

16 “(B) support the recruiting, hiring, and
17 training of fully qualified teachers, including
18 teachers fully qualified through State and local
19 alternative routes;

20 “(C) advance teacher understanding of ef-
21 fective instructional strategies based on scientif-
22 ically based research for improving student
23 achievement, at a minimum, in reading or lan-
24 guage arts and mathematics;

1 “(D) be directly related to the curriculum
2 and content areas in which the teacher provides
3 instruction;

4 “(E) be designed to enhance the ability of
5 a teacher to understand and use the State’s
6 standards for the subject area in which the
7 teacher provides instruction;

8 “(F) be tied to scientifically based research
9 demonstrating the effectiveness of such profes-
10 sional development activities or programs in in-
11 creasing student achievement or substantially
12 increasing the knowledge and teaching skills of
13 teachers;

14 “(G) be of sufficient intensity and duration
15 (not to include 1-day or short-term workshops
16 and conferences) to have a positive and lasting
17 impact on the teacher’s performance in the
18 classroom, except that this paragraph shall not
19 apply to an activity if such activity is 1 compo-
20 nent of a long-term comprehensive professional
21 development plan established by the teacher
22 and the teacher’s supervisor based upon an as-
23 sessment of their needs, their students’ needs,
24 and the needs of the local educational agency;

1 “(H) be developed with extensive participa-
2 tion of teachers, principals, parents, and admin-
3 istrators of schools to be served under this part;

4 “(I) to the extent appropriate, provide
5 training for teachers in the use of technology so
6 that technology and its applications are effec-
7 tively used in the classroom to improve teaching
8 and learning in the curriculum and academic
9 content areas in which the teachers provide in-
10 struction;

11 “(J) as a whole, be regularly evaluated for
12 their impact on increased teacher effectiveness
13 and improved student achievement, with the
14 findings of such evaluations used to improve the
15 quality of professional development; and

16 “(K) include strategies for identifying and
17 eliminating gender and racial bias in instruc-
18 tional materials, methods, and practices.

19 “(2) OPTIONAL ACTIVITIES.—Such professional
20 development activities may include—

21 “(A) instruction in the use of data and as-
22 sessments to inform and instruct classroom
23 practice;

24 “(B) instruction in ways that teachers,
25 principals, pupil services personnel, and school

1 administrators may work more effectively with
2 parents;

3 “(C) the forming of partnerships with in-
4 stitutions of higher education to establish
5 school-based teacher training programs that
6 provide prospective teachers and novice teachers
7 with an opportunity to work under the guidance
8 of experienced teachers and college faculty, but
9 only if each such institution of higher education
10 meets the reporting requirements of section 207
11 of the Higher Education Act of 1965 (20
12 U.S.C. 1027) and its teacher preparation pro-
13 gram has not been identified by their State as
14 low-performing under such Act;

15 “(D) the creation of career ladder pro-
16 grams for paraprofessionals (assisting teachers
17 under this part) to obtain the education nec-
18 essary for such paraprofessionals to become li-
19 censed and certified teachers;

20 “(E) instruction in ways to teach special
21 needs children;

22 “(F) instruction in the ways that teachers,
23 principals, and guidance counselors can work
24 with parents and students from groups, such as
25 females and minorities which are under rep-

1 resented in careers in mathematics, science, en-
2 gineering, and technology, to encourage and
3 maintain the interest of such students in these
4 careers;

5 “(G) joint professional development activi-
6 ties involving programs under this part, Head
7 Start, Even Start, or State-run preschool pro-
8 gram personnel;

9 “(H) instruction in experiential-based
10 teaching methods such as service or applied
11 learning;

12 “(I) mentoring programs focusing on
13 changing teacher behaviors and practices to
14 help novice teachers, including teachers who are
15 members of a minority group, develop and gain
16 confidence in their skills, to increase the likeli-
17 hood that they will continue in the teaching
18 profession, and generally to improve the quality
19 of their teaching; and

20 “(J) instruction in gender-equitable meth-
21 ods, techniques, and practices.

22 “(c) PROGRAM PARTICIPATION.—Each local edu-
23 cational agency receiving assistance under this part may
24 design professional development programs so that—

1 “(1) all school staff in schools participating in
2 a schoolwide program under section 1114 can par-
3 ticipate in professional development activities; and

4 “(2) all school staff in targeted assistance
5 schools may participate in professional development
6 activities if such participation will result in better
7 addressing the needs of students served under this
8 part.

9 “(d) PARENTAL PARTICIPATION.—Parents may par-
10 ticipate in professional development activities under this
11 part if the school determines that parental participation
12 is appropriate.

13 “(e) CONSORTIA.—In carrying out such professional
14 development programs, local educational agencies may
15 provide services through consortia arrangements with
16 other local educational agencies, educational service agen-
17 cies or other local consortia, institutions of higher edu-
18 cation, or other public or private institutions or organiza-
19 tions, but only if each such institution of higher education
20 meets the reporting requirements of section 207 of the
21 Higher Education Act of 1965 (20 U.S.C. 1027) and its
22 teacher preparation program has not been identified by
23 their State as low-performing under such Act.

24 “(f) CONSOLIDATION OF FUNDS.—Funds provided
25 under this part that are used for professional development

1 purposes may be consolidated with funds provided under
2 title II of this Act and other sources.

3 “(g) SPECIAL RULE.—No State educational agency
4 shall require a school or a local educational agency to ex-
5 pend a specific amount of funds for professional develop-
6 ment activities under this part, except that this paragraph
7 shall not apply with respect to requirements under section
8 1116(c)(9).”.

9 **SEC. 117. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**
10 **VATE SCHOOLS.**

11 (a) GENERAL REQUIREMENT.—Subsection (a) of sec-
12 tion 1120 (20 U.S.C. 6321(a)) is amended to read as fol-
13 lows:

14 “(a) GENERAL REQUIREMENT.—

15 “(1) IN GENERAL.—To the extent consistent
16 with the number of eligible children identified under
17 section 1115(b) in a local educational agency who
18 are enrolled in private elementary and secondary
19 schools, a local educational agency shall, after timely
20 and meaningful consultation with appropriate pri-
21 vate school officials, provide such children, on an eq-
22 uitable basis, special educational services or other
23 benefits under this part (such as dual enrollment,
24 educational radio and television, computer equip-
25 ment and materials, other technology, and mobile

1 educational services and equipment) that address
2 their needs, and shall ensure that teachers and fami-
3 lies of these students participate, on an equitable
4 basis, in services and activities developed pursuant
5 to sections 1118 and 1119A.

6 “(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—
7 Such educational services or other benefits, including
8 materials and equipment, shall be secular, neutral,
9 and nonideological.

10 “(3) EQUITY.—Educational services and other
11 benefits for such private school children shall be eq-
12 uitable in comparison to services and other benefits
13 for public school children participating under this
14 part, and shall be provided in a timely manner.

15 “(4) EXPENDITURES.—Expenditures for edu-
16 cational services and other benefits to eligible private
17 school children shall be equal to the proportion of
18 funds allocated to participating school attendance
19 areas based on the number of children from low-in-
20 come families who attend private schools, which the
21 local educational agency may determine each year or
22 every 2 years.

23 “(5) PROVISION OF SERVICES.—The local edu-
24 cational agency shall provide services under this sec-

1 tion directly or through contracts with public and
2 private agencies, organizations, and institutions.”.

3 (b) CONSULTATION.—Subsection (b) of section 1120
4 (20 U.S.C. 6321(b)) is amended to read as follows:

5 “(b) CONSULTATION.—

6 “(1) IN GENERAL.—To ensure timely and
7 meaningful consultation, a local educational agency
8 shall consult with appropriate private school officials
9 during the design and development of such agency’s
10 programs under this part, on issues such as—

11 “(A) how the children’s needs will be iden-
12 tified;

13 “(B) what services will be offered;

14 “(C) how, where, and by whom the services
15 will be provided;

16 “(D) how the services will be assessed and
17 how the results of that assessment will be used
18 to improve those services;

19 “(E) the size and scope of the equitable
20 services to be provided to the eligible private
21 school children, and the amount of funds gen-
22 erated by low-income private school children in
23 each participating attendance area;

24 “(F) the method or sources of data that
25 are used under subsection (a)(4) and section

1 1113(c)(4) to determine the number of children
2 from low-income families in participating school
3 attendance areas who attend private schools;
4 and

5 “(G) how and when the agency will make
6 decisions about the delivery of services to such
7 children, including a thorough consideration
8 and analysis of the views of the private school
9 officials on the provision of contract services
10 through potential third party providers.

11 If the local educational agency disagrees with the
12 views of the private school officials on the provision
13 of services, through a contract, the local educational
14 agency shall provide in writing to such private school
15 officials, an analysis of the reasons why the local
16 educational agency has chosen not to use a con-
17 tractor.

18 “(2) TIMING.—Such consultation shall include
19 meetings of agency and private school officials and
20 shall occur before the local educational agency
21 makes any decision that affects the opportunities of
22 eligible private school children to participate in pro-
23 grams under this part. Such meetings shall continue
24 throughout implementation and assessment of serv-
25 ices provided under this section.

1 “(3) DISCUSSION.—Such consultation shall in-
2 clude a discussion of service delivery mechanisms a
3 local educational agency can use to provide equitable
4 services to eligible private school children.

5 “(4) DOCUMENTATION.—Each local educational
6 agency shall provide to the State educational agency,
7 and maintain in its records, a written affirmation
8 signed by officials of each participating private
9 school that the consultation required by this section
10 has occurred.

11 “(5) COMPLIANCE.—Private school officials
12 shall have the right to appeal to the State as to
13 whether the consultation provided for in this section
14 was meaningful and timely, and that due consider-
15 ation was given to the views of private school offi-
16 cials. If the private school wishes to appeal, the basis
17 of the claim of noncompliance with this section by
18 the local educational agencies shall be provided to
19 the State, and the local educational agency shall for-
20 ward the documentation provided in subsection
21 (b)(3) to the State.”.

22 (c) STANDARDS FOR BYPASS.—Subsection (d) of sec-
23 tion 1120 (20 U.S.C. 6321(d)) is amended to read as fol-
24 lows:

1 “(d) STANDARDS FOR A BYPASS.—If a local edu-
2 cational agency is prohibited by law from providing for
3 the participation on an equitable basis of eligible children
4 enrolled in private elementary and secondary schools or
5 if the Secretary determines that a local educational agency
6 has substantially failed or is unwilling to provide for such
7 participation, as required by this section, the Secretary
8 shall—

9 “(1) waive the requirements of this section for
10 such local educational agency;

11 “(2) arrange for the provision of services to
12 such children through arrangements that shall be
13 subject to the requirements of this section and sec-
14 tions 10405 and 10406; and

15 “(3) in making the determination, consider one
16 or more factors, including the quality, size, scope,
17 and location of the program and the opportunity of
18 eligible children to participate.”.

19 (d) CAPITAL EXPENSES.—Effective September 30,
20 2002, subsection (e) of section 1120 (20 U.S.C. 6321(e))
21 is hereby repealed.

22 **SEC. 118. REQUIREMENTS; RECORDS.**

23 (a) REQUIREMENTS.—Section 1120A(e)(2) (20
24 U.S.C. 6322(e)(2)) is amended to read as follows:

1 “(2) CRITERIA FOR MEETING COMPARABILITY
2 REQUIREMENT.—

3 “(A) APPROVAL.—To meet the require-
4 ment of paragraph (1), a local educational
5 agency shall obtain the State educational agen-
6 cy’s approval of a comprehensive, 3-year plan to
7 ensure comparability in the use of State and
8 local funds and educational services among its
9 schools receiving funds under this part and its
10 other schools with respect to:

11 “(i) the rates at which class sections
12 are taught by experienced and fully quali-
13 fied teachers, including such rates for low-
14 income and minority students;

15 “(ii) curriculum, in terms of both the
16 range of courses offered, and the oppor-
17 tunity to participate in rigorous courses in-
18 cluding advanced placement (AP) courses,
19 including such rates for low-income and
20 minority students; and

21 “(iii) the quality and availability of in-
22 structional materials and instructional re-
23 sources including technology.”

24 “(B) EXCLUSION.—A local educational
25 agency need not include unpredictable changes

1 in student enrollment or personnel assignments
2 that occur after the beginning of a school year
3 in determining comparability of services under
4 this subsection.

5 “(C) REQUIREMENTS.—Notwithstanding
6 subparagraph (A), a local educational agency
7 may continue to meet the requirement of para-
8 graph (1) by complying with subparagraph (A)
9 as such subparagraph was in effect on the day
10 preceding the date of the enactment of the Ex-
11 cellence and Accountability in Education Act,
12 except that each local educational agency shall
13 be required to comply with subparagraph (A),
14 as amended by such Act not later than July 1,
15 2004.”.

16 (b) RECORDS.—Section 1120A(c)(3)(B) is amended
17 by striking “biennially” and inserting “annually”.

18 **SEC. 119. COORDINATION REQUIREMENTS.**

19 Section 1120B (20 U.S.C. 6323 et seq.) is
20 amended—

21 (1) in subsection (a), by striking “to the extent
22 feasible” and all that follows through the period and
23 inserting “with local Head Start agencies, and if
24 feasible, other early childhood development pro-
25 grams.”;

1 (2) in subsection (b)—

2 (A) in paragraph (3) by striking “and”
3 after the semicolon;

4 (B) in paragraph (4) by striking the period
5 and inserting “; and”; and

6 (C) by adding at the end, the following:

7 “(5) linking the educational services provided in
8 such local educational agency with the services pro-
9 vided in local Head Start agencies.”.

10 **SEC. 120. AMOUNTS FOR GRANTS.**

11 Section 1122 (20 U.S.C. 6332 et seq.) is amended
12 to read as follows:

13 **“SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRA-
14 TION GRANTS, AND TARGETED GRANTS.**

15 “(a) ALLOCATION FORMULA.—Of the amount au-
16 thorized to be appropriated to carry out this part for each
17 of fiscal years 2002 through 2006 (referred to in this sub-
18 section as the current fiscal year)—

19 “(1) an amount equal to the amount appro-
20 priated to carry out section 1124 for fiscal year
21 2001 plus 42.5 percent of the amount, if any, by
22 which the amount appropriated under section
23 1002(a) for the current fiscal year exceeds the
24 amount appropriated under such section for fiscal

1 year 2001 shall be allocated in accordance with sec-
2 tion 1124;

3 “(2) an amount equal to the amount appro-
4 priated to carry out section 1124A for fiscal year
5 2001 plus 7.5 percent of the amount, if any, by
6 which the amount appropriated under section
7 1002(a) for the current fiscal year exceeds the
8 amount appropriated under such section for fiscal
9 year 2001 shall be allocated in accordance with sec-
10 tion 1124A; and

11 “(3) an amount equal to 50 percent of the
12 amount, if any, by which the amount appropriated
13 under section 1002(a) for the current fiscal year ex-
14 ceeds the amount appropriated under such section
15 for fiscal year 2001 shall be allocated in accordance
16 with section 1125.

17 “(b) ADJUSTMENTS WHERE NECESSITATED BY AP-
18 PROPRIATIONS.—

19 “(1) IN GENERAL.—If the sums available under
20 this part for any fiscal year are insufficient to pay
21 the full amounts that all local educational agencies
22 in States are eligible to receive under sections 1124,
23 1124A, and 1125 for such year, the Secretary shall
24 ratably reduce the allocations to such local edu-

1 cational agencies, subject to subsections (c) and (d)
2 of this section.

3 “(2) ADDITIONAL FUNDS.—If additional funds
4 become available for making payments under sec-
5 tions 1124, 1124A, and 1125 for such fiscal year,
6 allocations that were reduced under paragraph (1)
7 shall be increased on the same basis as they were re-
8 duced.

9 “(c) HOLD-HARMLESS AMOUNTS.—

10 “(1) AMOUNTS FOR SECTIONS 1124 AND 1125.—
11 For each fiscal year, the amount made available to
12 each local educational agency under each of sections
13 1124 and 1125 shall be—

14 “(A) not less than 95 percent of the
15 amount made available in the preceding fiscal
16 year if the number of children counted for
17 grants under section 1124 is not less than 30
18 percent of the total number of children aged 5
19 to 17 years, inclusive, in the local educational
20 agency;

21 “(B) not less than 90 percent of the
22 amount made available in the preceding fiscal
23 year if the percentage described in subpara-
24 graph (A) is between 15 percent and 30 per-
25 cent; and

1 “(C) not less than 85 percent of the
2 amount made available in the preceding fiscal
3 year if the percentage described in subpara-
4 graph (A) is below 15 percent.

5 “(2) AMOUNT FOR SECTION 1124A.—The
6 amount made available to each local educational
7 agency under section 1124A shall be not less than
8 85 percent of the amount made available in the pre-
9 ceding fiscal year.

10 “(3) PAYMENTS.—If sufficient funds are appro-
11 priated, the amounts described in paragraph (2)
12 shall be paid to all local educational agencies that
13 received grants under section 1124A for the pre-
14 ceding fiscal year, regardless of whether the local
15 educational agency meets the minimum eligibility
16 criteria for that fiscal year provided in section
17 1124A(a)(1)(A) except that a local educational agen-
18 cy that does not meet such minimum eligibility cri-
19 teria for 4 consecutive years shall no longer be eligi-
20 ble to receive a hold harmless amount referred to in
21 paragraph (2).

22 “(4) POPULATION DATA.—In any fiscal year for
23 which the Secretary calculates grants on the basis of
24 population data for counties, the Secretary shall
25 apply the hold harmless percentages in paragraphs

1 (1) and (2) to counties, and if the Secretary's alloca-
2 tion for a county is not sufficient to meet the hold-
3 harmless requirements of this subsection for every
4 local educational agency within that county, the
5 State educational agency shall reallocate funds pro-
6 portionately from all other local educational agencies
7 in the State that are receiving funds in excess of the
8 hold harmless amounts specified in this subsection.

9 “(d) RATABLE REDUCTIONS.—

10 “(1) IN GENERAL.—If the sums made available
11 under this part for any fiscal year are insufficient to
12 pay the full amounts that all States are eligible to
13 receive under subsection (c) for such year, the Sec-
14 retary shall ratably reduce such amounts for such
15 year.

16 “(2) ADDITIONAL FUNDS.—If additional funds
17 become available for making payments under sub-
18 section (c) for such fiscal year, amounts that were
19 reduced under paragraph (1) shall be increased on
20 the same basis as such amounts were reduced.

21 “(e) DEFINITION.—Except as provided in section
22 1124(a)(5), for the purposes of this section and sections
23 1124, 1124A, and 1125, the term ‘State’ means each of
24 the 50 States, the District of Columbia, and the Common-
25 wealth of Puerto Rico.”.

1 **SEC. 121. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
2 **CIES.**

3 Section 1124 (20 U.S.C. 6333 et seq.) is amended
4 to read as follows:

5 **“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
6 **CIES.**

7 “(a) AMOUNT OF GRANTS.—

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

14 “(A) the number of children counted under
15 subsection (c); and

16 “(B) 40 percent of the average per-pupil
17 expenditure in the State, except that the
18 amount determined under this subparagraph
19 shall not be less than 32 percent or more than
20 48 percent, of the average per-pupil expenditure
21 in the United States.

22 “(2) CALCULATION OF GRANTS.—

23 “(A) ALLOCATIONS TO LOCAL EDU-
24 CATIONAL AGENCIES.—The Secretary shall cal-
25 culate grants under this section on the basis of
26 the number of children counted under sub-

1 section (c) for local educational agencies, unless
2 the Secretary and the Secretary of Commerce
3 determine that some or all of those data are un-
4 reliable or that their use would be otherwise in-
5 appropriate, in which case—

6 “(i) the 2 Secretaries shall publicly
7 disclose the reasons for their determination
8 in detail; and

9 “(ii) paragraph (3) shall apply.

10 “(B) ALLOCATIONS TO LARGE AND SMALL
11 LOCAL EDUCATIONAL AGENCIES.—(i) For any
12 fiscal year in which this paragraph applies, the
13 Secretary shall calculate grants under this sec-
14 tion for each local educational agency.

15 “(ii) The amount of a grant under this
16 section for each large local educational agency
17 shall be the amount determined under clause
18 (i).

19 “(iii) For small local educational agencies,
20 the State educational agency may either—

21 “(I) distribute grants under this sec-
22 tion in amounts determined by the Sec-
23 retary under clause (i); or

24 “(II) use an alternative method ap-
25 proved by the Secretary to distribute the

1 portion of the State’s total grants under
2 this section that is based on those small
3 agencies.

4 “(iv) An alternative method under clause
5 (iii)(II) shall be based on population data that
6 the State educational agency determines best
7 reflect the current distribution of children in
8 poor families among the State’s small local edu-
9 cational agencies that meet the eligibility cri-
10 teria of subsection (b).

11 “(v) If a small local educational agency is
12 dissatisfied with the determination of its grant
13 by the State educational agency under clause
14 (iii)(II), it may appeal that determination to the
15 Secretary, who shall respond not later than 45
16 days after receipt of such appeal.

17 “(vi) As used in this subparagraph—

18 “(I) the term ‘large local educational
19 agency’ means a local educational agency
20 serving an area with a total population of
21 20,000 or more; and

22 “(II) the term ‘small local educational
23 agency’ means a local educational agency
24 serving an area with a total population of
25 less than 20,000.

1 “(3) ALLOCATIONS TO COUNTIES.—

2 “(A) CALCULATION.—For any fiscal year
3 to which this paragraph applies, the Secretary
4 shall calculate grants under this section on the
5 basis of the number of children counted under
6 section 1124(c) for counties, and State edu-
7 cational agencies shall suballocate county
8 amounts to local educational agencies, in ac-
9 cordance with regulations issued by the Sec-
10 retary.

11 “(B) DIRECT ALLOCATIONS.—In any State
12 in which a large number of local educational
13 agencies overlap county boundaries, or for
14 which the State believes it has data that would
15 better target funds than allocating them by
16 county, the State educational agency may apply
17 to the Secretary for authority to make the allo-
18 cations under this part for a particular fiscal
19 year directly to local educational agencies with-
20 out regard to counties.

21 “(C) ASSURANCES.—If the Secretary ap-
22 proves the State educational agency’s applica-
23 tion under subparagraph (B), the State edu-
24 cational agency shall provide the Secretary an
25 assurance that such allocations shall be made—

1 “(i) using precisely the same factors
2 for determining a grant as are used under
3 this part; or

4 “(ii) using data that the State edu-
5 cational agency submits to the Secretary
6 for approval that more accurately target
7 poverty.

8 “(D) APPEAL.—The State educational
9 agency shall provide the Secretary an assurance
10 that it shall establish a procedure through
11 which a local educational agency that is dissat-
12 isfied with its determinations under subpara-
13 graph (B) may appeal directly to the Secretary
14 for a final determination.

15 “(4) PUERTO RICO.—

16 “(A) IN GENERAL.—For each fiscal year,
17 the grant which the Commonwealth of Puerto
18 Rico shall be eligible to receive under this sec-
19 tion shall be the amount determined by multi-
20 plying the number of children counted under
21 subsection (c) for the Commonwealth of Puerto
22 Rico by the product of—

23 “(i) the percentage which the average per
24 pupil expenditure in the Commonwealth of

1 Puerto Rico is of the lowest average per pupil
2 expenditure of any of the 50 States; and

3 “(ii) 32 percent of the average per pupil
4 expenditure in the United States.

5 “(B) MINIMUM PERCENTAGE.—The percentage
6 in subparagraph (A)(i) shall not be less than—

7 “(i) for fiscal year 2002, 77.5 percent;

8 “(ii) for fiscal year 2003, 80.0 percent;

9 “(iii) for fiscal year 2004, 82.5 percent;

10 and

11 “(iv) for fiscal year 2005 and succeeding
12 fiscal years, 85.0 percent.

13 “(C) LIMITATION.—If the application of sub-
14 paragraph (B) would result in any of the 50 States
15 or the District of Columbia receiving less under this
16 part than it received under this part for the pre-
17 ceding fiscal year, the percentage in subparagraph
18 (A) shall be the greater of the percentage in sub-
19 paragraph (A)(i) or the percentage used for the pre-
20 ceding fiscal year.

21 “(5) DEFINITION.—For purposes of this sub-
22 section, the term ‘State’ does not include Guam,
23 American Samoa, the Virgin Islands, and the North-
24 ern Mariana Islands.

1 “(b) MINIMUM NUMBER OF CHILDREN TO QUAL-
2 IFY.—A local educational agency is eligible for a basic
3 grant under this section for any fiscal year only if the
4 number of children counted under subsection (c) for that
5 agency is both—

6 “(1) 10 or more; and

7 “(2) more than 2 percent of the total school-age
8 population in the agency’s jurisdiction.

9 “(c) CHILDREN TO BE COUNTED.—

10 “(1) CATEGORIES OF CHILDREN.—The number
11 of children to be counted for purposes of this section
12 is the aggregate of—

13 “(A) the number of children aged 5 to 17,
14 inclusive, in the school district of the local edu-
15 cational agency from families below the poverty
16 level as determined under paragraph (2);

17 “(B) the number of children (determined
18 under paragraph (4) for either the preceding
19 year as described in that paragraph, or for the
20 second preceding year, as the Secretary finds
21 appropriate) aged 5 to 17, inclusive, in the
22 school district of such agency in institutions for
23 neglected and delinquent children (other than
24 such institutions operated by the United
25 States), but not counted pursuant to subpart 1

1 of part D for the purposes of a grant to a State
2 agency, or being supported in foster homes with
3 public funds; and

4 “(C) the number of children aged 5 to 17,
5 inclusive, in the school district of such agency
6 from families above the poverty level as deter-
7 mined under paragraph (4).

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

1 the county's share of the population counts used to
2 calculate the local educational agency's grant.

3 “(3) POPULATION UPDATES.—In fiscal year
4 2001 and every 2 years thereafter, the Secretary
5 shall use updated data on the number of children,
6 aged 5 to 17, inclusive, from families below the pov-
7 erty level for local educational agencies or counties,
8 published by the Department of Commerce, unless
9 the Secretary and the Secretary of Commerce deter-
10 mine that use of the updated population data would
11 be inappropriate or unreliable. If the Secretary and
12 the Secretary of Commerce determine that some or
13 all of the data referred to in this paragraph are in-
14 appropriate or unreliable, they shall publicly disclose
15 their reasons. In determining the families which are
16 below the poverty level, the Secretary shall utilize
17 the criteria of poverty used by the Bureau of the
18 Census in compiling the most recent decennial cen-
19 sus, in such form as those criteria have been up-
20 dated by increases in the Consumer Price Index for
21 all urban consumers, published by the Bureau of
22 Labor Statistics.

23 “(4) OTHER CHILDREN TO BE COUNTED.—For
24 the purposes of this section, the Secretary shall de-
25 termine the number of children aged 5 to 17, inclu-

1 sive, from families above the poverty level on the
2 basis of the number of such children from families
3 receiving an annual income, in excess of the current
4 criteria of poverty, from payments under a State
5 program funded under part A of title IV of the So-
6 cial Security Act; and in making such determina-
7 tions the Secretary shall utilize the criteria of pov-
8 erty used by the Bureau of the Census in compiling
9 the most recent decennial census for a family of 4
10 in such form as those criteria have been updated by
11 increases in the Consumer Price Index for all urban
12 consumers, published by the Bureau of Labor Statis-
13 tics. The Secretary shall determine the number of
14 such children and the number of children aged 5
15 through 17 living in institutions for neglected or de-
16 linquent children, or being supported in foster homes
17 with public funds, on the basis of the caseload data
18 for the month of October of the preceding fiscal year
19 (using, in the case of children described in the pre-
20 ceding sentence, the criteria of poverty and the form
21 of such criteria required by such sentence which
22 were determined for the calendar year preceding
23 such month of October) or, to the extent that such
24 data are not available to the Secretary before Janu-
25 ary of the calendar year in which the Secretary's de-

1 termination is made, then on the basis of the most
2 recent reliable data available to the Secretary at the
3 time of such determination. The Secretary of Health
4 and Human Services shall collect and transmit the
5 information required by this subparagraph to the
6 Secretary not later than January 1 of each year.
7 For the purpose of this section, the Secretary shall
8 consider all children who are in correctional institu-
9 tions to be living in institutions for delinquent chil-
10 dren.

11 “(5) ESTIMATE.—When requested by the Sec-
12 retary, the Secretary of Commerce shall make a spe-
13 cial updated estimate of the number of children of
14 such ages who are from families below the poverty
15 level (as determined under subparagraph (A) of this
16 paragraph) in each school district, and the Secretary
17 is authorized to pay (either in advance or by way of
18 reimbursement) the Secretary of Commerce the cost
19 of making this special estimate. The Secretary of
20 Commerce shall give consideration to any request of
21 the chief executive of a State for the collection of ad-
22 ditional census information.

23 “(d) STATE MINIMUM.—Notwithstanding section
24 1122, the aggregate amount allotted for all local edu-

1 cational agencies within a State may not be less than the
2 lesser of—

3 “(1) 0.25 percent of total grants under this sec-
4 tion; or

5 “(2) the average of—

6 “(A) one-quarter of 1 percent of the total
7 amount available for such fiscal year under this
8 section; and

9 “(B) the number of children in such State
10 counted under subsection (c) in the fiscal year
11 multiplied by 150 percent of the national aver-
12 age per pupil payment made with funds avail-
13 able under this section for that year.”.

14 **SEC. 122. CONCENTRATION GRANTS.**

15 Section 1124A (20 U.S.C. 6334 et seq.) is amended
16 to read as follows:

17 **“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDU-
18 CATIONAL AGENCIES.**

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

20 “(1) **IN GENERAL.—**(A) Except as otherwise
21 provided in this paragraph, each local educational
22 agency, in a State other than Guam, American
23 Samoa, the Virgin Islands, and the Commonwealth
24 of the Northern Mariana Islands, which is eligible
25 for a grant under section 1124 for any fiscal year

1 is eligible for an additional grant under this section
2 for that fiscal year if the number of children counted
3 under section 1124(c) in the agency exceeds either—

4 “(i) 6,500; or

5 “(ii) 15 percent of the total number of
6 children aged 5 through 17 in the agency.

7 “(B) Notwithstanding section 1122, no State
8 described in subparagraph (A) shall receive less than
9 the lesser of—

10 “(i) 0.25 percent of total grants; or

11 “(ii) the average of—

12 “(I) one-quarter of 1 percent of the
13 sums available to carry out this section for
14 such fiscal year; and

15 “(II) the greater of—

16 “(aa) \$340,000; or

17 “(bb) the number of children in
18 such State counted for purposes of
19 this section in that fiscal year multi-
20 plied by 150 percent of the national
21 average per pupil payment made with
22 funds available under this section for
23 that year.

24 “(2) SPECIAL RULE.—For each county or local
25 educational agency eligible to receive an additional

1 grant under this section for any fiscal year the Sec-
2 retary shall determine the product of—

3 “(A) the number of children counted under
4 section 1124(c) for that fiscal year; and

5 “(B) the quotient resulting from the divi-
6 sion of the amount determined for those agen-
7 cies under section 1124(a)(1) for the fiscal year
8 for which the determination is being made di-
9 vided by the total number of children counted
10 under section 1124(c) for that agency for that
11 fiscal year.

12 “(3) AMOUNT.—The amount of the additional
13 grant for which an eligible local educational agency
14 or county is eligible under this section for any fiscal
15 year shall be an amount which bears the same ratio
16 to the amount available to carry out this section for
17 that fiscal year as the product determined under
18 paragraph (2) for such local educational agency for
19 that fiscal year bears to the sum of such products
20 for all local educational agencies in the United
21 States for that fiscal year.

22 “(4) LOCAL ALLOCATIONS.—(A) Grant
23 amounts under this section shall be determined in
24 accordance with section 1124(a)(2) and (3).

1 “(B) For any fiscal year for which the Sec-
2 retary allocates funds under this section on the basis
3 of counties, a State may reserve not more than 2
4 percent of its allocation under this section to make
5 grants to local educational agencies that meet the
6 criteria of paragraph (1)(A)(i) or (ii) but that are in
7 ineligible counties that do not meet these criteria.

8 “(b) STATES RECEIVING MINIMUM GRANTS.—In
9 States that receive the minimum grant under subsection
10 (a)(1)(B), the State educational agency shall allocate such
11 funds among the local educational agencies in each State
12 either—

13 “(1) in accordance with paragraphs (2) and (4)
14 of subsection (a); or

15 “(2) based on their respective concentrations
16 and numbers of children counted under section
17 1124(e), except that only those local educational
18 agencies with concentrations or numbers of children
19 counted under section 1124(e) that exceed the state-
20 wide average percentage of such children or the
21 statewide average number of such children shall re-
22 ceive any funds on the basis of this paragraph.”.

23 **SEC. 123. TARGETED GRANTS.**

24 Section 1125 (20 U.S.C. 6335 et seq.) is amended
25 to read as follows:

1 **“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL**
2 **AGENCIES.**

3 “(a) **ELIGIBILITY OF LOCAL EDUCATIONAL AGEN-**
4 **CIES.**—A local educational agency in a State is eligible to
5 receive a targeted grant under this section for any fiscal
6 year if the number of children in the local educational
7 agency counted under subsection 1124(c), before applica-
8 tion of the weighting factor described in subsection (c),
9 is at least 10, and if the number of children counted for
10 grants under section 1124 is at least 5 percent of the total
11 population aged 5 to 17 years, inclusive, in the local edu-
12 cational agency. For each fiscal year for which the Sec-
13 retary uses county population data to calculate grants,
14 funds made available as a result of applying this sub-
15 section shall be reallocated by the State educational agen-
16 cy to other eligible local educational agencies in the State
17 in proportion to the distribution of other funds under this
18 section.

19 “(b) **GRANTS FOR LOCAL EDUCATIONAL AGENCIES,**
20 **THE DISTRICT OF COLUMBIA, AND PUERTO RICO.**—

21 “(1) **IN GENERAL.**—The amount of the grant
22 that a local educational agency in a State or that the
23 District of Columbia is eligible to receive under this
24 section for any fiscal year shall be the product of—

25 “(A) the weighted child count determined
26 under subsection (c); and

1 “(B) the amount in paragraph
2 1124(a)(1)(B).

3 “(2) PUERTO RICO.—For each fiscal year, the
4 amount of the grant for which the Commonwealth of
5 Puerto Rico is eligible under this section shall be
6 equal to the number of children counted under sub-
7 section (c) for Puerto Rico, multiplied by the
8 amount determined in subparagraph 1124(a)(4).

9 “(c) WEIGHTED CHILD COUNT.—

10 “(1) WEIGHTS FOR ALLOCATIONS TO COUN-
11 TIES.—

12 “(A) IN GENERAL.—For each fiscal year
13 for which the Secretary uses county population
14 data to calculate grants, the weighted child
15 count used to determine a county’s allocation
16 under this section is the larger of the 2
17 amounts determined under clause (i) or (ii), as
18 follows:

19 “(i) BY PERCENTAGE OF CHIL-
20 DREN.—This amount is determined by
21 adding—

22 “(I) the number of children de-
23 termined under section 1124(c) for
24 that county constituting up to 12.20
25 percent, inclusive, of the county’s total

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

3 “(II) the number of such children
4 constituting more than 12.20 percent,
5 but not more than 17.70 percent, of
6 such population, multiplied by 1.75;

7 “(III) the number of such chil-
8 dren constituting more than 17.70
9 percent, but not more than 22.80 per-
10 cent, of such population, multiplied by
11 2.5;

12 “(IV) the number of such chil-
13 dren constituting more than 22.80
14 percent, but not more than 29.70 per-
15 cent, of such population, multiplied by
16 3.25; and

17 “(V) the number of such children
18 constituting more than 29.70 percent
19 of such population, multiplied by 4.0.

20 “(ii) BY NUMBER OF CHILDREN.—

21 This amount is determined by adding—

22 “(I) the number of children de-
23 termined under section 1124(c) con-
24 stituting up to 1,917, inclusive, of the

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

3 “(II) the number of such children
4 between 1,918 and 5,938, inclusive, in
5 such population, multiplied by 1.5;

6 “(III) the number of such chil-
7 dren between 5,939 and 20,199, inclu-
8 sive, in such population, multiplied by
9 2.0;

10 “(IV) the number of such chil-
11 dren between 20,200 and 77,999, in-
12 clusive, in such population, multiplied
13 by 2.5; and

14 “(V) the number of such children
15 in excess of 77,999 in such popu-
16 lation, multiplied by 3.0.

17 “(B) PUERTO RICO.—Notwithstanding
18 subparagraph (A), the weighted child count for
19 Puerto Rico under this paragraph shall not be
20 greater than the total number of children
21 counted under subsection 1124(c) multiplied by
22 1.72.

23 “(2) WEIGHTS FOR ALLOCATIONS TO LOCAL
24 EDUCATIONAL AGENCIES.—

1 “(A) IN GENERAL.—For each fiscal year
2 for which the Secretary uses local educational
3 agency data, the weighted child count used to
4 determine a local educational agency’s grant
5 under this section is the larger of the 2
6 amounts determined under clauses (i) and (ii),
7 as follows:

8 “(i) BY PERCENTAGE OF CHIL-
9 DREN.—This amount is determined by
10 adding—

11 “(I) the number of children de-
12 termined under section 1124(c) for
13 that local educational agency consti-
14 tuting up to 15.233 percent, inclusive,
15 of the agency’s total population aged
16 5 to 17, inclusive, multiplied by 1.0;

17 “(II) the number of such children
18 constituting more than 15.233 per-
19 cent, but not more than 22.706 per-
20 cent, of such population, multiplied by
21 1.75;

22 “(III) the number of such chil-
23 dren constituting more than 22.706
24 percent, but not more than 32.213

1 percent, of such population, multiplied
2 by 2.5;

3 “(IV) the number of such chil-
4 dren constituting more than 32.213
5 percent, but not more than 41.452
6 percent, of such population, multiplied
7 by 3.25; and

8 “(V) the number of such children
9 constituting more than 41.452 percent
10 of such population, multiplied by 4.0.

11 “(ii) BY NUMBER OF CHILDREN.—

12 This amount is determined by adding—

13 “(I) the number of children de-
14 termined under section 1124(c) con-
15 stituting up to 710, inclusive, of the
16 agency’s total population aged 5 to
17 17, inclusive, multiplied by 1.0;

18 “(II) the number of such children
19 between 710 and 2,384, inclusive, in
20 such population, multiplied by 1.5;

21 “(III) the number of such chil-
22 dren between 2,384 and 9,645, inclu-
23 sive, in such population, multiplied by
24 2.0;

1 “(IV) the number of such chil-
2 dren between 9,645 and 54,600, inclu-
3 sive, in such population, multiplied by
4 2.5; and

5 “(V) the number of such children
6 in excess of 54,600 in such popu-
7 lation, multiplied by 3.0.

8 “(B) PUERTO RICO.—Notwithstanding
9 subparagraph (A), the weighted child count for
10 Puerto Rico under this paragraph shall not be
11 greater than the total number of children
12 counted under section 1124(c) multiplied by
13 1.72.

14 “(d) CALCULATION OF GRANT AMOUNTS.—Grants
15 under this section shall be calculated in accordance with
16 section 1124(a)(2) and (3).

17 “(e) STATE MINIMUM.—Notwithstanding any other
18 provision of this section or section 1122, from the total
19 amount available for any fiscal year to carry out this sec-
20 tion, each State shall be allotted at least the lesser of—

21 “(1) 0.25 percent of total appropriations; or

22 “(2) the average of—

23 “(A) one-quarter of 1 percent of the total
24 amount available to carry out this section; and

1 “(B) 150 percent of the national average
2 grant under this section per child described in
3 section 1124(c), without application of a
4 weighting factor, multiplied by the State’s total
5 number of children described in section
6 1124(c), without application of a weighting fac-
7 tor.”.

8 **SEC. 124. SPECIAL ALLOCATION PROCEDURES.**

9 Section 1126 (20 U.S.C. 6337 et seq.) is amended
10 to read as follows:

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

12 “(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

13 “(1) IN GENERAL.—If a State educational
14 agency determines that a local educational agency in
15 the State is unable or unwilling to provide for the
16 special educational needs of children who are living
17 in institutions for neglected children as described in
18 subparagraph (B) of section 1124(c)(1), the State
19 educational agency shall, if such agency assumes re-
20 sponsibility for the special educational needs of such
21 children, receive the portion of such local educational
22 agency’s allocation under sections 1124, 1124A, and
23 1125 that is attributable to such children.

24 “(2) SPECIAL RULE.—If the State educational
25 agency does not assume such responsibility, any

1 other State or local public agency that does assume
2 such responsibility shall receive that portion of the
3 local educational agency's allocation.

4 “(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL
5 AGENCIES.—The State educational agency may allocate
6 the amounts of grants under sections 1124, 1124A, and
7 1125 among the affected local educational agencies—

8 “(1) if 2 or more local educational agencies
9 serve, in whole or in part, the same geographical
10 area;

11 “(2) if a local educational agency provides free
12 public education for children who reside in the
13 school district of another local educational agency;
14 or

15 “(3) to reflect the merger, creation, or change
16 of boundaries of one or more local educational agen-
17 cies.

18 “(c) REALLOCATION.—If a State educational agency
19 determines that the amount of a grant a local educational
20 agency would receive under sections 1124, 1124A, and
21 1125 is more than such local agency will use, the State
22 educational agency shall make the excess amount available
23 to other local educational agencies in the State that need
24 additional funds in accordance with criteria established by
25 the State educational agency.”.

1 **PART B—EDUCATION OF MIGRATORY CHILDREN**

2 **SEC. 131. STATE ALLOCATIONS.**

3 Section 1303 (20 U.S.C. 6393) is amended—

4 (1) by amending subsection (b) to read as fol-
5 lows:

6 “(b) ALLOCATION TO PUERTO RICO.—

7 “(1) FISCAL YEAR 2002.—For fiscal year 2002,
8 the grant which the Commonwealth of Puerto Rico
9 shall be eligible to receive under this section shall be
10 the amount determined by multiplying the number
11 of children counted under subsection (a)(1)(A) for
12 the Commonwealth of Puerto Rico by the product
13 of—

14 “(A) the percentage which the average per
15 pupil expenditure in the Commonwealth of
16 Puerto Rico is of the lowest average per pupil
17 expenditure of any of the 50 States; and

18 “(B) 32 percent of the average per pupil
19 expenditure in the United States.

20 “(2) SUBSEQUENT FISCAL YEARS.—For each
21 fiscal year after fiscal year 2002, the grant which
22 the Commonwealth of Puerto Rico shall be eligible
23 to receive under this section shall be the amount de-
24 termined by multiplying the number of children
25 counted under subsection (a)(2)(B)(i)(I) and
26 (a)(2)(B)(i)(II) for the Commonwealth of Puerto

1 Rico during the previous fiscal year, by the product
2 of—

3 “(A) the percentage which the average per
4 pupil expenditure in the Commonwealth of
5 Puerto Rico is of the lowest average per pupil
6 expenditure of any of the 50 States; and

7 “(B) 32 percent of the average per pupil
8 expenditure in the United States.

9 “(3) MINIMUM ALLOCATION.—

10 “(A) FISCAL YEAR 2002.—For fiscal year
11 2002, the percentage in paragraph (1)(A) shall
12 not be less than 77.5 percent.

13 “(B) SUBSEQUENT FISCAL YEARS.—The
14 percentage in paragraph (2)(A) shall not be less
15 than—

16 “(i) for fiscal year 2003, 80.0 percent;

17 “(ii) for fiscal year 2004, 82.5 per-
18 cent; and

19 “(iii) for fiscal year 2005 and suc-
20 ceeding fiscal years, 85.0 percent.

21 “(4) SPECIAL RULE.—If the application of
22 paragraph (3) would result in any of the 50 States
23 or the District of Columbia receiving less under this
24 part than it received under this part for the pre-
25 ceding fiscal year, the percentage in paragraph (1)

1 or (2), respectively, shall be the greater of the per-
2 centage in paragraph (1)(A) or (2)(A) the percent-
3 age used for the preceding fiscal year.”; and

4 (2) by striking subsections (d) and (e).

5 **SEC. 132. STATE APPLICATIONS; SERVICES.**

6 (a) PROGRAM INFORMATION.—Section 1304(b) (20
7 U.S.C. 6394(b)) is amended—

8 (1) in paragraph (1), by striking “addressed
9 through” and all that follows through the semicolon
10 at the end and inserting the following:

11 “addressed through—

12 “(A) the full range of services that are
13 available for migratory children from appro-
14 priate local, State, and Federal educational pro-
15 grams;

16 “(B) joint planning among local, State,
17 and Federal educational programs serving mi-
18 grant children, including programs under title
19 VII;

20 “(C) the integration of services available
21 under this part with services provided by those
22 other programs; and

23 “(D) measurable program goals and out-
24 comes;”;

1 (2) in paragraph (5), by striking “the require-
2 ments of paragraph (1); and” and inserting “the
3 numbers and needs of migratory children, the re-
4 quirements of subsection (d), and the availability of
5 funds from other Federal, State, and local pro-
6 grams;”;

7 (3) in paragraph (6), by striking the period at
8 the end and inserting “; and”; and

9 (4) by adding at the end the following:

10 “(7) a description of how the State will encour-
11 age programs and projects assisted under this part
12 to offer family literacy services if the program or
13 project serves a substantial number of migratory
14 children who have parents who do not have a high
15 school diploma or its recognized equivalent or who
16 have low levels of literacy.”.

17 (b) ASSURANCES.—Section 1304(c) (20 U.S.C.
18 6394(c)) is amended—

19 (1) in paragraph (1), by striking “1306(b)(1);”
20 and inserting “1306(a);”;

21 (2) in paragraph (3)—

22 (A) by striking “appropriate”;

23 (B) by striking “out, to the extent fea-
24 sible,” and inserting “out”; and

1 (C) by striking “1118;” and inserting
2 “1118, unless extraordinary circumstances
3 make implementation consistent with such sec-
4 tion impractical;” and

5 (3) in paragraph (7), by striking “section
6 1303(e)” and inserting “paragraphs (1)(A) and
7 (2)(B)(i) of section 1303(a)”.

8 **SEC. 133. AUTHORIZED ACTIVITIES.**

9 Section 1306 (20 U.S.C. 6396) is amended to read
10 as follows:

11 **“SEC. 1306. AUTHORIZED ACTIVITIES.**

12 “(a) IN GENERAL.—

13 “(1) FLEXIBILITY.—Each State educational
14 agency, through its local educational agencies, shall
15 have the flexibility to determine the activities to be
16 provided with funds made available under this part,
17 except that such funds shall first be used to meet
18 the identified needs of migratory children that result
19 from their migratory lifestyle, and to permit these
20 children to participate effectively in school.

21 “(2) UNADDRESSED NEEDS.—Funds provided
22 under this part shall be used to address the needs
23 of migratory children that are not addressed by serv-
24 ices available from other Federal or non-Federal
25 programs, except that migratory children who are el-

1 eligible to receive services under part A of this title
2 may receive those services through funds provided
3 under that part, or through funds under this part
4 that remain after the agency addresses the needs de-
5 scribed in paragraph (1).

6 “(b) CONSTRUCTION.—Nothing in this part shall be
7 construed to prohibit a local educational agency from serv-
8 ing migratory children simultaneously with students with
9 similar educational needs in the same educational settings,
10 where appropriate.

11 “(c) SPECIAL RULE.—Notwithstanding section 1114,
12 a school that receives funds under this part shall continue
13 to address the identified needs described in subsection
14 (a)(1).”.

15 **SEC. 134. COORDINATION OF MIGRANT EDUCATION ACTIVI-**
16 **TIES.**

17 (a) DURATION.—Section 1308(a)(2) (20 U.S.C.
18 6398(a)(2)) is amended by striking “subpart” and insert-
19 ing “subsection”.

20 (b) STUDENT RECORDS.—Section 1308(b) (20
21 U.S.C. 6398(b)) is amended to read as follows:

22 “(b) ACCESS TO INFORMATION ON MIGRANT STU-
23 DENTS.—

24 “(1) NATIONAL SYSTEM.—(A) The Secretary
25 shall establish a national system for electronically

1 exchanging, among the States, health and edu-
2 cational information regarding all students served
3 under this part. Such information shall include—

4 “(i) immunization records and other health
5 information;

6 “(ii) elementary and secondary academic
7 history (including partial credit), credit accrual,
8 and results from State assessments required
9 under this title;

10 “(iii) other academic information essential
11 to ensuring that migrant children achieve to
12 high standards; and

13 “(iv) eligibility for services under the Indi-
14 viduals with Disabilities Education Act.

15 “(B) The Secretary shall publish, not later than
16 120 days after the date of enactment of the Excel-
17 lence in Education Act, a notice in the Federal Reg-
18 ister seeking public comment on the proposed data
19 elements that each State receiving funds under this
20 part shall be required to collect for purposes of elec-
21 tronic transfer of migrant student information, the
22 requirements for immediate electronic access to such
23 information, and the educational agencies eligible to
24 access such information.

1 “(C) Such system of electronic access to mi-
2 grant student information shall be operational not
3 later than 1 year after the date of enactment of the
4 Excellence in Education Act.

5 “(D) For the purpose of carrying out this sub-
6 section in any fiscal year, the Secretary shall reserve
7 not more than \$10,000,000 of the amount appro-
8 priated to carry out this part for such year.

9 “(2) REPORT TO CONGRESS.—(A) Not later
10 than April 30, 2003, the Secretary shall report to
11 the Committee on Health, Education, Labor, and
12 Pensions of the Senate and the Committee on Edu-
13 cation and the Workforce of the House of Rep-
14 resentatives the Secretary’s findings and rec-
15 ommendations regarding services under this part,
16 and shall include in this report, recommendations for
17 the interim measures that may be taken to ensure
18 continuity of services under this part.

19 “(B) The Secretary shall assist States in devel-
20 oping effective methods for the transfer of student
21 records and in determining the number of students
22 or full-time equivalent students in each State if such
23 interim measures are required.”.

1 (c) AVAILABILITY OF FUNDS.—Section 1308(c) (20
 2 U.S.C. 6398(c)) is amended by striking “\$6,000,000” and
 3 inserting “\$10,000,000”.

4 (d) INCENTIVE GRANTS.—Section 1308(d) (20
 5 U.S.C. 6398(d)) is amended to read as follows:

6 “(d) INCENTIVE GRANTS.—From the amounts made
 7 available to carry out this section for any fiscal year, the
 8 Secretary may reserve not more than \$3,000,000 to award
 9 grants of not more than \$250,000 on a competitive basis
 10 to State educational agencies that propose a consortium
 11 arrangement with another State or other appropriate enti-
 12 ty that the Secretary determines, pursuant to criteria that
 13 the Secretary shall establish, will improve the delivery of
 14 services to migratory children whose education is inter-
 15 rupted.”.

16 **PART C—NEGLECTED OR DELINQUENT YOUTH**

17 **SEC. 141. NEGLECTED OR DELINQUENT YOUTH.**

18 The heading for part D of title I is amended to read
 19 as follows:

20 **“PART D—PREVENTION AND INTERVENTION**
 21 **PROGRAMS FOR NEGLECTED OR DELIN-**
 22 **QUENT CHILDREN AND YOUTH”.**

23 **SEC. 142. FINDINGS.**

24 Section 1401(a) is amended by striking paragraphs
 25 (6) through (9) and inserting the following:

1 “(6) Youth returning from correctional facilities
2 need to be involved in programs that provide them
3 with high level skills and other support to help them
4 stay in school and complete their education.

5 “(7) Pregnant and parenting teenagers are a
6 high at-risk group for dropping out of school and
7 should be targeted by dropout prevention pro-
8 grams.”.

9 **SEC. 143. ALLOCATION OF FUNDS.**

10 Section 1412(b) is amended to read as follows:

11 “(b) SUBGRANTS TO STATE AGENCIES IN PUERTO
12 RICO.—

13 “(1) IN GENERAL.—For each fiscal year, the
14 amount of the subgrant for which a State agency in
15 the Commonwealth of Puerto Rico shall be eligible
16 to receive under this part shall be the amount deter-
17 mined by multiplying the number of children count-
18 ed under subparagraph (a)(1)(A) for the Common-
19 wealth of Puerto Rico by the product of—

20 “(A) the percentage which the average per
21 pupil expenditure in the Commonwealth of
22 Puerto Rico is of the lowest average per pupil
23 expenditure of any of the 50 States; and

24 “(B) 32 percent of the average per pupil
25 expenditure in the United States.

1 “(2) MINIMUM ALLOCATION.—The percentage
2 in paragraph (1)(A) shall not be less than—

3 “(A) for fiscal year 2002, 77.5 percent;

4 “(B) for fiscal year 2003, 80.0 percent;

5 “(C) for fiscal year 2004, 82.5 percent;

6 and

7 “(D) for fiscal year 2005 and for each suc-
8 ceeding fiscal year, 85.0 percent.

9 “(3) SPECIAL RULE.—If the application of
10 paragraph (2) would result in any of the 50 States
11 or the District of Columbia receiving less under this
12 part than it received under this part for the pre-
13 ceding fiscal year, the percentage in paragraph (1)
14 shall be the greater of the percentage in paragraph
15 (1)(A) or the percentage used for the preceding fis-
16 cal year.”.

17 **SEC. 144. STATE PLAN AND STATE AGENCY APPLICATIONS.**

18 Section 1414 is amended to read as follows:

19 **“SEC. 1414. STATE PLAN AND STATE AGENCY APPLICA-**
20 **TIONS.**

21 “(a) STATE PLAN.—

22 “(1) IN GENERAL.—Each State educational
23 agency that desires to receive a grant under this
24 part shall submit, for approval by the Secretary, a
25 plan for meeting the educational needs of neglected

1 and delinquent youth, for assisting in their transi-
2 tion from institutions to locally operated programs,
3 and which is integrated with other programs under
4 this Act or other Acts, as appropriate, consistent
5 with section 11206.

6 “(2) CONTENTS.—Each such State plan shall—

7 “(A) describe the program goals, objec-
8 tives, and performance measures established by
9 the State that will be used to assess the effec-
10 tiveness of the program in improving academic
11 and vocational and technical skills of children in
12 the program;

13 “(B) provide that, to the extent feasible,
14 such children will have the same opportunities
15 to learn as such children would have if such
16 children were in the schools of local educational
17 agencies in the State; and

18 “(C) contain assurances that the State
19 educational agency will—

20 “(i) ensure that programs assisted
21 under this part will be carried out in ac-
22 cordance with the State plan described in
23 this subsection;

24 “(ii) carry out the evaluation require-
25 ments of section 1416;

1 “(iii) ensure that the State agencies
2 receiving subgrants under this subpart
3 comply with all applicable statutory and
4 regulatory requirements; and

5 “(iv) provide such other information
6 as the Secretary may reasonably require.

7 “(3) DURATION OF THE PLAN.—Each such
8 State plan shall—

9 “(A) remain in effect for the duration of
10 the State’s participation under this part; and

11 “(B) be periodically reviewed and revised
12 by the State, as necessary, to reflect changes in
13 the State’s strategies and programs under this
14 part.

15 “(b) SECRETARIAL APPROVAL; PEER REVIEW.—

16 “(1) IN GENERAL.—The Secretary shall ap-
17 prove each State plan that meets the requirements
18 of this part.

19 “(2) PEER REVIEW.—The Secretary may review
20 any State plan with the assistance and advice of in-
21 dividuals with relevant expertise.

22 “(c) STATE AGENCY APPLICATIONS.—Any State
23 agency that desires to receive funds to carry out a pro-
24 gram under this part shall submit an application to the
25 State educational agency that—

1 “(1) describes the procedures to be used, con-
2 sistent with the State plan under section 1111, to
3 assess the educational needs of the children to be
4 served;

5 “(2) provides assurances that in making serv-
6 ices available to youth in adult correctional facilities,
7 priority will be given to such youth who are likely to
8 complete incarceration within a 2-year period;

9 “(3) describes the program, including a budget
10 for the first year of the program, with annual up-
11 dates to be provided to the State educational agency;

12 “(4) describes how the program will meet the
13 goals and objectives of the State plan under this
14 subpart;

15 “(5) describes how the State agency will consult
16 with experts and provide the necessary training for
17 appropriate staff, to ensure that the planning and
18 operation of institution-wide projects under section
19 1416 are of high quality;

20 “(6) describes how the agency will carry out the
21 evaluation requirements of section 10501 and how
22 the results of the most recent evaluation are used to
23 plan and improve the program;

1 “(7) includes data showing that the agency has
2 maintained fiscal effort required of a local edu-
3 cational agency, in accordance with section 10401;

4 “(8) describes how the programs will be coordi-
5 nated with other appropriate State and Federal pro-
6 grams, such as programs under the Job Training
7 Partnership Act or title I of the Workforce Invest-
8 ment Act of 1998, vocational and technical edu-
9 cation programs, State and local dropout prevention
10 programs, and special education programs;

11 “(9) describes how States will encourage correc-
12 tional facilities receiving funds under this subpart to
13 coordinate with local educational agencies or alter-
14 native education programs attended by incarcerated
15 youth prior to their incarceration to ensure that stu-
16 dent assessments and appropriate academic records
17 are shared jointly between the correctional facility
18 and the local educational agency or alternative edu-
19 cation program;

20 “(10) describes how appropriate professional
21 development will be provided to teachers and other
22 staff;

23 “(11) 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 “(12) describes how the agency will, endeavor
4 to coordinate with businesses for training and men-
5 toring for participating youth;

6 “(13) provides assurances that the agency will
7 assist in locating alternative programs through
8 which students can continue their education if stu-
9 dents are not returning to school after leaving the
10 correctional facility;

11 “(14) provides assurances that the agency will
12 work with parents to secure parents’ assistance in
13 improving the educational achievement of their chil-
14 dren and preventing their children’s further involve-
15 ment in delinquent activities;

16 “(15) provides assurances that the agency
17 works with special education youth in order to meet
18 an existing individualized education program and an
19 assurance that the agency will notify the youth’s
20 local school if such 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 “(16) provides assurances that the agency will
2 work with youth who dropped out of school before
3 entering the facility to encourage the youth to reen-
4 ter school once the term of the youth has been com-
5 pleted or provide the youth with the skills necessary
6 to gain employment, continue the education of the
7 youth, or achieve a secondary school diploma or the
8 recognized equivalent if the youth does not intend to
9 return to school;

10 “(17) provides assurances that teachers and
11 other qualified staff are also trained to work with
12 children with disabilities and other students with
13 special needs taking into consideration the unique
14 needs of such students;

15 “(18) describes any additional services provided
16 to youth, such as career counseling, distance learn-
17 ing, and assistance in securing student loans and
18 grants; and

19 “(19) provides assurances that the program
20 under this subpart will be coordinated with any pro-
21 grams operated under the Juvenile Justice and De-
22 linquency Prevention Act of 1974 or other com-
23 parable programs, if applicable.”.

24 **SEC. 145. USE OF FUNDS.**

25 Section 1415(a) is amended—

1 (1) in paragraph (1)(B), by inserting “and vo-
2 cational and technical training” after “secondary
3 school completion”; and

4 (2) in paragraph (2)(B)—

5 (A) in clause (i), by inserting “and” after
6 the semicolon;

7 (B) in clause (ii), by striking “; and” and
8 inserting a period; and

9 (C) by striking clause (iii).

10 **SEC. 146. PURPOSE.**

11 Section 1421 is amended by striking paragraph (3)
12 and inserting the following:

13 “(3) operate programs for youth returning from
14 correctional facilities in local schools which may also
15 serve youth at risk of dropping out of school.”.

16 **SEC. 147. TRANSITION SERVICES.**

17 Section 1418(a) is amended by striking “10 percent”
18 and inserting “15 percent”.

19 **SEC. 148. PROGRAMS OPERATED BY LOCAL EDUCATIONAL**
20 **AGENCIES.**

21 Section 1422 is amended—

22 (1) in subsection (a), by striking “retained”;

23 (2) by amending subsection (b) to read as fol-
24 lows:

1 “(b) SPECIAL RULE.—A local educational agency
2 which includes a correctional facility that operates a school
3 is not required to operate a program of support for chil-
4 dren returning from such school to a school not operated
5 by a correctional agency but served by such local edu-
6 cational agency if more than 30 percent of the youth at-
7 tending the school operated by the correctional facility will
8 reside outside the boundaries of the local educational
9 agency after leaving such facility.”; and

10 (3) by adding at the end of section 1422 the
11 following:

12 “(d) TRANSITIONAL AND ACADEMIC SERVICES.—
13 Transitional and supportive programs operated in local
14 educational agencies under this subpart shall be designed
15 primarily to meet the transitional and academic needs of
16 students returning to local educational agencies or alter-
17 native education programs from correctional facilities.
18 Services to students at risk of dropping out of school shall
19 not have a negative impact on meeting the transitional and
20 academic needs of the students returning from correc-
21 tional facilities.”.

22 **SEC. 149. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

23 Section 1423 is amended by striking paragraphs (4)
24 through (9) and inserting the following:

1 “(4) a description of the program operated by
2 participating schools for children returning from cor-
3 rectional facilities and the types of services that such
4 schools will provide such youth and other at-risk
5 youth;

6 “(5) a description of the youth returning from
7 correctional facilities and, as appropriate, other at-
8 risk youth expected to be served by the program and
9 how the school will coordinate existing educational
10 programs to meet the unique educational needs of
11 such youth;

12 “(6) as appropriate, a description of how
13 schools will coordinate with existing social, health
14 and other services to meet the needs of students re-
15 turning from correctional facilities, students at risk
16 of dropping out of school, and other participating
17 students, including prenatal health care and nutri-
18 tion services related to the health of the parent and
19 child, parenting and child development classes, child
20 care, targeted re-entry and outreach programs, re-
21 ferrals to community resources, and scheduling flexi-
22 bility;

23 “(7) as appropriate, a description of any part-
24 nerships with local businesses to develop training,

1 curriculum-based youth entrepreneurship education
2 and mentoring services for participating students;

3 “(8) as appropriate, a description of how pro-
4 grams will involve parents in efforts to improve the
5 educational achievement of their children, prevent
6 the involvement of their children in delinquent activi-
7 ties, and encourage their children to remain in
8 school and complete their education;

9 “(9) a description of how the program under
10 this subpart will be coordinated with other Federal,
11 State, and local programs, such as programs under
12 the Job Training Partnership Act or title I of the
13 Workforce Investment Act of 1998 and vocational
14 and technical education programs serving this at-
15 risk population of youth;”.

16 **SEC. 150. USES OF FUNDS.**

17 Section 1424 is amended by striking paragraphs (1)
18 through (3) and inserting the following:

19 “(1) programs that serve youth returning from
20 correctional facilities to local schools to assist in the
21 transition of such youth to the school environment
22 and help them remain in school in order to complete
23 their education;

1 “(2) providing assistance to other youth at risk
2 of dropping out of school, including pregnant and
3 parenting teenagers;

4 “(3) the coordination of social, health, and
5 other services, including day care, for participating
6 youth if the provision of such services will improve
7 the likelihood that such youth will complete their
8 education;

9 “(4) special programs to meet the unique aca-
10 demic needs of participating youth, including voca-
11 tional and technical education, special education, ca-
12 reer counseling, curriculum-based youth entrepre-
13 neurship education, and assistance in securing stu-
14 dent loans or grants for postsecondary education;
15 and

16 “(5) programs providing mentoring and peer
17 mediation.”.

18 **SEC. 151. PROGRAM REQUIREMENTS.**

19 Section 1425 is amended—

20 (1) in paragraph (1), by striking “where fea-
21 sible, ensure educational programs” and inserting
22 the following: “to the extent practicable, ensure that
23 educational programs”;

1 (2) in paragraph (3), by striking “where fea-
2 sible,” and inserting the following: “to the extent
3 practicable,”;

4 (3) in paragraph (8), by striking “where fea-
5 sible,” and inserting the following: “to the extent
6 practicable,”;

7 (4) in paragraph (9), by inserting “and tech-
8 nical” after “vocational”; and

9 (5) by amending paragraph (11) to read as fol-
10 lows:

11 “(11) if appropriate, work with local businesses
12 to develop training, curriculum-based youth entre-
13 preneurship education, and mentoring programs for
14 youth.”.

15 **SEC. 152. PROGRAM EVALUATIONS.**

16 Section 1431(a) is amended by striking “sex, and if
17 feasible,” and inserting “gender,”.

18 **PART D—GENERAL PROVISIONS**

19 **SEC. 161. GENERAL PROVISIONS.**

20 Title I is amended—

21 (1) by redesignating part F as part G; and

22 (2) by redesignating sections 1601 through
23 1604 as sections 1701 through 1704, respectively.

1 **PART E—COMPREHENSIVE SCHOOL REFORM**

2 **SEC. 171. COMPREHENSIVE SCHOOL REFORM.**

3 Title I is amended by inserting after Part E the fol-
4 lowing:

5 **“PART F—COMPREHENSIVE SCHOOL REFORM**

6 **“SEC. 1601. COMPREHENSIVE SCHOOL REFORM.**

7 “(a) FINDINGS AND PURPOSE.—

8 “(1) FINDINGS.—Congress finds the following:

9 “(A) A number of schools across the coun-
10 try have shown impressive gains in student per-
11 formance through the use of comprehensive
12 models for schoolwide change that incorporate
13 virtually all aspects of school operations.

14 “(B) No single comprehensive school re-
15 form model may be suitable for every school,
16 however, schools should be encouraged to exam-
17 ine successful, externally developed comprehen-
18 sive school reform approaches as they under-
19 take comprehensive school reform.

20 “(C) Comprehensive school reform is an
21 important means by which children are assisted
22 in meeting challenging State student perform-
23 ance standards.

24 “(2) PURPOSE.—The purpose of this section is
25 to provide financial incentives for schools to develop
26 comprehensive school reforms, based upon scientif-

1 ically based research and effective practices that in-
2 clude an emphasis on basic academics and parental
3 involvement so that all children can meet challenging
4 State content and performance standards.

5 “(b) PROGRAM AUTHORIZED.—

6 “(1) IN GENERAL.—The Secretary is authorized
7 to provide grants to State educational agencies to
8 provide subgrants to local educational agencies to
9 carry out the purpose described in subsection (a)(2).

10 “(2) ALLOCATION.—

11 “(A) RESERVATION.—Of the amount ap-
12 propriated under this section, the Secretary
13 may reserve—

14 “(i) not more than 1 percent for
15 schools supported by the Bureau of Indian
16 Affairs and in the United States Virgin Is-
17 lands, Guam, American Samoa, and the
18 Commonwealth of the Northern Mariana
19 Islands; and

20 “(ii) not more than 1 percent to con-
21 duct national evaluation activities de-
22 scribed under subsection (e).

23 “(B) IN GENERAL.—Of the amount of
24 funds remaining after the reservation under
25 subparagraph (A), the Secretary shall allocate

1 to each State for a fiscal year, an amount that
2 bears the same ratio to the amount appro-
3 priated for that fiscal year as the amount made
4 available under section 1124 to the State for
5 the preceding fiscal year bears to the total
6 amount allocated under section 1124 to all
7 States for that year.

8 “(C) REALLOCATION.—If a State does not
9 apply for funds under this section, the Sec-
10 retary shall reallocate such funds to other
11 States that do apply in proportion to the
12 amount allocated to such States under subpara-
13 graph (B).

14 “(c) STATE AWARDS.—

15 “(1) STATE APPLICATION.—

16 “(A) IN GENERAL.—Each State edu-
17 cational agency that desires to receive a grant
18 under this section shall submit an application to
19 the Secretary at such time, in such manner and
20 containing such other information as the Sec-
21 retary may reasonably require.

22 “(B) CONTENTS.—Each State application
23 shall also describe—

24 “(i) the process and selection criteria
25 by which the State educational agency,

1 using expert review, will select local edu-
2 cational agencies to receive subgrants
3 under this section;

4 “(ii) how the agency will ensure that
5 only comprehensive school reforms that are
6 based on scientifically based research re-
7 ceive funds under this section;

8 “(iii) how the agency will disseminate
9 materials regarding information on com-
10 prehensive school reforms that are based
11 on scientifically based research;

12 “(iv) how the agency will evaluate the
13 implementation of such reforms and meas-
14 ure the extent to which the reforms re-
15 sulted in increased student academic per-
16 formance; and

17 “(v) how the agency will provide, upon
18 request, technical assistance to the local
19 educational agency in evaluating, devel-
20 oping, and implementing comprehensive
21 school reform.

22 “(2) USES OF FUNDS.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (E), a State educational agency
25 that receives an award under this section shall

1 use such funds to provide competitive grants to
2 local educational agencies receiving funds under
3 part A.

4 “(B) GRANT REQUIREMENTS.—A grant to
5 a local educational agency shall be—

6 “(i) of sufficient size and scope to
7 support the initial costs for the particular
8 comprehensive school reform plan selected
9 or designed by each school identified in the
10 application of the local educational agency;

11 “(ii) in an amount not less than
12 \$50,000 to each participating school; and

13 “(iii) renewable for 2 additional 1-
14 year periods after the initial 1-year grant
15 is made if schools are making substantial
16 progress in the implementation of their re-
17 forms.

18 “(C) PRIORITY.—The State, in awarding
19 grants under this paragraph, shall give priority
20 to local educational agencies that—

21 “(i) plan to use the funds in schools
22 identified as being in need of improvement
23 or corrective action under section 1116(b);
24 and

1 “(ii) demonstrate a commitment to
2 assist schools with budget allocation, pro-
3 fessional development, and other strategies
4 necessary to ensure the comprehensive
5 school reforms are properly implemented
6 and are sustained in the future.

7 “(D) GRANT CONSIDERATION.—In making
8 subgrant awards under this part, the State edu-
9 cational agency shall take into account the equi-
10 table distribution of awards to different geo-
11 graphic regions within the State, including
12 urban and rural areas, and to schools serving
13 elementary and secondary students.

14 “(E) ADMINISTRATIVE COSTS.—A State
15 educational agency that receives a grant award
16 under this section may reserve not more than 5
17 percent of such award for administrative, eval-
18 uation, and technical assistance expenses.

19 “(F) SUPPLEMENT.—Funds made avail-
20 able under this section shall be used to supple-
21 ment, not supplant, any other Federal, State,
22 or local funds that would otherwise be available
23 to carry out this section.

24 “(3) REPORTING.—Each State educational
25 agency that receives an award under this section

1 shall provide to the Secretary such information as
2 the Secretary may require, including the names of
3 local educational agencies and schools selected to re-
4 ceive subgrant awards under this section, the
5 amount of such award, and a description of the com-
6 prehensive school reform model selected and in use.

7 “(d) LOCAL AWARDS.—

8 “(1) IN GENERAL.—Each local educational
9 agency that applies for a subgrant under this section
10 shall—

11 “(A) identify which schools eligible for
12 funds under part A plan to implement a com-
13 prehensive school reform program, including the
14 projected costs of such a program;

15 “(B) describe the scientifically based com-
16 prehensive school reforms that such schools will
17 implement;

18 “(C) describe how the agency will provide
19 technical assistance and support for the effec-
20 tive implementation of the scientifically based
21 school reforms selected by such schools; and

22 “(D) describe how the agency will evaluate
23 the implementation of such reforms and meas-
24 ure the results achieved in improving student
25 academic performance.

1 “(2) COMPONENTS OF THE PROGRAM.—A local
2 educational agency that receives a subgrant award
3 under this section shall provide such funds to
4 schools that implement a comprehensive school re-
5 form program that—

6 “(A) employs innovative strategies and
7 proven methods for student learning, teaching,
8 and school management that are based on sci-
9 entifically based research and effective practices
10 and have been replicated successfully in schools
11 with diverse characteristics;

12 “(B) integrates a comprehensive design for
13 effective school functioning, including instruc-
14 tion, assessment, classroom management, pro-
15 fessional development, parental involvement,
16 and school management, that aligns the school’s
17 curriculum, technology, professional develop-
18 ment into a comprehensive reform plan for
19 schoolwide change designed to enable all stu-
20 dents to meet challenging State content and
21 challenging student performance standards and
22 addresses needs identified through a school
23 needs assessment;

24 “(C) provides high-quality and continuous
25 teacher and staff professional development;

1 “(D) includes measurable goals for student
2 performance and benchmarks for meeting such
3 goals;

4 “(E) is supported by teachers, principals,
5 administrators, and other professional staff;

6 “(F) provides for the meaningful involve-
7 ment of parents and the local community in
8 planning and implementing school improvement
9 activities;

10 “(G) uses high quality external technical
11 support and assistance from an entity, which
12 may be an institution of higher education, with
13 experience and expertise in schoolwide reform
14 and improvement;

15 “(H) includes a plan for the evaluation of
16 the implementation of school reforms and the
17 student results achieved; and

18 “(I) identifies how other resources, includ-
19 ing Federal, State, local, and private resources,
20 available to the school will be used to coordinate
21 services to support and sustain the school re-
22 form effort.

23 “(3) SPECIAL RULE.—A school that receives
24 funds to develop a comprehensive school reform pro-
25 gram shall not be limited to using the approaches

1 identified or developed by the Department of Edu-
2 cation, but may develop its own comprehensive
3 school reform programs for schoolwide change that
4 comply with paragraph (2).

5 “(e) EVALUATION AND REPORT.—

6 “(1) IN GENERAL.—The Secretary shall develop
7 a plan for a national evaluation of the programs de-
8 veloped pursuant to this section.

9 “(2) EVALUATION.—In carrying out paragraph
10 (1), the Secretary shall evaluate the implementation
11 and results achieved by schools after 3 years of im-
12 plementing comprehensive school reforms, and assess
13 the effectiveness of comprehensive school reforms in
14 schools with diverse characteristics.

15 “(3) REPORTS.—Prior to the completion of a
16 national evaluation, the Secretary shall submit an
17 interim report outlining first year implementation
18 activities to the Committees on Education and the
19 Workforce and Appropriations of the House of Rep-
20 resentatives and the Committees on Health, Edu-
21 cation, Labor, and Pensions and Appropriations of
22 the Senate.

23 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to carry out this section \$300,000,000 for

1 fiscal year 2002 and such sums as may be necessary for
 2 each of the 4 succeeding fiscal years.”.

3 **TITLE II—SMART CLASSROOMS**

4 **SEC. 201. SMART CLASSROOMS.**

5 (a) IN GENERAL.—Title II (20 U.S.C. 6601 et seq.)
 6 is amended—

7 (1) by striking the heading for title II and in-
 8 serting the following:

9 **“TITLE II—SMART**
 10 **CLASSROOMS”;**

11 (2) by striking sections 2001 through 2003;

12 (3) by striking parts A, B, D and E;

13 (3) by redesignating part C as part D; and

14 (4) by inserting after the title heading the fol-
 15 lowing:

16 **“PART A—QUALIFIED TEACHERS IN EVERY**
 17 **CLASSROOM**

18 **“Subpart 1—Purpose; Authorization of**
 19 **Appropriations**

20 **“SEC. 2001. PURPOSE.**

21 “The purpose of this part is to support the improve-
 22 ment of classroom instruction, so that all students are able
 23 to achieve to challenging State content and student per-
 24 formance standards in the core academic subjects, by pro-
 25 viding assistance to State and local educational agencies

1 in their efforts to recruit and retain a fully qualified in-
2 structional staff by—

3 “(1) supporting States and local educational
4 agencies in continuing the task of developing chal-
5 lenging content and student performance standards
6 and aligned assessments, revising curricula and
7 teacher certification requirements, and using chal-
8 lenging content and student performance standards
9 to improve teaching and learning;

10 “(2) assisting high-poverty local educational
11 agencies and low-performing local educational agen-
12 cies that have the greatest difficulty in recruiting
13 and retaining fully qualified teachers;

14 “(3) supporting States and local educational
15 agencies in recruiting and retaining teachers in sub-
16 ject areas in which the State has determined there
17 to be a shortage of teachers;

18 “(4) ensuring that all instructional staff have
19 the subject matter knowledge and teaching skills
20 necessary to teach effectively in all subjects in which
21 they provide instruction;

22 “(5) providing assistance to new teachers dur-
23 ing their first 3 years in the classroom; and

24 “(6) ensuring that teachers, principals, admin-
25 istrators, and other school staff have access to pro-

1 fessional development that is aligned with chal-
2 lenging State content and student performance
3 standards in the core academic subjects.

4 **“SEC. 2002. AUTHORIZATION OF APPROPRIATIONS.**

5 “(a) SUBPART 2.—For the purpose of carrying out
6 subpart 2, there are authorized to be appropriated
7 \$2,745,000,000 for fiscal year 2002, \$2,816,000,000 for
8 fiscal year 2003, \$2,889,000,000 for fiscal year 2004,
9 \$2,959,000,000 for fiscal year 2005, and \$3,027,000,000
10 for fiscal year 2006.

11 “(b) SUBPART 3.—For the purpose of carrying out
12 subpart 3, there are authorized to be appropriated
13 \$40,000,000 for fiscal year 2002 and such sums as may
14 be necessary for each of fiscal years 2003 through 2006.

15 **“Subpart 2—State and Local Activities**

16 **“SEC. 2011. ALLOCATIONS TO STATES.**

17 “(a) IN GENERAL.—In the case of each State that
18 in accordance with section 2013 submits to the Secretary
19 an application for a fiscal year, and has that application
20 approved under section 2013(c), the Secretary shall make
21 a grant for the year to the State for the uses specified
22 in section 2012. The grant shall consist of the allocation
23 determined for the State under subsection (b) or (c).

1 “(b) RESERVATION OF FUNDS.—From the amount
2 made available to carry out this subpart for any fiscal
3 year, the Secretary shall reserve—

4 “(1) one-half of 1 percent to provide assistance
5 to the Virgin Islands, Guam, American Samoa, and
6 the Commonwealth of the Northern Mariana Is-
7 lands, to be distributed among these outlying areas
8 on the basis of their relative need, as determined by
9 the Secretary in accordance with the purpose of this
10 part; and

11 “(2) one-half of 1 percent for the Secretary of
12 the Interior for activities under this subpart for
13 teachers, principals, administrators, and other school
14 staff in schools operated or funded by the Bureau of
15 Indian Affairs.

16 “(c) STATE ALLOCATIONS.—

17 “(1) IN GENERAL.—After reserving funds
18 under subsection (b), the Secretary shall allocate the
19 remaining amount made available to carry out this
20 subpart for any fiscal year among the 50 States, the
21 District of Columbia, and the Commonwealth of
22 Puerto Rico as follows:

23 “(A) 50 percent of such amount shall be
24 allocated among such States on the basis of
25 their relative populations of individuals aged 5

1 through 17, as determined by the Secretary on
2 the basis of the most recent satisfactory data.

3 “(B) 50 percent of such amount shall be
4 allocated among such States in proportion to
5 the number of children, aged 5 to 17, who re-
6 side within the State from families with in-
7 comes below the poverty line applicable to a
8 family of the size involved for the most recent
9 fiscal year for which satisfactory data are avail-
10 able, compared to the number of such individ-
11 uals who reside in all such States for that fiscal
12 year.

13 “(2) MINIMUM ALLOCATION.—No State receiv-
14 ing an allocation under paragraph (1) may receive
15 less than one-quarter of 1 percent of the total
16 amount made available to carry out this subpart for
17 any fiscal year and not reserved under subsection
18 (b).

19 **“SEC. 2012. WITHIN-STATE ALLOCATIONS.**

20 “(a) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
21 CIES.—

22 “(1) IN GENERAL.—Each State receiving a
23 grant under this subpart shall expend at least 92
24 percent of the amount of the funds provided under

1 the grant for the purpose of making subgrants to
2 local educational agencies as follows:

3 “(A) subject to paragraph (2), 80 percent
4 of such amount shall be allocated as follows:

5 “(i) 60 percent shall be allocated
6 among local educational agencies having an
7 approved application under section 2017 in
8 proportion to the number of children, aged
9 5 to 17, who reside within the jurisdiction
10 served by the agency from families with in-
11 comes below the poverty line applicable to
12 a family of the size involved for the most
13 recent fiscal year for which satisfactory
14 data are available, compared to the num-
15 ber of such children who reside in all such
16 jurisdictions for that fiscal year.

17 “(ii) 40 percent shall be allocated
18 among local educational agencies having an
19 approved application under section 2017
20 on the basis of their relative populations of
21 children aged 5 to 17, as determined by
22 the Secretary on the basis of the most re-
23 cent satisfactory data.

24 “(B) 20 percent of such amount shall be
25 used to provide additional funds to local edu-

1 cational agencies, and partnerships described in
2 section 2016(b)(1), having an approved applica-
3 tion under section 2018 in accordance with
4 such section.

5 “(2) MINIMUM AMOUNT.—Notwithstanding
6 paragraph (1)(A), a local educational agency may
7 not receive an allocation under such paragraph for
8 any fiscal year that is less than its allocation for fis-
9 cal year 2001 under section 2203(1) of this Act (as
10 in effect on the day before the date of the enactment
11 of the Excellence and Accountability in Education
12 Act). If the amount available for allocations under
13 paragraph (1)(A) is insufficient to satisfy the pre-
14 ceding sentence, each allocation under such para-
15 graph shall be ratably reduced.

16 “(b) SUBGRANTS TO PARTNERSHIPS.—Each State
17 receiving a grant under this subpart shall expend at least
18 2 percent of the amount of the funds provided under the
19 grant for the purpose of making subgrants to partnerships
20 under section 2016.

21 “(c) STATE-LEVEL ACTIVITIES.—Each State receiv-
22 ing a grant under this part may expend not more than
23 6 percent of the amount of the funds provided under the
24 grant for one or more of the State-level activities described
25 in section 2015.

1 “(d) ADMINISTRATION AND EVALUATIONS.—Subject
2 to section 2023, each State receiving a grant under this
3 subpart or part C shall expend not more than $\frac{1}{6}$ of its
4 allocation under subsection (c) for—

5 “(1) its costs of administering this subpart and
6 part C;

7 “(2) evaluations of the effectiveness of activities
8 under this subpart and part C, including effective-
9 ness as measured using the indicators of program
10 performance described in section 2401; and

11 “(3) reports required under section 2201(e).

12 **“SEC. 2013. STATE APPLICATION.**

13 “(a) APPLICATIONS REQUIRED.—

14 “(1) IN GENERAL.—Each State desiring to re-
15 ceive its allocation under this subpart shall submit,
16 through its State educational agency, an application
17 to the Secretary at such time, in such form, and
18 containing such information as the Secretary reason-
19 ably may require.

20 “(2) CONSULTATION.—The State educational
21 agency shall develop the State application—

22 “(A) in consultation with the State agency
23 for higher education, community-based and
24 other nonprofit organizations of demonstrated

1 effectiveness in professional development, and
2 institutions of higher education; and

3 “(B) with the extensive participation of
4 teachers, teacher educators, school administra-
5 tors, and content specialists.

6 “(b) CONTENTS.—Each such application shall in-
7 clude the following:

8 “(1) A description of how the State educational
9 agency will use all funds received under this subpart
10 to implement State plans or policies that support
11 comprehensive standards-based education reform
12 through the following strategies:

13 “(A) Supporting the alignment of curricula
14 and assessments with challenging State content
15 and student performance standards.

16 “(B) Supporting local educational agencies
17 in their efforts to recruit and retain fully quali-
18 fied teachers, with special consideration given to
19 recruiting highly qualified teachers from minor-
20 ity and other historically underrepresented
21 groups, including bilingual teachers.

22 “(C) Ensuring that teachers employed by
23 local educational agencies are proficient in con-
24 tent knowledge and teaching skills in all sub-
25 jects in which they provide instruction.

1 “(D) Providing professional development,
2 aligned with State content and student per-
3 formance standards, in core academic subjects.

4 “(2) An assurance that teacher aides or other
5 paraprofessionals who are not fully qualified teach-
6 ers provide instruction to students only under the di-
7 rect and immediate supervision of a fully qualified
8 teacher, and have received the professional develop-
9 ment necessary to perform their duties.

10 “(3) A description of the process the State edu-
11 cational agency will use to make competitive awards
12 to local educational agencies under section 2018, in-
13 cluding a description of—

14 “(A) the State’s criteria for classifying
15 local educational agencies as among those hav-
16 ing the greatest need for services provided
17 under this subpart and its justification for
18 those criteria;

19 “(B) the State’s strategies for ensuring
20 that local educational agencies that have his-
21 torically had little success in competing for
22 funds are provided a reasonable opportunity to
23 compete for subgrants;

24 “(C) the State’s criteria for determining
25 the amounts that it will award to recipients and

1 the criteria for providing noncompetitive renew-
2 als of subgrants;

3 “(D) the technical assistance that the
4 State educational agency will provide, under
5 section 2018(e)(2), to local educational agencies
6 that it identifies as having the greatest need for
7 services and that fail to receive an award under
8 section 2018; and

9 “(E) how the State will give special pri-
10 ority to local educational agencies seeking to
11 fulfill school improvement requirements under
12 section 1116.

13 “(4) A description of how the State educational
14 agency will ensure that all recipients of funds under
15 this subpart will report on their level of performance
16 based on the program performance indicators de-
17 scribed in section 2401.

18 “(5) A list of any additional indicators of pro-
19 gram performance, beyond those described in section
20 2401, on which the State educational agency and the
21 State agency for higher education will require recipi-
22 ents to report.

23 “(6) A set of specific, numerical, annual goals
24 for each of the performance indicators required
25 under section 2401 and for any additional indicators

1 that the State elects to use for measuring the
2 progress of the State and local educational agencies
3 receiving funds under this subpart.

4 “(7) A description of how the State will coordi-
5 nate professional development activities authorized
6 under this subpart with professional development ac-
7 tivities provided under other Federal, State, and
8 local programs, including those authorized under
9 this Act and (where applicable) the Individuals with
10 Disabilities Education Act and the Carl D. Perkins
11 Vocational and Technical Education Act. The appli-
12 cation shall also describe the comprehensive strategy
13 that the State will take as part of such coordination
14 effort, to ensure that teachers are trained in the uti-
15 lization of technology so that technology and its ap-
16 plications are effectively used in the classroom to im-
17 prove teaching and learning in all curriculum and
18 content areas, as appropriate.

19 “(c) APPROVAL.—The Secretary shall, using a peer-
20 review process, approve a State application if it meets the
21 requirements of this section and holds reasonable promise
22 of achieving the purpose described in section 2002.

23 **“SEC. 2014. STATE ACCOUNTABILITY.**

24 “(a) ANNUAL REPORTS.—Each State educational
25 agency that receives funds under this subpart and part

1 C shall, beginning in fiscal year 2003, annually compile,
2 publish, submit to the Secretary, and distribute to the
3 public, a report including the following information:

4 “(1) The percentage of teachers teaching in the
5 State who have not met State qualifications and li-
6 censing criteria for all grade levels and subject areas
7 in which they provide instruction.

8 “(2) The percentage of teachers teaching in the
9 State under emergency or other provisional status
10 through which State qualifications or licensing cri-
11 teria have been waived.

12 “(3) The percentage of teachers teaching in the
13 State who do not hold a postsecondary degree with
14 a major in all subject areas in which they provide in-
15 struction.

16 “(4) The average class size.

17 “(5) The percentage of teachers with certifi-
18 cation from the National Board for Professional
19 Teaching Standards.

20 “(6) Information on the progress of recipients
21 of subgrants under this subpart, measured based on
22 the program performance indicators described in
23 section 2041 and any additional indicators included
24 in the State’s application.

1 “(7) Such other information as the Secretary
2 may reasonably require.

3 “(b) DISAGGREGATED DATA.—Data collected for the
4 purpose of carrying out this section shall be disaggregated
5 by State, local educational agency, and school.

6 “(c) COORDINATION.—The report required under this
7 section shall be coordinated with reporting requirements
8 under title I and other titles of this Act and shall not be
9 duplicative of such reporting requirements.

10 **“SEC. 2015. STATE-LEVEL ACTIVITIES.**

11 “Each State shall use funds it reserves under section
12 2012(c) to carry out activities described in its approved
13 application that promote high-quality classroom instruc-
14 tion, such as—

15 “(1) supporting the continued improvement of
16 State content and student performance standards
17 and assessments aligned with those standards;

18 “(2) providing technical assistance and other
19 services to increase the capacity of local educational
20 agencies and schools to develop and implement sys-
21 temic local improvement plans, implement State and
22 local assessments, and develop curricula consistent
23 with State content and performance standards;

24 “(3) supporting the development and implemen-
25 tation, at the local educational agency and school-

1 building level, of improved systems for recruiting, se-
2 lecting, hiring, mentoring, supporting, evaluating,
3 and rewarding principals and fully qualified teach-
4 ers;

5 “(4) redesigning and strengthening professional
6 licensure systems for educators;

7 “(5) developing performance-based assessment
8 systems for full teacher licensure;

9 “(6) establishing, expanding, or improving rig-
10 orous alternative routes to State certification or li-
11 censure that lead to certification within 2 years and
12 require applicants to meet the same standards and
13 pass the same tests as other applicants;

14 “(7) developing or strengthening assessments to
15 test the content knowledge and teaching skills of
16 new teachers;

17 “(8) developing and implementing professional
18 development opportunities for teachers, principals,
19 administrators, and other school staff based on
20 State content and student performance standards;

21 “(9) operating a teacher academy that estab-
22 lishes and demonstrates models for local educational
23 agencies to improve teaching and learning through
24 activities such as—

1 “(A) using master teachers to mentor and
2 train student teachers; and

3 “(B) providing ongoing professional devel-
4 opment opportunities and support for teachers;

5 “(10) providing professional development pro-
6 grams that enable teachers to effectively commu-
7 nicate with parents in the education process to sup-
8 port classroom instruction and work effectively with
9 parent volunteers;

10 “(11) executing policies and practices that will
11 ensure that low-income and minority students are
12 not taught by emergency certified or unqualified
13 teachers at rates higher than other students; and

14 “(12) increasing the portability of teacher pen-
15 sions and reciprocity of teaching credentials across
16 State lines.

17 **“SEC. 2016. SUBGRANTS TO PARTNERSHIPS.**

18 “(a) ADMINISTRATION.—From the funds made avail-
19 able to it under section 2012(b) for any fiscal year, a State
20 agency for higher education may use not more than 5 per-
21 cent for its expenses in administering this section, includ-
22 ing conducting evaluations and reporting under subsection
23 (g).

24 “(b) SUBGRANTS TO PARTNERSHIPS.—

25 “(1) IN GENERAL.—

1 “(A) PARTNERSHIPS.—For the purpose of
2 providing professional development to elemen-
3 tary and secondary school teachers in a local
4 educational agency that is both a high-poverty
5 local educational agency and a low-performing
6 local educational agency, a State agency for
7 higher education, subject to subsection (a) and
8 in conjunction with the State educational agen-
9 cy, shall use the funds made available to it
10 under section 2012(b) for any fiscal year to
11 make subgrants to partnerships consisting of—

12 “(i) one or more institutions of higher
13 education (including historically Black col-
14 leges and universities and Hispanic-serving
15 institutions), or nonprofit organizations of
16 demonstrated effectiveness in providing
17 professional development in the core aca-
18 demic subjects; and

19 “(ii) a local educational agency that is
20 both a high-poverty local educational agen-
21 cy and a low-performing local educational
22 agency, or more than 1 such agency.

23 “(B) REQUIREMENT FOR INSTITUTIONS OF
24 HIGHER EDUCATION.—Participating institutions
25 of higher education shall meet the criteria

1 under sections 203 and 207 of the Higher Edu-
2 cation Act of 1965.

3 “(2) SIZE, DURATION, AND PEER REVIEW.—

4 Each subgrant under this section shall be—

5 “(A) of sufficient size and duration to
6 carry out the purpose of this subpart effec-
7 tively; and

8 “(B) awarded, using a peer-review process,
9 on a competitive basis.

10 “(3) PRIORITY.—In making subgrants under
11 this section, a State agency for higher education
12 shall give a priority to projects that focus on induc-
13 tion programs for new teachers, particularly those
14 who teach in schools identified for school improve-
15 ment under section 1116.

16 “(4) OTHER FACTORS.—In making subgrants
17 under this section, a State agency for higher edu-
18 cation shall consider—

19 “(A) the need for the proposed professional
20 development activities in the jurisdiction of the
21 local educational agency; and

22 “(B) the quality of the proposed program
23 and its likelihood of success in improving class-
24 room instruction and student academic achieve-
25 ment.

1 “(c) PARTNERSHIP AGREEMENTS.—No institution of
2 higher education or nonprofit organization may receive a
3 subgrant under this section unless it enters into a written
4 agreement with at least 1 local educational agency that
5 is both a high-poverty local educational agency and a low-
6 performing local educational agency to provide profes-
7 sional development to elementary and secondary school
8 teachers in the schools of that agency in the core academic
9 subjects. Each such agreement shall identify specific goals
10 for how the professional development that the subgrantee
11 provides will enhance the ability of those teachers to pre-
12 pare all students, including females, minorities, students
13 with disabilities, students with limited English proficiency,
14 and economically disadvantaged students, to achieve to
15 challenging State content and student performance stand-
16 ards in all subjects in which those teachers provide in-
17 struction.

18 “(d) COORDINATION.—Any professional development
19 activities carried out under this section by a partnership
20 shall be coordinated with activities carried out under title
21 II of the Higher Education Act of 1965 (20 U.S.C. 1021
22 et seq.), if any member of the partnership is participating
23 in programs funded under that title.

24 “(e) JOINT EFFORTS WITHIN INSTITUTIONS OF
25 HIGHER EDUCATION.—In the case of a partnership that

1 includes an institution of higher education, each activity
2 assisted under this section shall involve the joint effort of
3 the institution's school or department of education and the
4 schools or departments responsible for the specific dis-
5 ciplines in which the professional development will be pro-
6 vided.

7 “(f) USES OF FUNDS.—A recipient of funds under
8 this section shall use those funds for—

9 “(1) research-based programs to assist new
10 teachers during their first 3 years in the classroom,
11 which may include—

12 “(A) mentoring and coaching by appro-
13 priately trained and certified teachers;

14 “(B) team teaching with experienced
15 teachers;

16 “(C) observation by, and consultation with,
17 experienced teachers;

18 “(D) assignment of fewer course prepara-
19 tions; and

20 “(E) provision of additional time for prep-
21 aration;

22 “(2) professional development in the core aca-
23 demic subjects, aligned with State content and stu-
24 dent performance standards, for teams of teachers
25 from a school or local educational agency and, where

1 appropriate, principals, administrators, and other
2 school staff; and

3 “(3) providing technical assistance to school
4 and local educational agency staff for planning, im-
5 plementing, and evaluating professional development.

6 “(g) ANNUAL REPORTS.—

7 “(1) IN GENERAL.—Beginning with fiscal year
8 2003, each subgrantee under this section shall sub-
9 mit an annual report to the State agency for higher
10 education, by a date set by that agency, on its
11 progress, as measured using the indicators of part-
12 nership performance described in section 2041.

13 “(2) CONTENT.—Each such report—

14 “(A) shall include a copy of each written
15 agreement required by subsection (c); and

16 “(B) shall describe how the partners have
17 collaborated to achieve the specific goals set out
18 in the agreement, and the results of that col-
19 laboration.

20 “(3) COPY.—The State agency for higher edu-
21 cation shall provide the State educational agency
22 with a copy of each subgrantee’s annual report.

23 “(h) SPECIAL RULE.—No single participant in a
24 partnership receiving a subgrant under this section may

1 retain more than 50 percent of the funds made available
2 to the partnership under this section.

3 **“SEC. 2017. LOCAL APPLICATIONS FOR FORMULA SUB-**
4 **GRANTS.**

5 “(a) APPLICATION REQUIRED.—Each local edu-
6 cational agency desiring to receive its allocation from
7 funds made available under section 2012(a)(1)(A) for any
8 fiscal year shall submit an application to the State edu-
9 cational agency at such time, in such form, and containing
10 such information as the State educational agency reason-
11 ably may require. Each such application shall include an
12 agency-wide plan for raising student achievement against
13 State standards through each of the following strategies:

14 “(1) Supporting the alignment of curricula, as-
15 sessments, classroom instructional strategies, and
16 professional development with challenging State con-
17 tent and student performance standards.

18 “(2) Carrying out activities to recruit fully
19 qualified teachers, particularly in subject areas and
20 in schools in which there is a shortage of such teach-
21 ers with special consideration given to recruiting
22 fully qualified teachers from minority and other his-
23 torically underrepresented groups, including bilin-
24 gual teachers.

1 “(3) Ensuring that teachers employed by the
2 local educational agency are proficient in teaching
3 skills and in the content knowledge necessary to ef-
4 fectively teach the content called for by State and
5 local standards in all subjects in which they provide
6 instruction and are prepared to integrate technology
7 into the classroom.

8 “(4) Targeting funds to schools within the ju-
9 risdiction of the local educational agency that—

10 “(A) have the highest percentage of classes
11 in core academic subjects taught by teachers
12 who are not fully qualified;

13 “(B) have the largest average class size; or

14 “(C) are identified for school improvement
15 under section 1116(b).

16 “(5) Carrying out activities to assist new teach-
17 ers during their first 3 years in the classroom.

18 “(6) Providing professional development in core
19 academic subjects.

20 “(b) ADDITIONAL CONTENTS.—Each such applica-
21 tion shall also—

22 “(1) identify specific, measurable goals for
23 achieving the purpose described in section 2002
24 that, at a minimum, reflect the performance indica-
25 tors described in section 2041;

1 “(2) describe how the local educational agency
2 will use funds received under this subpart to help
3 implement the plan described in subsection (a);

4 “(3) include an assurance that the local edu-
5 cational agency will collect data that measure
6 progress toward the indicators of program perform-
7 ance described in section 2041;

8 “(4) describe how the local educational agency
9 will address the needs of high-poverty, low-per-
10 forming schools within its jurisdiction;

11 “(5) describe how the local educational agency
12 will address the needs of teachers of students with
13 limited English proficiency and other students with
14 special needs; and

15 “(6) describe how the local educational agency
16 will coordinate funds under this subpart with the
17 professional development activities funded through
18 other State and Federal programs.

19 “(c) APPROVAL.—Notwithstanding section
20 2012(a)(1)(A), a State educational agency shall approve
21 a local educational agency’s application under this section
22 only if the application satisfies the requirements of this
23 section and the State educational agency determines that
24 the application holds reasonable promise of achieving the
25 purpose described in section 2002.

1 “(d) CONSOLIDATED APPLICATION.—Local edu-
2 cational agencies may consolidate applications under this
3 section and section 2018.

4 **“SEC. 2018. LOCAL APPLICATIONS FOR COMPETITIVE SUB-**
5 **GRANTS.**

6 “(a) IN GENERAL.—Each State educational agency
7 shall use the funds described in section 2012(a)(1)(B) for
8 competitive grants to local educational agencies, and part-
9 nerships described in section 2016(b)(1), that focus pri-
10 marily on those agencies and partnerships with the great-
11 est need for—

12 “(1) activities related to the development, and
13 effective implementation, of curricula aligned with
14 state content and student performance standards;
15 and

16 “(2) professional development activities that are
17 aligned with those standards.

18 “(b) SELECTION PROCESS.—

19 “(1) IN GENERAL.—The State educational
20 agency shall award subgrants under this section
21 through a peer-review process that includes review-
22 ers who are knowledgeable in the academic content
23 areas.

24 “(2) PUBLIC AVAILABILITY.—The State edu-
25 cational agency—

1 “(A) shall provide local educational agen-
2 cies and the general public with a list of the se-
3 lection criteria that the State educational agen-
4 cy will use in making subgrants under this sec-
5 tion; and

6 “(B) at the completion of the awards proc-
7 ess, make public a complete list of applicants
8 and of the applicants that received awards.

9 “(c) DEMONSTRATION OF NEED.—The State edu-
10 cational agency shall identify the applicants with the
11 greatest need for services, based on the following objective
12 data supplied by the applicant:

13 “(1) The number or percentage of children who
14 fail to meet State performance standards on assess-
15 ments used for part A of title I.

16 “(2) The number or percentage of schools iden-
17 tified for school improvement under section 1116(b).

18 “(3) The number or percentage of teachers em-
19 ployed who have not received full State certification
20 or licensure.

21 “(4) The number or percentage of secondary
22 school teachers who do not have an academic major
23 in a subject area directly related to the area in
24 which they provide instruction.

1 “(5) The number or percentage of students liv-
2 ing in poverty.

3 “(6) The number or percentage of students who
4 have limited English proficiency.

5 “(7) The applicant’s fiscal capacity to fund pro-
6 grams described in section 2019 without Federal as-
7 sistance.

8 “(d) SELECTION OF SUBGRANTEES.—The State edu-
9 cational agency shall make awards to applicants based
10 on—

11 “(1) the quality of the applicant’s proposal and
12 the likelihood of its success in improving classroom
13 instruction and student academic achievement;

14 “(2) the demonstrated need of the applicant
15 under subsection (c); and

16 “(3) the applicant’s need for professional devel-
17 opment in mathematics and science.

18 “(e) OPPORTUNITY TO COMPETE.—

19 “(1) STRATEGIES.—To ensure that local edu-
20 cational agencies that have the greatest need are
21 provided a reasonable opportunity to compete for an
22 award, State educational agencies shall adopt at
23 least 1 of the following strategies:

24 “(A) Holding more than 1 competition for
25 funds for a fiscal year and, before each such

1 competition, providing technical assistance in
2 developing a high-quality application to local
3 educational agencies that have demonstrated
4 the greatest need but were unsuccessful in the
5 previous grant competition.

6 “(B) Holding a competition restricted to
7 local educational agencies that it has identified
8 under subsection (c) as having the greatest
9 need for services.

10 “(C) Requiring recipients seeking a re-
11 newal of a subgrant under this section to form
12 a partnership with an applicant that applied
13 for, but failed to receive, such a subgrant.

14 “(D) Providing a competitive priority to
15 those local educational agencies the State edu-
16 cational agency has identified under subsection
17 (c) as having the greatest need for services.

18 “(2) TECHNICAL ASSISTANCE.—At a minimum,
19 a State educational agency shall, after the comple-
20 tion of an award cycle and before the start of the
21 next cycle, provide technical assistance in developing
22 a high-quality application for future competitions to
23 any local educational agency identified under sub-
24 section (c) as having the greatest need for services
25 that did not receive a subgrant.

1 “(f) SCOPE OF PROJECTS.—The State educational
2 agency shall award a subgrant under this section only for
3 projects that are of sufficient size, scope, and quality to
4 achieve the purpose of this part.

5 **“SEC. 2019. USES OF FUNDS.**

6 “(a) PRIORITY FOR PROFESSIONAL DEVELOPMENT
7 IN MATHEMATICS AND SCIENCE AND FULLY QUALIFIED
8 TEACHERS.—

9 “(1) APPROPRIATION EQUAL TO OR LESS THAN
10 \$300,000,000.—Except as provided in section 2020(d),
11 in any fiscal year for which the amount appropriated
12 for this subpart is \$300,000,000 or less, each local
13 educational agency shall ensure that all funds re-
14 ceived by the agency under this subpart are used for
15 professional development in mathematics and
16 science.

17 “(2) APPROPRIATION GREATER THAN
18 \$300,000,000.—Except as provided in section 2020(d),
19 in any fiscal year for which the amount appropriated
20 for this subpart is greater than \$300,000,000, each
21 local educational agency shall ensure that the
22 amount of funds under this subpart that the agency
23 uses for professional development in mathematics
24 and science is at least as much as the amount that

1 would have been made available to the agency if the
2 amount appropriated had been \$300,000,000.

3 “(3) INTERDISCIPLINARY ACTIVITIES.—In
4 meeting the requirement under paragraph (1) or (2),
5 a local educational agency may use funds under this
6 subpart for activities that focus on more than 1 core
7 academic subject if those activities focus predomi-
8 nantly on improving instruction in mathematics or
9 science.

10 “(4) INCREASING THE PERCENTAGE OF FULLY
11 QUALIFIED TEACHERS.—Each local educational
12 agency receiving an allocation under this subpart
13 shall use funds in excess of the allocation it received
14 under this subpart (or in the case of fiscal year
15 2002, under part B, as such part was in effect be-
16 fore the date of the enactment of the Excellence and
17 Accountability in Education Act) for the preceding
18 fiscal year to increase its percentage of fully quali-
19 fied teachers. Such use shall be consistent with the
20 plan and reporting requirements established by the
21 State under section 1119(a)(2) to ensure that all
22 teachers are fully qualified by December 31, 2005.

23 “(b) OTHER PROFESSIONAL DEVELOPMENT ACTIVI-
24 TIES.—Each local educational agency shall ensure that
25 funds under this subpart that the agency uses for profes-

1 sional development, in areas other than mathematics or
2 science, are used to provide professional development ac-
3 tivities in one or more of the other core academic subjects.

4 “(c) OTHER USES OF FUNDS.—Subject to subsection
5 (a), a local educational agency that receives funds under
6 this subpart may use those funds for activities to raise
7 student achievement against challenging State standards,
8 in accordance with its plan described in section 2017(a),
9 which may include the following:

10 “(1) Activities to recruit fully qualified teach-
11 ers, including teachers from historically underrep-
12 resented groups, such as the provision of signing bo-
13 nuses and other financial incentives.

14 “(2) Providing the necessary education and
15 training, including paying (for programs that meet
16 the criteria under section 203(b)(2)(A)(i) of the
17 Higher Education Act of 1965 (20 U.S.C.
18 1023(b)(2)(A)(i))) the costs of college tuition and
19 other student fees to assist current teachers or other
20 school personnel who are not fully qualified teachers
21 to become fully qualified, except that, to receive
22 funds under this paragraph, an individual must be
23 within 2 years of completing an undergraduate de-
24 gree and must agree to teach in a high-poverty, low-
25 performing school for a period of at least 3 years.

1 “(3) Programs to assist new teachers during
2 their first 3 years in the classroom, such as—

3 “(A) mentoring and coaching by trained
4 mentor teachers;

5 “(B) team teaching with experienced
6 teachers;

7 “(C) observation by, and consultation with,
8 experienced teachers;

9 “(D) assignment of fewer course prepara-
10 tions; and

11 “(E) provision of additional time for prep-
12 aration.

13 “(4) Provision of professional development
14 aligned with State content and student performance
15 standards.

16 “(5) Provision of professional development pro-
17 grams that enable teachers to effectively commu-
18 nicate with parents and involve parents in the edu-
19 cational process to support classroom instruction
20 and to work effectively with parent volunteers.

21 “(6) Participation by teams of teachers in sum-
22 mer institutes and summer immersion activities that
23 focus on preparing teachers to bring all students to
24 high standards in one or more of the core academic
25 subjects.

1 “(7) Subsidizing fees for teachers who partici-
2 pate in the assessment process of the National
3 Board for Professional Teaching Standards.

4 “(8) Teacher participation in working groups,
5 task forces, or committees, charged with adapting
6 and implementing high standards for all students,
7 including district-wide and school-based teams of
8 teachers charged with aligning curricula and lesson
9 plans with State content and student performance
10 standards and assessments.

11 “(9) Programs to implement peer-assistance
12 peer-review processes for teachers, principals, admin-
13 istrators, and other school staff.

14 “(10) Establishment and maintenance of local
15 professional networks that provide a forum for inter-
16 action among teachers and that allow for the ex-
17 change of information on advances in content and
18 pedagogy.

19 “(11) Development of incentives to encourage
20 teachers employed by the agency, and other qualified
21 individuals, to obtain proficiency in content knowl-
22 edge in a core academic subject area identified by
23 the agency as having a shortage of qualified teach-
24 ers.

1 “(12) Development and acquisition of curricular
2 materials and other instructional aids, if they are
3 not normally provided by the local educational agen-
4 cy or the State as part of the regular instructional
5 program, that will advance local reform efforts to
6 raise student achievement against State content and
7 student performance standards.

8 “(13) Providing increased opportunities for mi-
9 norities, individuals with disabilities, and other indi-
10 viduals underrepresented in the teaching profession.

11 **“SEC. 2020. LOCAL ACCOUNTABILITY.**

12 “(a) ANNUAL REPORTS.—Each local educational
13 agency that receives funds under this subpart shall, begin-
14 ning in fiscal year 2003, annually compile, publish, and
15 submit to the State educational agency a report on its ac-
16 tivities under this subpart, at such time, in such form,
17 and containing such information as the State educational
18 agency may reasonably require.

19 “(b) CONTENTS.—Each report shall include the fol-
20 lowing information:

21 “(1) The percentage of classes taught in the ju-
22 risdiction of the agency by teachers who have not
23 met State qualifications and licensing criteria for the
24 grade levels of, and subject matter taught in, such
25 classes.

1 “(2) The percentage of teachers teaching in the
2 jurisdiction of the agency under emergency or other
3 provisional status through which State qualifications
4 or licensing criteria have been waived.

5 “(3) The percentage of teachers teaching in the
6 jurisdiction of the agency who do not hold a postsec-
7 ondary degree with a major in the subject areas in
8 which they provide instruction.

9 “(4) The average class size.

10 “(5) Information on the progress of schools and
11 teachers under this subpart, measured based on the
12 program performance indicators described in section
13 2041 and any additional indicators included in the
14 local educational agency’s application.

15 “(6) The percentage of classes taught in the ju-
16 risdiction of the agency, disaggregated by school,
17 and by unqualified teachers.

18 “(7) Such other information as the State edu-
19 cational agency may reasonably require.

20 “(c) DISAGGREGATED DATA.—Data collected for the
21 purpose of carrying out this section shall be disaggregated
22 by local educational agency and school.

23 “(d) FUNDING.—A local educational agency may re-
24 serve up to 5 percent of the amount it receives under sec-
25 tion 2012(a)(1)(A) to carry out this section.

1 “(e) COORDINATION.—The report required under
2 this section shall be coordinated with reporting require-
3 ments under title I and other titles of this Act and shall
4 not be duplicative of such reporting requirements.

5 **“SEC. 2021. TECHNICAL ASSISTANCE.**

6 “The State educational agency shall provide technical
7 assistance to local educational agencies receiving a
8 subgrant under this subpart that fail for 2 consecutive
9 years to meet their goals, as measured using the perform-
10 ance indicators described in section 2041.

11 **“SEC. 2022. CORRECTIVE ACTION.**

12 “The State educational agency shall take corrective
13 action, against any local educational agency that does not
14 make sufficient effort to comply with this subpart within
15 the time specified. In a case in which a State fails to take
16 corrective action, the Secretary shall withhold funds from
17 such State up to an amount equal to that described in
18 section 2012(d).

19 **“SEC. 2023. MAINTENANCE OF EFFORT.**

20 “No funds may be provided to a local educational
21 agency for a fiscal year under this subpart unless the
22 State educational agency is satisfied that the local edu-
23 cational agency will spend, from other sources, at least
24 as much for activities described in this subpart as the av-

1 erage amount it spent from other sources for those activi-
2 ties over the previous 3 fiscal years.

3 **“SEC. 2024. EQUIPMENT AND TEXTBOOKS.**

4 “A local educational agency may not use subgrant
5 funds under this subpart for equipment, computer hard-
6 ware, textbooks, telecommunications fees, or other items,
7 that would otherwise be provided by the local educational
8 agency, the State, or a private school whose students re-
9 ceive services under this part.

10 **“SEC. 2025. SUPPLEMENT, NOT SUPPLANT.**

11 “A local educational agency that receives funds under
12 this subpart shall use those funds only to supplement the
13 amount of funds or resources that would, in the absence
14 of those Federal funds, be made available from non-Fed-
15 eral sources for the purposes of the program authorized
16 under this subpart, and not to supplant those non-Federal
17 funds or resources.

18 **“Subpart 3—National Activities for the Improvement**
19 **of Teaching and School Leadership**

20 **“SEC. 2031. ACTIVITIES OF NATIONAL SIGNIFICANCE.**

21 “(a) IN GENERAL.—The Secretary may make grants
22 to, and enter into contracts and cooperative agreements
23 with, local educational agencies, educational service agen-
24 cies, State educational agencies, State agencies for higher
25 education, institutions of higher education, and other pub-

1 lic and private nonprofit agencies, organizations, and insti-
2 tutions to carry out subsection (b).

3 “(b) ACTIVITIES.—The Secretary—

4 “(1) may support activities of national signifi-
5 cance that are not supported through other sources
6 and that the Secretary determines will contribute to
7 the improvement of teaching and school leadership
8 in the Nation’s schools, such as—

9 “(A) supporting collaborative efforts by
10 States, or consortia of States, to review and
11 benchmark the quality, rigor, and alignment of
12 State standards and assessments;

13 “(B) supporting collaborative efforts by
14 States, or consortia of States, to develop per-
15 formance-based systems for assessing content
16 knowledge and teaching skills prior to full
17 teacher licensure;

18 “(C) efforts to increase the portability of
19 teacher pensions and reciprocity of teaching
20 credentials across State lines; and

21 “(D) research, evaluation, and dissemina-
22 tion activities related to effective strategies for
23 increasing the portability of teachers’ credited
24 years of experience across State and local edu-
25 cational agency lines;

1 “(2) may support activities of national signifi-
2 cance that the Secretary determines will contribute
3 to the recruitment and retention of fully qualified
4 teachers and principals in high-poverty local edu-
5 cational agencies and low-performing local edu-
6 cational agencies, such as—

7 “(A) providing States with assistance in
8 the development of alternative certification pro-
9 grams that lead to certification within 2 years
10 and require applicants to meet the same stand-
11 ards and pass the same tests as other appli-
12 cants;

13 “(B) the development and implementation
14 of a national teacher recruitment clearinghouse
15 and job bank, which shall be coordinated and,
16 to the extent feasible, integrated with the Amer-
17 ica’s Job Bank administered by the Secretary
18 of Labor—

19 “(i) to disseminate information and
20 resources nationwide on entering the
21 teaching profession to persons interested in
22 becoming teachers;

23 “(ii) to serve as a national resource
24 center for effective practices in teacher re-
25 cruitment and retention;

1 “(iii) to link prospective teachers to
2 local educational agencies and training re-
3 sources with particular attention to high-
4 poverty local educational agencies and low-
5 performing local educational agencies with
6 critical teacher shortages; and

7 “(iv) to provide information and tech-
8 nical assistance to prospective teachers
9 about certification and other State and
10 local requirements related to teaching; and

11 “(C) the development and implementation,
12 or expansion, of programs that recruit talented
13 individuals to become principals, including such
14 programs that employ alternative routes to
15 State certification, and that prepare both new
16 and experienced principals to serve as instruc-
17 tional leaders, which may include the creation
18 and operation of a national center for the prep-
19 aration and support of principals as leaders of
20 school reform; and

21 “(3) shall support the National Board for Pro-
22 fessional Teaching Standards.

1 **“SEC. 2032. EISENHOWER NATIONAL CLEARINGHOUSE FOR**
2 **MATHEMATICS AND SCIENCE EDUCATION.**

3 “(a) ESTABLISHMENT OF CLEARINGHOUSE.—The
4 Secretary shall award a competitive grant or contract to
5 establish the Eisenhower National Clearinghouse for
6 Mathematics and Science Education (in this section re-
7 ferred to as the ‘Clearinghouse’).

8 “(b) AUTHORIZED ACTIVITIES.—

9 “(1) APPLICATION AND AWARD BASIS.—

10 “(A) IN GENERAL.—Each entity desiring
11 to establish and operate the Clearinghouse shall
12 submit an application to the Secretary at such
13 time, in such manner, and containing such in-
14 formation as the Secretary may require.

15 “(B) PEER REVIEW.—The Secretary shall
16 establish a peer review process to make rec-
17 ommendations on the recipient of the award for
18 the Clearinghouse.

19 “(C) MERIT.—The Secretary shall make
20 the award for the Clearinghouse on the basis of
21 merit.

22 “(2) DURATION.—The Secretary shall award
23 the grant or contract for the Clearinghouse for a pe-
24 riod of 5 years.

25 “(3) ACTIVITIES.—The award recipient shall
26 use the award funds to—

1 “(A) maintain a permanent collection of
2 such mathematics and science education in-
3 structional materials and programs for elemen-
4 tary and secondary schools as the Secretary
5 finds appropriate, with a priority for such mate-
6 rials and programs that have been identified as
7 promising or exemplary, through a systematic
8 approach such as the use of expert panels re-
9 quired under the Educational Research, Devel-
10 opment, Dissemination, and Improvement Act
11 of 1994;

12 “(B) disseminate the materials and pro-
13 grams described in paragraph (1) to the public,
14 State educational agencies, local educational
15 agencies, and schools (particularly high-poverty,
16 low-performing schools), including through the
17 maintenance of an interactive national elec-
18 tronic information management and retrieval
19 system accessible through the Worldwide Web
20 and other advanced communications tech-
21 nologies;

22 “(C) coordinate with other databases con-
23 taining mathematics and science curriculum
24 and instructional materials, including Federal,

1 non-Federal, and, where feasible, international
2 databases;

3 “(D) support the development and dissemi-
4 nation of model professional development mate-
5 rials in mathematics and science education;

6 “(E) contribute materials or information,
7 as appropriate, to other national repositories or
8 networks; and

9 “(F) gather qualitative and evaluative data
10 on submissions to the Clearinghouse, and dis-
11 seminate that data widely, including through
12 the use of electronic dissemination networks.

13 “(4) SUBMISSION TO CLEARINGHOUSE.—Each
14 Federal agency or department that develops mathe-
15 matics or science education instructional materials
16 or programs, including the National Science Foun-
17 dation and the Department, shall submit copies of
18 that material and those programs to the Clearing-
19 house.

20 “(5) STEERING COMMITTEE.—The Secretary
21 may appoint a steering committee to recommend
22 policies and activities for the Clearinghouse.

23 “(6) APPLICATION OF COPYRIGHT LAWS.—

24 “(A) IN GENERAL.—Nothing in this sec-
25 tion shall be construed to allow the use or copy-

1 ing, in any medium, of any material collected by
2 the Clearinghouse that is protected under the
3 copyright laws of the United States unless the
4 permission of the owner of the copyright is ob-
5 tained.

6 “(B) COMPLIANCE.—In carrying out this
7 section, the Clearinghouse shall ensure compli-
8 ance with title 17 of the United States Code.

9 **“PART B—TRANSITION OF CAREER-CHANGING**
10 **PROFESSIONALS TO TEACHING; TROOPS TO**
11 **TEACHERS**

12 **“SEC. 2101. FINDINGS.**

13 “The Congress finds as follows:

14 “(1) School districts will need to hire more than
15 2,000,000 teachers during the first decade of the
16 21st century.

17 “(2) The need for teachers in the areas of
18 math, science, foreign languages, special education,
19 and bilingual education, and for teachers able to
20 teach in high-poverty school districts, will be particu-
21 larly high. To meet this need, talented Americans of
22 all ages should be recruited to become successful,
23 qualified teachers.

24 “(3) Nearly 13 percent of teachers of academic
25 subjects have neither an undergraduate major nor

1 minor in their main assignment fields. This problem
2 is most acute in high-poverty local educational agen-
3 cies, where the out-of-field teaching percentage is 22
4 percent.

5 “(4) The Third International Math and Science
6 Study (TIMSS) ranked United States high school
7 seniors last among 16 countries in physics and next
8 to last in math. It is also evident, mainly from the
9 TIMSS data, that based on academic scores, a
10 stronger emphasis needs to be placed on the aca-
11 demic preparation of our children in math and
12 science.

13 “(5) One-fourth of high-poverty local edu-
14 cational agencies find it very difficult to fill bilingual
15 teaching positions, and nearly half of public school
16 teachers have students in their classrooms for whom
17 English is a second language.

18 “(6) Many career-changing professionals with
19 strong content-area skills are interested in a teach-
20 ing career, but they need assistance in getting the
21 appropriate pedagogical training and classroom ex-
22 perience.

23 “(7) The teacher placement program known as
24 the ‘troops-to-teachers program’, which was estab-
25 lished by the Secretary of Defense and the Secretary

1 of Transportation under section 1151 of title 10,
2 United States Code, has been highly successful in
3 securing high-quality teachers for teaching positions
4 in high-poverty local educational agencies.

5 **“SEC. 2102. PURPOSE.**

6 “The purpose of this part is to address the need of
7 local educational agencies that are high-poverty local edu-
8 cational agencies or low-performing local educational
9 agencies for fully qualified teachers in particular subject
10 areas, such as mathematics, science, foreign languages, bi-
11 lingual education, and special education, by—

12 “(1) continuing and enhancing the troops-to-
13 teachers program for recruiting and supporting the
14 placement of former members of the Armed Forces
15 as teachers in such local educational agencies; and

16 “(2) recruiting, preparing, placing, and sup-
17 porting career-changing professionals who have
18 knowledge and experience that will help them be-
19 come such teachers.

20 **“SEC. 2103. CONTINUATION AND SUPPORT FOR TROOPS-TO-**
21 **TEACHERS PROGRAM.**

22 “(a) CONTINUATION.—The Secretary may enter into
23 a written agreement with the Secretary of Defense and
24 the Secretary of Transportation, or take such other steps
25 as the Secretary determines are appropriate, to ensure ef-

1 fective continuation of the troops-to-teachers program,
2 notwithstanding the duration of the program specified in
3 section 1151(c)(1)(A) of title 10, United States Code.

4 “(b) SUPPORT.—Before providing any assistance
5 under section 2104 for a fiscal year, the Secretary shall
6 first—

7 “(1) consult with the Secretary of Defense and
8 the Secretary of Transportation regarding the ap-
9 propriate amount of funding needed to continue and
10 enhance the troops-to-teachers program; and

11 “(2) upon agreement, transfer that amount to
12 the Secretary of Defense to carry out the troops-to-
13 teachers program.

14 **“SEC. 2104. TRANSITION OF CAREER-CHANGING PROFES-**
15 **SIONALS TO TEACHING.**

16 “(a) AUTHORITY TO SUPPORT TRANSITION PRO-
17 GRAMS.—The Secretary may use funds appropriated pur-
18 suant to the authorization of appropriations in section
19 2108 to award grants to, and enter into contracts or coop-
20 erative agreements with, institutions of higher education,
21 including historically Black colleges and universities and
22 Hispanic-serving institutions, and public and private non-
23 profit agencies or organizations to recruit, prepare, place,
24 and support career-changing professionals as teachers in
25 local educational agencies that are high-poverty local edu-

1 cational agencies or low-performing local educational
2 agencies.

3 “(b) APPLICATION.—Each entity described in sub-
4 section (a) that desires assistance under subsection (a)
5 shall submit an application to the Secretary containing
6 such information as the Secretary may require,
7 including—

8 “(1) a description of the target group of career-
9 changing professionals upon which the applicant will
10 focus in carrying out its program under this part,
11 including a description of the characteristics of that
12 target group that shows how the knowledge and ex-
13 perience of its members are relevant to meeting the
14 purpose of this part;

15 “(2) a description of how the applicant will
16 identify and recruit career-changing professional for
17 its program under this part;

18 “(3) a description of the training that career-
19 changing professionals will receive in the program
20 and how that training will relate to their certifi-
21 cation as teachers;

22 “(4) a description of how the applicant will en-
23 sure that career-changing professionals are placed
24 and teach in high-poverty local educational agencies
25 or low-performing local educational agencies;

1 “(5) a description of the teacher induction serv-
2 ices (which may be provided through existing induc-
3 tion programs) that the career-changing profes-
4 sionals in the program will receive throughout at
5 least their first year of teaching;

6 “(6) a description of how the applicant will col-
7 laborate, as needed, with other institutions, agencies,
8 or organizations to recruit, train, place, and support
9 career-changing professionals under this part, in-
10 cluding evidence of the commitment of those institu-
11 tions, agencies, or organizations to the applicant’s
12 program;

13 “(7) a description of how the applicant will
14 evaluate the progress and effectiveness of its pro-
15 gram, including—

16 “(A) the program’s goals and objectives;

17 “(B) the performance indicators the appli-
18 cant will use to measure the program’s
19 progress; and

20 “(C) the outcome measures that will be
21 used to determine the program’s effectiveness;
22 and

23 “(8) an assurance that the applicant will pro-
24 vide to the Secretary such information as the Sec-

1 retary determines necessary to determine the overall
2 effectiveness of programs under this part.

3 **“SEC. 2105. USES OF FUNDS AND PERIOD OF SERVICE.**

4 “(a) AUTHORIZED ACTIVITIES.—Funds provided
5 under section 2104 may be used for—

6 “(1) recruiting career-changing professionals,
7 including informing them of opportunities under the
8 program and putting them in contact with other in-
9 stitutions, agencies, or organizations that would
10 train, place, and support them;

11 “(2) training stipends and other financial incen-
12 tives for career-changing professional in the pro-
13 gram, such as moving expenses, not to exceed
14 \$5,000, in the aggregate, per participant;

15 “(3) assisting institutions of higher education
16 or other providers of teacher training to tailor their
17 training to meet the particular needs of career-
18 changing professionals;

19 “(4) placement activities, including identifying
20 high-poverty, low-performing local educational agen-
21 cies with needs for the particular skills and charac-
22 teristics of the newly trained career-changing profes-
23 sionals and assisting those persons to obtain employ-
24 ment in those local educational agencies; and

1 “(5) post-placement induction or support activi-
2 ties.

3 “(b) PERIOD OF SERVICE.—A career-changing pro-
4 fessional selected to participate in a program under this
5 part who completes his or her training shall serve in a
6 high-poverty local educational agency or a low-performing
7 local educational agency for at least 3 years.

8 “(c) REPAYMENT.—The Secretary shall establish
9 such requirements as the Secretary determines appro-
10 priate to ensure that career-changing professionals who
11 receive a training stipend or other financial incentive
12 under subsection (a)(2), but who fail to complete their
13 service obligation under subsection (b), repay all or a por-
14 tion of such stipend or other incentive.

15 **“SEC. 2106. EQUITABLE DISTRIBUTION.**

16 “To the extent practicable, the Secretary shall make
17 awards and enter into contracts and cooperative agree-
18 ments under section 2104 to support teacher placement
19 programs for career-changing professionals in different
20 geographic regions of the United States.

21 **“SEC. 2107. AUTHORIZATION OF APPROPRIATIONS.**

22 “For the purpose of carrying out this part, there is
23 authorized to be appropriated to the Secretary
24 \$40,000,000 for each of fiscal years 2002 and such sums
25 as may be necessary for the next 4 succeeding fiscal years.

1 **“PART C—CLASS SIZE REDUCTION**

2 **“SEC. 2201. GRANT PROGRAM.**

3 “(a) PURPOSE.—The purposes of this section are—

4 “(1) to reduce class size through the use of
5 fully qualified teachers;

6 “(2) to assist States and local educational agen-
7 cies in recruiting, hiring, and training 100,000
8 teachers in order to reduce class sizes nationally, in
9 grades 1 through 3, to an average of 18 students
10 per regular classroom; and

11 “(3) to improve teaching in those grades so
12 that all students can learn to read independently
13 and well by the end of the 3d grade.

14 “(b) ALLOTMENT TO STATES.—

15 “(1) RESERVATION.—From the amount made
16 available to carry out this part for a fiscal year, the
17 Secretary shall reserve not more than 1 percent for
18 the Secretary of the Interior (on behalf of the Bu-
19 reau of Indian Affairs) and the outlying areas for
20 activities carried out in accordance with this section.

21 “(2) STATE ALLOTMENTS.—

22 “(A) HOLD HARMLESS.—

23 “(i) IN GENERAL.—Subject to sub-
24 paragraph (B) and clause (ii), from the
25 amount made available to carry out this
26 part for a fiscal year and not reserved

1 under paragraph (1), the Secretary shall
2 allot to each State an amount equal to the
3 amount that such State received for the
4 preceding fiscal year under this section or
5 section 306 of the Department of Edu-
6 cation Appropriations Act, 2001, as the
7 case may be.

8 “(ii) RATABLE REDUCTION.—If the
9 amount made available to carry out this
10 part for a fiscal year and not reserved
11 under paragraph (1) is insufficient to pay
12 the full amounts that all States are eligible
13 to receive under clause (i) for such fiscal
14 year, the Secretary shall ratably reduce
15 such amounts for such fiscal year.

16 “(B) ALLOTMENT OF ADDITIONAL
17 FUNDS.—

18 “(i) IN GENERAL.—Subject to clause
19 (ii), for any fiscal year for which the
20 amount made available to carry out this
21 part and not reserved under paragraph (1)
22 exceeds the amount made available to the
23 States for the preceding year under the au-
24 thorities described in subparagraph (A)(i),
25 the Secretary shall allot to each of those

1 States the percentage of the excess amount
2 that is the greater of—

3 “(I) the percentage the State re-
4 ceived for the preceding fiscal year of
5 the total amount made available to
6 the States under section 1122; or

7 “(II) the percentage so received
8 of the total amount made available to
9 the States under section 6511(b), as
10 in effect on the day before the date of
11 the enactment of the Excellence and
12 Accountability in Education Act, or
13 the corresponding provision of this
14 title, as the case may be.

15 “(ii) RATABLE REDUCTIONS.—If the
16 excess amount for a fiscal year is insuffi-
17 cient to pay the full amounts that all
18 States are eligible to receive under clause
19 (i) for such fiscal year, the Secretary shall
20 ratably reduce such amounts for such fis-
21 cal year.

22 “(c) ALLOCATION TO LOCAL EDUCATIONAL AGEN-
23 CIES.—

24 “(1) ALLOCATION.—Each State that receives
25 funds under this section shall allocate 100 percent

1 of those funds to local educational agencies, of
2 which—

3 “(A) 80 percent shall be allocated to those
4 local educational agencies in proportion to the
5 number of children, age 5 through 17, from
6 families with incomes below the poverty line (as
7 defined by the Office of Management and
8 Budget and revised annually in accordance with
9 section 673(2) of the Community Services
10 Block Grant Act (42 U.S.C. 9902(2))) applica-
11 ble to a family of the size involved, who reside
12 in the school district served by that local edu-
13 cational agency for the most recent fiscal year
14 for which satisfactory data are available, com-
15 pared to the number of those children who re-
16 side in the school districts served by all the
17 local educational agencies in the State for that
18 fiscal year; and

19 “(B) 20 percent shall be allocated to those
20 local educational agencies in accordance with
21 the relative enrollments of children, age 5
22 through 17, in public and private nonprofit ele-
23 mentary schools and secondary schools within
24 the areas served by those agencies.

1 “(2) EXCEPTION.—Notwithstanding paragraph
2 (1) and subsection (d)(2)(B), if the award to a local
3 educational agency under this section is less than
4 the starting salary for a new fully qualified teacher
5 for a school served by that agency, that agency may
6 use funds made available under this section to—

7 “(A) help pay the salary of a full- or part-
8 time fully qualified teacher hired to reduce class
9 size, which may be done in combination with
10 the expenditure of other Federal, State, or local
11 funds; or

12 “(B) pay for activities described in sub-
13 section (d)(2)(A)(iii) that may be related to
14 teaching in smaller classes.

15 “(d) USE OF FUNDS.—

16 “(1) MANDATORY USES.—Each local edu-
17 cational agency that receives funds under this sec-
18 tion shall use those funds to carry out effective ap-
19 proaches to reducing class size through use of fully
20 qualified teachers to improve educational achieve-
21 ment for both regular and special needs children,
22 with particular consideration given to reducing class
23 size in the early elementary grades for which some
24 research has shown class size reduction is most ef-
25 fective.

1 “(2) PERMISSIBLE USES.—

2 “(A) IN GENERAL.—Each such local edu-
3 cational agency may use funds made available
4 under this section for—

5 “(i) recruiting (including through the
6 use of signing bonuses, and other financial
7 incentives), hiring, and training fully quali-
8 fied regular and special education teachers
9 (which may include hiring special edu-
10 cation teachers to team-teach with regular
11 teachers in classrooms that contain both
12 children with disabilities and non-disabled
13 children) and teachers of special needs
14 children;

15 “(ii) testing new teachers for aca-
16 demic content knowledge, and to meet
17 State certification or licensing require-
18 ments that are consistent with title II of
19 the Higher Education Act of 1965; and

20 “(iii) providing professional develop-
21 ment (which may include such activities as
22 promoting retention and mentoring) for
23 teachers, including special education teach-
24 ers and teachers of special needs children,
25 in order to meet the goal of ensuring that

1 all teachers have the general knowledge,
2 teaching skills, and subject matter knowl-
3 edge necessary to teach effectively in the
4 content areas in which the teachers teach,
5 consistent with title II of the Higher Edu-
6 cation Act of 1965.

7 “(B) LIMITATION ON TESTING AND PRO-
8 FESSIONAL DEVELOPMENT.—

9 “(i) IN GENERAL.—Except as pro-
10 vided in clause (ii), a local educational
11 agency may use not more than a total of
12 25 percent of the funds received by the
13 agency under this section for activities de-
14 scribed in clauses (ii) and (iii) of subpara-
15 graph (A).

16 “(ii) SPECIAL RULE.—A local edu-
17 cational agency may use more than 25 per-
18 cent of the funds the agency receives under
19 this section for activities described in sub-
20 paragraph (A)(iii) for the purpose of help-
21 ing teachers who are not yet fully qualified
22 in attaining full qualification if 10 percent
23 or more of the elementary school classes in
24 a school are taught by individuals who are
25 not fully qualified teachers or the State

1 educational agency has waived State cer-
2 tification or licensing requirements for 10
3 percent or more of such teachers.

4 “(C) USE OF FUNDS BY AGENCIES THAT
5 HAVE REDUCED CLASS SIZE.—Notwithstanding
6 subparagraph (B), a local educational agency
7 that has already reduced class size in the early
8 elementary grades to 18 or fewer children (or
9 has already reduced class size to a State or
10 local class size reduction goal that was in effect
11 on November 28, 1999 if that goal is 20 or
12 fewer children) may use funds received under
13 this section—

14 “(i) to make further class size reduc-
15 tions in kindergarten through third grade;

16 “(ii) to reduce class size in other
17 grades; or

18 “(iii) to carry out activities to improve
19 teacher quality, including professional de-
20 velopment.

21 “(3) SUPPLEMENT, NOT SUPPLANT.—Each
22 such agency shall use funds made available under
23 this section only to supplement, and not to supplant,
24 State and local funds that, in the absence of funds

1 made available under this section, would otherwise
2 be expended for activities described in this section.

3 “(4) LIMITATION ON USE FOR SALARIES AND
4 BENEFITS.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (B), no funds made available
7 under this section may be used to increase the
8 salaries of, or provide benefits (other than par-
9 ticipation in professional development and en-
10 richment programs) to, teachers who are not
11 hired under this section.

12 “(B) EXCEPTION.—Funds made available
13 under this section may be used to pay the sala-
14 ries of teachers hired under section 306 of the
15 Department of Education Appropriations Act,
16 2001.

17 “(e) REPORTS.—

18 “(1) STATE ACTIVITIES.—Each State receiving
19 funds under this section shall prepare and submit to
20 the Secretary a biennial report on activities carried
21 out in the State under this section that provides the
22 information described in section 6122(a)(2) with re-
23 spect to the activities.

24 “(2) PROGRESS CONCERNING CLASS SIZE AND
25 QUALIFIED TEACHERS.—Each State and local edu-

1 cational agency receiving funds under this section
2 shall annually report to parents and the public, in
3 numeric form as compared to the previous year,
4 on—

5 “(A) the agency’s progress in reducing
6 class size, and increasing the percentage of
7 classes in core academic areas taught by fully
8 qualified teachers ; and

9 “(B) the impact that hiring additional fully
10 qualified teachers and reducing class size, has
11 had, if any, on increasing student academic
12 achievement.

13 “(3) NOTICE.—Each local educational agency
14 that receives funds under this section shall provide
15 to each individual parent of a child who attends a
16 school in such local educational agency timely, writ-
17 ten notice if the child has been assigned or has been
18 taught for 2 or more consecutive weeks by a sub-
19 stitute teacher, as defined by such local educational
20 agency, or a teacher who is not fully qualified.

21 “(f) PRIVATE SCHOOLS.—If a local educational agen-
22 cy uses funds made available under this section for profes-
23 sional development activities, the agency shall ensure the
24 equitable participation of private nonprofit elementary
25 schools and secondary schools in such activities in accord-

1 ance with section 6402. Section 6402 shall not apply to
2 other activities carried out under this section.

3 “(g) ADMINISTRATIVE EXPENSES.—A local edu-
4 cational agency that receives funds under this section may
5 use not more than 3 percent of such funds for local admin-
6 istrative costs.

7 “(h) REQUEST FOR FUNDS.—Each local educational
8 agency that desires to receive funds under this section
9 shall include in the application required under section
10 2017 a description of the agency’s program to reduce class
11 size by hiring additional fully qualified teachers.

12 “(i) CERTIFICATION, LICENSING, AND COM-
13 PETENCY.—No funds made available under this section
14 may be used to pay the salary of any teacher unless such
15 teachers is fully qualified.

16 “(j) DEFINITION.—As used in this section, the term
17 ‘certified’ includes certification through State or local al-
18 ternative routes.

19 **“SEC. 2202. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated to carry out
21 this part \$2,537,000,000 for fiscal year 2002
22 \$3,452,000,000 for fiscal year 2003, \$4,336,000,000 for
23 fiscal year 2004, and \$5,281,000,000 for fiscal years 2005
24 and 2006.”.

1 (b) NATIONAL WRITING PROJECT; TEACHER COM-
2 PENSATION; PRINCIPAL LEADERSHIP DEVELOPMENT;
3 GENERAL PROVISIONS.—Part K of title X is repealed.
4 Title II is amended by adding at the end the following:

5 **“PART E—NATIONAL WRITING PROJECT**

6 **“SEC. 2301. FINDINGS AND PURPOSES.**

7 “(a) FINDINGS.—Congress finds that—

8 “(1) the United States faces a continuing crisis
9 in writing in schools and in the workplace;

10 “(2) the writing problem has been magnified by
11 the rapidly changing student population, the growing
12 number of at-risk students due to limited English
13 proficiency, the shortage of adequately trained
14 teachers, and the specialized knowledge required of
15 teachers to teach students with special needs who
16 are now part of mainstream classrooms;

17 “(3) nationwide reports from universities and
18 colleges show that entering students are unable to
19 meet the demands of college level writing, almost all
20 2-year institutions of higher education offer remedial
21 writing courses, and three-quarters of public 4-year
22 institutions of higher education and half of all pri-
23 vate 4-year institutions of higher education must
24 provide remedial courses in writing;

1 “(4) American businesses and corporations are
2 concerned about the limited writing skills of both
3 entry-level workers and executives whose promotions
4 are denied due to inadequate writing abilities;

5 “(5) writing is fundamental to learning, includ-
6 ing learning to read, yet writing has been neglected
7 historically in schools and in teacher training institu-
8 tions;

9 “(6) writing is a central feature in State and
10 school district education standards in all disciplines;

11 “(7) since 1973, the only national program to
12 address the writing problem in the Nation’s schools
13 has been the National Writing Project, a network of
14 collaborative university-school programs the goals of
15 which are to improve student achievement in writing
16 and student learning through improving the teaching
17 and uses of writing at all grade levels and in all dis-
18 ciplines;

19 “(8) the National Writing Project is a nation-
20 ally recognized and honored nonprofit organization
21 that improves the quality of teaching and teachers
22 through developing teacher leaders who teach other
23 teachers in summer and school year programs;

24 “(9) evaluations of the National Writing
25 Project document the positive impact the project has

1 had on improving the teaching of writing, student
2 performance in writing, and student learning;

3 “(10) the National Writing Project has become
4 a model for programs to improve teaching in such
5 other fields as mathematics, science, history, reading
6 and literature, performing arts and foreign lan-
7 guages;

8 “(11) each year over 150,000 participants ben-
9 efit from National Writing Project programs in 1 of
10 156 United States sites located in 46 States and the
11 Commonwealth of Puerto Rico; and

12 “(12) the National Writing Project is a cost-ef-
13 fective program and leverages over 6 dollars for
14 every 1 Federal dollar.

15 “(b) PURPOSE.—It is the purpose of this part—

16 “(1) to support and promote the expansion of
17 the National Writing Project network of sites so
18 that teachers in every region of the United States
19 will have access to a National Writing Project pro-
20 gram;

21 “(2) to ensure the consistent high quality of the
22 sites through ongoing review, evaluation and tech-
23 nical assistance;

1 “(3) to support and promote the establishment
2 of programs to disseminate effective practices and
3 research findings about the teaching of writing; and

4 “(4) to coordinate activities assisted under this
5 part with activities assisted under this Act.

6 **“SEC. 2302. AUTHORIZATION.**

7 “(a) AUTHORIZATION.—The Secretary is authorized
8 to make a grant to the National Writing Project (hereafter
9 in this section referred to as the ‘grantee’), a nonprofit
10 educational organization that has as its primary purpose
11 the improvement of the quality of student writing and
12 learning, to improve the teaching and uses of writing to
13 learn in our Nation’s classrooms.

14 “(b) REQUIREMENTS OF GRANT.—The grant shall
15 provide that—

16 “(1) the grantee will enter into contracts with
17 institutions of higher education or other nonprofit
18 educational providers (hereafter in this section re-
19 ferred to as ‘contractors’) under which the contrac-
20 tors will agree to establish, operate, and provide the
21 non-Federal share of the cost of teacher training
22 programs in effective approaches and processes for
23 the teaching of writing;

24 “(2) funds made available by the Secretary to
25 the grantee pursuant to any contract entered into

1 under this section will be used to pay the Federal
2 share of the cost of establishing and operating teach-
3 er training programs as provided in paragraph (1);
4 and

5 “(3) the grantee will meet such other conditions
6 and standards as the Secretary determines to be
7 necessary to assure compliance with the provisions
8 of this section and will provide such technical assist-
9 ance as may be necessary to carry out the provisions
10 of this section.

11 “(c) TEACHER TRAINING PROGRAMS.—The teacher
12 training programs authorized in subsection (a) shall—

13 “(1) be conducted during the school year and
14 during the summer months;

15 “(2) train teachers who teach grades kinder-
16 garten through college;

17 “(3) select teachers to become members of a
18 National Writing Project teacher network whose
19 members will conduct writing workshops for other
20 teachers in the area served by each National Writing
21 Project site; and

22 “(4) encourage teachers from all disciplines to
23 participate in such teacher training programs.

24 “(d) FEDERAL SHARE.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2) or (3) and for purposes of subsection (a),
3 the term ‘Federal share’ means, with respect to the
4 costs of teacher training programs authorized in
5 subsection (a), 50 percent of such costs to the con-
6 tractor.

7 “(2) WAIVER.—The Secretary may waive the
8 provisions of paragraph (1) on a case-by-case basis
9 if the National Advisory Board described in sub-
10 section (e) determines, on the basis of financial
11 need, that such waiver is necessary.

12 “(3) MAXIMUM.—The Federal share of the
13 costs of teacher training programs conducted pursu-
14 ant to subsection (a) may not exceed \$100,000 for
15 any 1 contractor, or \$200,000 for a statewide pro-
16 gram administered by any 1 contractor in at least
17 5 sites throughout the State.

18 “(e) NATIONAL ADVISORY BOARD.—

19 “(1) ESTABLISHMENT.—The National Writing
20 Project shall establish and operate a National Advi-
21 sory Board.

22 “(2) COMPOSITION.—The National Advisory
23 Board established pursuant to paragraph (1) shall
24 consist of—

25 “(A) national educational leaders;

1 “(B) leaders in the field of writing; and

2 “(C) such other individuals as the National
3 Writing Project deems necessary.

4 “(3) DUTIES.—The National Advisory Board
5 established pursuant to paragraph (1) shall—

6 “(A) advise the National Writing Project
7 on national issues related to student writing
8 and the teaching of writing;

9 “(B) review the activities and programs of
10 the National Writing Project; and

11 “(C) support the continued development of
12 the National Writing Project.

13 “(f) EVALUATION.—

14 “(1) IN GENERAL.—The Secretary shall con-
15 duct an independent evaluation by grant or contract
16 of the teacher training programs administered pur-
17 suant to this Act in accordance with section 11501.
18 Such evaluation shall specify the amount of funds
19 expended by the National Writing Project and each
20 contractor receiving assistance under this section for
21 administrative costs. The results of such evaluation
22 shall be made available to the appropriate commit-
23 tees of the Congress.

24 “(2) FUNDING LIMITATION.—The Secretary
25 shall reserve not more than \$150,000 from the total

1 amount appropriated pursuant to the authority of
2 subsection (h) for fiscal year 2002 and the 4 suc-
3 ceeding fiscal years to conduct the evaluation de-
4 scribed in paragraph (1).

5 “(g) APPLICATION REVIEW.—

6 “(1) REVIEW BOARD.—The National Writing
7 Project shall establish and operate a National Re-
8 view Board that shall consist of—

9 “(A) leaders in the field of research in
10 writing; and

11 “(B) such other individuals as the Na-
12 tional Writing Project deems necessary.

13 “(2) DUTIES.—The National Review Board
14 shall—

15 “(A) review all applications for assistance
16 under this subsection; and

17 “(B) recommend applications for assist-
18 ance under this subsection for funding by the
19 National Writing Project.

20 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated for the grant to the Na-
22 tional Writing Project, \$15,000,000 for fiscal year 2002
23 and such sums as may be necessary for each of the 4 suc-
24 ceeding fiscal years.

1 **“PART F—TEACHER COMPENSATION**

2 **“SEC. 2351. PURPOSE.**

3 “The purpose of this part is to provide additional
4 compensation to attract and retain fully qualified teachers
5 who provide instruction in disadvantaged and low-per-
6 forming schools.

7 **“SEC. 2352. PROGRAM AUTHORIZED.**

8 “(a) GRANTS.—The Secretary is authorized, in ac-
9 cordance with the provisions of this part, to award grants,
10 on a competitive basis, to local educational agencies with
11 approved applications under section 2353 for the purpose
12 of providing additional compensation to attract and retain
13 fully qualified teachers who provide instruction in dis-
14 advantaged and low-performing schools.

15 “(b) EQUITABLE DISTRIBUTION.—In awarding
16 grants under this part, the Secretary shall assure an equi-
17 table distribution of assistance among urban and rural
18 areas of the United States.

19 “(c) MINIMUM AMOUNT.—The Secretary shall ensure
20 that all grants awarded under this part are of sufficient
21 size and scope so as to be effective and such grants are
22 in an amount consistent with section 2354(a).

23 **“SEC. 2353. ELIGIBILITY; APPLICATION.**

24 “(a) ELIGIBILITY.—To be eligible to receive a grant
25 under this part, a local educational agency shall have no

1 less than 20 percent of its children from families with in-
2 comes below the poverty line.

3 “(b) APPLICATION REQUIRED.—To be eligible to re-
4 ceive a grant under this part, a local educational agency
5 shall submit an application to the Secretary at such time,
6 in such manner, and accompanied by such information as
7 the Secretary may reasonably prescribe.

8 “(c) ASSURANCES.—Each such application, at a min-
9 imum, shall include—

10 “(1) an assurance that teachers receiving com-
11 pensation are fully qualified;

12 “(2) an assurance that teachers from all aca-
13 demic subjects are permitted to participate, includ-
14 ing special education teachers, and teachers with ex-
15 pertise in teaching students with limited English
16 proficiency, and

17 “(3) a description of how funds made available
18 under this part shall be used in conjunction with
19 other federal, state, and local resources to attract
20 and retain fully qualified teachers, including how
21 such funds will be used to make progress on the per-
22 formance indicators specified in section 2401.

23 **“SEC. 2354. USES OF FUNDS.**

24 “(a) ADDITIONAL COMPENSATION.—Local edu-
25 cational agencies receiving a grant under this part shall

1 use such funds to provide additional compensation to
2 teachers, up to \$5,000 per individual teacher per academic
3 year, who teach in schools—

4 “(1) of which 50 percent of children are from
5 families with incomes below the poverty line; or

6 “(2) which are identified for school improve-
7 ment or corrective action under section 1116.

8 “(b) FULLY QUALIFIED.—All teachers who receive
9 compensation under this part shall be fully qualified, and
10 shall agree to teach in schools described under subsection
11 (a)(1) for at least 2 academic years.

12 **“SEC. 2355. EVALUATION.**

13 “(a) NATIONAL EVALUATION.—(1) The Secretary
14 shall develop a plan for a national evaluation of this part
15 to assess its effectiveness in increasing the percentage of
16 classes in schools in which fully qualified teachers receiv-
17 ing additional compensation under this part are teaching.

18 “(2) The evaluation required under paragraph (1)
19 shall focus on the results for schools in the three years
20 following the initial distribution of funds under this part.

21 “(b) REPORT.—Prior to the completion of the na-
22 tional evaluation under subsection (a), the Secretary shall
23 submit an interim report outlining first-year implementa-
24 tion activities and their effectiveness to the Committee on
25 Education and the Workforce of the House of Representa-

1 tives and the Committee on Health, Education, Labor,
2 and Pensions of the Senate.

3 **“SEC. 2356. AUTHORIZATION OF APPROPRIATIONS.**

4 “For purposes of carrying out this part, there are au-
5 thorized to be appropriated \$1,000,000,000 for fiscal year
6 2002, \$1,130,000,000 for fiscal year 2003,
7 \$1,276,000,000 for fiscal year 2004, \$1,442,000,000 for
8 fiscal year 2005, and \$1,630,000,000 for fiscal year 2006.

9 **“PART G—PRINCIPAL LEADERSHIP**
10 **DEVELOPMENT**

11 **“SEC. 2361. PROFESSIONAL DEVELOPMENT FOR PRIN-**
12 **CIPALS AS LEADERS OF SCHOOL REFORM.**

13 “(a) COMPETITIVE GRANTS.—The Secretary is au-
14 thorized to award, on a competitive basis, grants to eligible
15 partnerships—

16 “(1) consisting of—

17 “(A) one or more institutions of higher
18 education that provide professional development
19 for principals and other school administrators;
20 and

21 “(B) one or more local educational agen-
22 cies; and

23 “(2) that may include other entities, agencies,
24 and organizations, such as a State educational agen-
25 cy, a State agency for higher education, or profes-

1 sional organizations for principals, administrators,
2 teachers, and parents.

3 “(b) APPLICATION.—An eligible partnership that de-
4 sires to receive a grant under this section shall submit an
5 application at such time, in such form, and containing
6 such information as the Secretary may require. Each such
7 application shall include—

8 “(1) a description of the activities the partner-
9 ship will carry out to meet the purpose of this part;

10 “(2) a description of how those activities will
11 build on and be coordinated with other professional
12 development activities, including activities under this
13 title and title II of the Higher Education Act of
14 1965;

15 “(3) a description of how principals, teachers,
16 and other interested parties were involved in devel-
17 oping the application and will be involved in plan-
18 ning and carrying out the activities under this sec-
19 tion; and

20 “(4) a description of how the professional devel-
21 opment will result in the acquisition of a license, de-
22 gree, or continuing education unit.

23 “(c) USE OF FUNDS.—An eligible partnership that
24 receives a grant under this section shall use the grant
25 funds to provide professional development to principals

1 and other school administrators to enable them to be effective school leaders and prepare all students to achieve to challenging State content and student performance standards, including professional development on—

5 “(1) comprehensive school reform;

6 “(2) leadership skills;

7 “(3) recruitment, assignment, retention and evaluation of teacher and other instructional staff;

9 “(4) State content standards;

10 “(5) effective instructional practice;

11 “(6) using smaller classes effectively; and

12 “(7) parental and community involvement.

13 “(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this part, there are authorized 14 to be appropriated \$100,000,000 for fiscal year 2002, and 15 such sums as may be necessary for the 4 succeeding fiscal 16 years. 17

18 **“PART H—GENERAL PROVISIONS**

19 **“SEC. 2401. PERFORMANCE INDICATORS.**

20 “(a) MINIMUM INDICATORS.—At a minimum, the indicators of program performance under part B, against 21 which recipients of funds under this title shall report their 22 progress in such manner as the Secretary may determine, 23 are the following: 24

25 “(1) Improvement in student achievement.

1 “(2) An increase in the percentage of classes
2 taught by fully qualified teachers, including teachers
3 from minority and other historically underrep-
4 resented groups.

5 “(3) An equalization, between high- and low-
6 poverty schools in a local educational agency, of
7 classes in core academic areas taught by fully quali-
8 fied teachers.

9 “(4) An increase in the percentage of fully
10 qualified teachers.

11 “(5) An increase in the percentage of para-
12 professionals who have completed a certification pro-
13 gram.

14 **“SEC. 2402. DEFINITIONS.**

15 “As used in this title:

16 “(1) CAREER-CHANGING PROFESSIONAL.—The
17 term ‘career-changing professional’ means a person
18 who—

19 “(A) holds at least a baccalaureate degree;

20 “(B) demonstrates a commitment to
21 changing the person’s current professional ca-
22 reer and becoming a teacher; and

23 “(C) has knowledge and experience that is
24 relevant to teaching a high-need subject area in
25 a high-poverty local educational agency.

1 “(2) HIGH-POVERTY LOCAL EDUCATIONAL
2 AGENCY.—The term ‘high-poverty local educational
3 agency’ means a local educational agency in which—

4 “(A) the percentage of children, ages 5
5 through 17, from families below the poverty
6 level (as defined by the Office of Management
7 and Budget and revised annually in accordance
8 with section 673(2) of the Community Services
9 Block Grant Act (42 U.S.C. 9902(2))) applica-
10 ble to a family of the size involved for the most
11 recent fiscal year for which satisfactory data
12 are available is 33 percent or greater; or

13 “(B) the number of such children exceeds
14 10,000.

15 “(3) LOW-PERFORMING LOCAL EDUCATIONAL
16 AGENCY.—The term ‘low-performing local edu-
17 cational agency’ means—

18 “(A) a local educational agency that in-
19 cludes a school identified by the agency for
20 school improvement under section 1116(e); or

21 “(B) a local educational agency that in-
22 cludes a school in which at least 50 percent of
23 the students fail to meet State student perform-
24 ance standards based on assessments the agen-
25 cy is using under part A of title I.

1 “(4) TECHNOLOGY DEFICIENT.—The term
2 ‘technology deficient’, when used with respect to a
3 local educational agency or a school, means that the
4 agency or school does not possess the equipment,
5 networking, or skills to use technology to enhance
6 teaching and learning.

7 “(5) TECHNOLOGY PROFICIENT.—The term
8 ‘technology proficient’, when used with respect to a
9 local educational agency or a school, means that the
10 agency or school possesses the equipment, net-
11 working, and skills to use technology to enhance
12 teaching and learning.

13 “(6) TROOPS-TO-TEACHERS PROGRAM.—The
14 term ‘troops-to-teachers program’ means the teach-
15 ers and teachers’ aide placement program for sepa-
16 rated members of the Armed Forces that was estab-
17 lished by the Secretary of Defense, and the Sec-
18 retary of Transportation with respect to the Coast
19 Guard, under section 1151 of title 10, United States
20 Code.

21 “(7) UNQUALIFIED TEACHER.—The term ‘un-
22 qualified teacher’ means a teacher who is not fully
23 qualified.

1 **“SEC. 2403. FUNDING FOR TEACHER QUALITY.**

2 “(a) USE OF FUNDS.—Notwithstanding any other
3 provision of this Act, local educational agencies may use
4 funds appropriated under sections 1002(a), 2003(a), and
5 6002(a) to provide the necessary education, training, and
6 professional development to ensure that all teachers be-
7 come fully qualified. Such assistance may include—

8 “(1) the use of signing bonuses or other finan-
9 cial incentives to recruit and retain fully qualified
10 teachers;

11 “(2) collaboration with programs that recruit,
12 place, and train fully qualified teachers; or

13 “(3) subsidizing the costs of college tuition and
14 other students fees (for programs that meet the cri-
15 teria under section 203(a)(2)(A)(i) of the Higher
16 Education Amendments of 1998, relating to the pas-
17 sage rates of graduates from the program), to help
18 current teachers, and other school personnel, to be-
19 come fully qualified teachers.

20 “(b) SPECIAL RULE.—In order to receive assistance
21 under subsection (a)(3), a teacher must agree to teach for
22 at least 2 subsequent years after receiving such assistance
23 in a school in which the enrollment of children counted
24 under section 1124(c) exceeds 50 percent of the total en-
25 rollment of that school.”.

1 **SEC. 202. READING EXCELLENCE ACT.**

2 Section 2260(a) (20 U.S.C. 6661i(a)) is amended by
3 adding at the end the following:

4 “(3) FISCAL YEARS 2002 TO 2006.—There are
5 authorized to be appropriated to carry out this part
6 \$350,000,000 for fiscal year 2002 and such sums as
7 may be necessary for fiscal years 2003 through
8 2006.”.

9 **SEC. 203. STUDENT LOAN FORGIVENESS FOR TEACHERS.**

10 (a) GUARANTEED LOANS.—Section 428J of the
11 Higher Education Act of 1965 (20 U.S.C. 1078–10) is
12 amended to read as follows:

13 **“SEC. 428J. LOAN FORGIVENESS FOR TEACHERS.**

14 “(a) STATEMENT OF PURPOSE.—It is the purpose of
15 this section to encourage individuals to enter and continue
16 in the teaching profession.

17 “(b) PROGRAM AUTHORIZED.—The Secretary shall
18 carry out a program, through the holder of the loan, of
19 assuming the obligation to repay in accordance with sub-
20 section (c) a qualified loan amount for a loan made under
21 section 428 or 428H for any borrower who—

22 “(1) is employed as a full-time teacher during
23 the academic year beginning in calendar year 2001
24 or during any subsequent academic year—

1 “(A) in a school that qualifies under sec-
2 tion 465(a)(2)(A) for loan cancellation for Per-
3 kins loan recipients who teach in such schools;

4 “(B) if employed as a secondary school
5 teacher, is teaching—

6 “(i) a subject area that is relevant to
7 the borrower’s academic major as certified
8 by the chief administrative officer of the
9 public or nonprofit private secondary
10 school in which the borrower is employed;

11 or

12 “(ii) special education or bilingual
13 education;

14 “(C) if employed as an elementary school
15 teacher, has demonstrated, as certified by the
16 chief administrative officer of the public or non-
17 profit private elementary school in which the
18 borrower is employed, knowledge and teaching
19 skills in reading, writing, mathematics, special
20 education, bilingual education, and other areas
21 of the elementary school curriculum; and

22 “(D) is fully qualified, as such term is de-
23 fined in section 10101 of the Elementary and
24 Secondary Education Act of 1965; and

1 “(2) is not in default on a loan for which the
2 borrower seeks forgiveness.

3 “(c) QUALIFIED LOANS AMOUNT.—

4 “(1) IN GENERAL.—Of the aggregate loan obli-
5 gations of a borrower on loans made under section
6 428 or 428H that are outstanding after the comple-
7 tion of the first complete school year of teaching de-
8 scribed in subsection (b)(1) for which the borrower
9 applies for repayment under this section, the Sec-
10 retary shall repay not more than—

11 “(A) \$3,000 for each of the first and sec-
12 ond such complete school years;

13 “(B) \$4,000 for the third such complete
14 school year; and

15 “(C) \$5,000 for each of the fourth and
16 fifth such complete school years.

17 “(2) TREATMENT OF CONSOLIDATION LOANS.—

18 A loan amount for a loan made under section 428C
19 may be a qualified loan amount for the purposes of
20 this subsection only to the extent that such loan
21 amount was used to repay a Federal Direct Stafford
22 Loan, a Federal Direct Unsubsidized Stafford Loan,
23 or a loan made under section 428 or 428H for a
24 borrower who meets the requirements of subsection

1 (b), as determined in accordance with regulations
2 prescribed by the Secretary.

3 “(d) REGULATIONS.—The Secretary is authorized to
4 issue such regulations as may be necessary to carry out
5 the provisions of this section.

6 “(e) CONSTRUCTION.—Nothing in this section shall
7 be construed to authorize any refunding of any repayment
8 of a loan.

9 “(f) LIST.—If the list of schools in which a teacher
10 may perform service pursuant to subsection (b) is not
11 available before May 1 of any year, the Secretary may use
12 the list for the year preceding the year for which the deter-
13 mination is made to make such service determination.

14 “(g) ADDITIONAL ELIGIBILITY PROVISIONS.—

15 “(1) CONTINUED ELIGIBILITY.—Any teacher
16 who performs service in a school that—

17 “(A) meets the requirements of subsection
18 (b)(1)(A) in any year during such service; and

19 “(B) in a subsequent year fails to meet the
20 requirements of such subsection,

21 may continue to teach in such school and shall be
22 eligible for loan forgiveness pursuant to subsection
23 (b).

24 “(2) PREVENTION OF DOUBLE BENEFITS.—No
25 borrower may, for the same service, receive a benefit

1 under both this subsection and subtitle D of title I
2 of the National and Community Service Act of 1990
3 (42 U.S.C. 12571 et seq.). No borrower may receive
4 a reduction of loan obligations under both this sec-
5 tion and section 460.

6 “(h) DEFINITION.—For purposes of this section, the
7 term ‘year’, where applied to service as a teacher, means
8 an academic year as defined by the Secretary.”

9 (b) DIRECT LOANS.—Section 460 of such Act (20
10 U.S.C. 1087j) is amended to read as follows:

11 **“SEC. 460. LOAN FORGIVENESS FOR TEACHERS.**

12 “(a) STATEMENT OF PURPOSE.—It is the purpose of
13 this section to encourage individuals to enter and continue
14 in the teaching profession.

15 “(b) PROGRAM AUTHORIZED.—The Secretary shall
16 carry out a program of canceling the obligation to repay
17 a qualified loan amount in accordance with subsection (c)
18 for Federal Direct Stafford Loans and Federal Direct Un-
19 subsidized Stafford Loans made under this part for any
20 borrower who—

21 “(1) is employed as a full-time teacher during
22 the academic year beginning in calendar year 2001
23 or during any subsequent academic year—

1 “(A) in a school that qualifies under sec-
2 tion 465(a)(2)(A) for loan cancellation for Per-
3 kins loan recipients who teach in such schools;

4 “(B) if employed as a secondary school
5 teacher, is teaching—

6 “(i) a subject area that is relevant to
7 the borrower’s academic major as certified
8 by the chief administrative officer of the
9 public or nonprofit private secondary
10 school in which the borrower is employed;

11 or

12 “(ii) special education or bilingual
13 education;

14 “(C) if employed as an elementary school
15 teacher, has demonstrated, as certified by the
16 chief administrative officer of the public or non-
17 profit private elementary school in which the
18 borrower is employed, knowledge and teaching
19 skills in reading, writing, mathematics, special
20 education, bilingual education, and other areas
21 of the elementary school curriculum; and

22 “(D) is fully qualified, as such term is de-
23 fined in section 10101 of the Elementary and
24 Secondary Education Act of 1965; and

1 “(2) is not in default on a loan for which the
2 borrower seeks forgiveness.

3 “(c) QUALIFIED LOANS AMOUNT.—

4 “(1) IN GENERAL.—Of the aggregate loan obli-
5 gations of a borrower on Federal Direct Stafford
6 Loans and Federal Direct Unsubsidized Stafford
7 Loans made under this part that are outstanding
8 after the completion of the first complete school year
9 of teaching described in subsection (b)(1) for which
10 the borrower applies for cancellation under this sec-
11 tion, the Secretary shall cancel not more than—

12 “(A) \$3,000 for each of the first and sec-
13 ond such complete school years;

14 “(B) \$4,000 for the third such complete
15 school year; and

16 “(C) \$5,000 for each of the fourth and
17 fifth such complete school years.

18 “(2) TREATMENT OF CONSOLIDATION LOANS.—

19 A loan amount for a Federal Direct Consolidation
20 Loan may be a qualified loan amount for the pur-
21 poses of this subsection only to the extent that such
22 loan amount was used to repay a Federal Direct
23 Stafford Loan, a Federal Direct Unsubsidized Staf-
24 ford Loan, or a loan made under section 428 or
25 428H, for a borrower who meets the requirements of

1 subsection (b), as determined in accordance with
2 regulations prescribed by the Secretary.

3 “(d) REGULATIONS.—The Secretary is authorized to
4 issue such regulations as may be necessary to carry out
5 the provisions of this section.

6 “(e) CONSTRUCTION.—Nothing in this section shall
7 be construed to authorize any refunding of any repayment
8 of a loan.

9 “(f) LIST.—If the list of schools in which a teacher
10 may perform service pursuant to subsection (b) is not
11 available before May 1 of any year, the Secretary may use
12 the list for the year preceding the year for which the deter-
13 mination is made to make such service determination.

14 “(g) ADDITIONAL ELIGIBILITY PROVISIONS.—

15 “(1) CONTINUED ELIGIBILITY.—Any teacher
16 who performs service in a school that—

17 “(A) meets the requirements of subsection
18 (b)(1)(A) in any year during such service; and

19 “(B) in a subsequent year fails to meet the
20 requirements of such subsection,

21 may continue to teach in such school and shall be
22 eligible for loan forgiveness pursuant to subsection
23 (b).

24 “(2) PREVENTION OF DOUBLE BENEFITS.—No
25 borrower may, for the same service, receive a benefit

1 under both this subsection and subtitle D of title I
2 of the National and Community Service Act of 1990
3 (42 U.S.C. 12571 et seq.). No borrower may receive
4 a reduction of loan obligations under both this sec-
5 tion and section 428J.

6 “(h) DEFINITION.—For purposes of this section, the
7 term ‘year’, where applied to service as a teacher, means
8 an academic year as defined by the Secretary.”

9 **TITLE III—TECHNOLOGY FOR**
10 **EDUCATION**

11 **SEC. 301. TECHNOLOGY FOR EDUCATION.**

12 Title III (20 U.S.C. 6801 et seq.) is amended to read
13 as follows:

14 **“TITLE III—TECHNOLOGY FOR**
15 **EDUCATION**

16 **“SEC. 3001. SHORT TITLE.**

17 “This title may be cited as the ‘Technology for Edu-
18 cation Act’.

19 **“SEC. 3002. FINDINGS.**

20 “Congress finds the following:

21 “(1) Technology can—

22 “(A) support education improvement ef-
23 forts by expanding available resources and re-
24 shaping instruction, teaching, and learning en-
25 vironments; and

1 “(B) when used effectively and aligned
2 with challenging State academic content and
3 performance standards, support teacher capac-
4 ity to create classrooms where students develop
5 higher-order thinking and information tech-
6 nology skills.

7 “(2) By providing students with a rapidly ex-
8 panding educational resource base, and a unique
9 means of developing content knowledge, improve-
10 ments in software and other technology applications
11 (such as high-quality video, voice recognition, mod-
12 eling and simulation, and intelligent tutoring and
13 virtual reality tools), have increased student oppor-
14 tunities for meaningful exploration and discovery.

15 “(3) The Federal Government—

16 “(A) has played an integral role in expand-
17 ing and improving access to technology as an
18 important tool for teaching and learning; and

19 “(B) can continue to serve as a catalyst in
20 bringing effective uses for education technology
21 to the classroom by providing support for—

22 “(i) access to technology;

23 “(ii) the development of educational
24 software and web-based learning resources;
25 and

1 “(iii) sustained and intensive, high-
2 quality professional development that is
3 aligned with challenging State academic
4 content and performance standards.

5 “(4) Professional development programs for
6 prospective teachers and current teachers should be
7 refocused to strengthen the ability of such teachers
8 to integrate technology across the curriculum.

9 “(5) Policies at the Federal, State, and local
10 levels concerning technology in education must ad-
11 dress disparities in the availability of technology to
12 different groups of students, give priority to serving
13 students in greatest need, and recognize that edu-
14 cational telecommunications and technology can ad-
15 dress educational equalization concerns and school
16 restructuring needs by providing universal access to
17 high-quality teaching and programs, particularly in
18 urban and rural areas.

19 “(6) Technology can enhance the ongoing pro-
20 fessional development of teachers and administrators
21 by providing constant access to updated research in
22 teaching and learning by means of telecommuni-
23 cations, and, through exposure to technology ad-
24 vancements, keep teachers and administrators ex-

1 cited and knowledgeable about unfolding opportuni-
2 ties for the classroom.

3 “(7) Poor children are less likely than their
4 wealthier peers to have access to a computer at
5 home, and to attend a school in which teachers use
6 technology to develop technical and higher-order
7 thinking skills.

8 “(8) Because girls of all ethnicities consistently
9 rate themselves significantly lower than boys on
10 computer ability, and are less likely to experiment
11 with technology and enroll in advanced computer
12 science courses, the Federal Government should en-
13 courage States, local educational agencies, and
14 teachers to consider the needs of girls and women
15 to obtain technical proficiency and expose girls and
16 women to careers in technology, so that they can
17 compete in an increasingly technological society.

18 **“SEC. 3003. STATEMENT OF PURPOSE.**

19 “The purpose of this title is to help all students to
20 develop technical and higher-order thinking skills and to
21 achieve to challenging State academic content and per-
22 formance standards.

23 “(1) helping to provide all classrooms with ac-
24 cess to educational technology through support for

1 the acquisition of advanced multimedia computers,
2 Internet connections, and other technologies;

3 “(2) helping to ensure access to, and effective
4 use of, educational technology in all classrooms
5 through the provision of sustained and intensive,
6 high-quality professional development that improves
7 teachers capability to integrate educational tech-
8 nology effectively into their classrooms and instruc-
9 tional practices by actively engaging students and
10 teachers in the use of technology;

11 “(3) helping to improve the capability of teach-
12 ers to design and construct new learning experiences
13 using technology, and actively engage students in
14 that design and construction;

15 “(4) supporting Federal partnerships with busi-
16 ness and industry to realize more rapidly the poten-
17 tial of digital communications to expand the scope
18 of, and opportunities for, learning; and

19 “(5) providing national leadership to stimulate
20 and coordinate public and private efforts, at the na-
21 tional, State, and local levels, that support the devel-
22 opment and integration of advanced technologies
23 and applications to improve school planning and
24 classroom instruction;

1 **“SEC. 3004. DEFINITIONS.**

2 “For the purposes of this title—

3 “(1) the term ‘adult education’ has the same
4 meaning given such term by section 203 of the
5 Adult Education and Family Literacy Act;

6 “(2) the term ‘all students’ means students
7 from a broad range of backgrounds and cir-
8 cumstances, including disadvantaged students, stu-
9 dents with diverse racial, ethnic, and cultural back-
10 grounds, students with disabilities, students with
11 limited English proficiency, students who have
12 dropped out of school, and academically talented
13 students;

14 “(3) the term ‘information infrastructure’
15 means a network of communication systems de-
16 signed to exchange information among all citizens
17 and residents of the United States;

18 “(4) the term ‘instructional programming’
19 means the full range of audio and video data, text,
20 graphics, or additional state-of-the-art communica-
21 tions, including multimedia based resources distrib-
22 uted through interactive, command and control, or
23 passive methods for the purpose of education and in-
24 struction;

25 “(5) the term ‘interoperable’ means the ability
26 to exchange easily data with, and connect to, other

1 hardware and software in order to provide the great-
2 est accessibility for all students and other users;

3 “(6) the term ‘regional educational laboratory’
4 means a regional educational laboratory supported
5 under section 941(h) of the Educational Research,
6 Development, Dissemination, and Improvement Act
7 of 1994;

8 “(7) the term ‘State educational agency’ in-
9 cludes the Bureau of Indian Affairs for purposes of
10 serving schools funded by the Bureau of Indian Af-
11 fairs in accordance with this title; and

12 “(8) the term ‘State library administrative
13 agency’ has the same meaning given to such term in
14 section 213 of the Library Services and Technology
15 Act.

16 **“SEC. 3005. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) PART A—LONG-RANGE TECHNOLOGY PLAN
18 AND NATIONAL ACTIVITIES.—There are authorized to be
19 appropriated \$450,000,000 for fiscal year 2002, and such
20 sums as may be necessary for each of the 4 succeeding
21 fiscal years to carry out part A.

22 “(b) PART B—TECHNOLOGY INNOVATION FOR
23 LEARNING.—There are authorized to be appropriated
24 \$1,042,000,000 for fiscal year 2002, \$1,212,000,000 for
25 fiscal year 2003, \$1,382,000,000 for fiscal year 2004,

1 \$1,552,000,000 for fiscal year 2005, and \$1,722,000,000
2 for fiscal year 2006.

3 “(c) PART C—GETTING OUR GIRLS READY FOR THE
4 21ST CENTURY ACT (GO-GIRL ACT).—There are author-
5 ized to be appropriated \$50,000,000 for fiscal year 2002,
6 and such sums as may be necessary for each of the 4 suc-
7 ceeding fiscal years to carry out part C.

8 **“PART A—NATIONAL LONG-RANGE TECHNOLOGY**
9 **PLAN AND ACTIVITIES**

10 **“SEC. 3111. NATIONAL LONG-RANGE TECHNOLOGY PLAN.**

11 “(a) IN GENERAL.—The Secretary shall update, not
12 later than 1 year after the date of the enactment of the
13 Excellence and Accountability in Education Act, and up-
14 date subsequently when the Secretary determines appro-
15 priate, the national long-range plan (as such plan was in
16 existence prior to the date of the enactment of the Excel-
17 lence and Accountability in Education Act) that supports
18 the overall national technology policy and carries out the
19 purposes of this part. The Secretary shall disseminate
20 such plan to State educational agencies, local educational
21 agencies, the public, and other interested parties.

22 “(b) PLAN REQUIREMENTS.—The Secretary shall—

23 “(1) update the national long-range plan in
24 consultation with other Federal departments or
25 agencies, State and local education practitioners and

1 policymakers, experts in technology and the applica-
2 tions of technology to education, representatives of
3 distance learning consortia, and providers of tech-
4 nology services and products;

5 “(2) transmit such plan to the President and to
6 the appropriate committees of the Congress; and

7 “(3) publish such plan in a form that is readily
8 accessible to the public.

9 **“SEC. 3112. FEDERAL LEADERSHIP.**

10 “(a) PROGRAM AUTHORIZED.—The Secretary, in
11 consultation with the National Science Foundation, the
12 Department of Commerce, and other appropriate Federal
13 agencies, shall carry out activities designed to achieve the
14 purpose of this part directly or by awarding grants or con-
15 tracts competitively and pursuant to a peer review process
16 to, or entering into contracts with, State educational agen-
17 cies, local educational agencies, institutions of higher edu-
18 cation, or other public and private nonprofit or for-profit
19 agencies or organizations.

20 “(b) ASSISTANCE.—

21 “(1) IN GENERAL.—The Secretary shall provide
22 assistance to the States to enable such States to
23 plan effectively for the use of technology in all
24 schools throughout the State.

1 “(2) OTHER FEDERAL AGENCIES.—For the
2 purpose of carrying out coordinated or joint activi-
3 ties consistent with the purpose of this part, the
4 Secretary may accept funds from, and transfer
5 funds to, other Federal agencies.

6 “(c) REQUIRED USES OF FUNDS.—The Secretary
7 shall use funds made available to carry out this section,
8 through grant or contract, for the following activities:

9 “(1) Development or redesign of teacher prepa-
10 ration programs to enable prospective teachers to ef-
11 fectively use technology in their classrooms and inte-
12 grate it throughout their instructional practices.

13 “(2) Creation or expansion of community tech-
14 nology centers in economically distressed urban and
15 rural communities that provide disadvantaged resi-
16 dents with access to information technology and re-
17 lated training.

18 “(3) Development, production, and distribution
19 of educational and instructional video programming
20 by nonprofit entities (including a public tele-
21 communications entity) for preschool and elementary
22 school children and their parents.

23 “(4) Development, for wide-scale adoption by
24 State educational agencies and local educational
25 agencies, of models of innovative and effective appli-

1 cations of technology to teaching and learning that
2 are aligned with challenging State academic content
3 and student performance standards.

4 “(5) Providing school library media specialists
5 with professional development and acquisition of
6 school library media specialists.

7 “(d) USES OF FUNDS.—The Secretary may use
8 funds made available to carry out this section for one or
9 more of the following activities:

10 “(1) Providing development grants to technical
11 assistance providers, to enable such providers to im-
12 prove substantially the services such providers offer
13 to educators on the educational uses of technology,
14 including professional development.

15 “(2) Consulting with representatives of indus-
16 try, elementary and secondary education, higher
17 education, adult and family education, and appro-
18 priate experts in technology and educational applica-
19 tions of technology in carrying out activities under
20 this title.

21 “(3) The development of a national repository
22 of information on the effective uses of educational
23 technology, including its use for sustained and inten-
24 sive, high-quality professional development, and the
25 nationwide dissemination of that information.

1 “(4) Research on, and the development of, ap-
2 plications for education of the most advanced and
3 newly emerging technologies and such research shall
4 be coordinated, when appropriate, with the Office of
5 Educational Research and Improvement, and other
6 Federal agencies.

7 “(5) The development, demonstration, and eval-
8 uation of the educational aspects of high perform-
9 ance computing and communications technologies
10 and of the national information infrastructure, in
11 providing professional development for teachers,
12 school librarians, and other educators; enriching aca-
13 demic curricula for elementary and secondary
14 schools; facilitating communications among schools,
15 local educational agencies, libraries, parents, and
16 local communities and in other such areas as the
17 Secretary deems appropriate.

18 “(6) The development, demonstration, and eval-
19 uation of applications of technology and innovative
20 tools in preschool education, elementary and sec-
21 ondary education, vocational and professional train-
22 ing and lifelong learning, and professional develop-
23 ment of educational personnel.

24 “(7) The development and evaluation of soft-
25 ware and other products, including multimedia tele-

1 vision programming, that incorporate advances in
2 technology and State content standards and State
3 student performance standards.

4 “(8) The development, demonstration, and eval-
5 uation of model strategies for preparing teachers
6 and other personnel to use technology effectively to
7 improve teaching and learning.

8 “(9) The development of model programs that
9 demonstrate the educational effectiveness of tech-
10 nology in urban and rural areas and economically
11 distressed communities.

12 “(10) Research on, and the evaluation of, the
13 effectiveness and benefits of technology in education.

14 “(11) A biennial assessment of, and report to
15 the public regarding, the uses of technology in ele-
16 mentary and secondary education throughout the
17 United States upon which private businesses and
18 Federal, State, tribal, and local governments may
19 rely for decisionmaking about the need for, and pro-
20 vision of, appropriate technologies in schools, and
21 such assessment and report shall use, to the extent
22 possible, existing information and resources.

23 “(12) Conferences on, and dissemination of in-
24 formation regarding, the uses of technology in edu-
25 cation.

1 “(13) The development of model strategies to
2 promote gender equity concerning access to, and the
3 use of, technology in the classroom.

4 “(14) Encouraging collaboration between the
5 Department and other Federal agencies in the devel-
6 opment, implementation, evaluation and funding of
7 applications of technology for education, as appro-
8 priate.

9 “(15) The development, demonstration, and
10 evaluation of model technology programs designed to
11 improve parental involvement.

12 “(16) Other activities the Secretary determines
13 will meet the purpose of this title.

14 “(e) NON-FEDERAL SHARE.—

15 “(1) IN GENERAL.—Subject to paragraphs (2)
16 and (3), the Secretary may require any recipient of
17 a grant or contract under this section to share in the
18 cost of the activities assisted under such grant or
19 contract, and such non-Federal share shall be an-
20 nounced through a notice in the Federal Register
21 and may be in the form of cash or in-kind contribu-
22 tions, fairly valued.

23 “(2) INCREASE.—The Secretary may increase
24 the non-Federal share that is required of a recipient
25 of a grant or contract under this section after the

1 first year such recipient receives funds under such
2 grant or contract.

3 “(3) MAXIMUM.—The non-Federal share re-
4 quired under this section shall not exceed 50 percent
5 of the cost of the activities assisted pursuant to a
6 grant or contract under this section.

7 **“PART B—STATE AND LOCAL TECHNOLOGY**
8 **INNOVATION FOR LEARNING**

9 **“SEC. 3201. PURPOSE.**

10 “It is the purpose of this part to increase the capacity
11 of State and local educational agencies to improve student
12 achievement through the use and application of tech-
13 nology, particularly that of students in high-poverty, low-
14 performing schools, and the ability of teachers to integrate
15 technology across the curriculum, by supporting State and
16 local efforts that—

17 “(1) make effective use of new technologies and
18 technology applications, networks, and electronic
19 learning resources;

20 “(2) utilize research-based teaching practices
21 that are linked to advanced technologies;

22 “(3) promote sustained and intensive, high-
23 quality professional development that enables teach-
24 ers to help students achieve to challenging State
25 content standards and assessments in core academic

1 subjects through the integration of educational tech-
2 nology into instruction;

3 “(4) disseminate information to local edu-
4 cational agencies and schools about technology and
5 applications, including software, that are aligned to
6 challenging State content standards in core aca-
7 demic subjects; and

8 “(5) develop standards and performance indica-
9 tors for students and teachers on the effective use
10 and integration of education technology into the core
11 academic curriculum and methods for measuring
12 program outcomes against indicators.

13 **“SEC. 3202. ALLOTMENT AND REALLOTMENT.**

14 “(a) ALLOTMENT.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), each State educational agency shall be el-
17 igible to receive a grant under this part for a fiscal
18 year in an amount which bears the same relationship
19 to the amount made available under section
20 3005(b)(1) for such year as the amount such State
21 received under part A of title I for such year bears
22 to the amount received for such year under such
23 part by all States.

24 “(2) MINIMUM.—No State educational agency
25 (including for purposes of this part, the Bureau of

1 Indian Affairs) shall be eligible to receive a grant
2 under paragraph (1) in any fiscal year in an amount
3 which is less than one-half of 1 percent of the
4 amount made available under section 3005(b)(1) for
5 such year, except that this minimum shall apply to
6 the aggregate of grants received under this part by
7 the outlying areas for a fiscal year.

8 “(b) REALLOTMENT OF UNUSED FUNDS.—

9 “(1) IN GENERAL.—The amount of any State
10 educational agency’s allotment under subsection (a)
11 for any fiscal year which the Secretary determines
12 will not be required for such fiscal year to carry out
13 this part shall be available for reallocation from time
14 to time, on such dates during such year as the Sec-
15 retary may determine, to other State educational
16 agencies in proportion to the original allotments to
17 such State educational agencies under subsection (a)
18 for such year, but with such proportionate amount
19 for any of such other State educational agencies
20 being reduced to the extent such amount exceeds the
21 sum the Secretary estimates such State needs and
22 will be able to use for such year.

23 “(2) OTHER REALLOTMENTS.—The total of re-
24 ductions under paragraph (1) shall be similarly real-

1 lotted among the State educational agencies whose
2 proportionate amounts were not so reduced.

3 **“SEC. 3203. GRANT AWARDS.**

4 “(a) GRANTS TO STATES.—

5 “(1) IN GENERAL.—From amounts made avail-
6 able under section 3202, the Secretary, through the
7 Office of Educational Technology, shall award
8 grants to State educational agencies having applica-
9 tions approved under section 3204.

10 “(2) USE OF GRANTS.—

11 “(A) Each State educational agency that
12 receives a grant under paragraph (1) shall
13 use—

14 “(i) not less than 95 percent of the
15 grant funds to award, on a competitive
16 basis, subgrants to eligible local applicants,
17 as defined in section 3207(1), for use in
18 creating learning environments designed to
19 prepare all students, including students
20 with disabilities or limited English pro-
21 ficiency, to achieve to challenging State
22 academic content and performance stand-
23 ards through the use of research-based
24 teaching practices, integration of tech-
25 nology into the curriculum and advanced

1 technologies for activities described in sec-
2 tion 3205; and

3 “(ii) subject to subparagraph (C), the
4 remainder of the grant funds for adminis-
5 trative costs and technical assistance, and
6 the development and updating of the State
7 technology plan.

8 “(B) In awarding grants under subpara-
9 graph (A)(i), each State educational agency
10 shall—

11 “(i) ensure that each such grant is of
12 sufficient duration, and of sufficient size,
13 scope, and quality, to carry out the pur-
14 poses of this part effectively; and

15 “(ii) shall give priority to an eligible
16 local applicant that is a partnership that
17 meets the requirements of section
18 3207(1)(B).

19 “(C) From funds described in subpara-
20 graph (A)(i), a State educational agency may
21 use not more than 2 percent of the grant funds
22 received by that agency under this subpart to
23 provide planning subgrants to eligible local ap-
24 plicants in order to assist them to develop stra-
25 tegic long-term local technology plans that shall

1 be included in the application for a subgrant
2 under section 3206.

3 “(b) TECHNICAL ASSISTANCE.—Each State edu-
4 cational agency receiving a grant under subsection (a)
5 shall—

6 “(1) identify the local educational agencies in
7 the State educational agency that—

8 “(A) have the highest number or percent-
9 age of children in poverty; and

10 “(B) demonstrate to such State edu-
11 cational agency the greatest need for technical
12 assistance in developing the application under
13 section 3206; and

14 “(2) offer technical assistance to such local edu-
15 cational agencies in—

16 “(A) developing applications under section
17 3206;

18 “(B) forming partnerships among the enti-
19 ties described in section 3206(1)(B); and

20 “(C) meeting the standards and perform-
21 ance indicators as described in section
22 3204(a)(5).

23 **“SEC. 3204. STATE APPLICATION.**

24 “(a) IN GENERAL.—To receive funds under this part,
25 each State educational agency shall submit an application

1 to the Secretary at such time, in such manner, and accom-
2 panied by such information as the Secretary may reason-
3 ably require. As part of its application, a State educational
4 agency shall submit a new or updated statewide edu-
5 cational technology plan. The plan shall demonstrate how
6 it will be coordinated with and support the State plan or
7 policies for comprehensive standards-based education re-
8 form, and shall describe—

9 “(1) the State educational agency’s long-term
10 strategies for financing educational technology in the
11 State, including how the State educational agency
12 will use other sources of Federal and non-Federal
13 funds, including the E-rate, for this purpose;

14 “(2) the State educational agency’s criteria for
15 identifying local educational agencies under section
16 3203(b)(1) and how the State educational agency
17 will report to the public the criteria to be used and
18 the outcome of the competition under section
19 3204(a)(2)(A)(i);

20 “(3) the State educational agency’s specific
21 goals for using advanced technologies to improve
22 student achievement to challenging State academic
23 content and performance standards by—

1 “(A) using web-based resources and tele-
2 communications networks to provide challenging
3 content and improve classroom instruction;

4 “(B) using research-based teaching prac-
5 tices and models of effective uses of advanced
6 technology to promote basic skills in core aca-
7 demic areas and higher-order thinking skills in
8 all students; and

9 “(C) promoting sustained and intensive
10 high-quality professional development that in-
11 creases teacher capacity to enable students to
12 learn to challenging State content and perform-
13 ance standards and develop higher-order think-
14 ing skills through the integration of technology
15 into instruction;

16 “(4) the strategy of the State educational agen-
17 cy for disseminating information, or arranging for
18 other qualified entities with the appropriate experi-
19 ence to provide technical assistance, regarding soft-
20 ware and other technology applications that are
21 aligned to the content standards in core academic
22 subjects of the States;

23 “(5) the State educational agency’s perform-
24 ance indicators for each of the strategies and goals
25 described in paragraphs (1) and (3) and included in

1 its plan, baseline performance data for the indica-
2 tors, a timeline for achieving the goals, and interim
3 measures of success toward achieving the goals;

4 “(6) how the State educational agency will en-
5 sure that grants to eligible local applicants are of
6 sufficient size, scope, and quality to meet the pur-
7 poses of this part effectively;

8 “(7) how the State educational agency will pro-
9 vide technical assistance to eligible local applicants,
10 and its capacity for providing such assistance;

11 “(8) how the State educational agency will en-
12 sure that educational technology is accessible to and
13 usable by all students, including students with spe-
14 cial needs, such as students who have disabilities or
15 limited English proficiency;

16 “(9) how the State educational agency will en-
17 sure the ongoing integration of technology across the
18 curriculum used by its local educational agencies and
19 schools in all such schools in the State by September
20 30, 2006; and

21 “(10) how the State educational agency will
22 evaluate its activities under the plan as it relates to
23 its specific goals as described in paragraph (3), in-
24 cluding its impact on student achievement for all

1 students, and the ability of teachers to integrate
2 technology into the core academic curriculum.

3 “(b) APPROVAL OF STATE EDUCATIONAL AGENCY
4 APPLICATION.—The Secretary shall review the application
5 of a State educational agency for assistance under this
6 part and shall approve the application, unless the Sec-
7 retary makes a determination in writing that such applica-
8 tion does not meet the specific requirements of this part
9 or does not show reasonable promise of achieving its goals.

10 **“SEC. 3205. LOCAL USES OF FUNDS.**

11 “Each eligible local applicant, having an approved ap-
12 plication under section 3206, shall, consistent with such
13 application, use funds made available under section
14 3203(a)(2)(A)(i) for one or more of the following activi-
15 ties:

16 “(1)(A) Adapting or expanding existing and
17 new applications of technology to enable teachers to
18 help students to achieve to challenging State aca-
19 demic content and student performance standards
20 through the use of research-based teaching practices
21 and advanced technologies; and

22 “(B) integrating technology across the cur-
23 riculum.

24 “(2) Providing sustained and intensive, high-
25 quality professional development in the integration

1 of advanced technologies across the curriculum and
2 in using those technologies to create enriching learn-
3 ing environments, including training in the use of
4 technology to access data and resources to develop
5 curricula and instructional materials that are
6 aligned to the challenging State academic content
7 standards in core academic subjects.

8 “(3) Enabling teachers to use the Internet to
9 communicate with other teachers, parents, and stu-
10 dents, and retrieve web-based learning resources.

11 “(4) Using technology to enable teachers and
12 administrators to collect, manage, and analyze data
13 to identify strengths and weaknesses in academic
14 performance to improve school reform efforts.

15 “(5) Acquiring wireless telecommunications,
16 hand-held devices, modeling or simulation tools, dis-
17 tance learning networks, and other advanced tech-
18 nologies with classroom applications.

19 “(6) Acquiring proven and effective technology-
20 based curricular programs that will help students to
21 achieve to challenging State academic content and
22 student performance standards, including programs
23 that enable family and parental access to advanced
24 telecommunications, and support communications
25 between families, parents and schools.

1 “(7) Acquiring proven and effective curricula
2 that includes integrated technology and are designed
3 to help students achieve challenging State academic
4 content and student performance standards.

5 “(8) Acquiring wiring and access to advanced
6 telecommunications.

7 “(9) Using web-based learning resources, in-
8 cluding those that provide access to challenging
9 courses such as Advanced Placement courses.

10 “(10) Assisting schools to use technology to
11 promote parent and family involvement, and support
12 communications between family and school.

13 “(11) Utilizing technology to develop or expand
14 efforts to connect schools and teachers with parents
15 to promote meaningful parental involvement and fos-
16 ter increased communication about curriculum, as-
17 signments, and assessments.

18 “(12) Providing support to help parents under-
19 stand the technology being applied in their children’s
20 education so parents will be able to reinforce their
21 children’s learning.

22 “(13) Other activities which are consistent with
23 the purpose of this part.

1 **“SEC. 3206. LOCAL APPLICATIONS.**

2 “Each eligible local applicant desiring assistance
3 from a State educational agency under this part shall sub-
4 mit an application, consistent with the objectives of the
5 systemic statewide plan, to the State educational agency
6 at such time, in such manner, and accompanied by such
7 information as the State educational agency may reason-
8 ably require. Such application, at a minimum, shall—

9 “(1) include a strategic, long-range (3- to 5-
10 year) plan that includes—

11 “(A) a description of how the applicant
12 plans to improve the achievement of all stu-
13 dents by—

14 “(i) making effective use of new tech-
15 nologies, networks, and electronic learning
16 resources;

17 “(ii) using research-based teaching
18 practices and models of effective uses of
19 advanced technology to promote basic skills
20 in core academic areas and higher-order
21 thinking skills;

22 “(iii) promoting sustained and inten-
23 sive, high quality professional development
24 that increases teacher capacity to enable
25 students to learn to challenging State con-
26 tent and performance standards and de-

1 velop higher-order thinking skills through
2 the integration of technology into instruc-
3 tion; and

4 “(iv) the steps that will be taken to
5 inform parents of the use of technologies
6 in their children’s education so that par-
7 ents will be able to reinforce at home the
8 instruction their children receive in school;

9 “(B) an explanation of how the acquired
10 technologies will be integrated into the cur-
11 riculum to help the local educational agency
12 that is the eligible local applicant under section
13 3207(1)(A) or is a member of a partnership de-
14 scribed in section 3207(1)(B), enhance teach-
15 ing, training, and student achievement;

16 “(C) a description of the applicant’s goals
17 regarding the use of educational technology
18 that are consistent with the performance indica-
19 tors of the State described under section
20 3204(a)(5), as well as the applicant’s baseline
21 data, timelines, benchmarks, and indicators of
22 success for meeting those goals;

23 “(D) a description of how the applicant
24 will ensure sustained and intensive, high-quality
25 professional development for teachers, adminis-

1 trators, and other educational personnel to fur-
2 ther the effective use of technology in the class-
3 room and the integration of technology into in-
4 structional practices;

5 “(E) a description of the administrative
6 and technical support that the applicant will
7 provide schools;

8 “(F) the projected timetable for imple-
9 menting such plan in schools;

10 “(G) the projected cost of technologies to
11 be acquired and related expenses needed to im-
12 plement such plan;

13 “(H) a description of the applicant’s strat-
14 egy for financing its strategic, long-term local
15 technology plan, including the use of other Fed-
16 eral and non-Federal funds, and how the plan
17 will be coordinated with other technology initia-
18 tives;

19 “(I) a description of how the applicant will
20 use advanced technology to promote commu-
21 nication between teachers for activities such
22 as—

23 “(i) sharing examples of student
24 work;

1 “(ii) developing instructional strate-
2 gies that promote basic skills in core aca-
3 demic areas and higher-order thinking
4 skills in all students;

5 “(iii) developing challenging curricula
6 aligned with State or local standards; and

7 “(iv) using data to improve teaching
8 and learning; and

9 “(J) a description of how the applicant will
10 use technology to improve the teaching and
11 learning of students with special needs, such as
12 students with disabilities or limited English
13 proficiency;

14 “(2) describe how the eligible local applicant
15 will involve parents, public libraries, business leaders
16 and community leaders in the development of the
17 plan described in paragraph (1);

18 “(3) describe how the acquired instructionally
19 based technologies will help the local educational
20 agency that is the eligible local applicant under sec-
21 tion 3207(1)(A), or is a member of a partnership de-
22 scribed in section 3207(1)(B) and meets the require-
23 ments of section 3207(1)(A)—

24 “(A) promote equity in education in order
25 to support State content standards and State

1 student performance standards that may be de-
2 veloped; and

3 “(B) provide access for teachers, parents,
4 and students to the best teaching practices and
5 curriculum resources through technology;

6 “(4) describe a process for the ongoing evalua-
7 tion of how technologies acquired under this
8 section—

9 “(A) will be integrated into the school cur-
10 riculum and instructional practices of teachers
11 of the school; and

12 “(B) will affect student achievement and
13 progress toward meeting any challenging State
14 content standards and State student perform-
15 ance standards that may be developed;

16 “(5) describe how the applicant will use
17 subgrant funds to benefit low-performing schools in
18 integrating technology into the curriculum of such
19 schools;

20 “(6) describe how the applicant will ensure that
21 technology is accessible to, and usable by, all stu-
22 dents, particularly students with disabilities or lim-
23 ited English proficiency;

24 “(7) include an assurance that, before any
25 funds received under this part are used to acquire

1 wiring or access to advanced telecommunications,
2 the applicant will use all appropriate resources avail-
3 able to it through the E-Rate;

4 “(8) describe how the eligible local applicant
5 will provide for an independent evaluation of the
6 program funded under this part and how such eval-
7 uation will be used for program improvement; and

8 “(9) if the applicant is a partnership, describe
9 the members of the partnership, their respective
10 roles, and their respective contributions to improving
11 the capacity of the local educational agency.

12 **“SEC. 3207. DEFINITIONS.**

13 “For the purposes of this part—

14 “(1) the term ‘eligible local applicant’ means

15 “(A) a local educational agency that, as
16 determined by the State educational agency—

17 “(i) is among the local educational
18 agencies in the State with the highest
19 numbers or percentages of children from
20 families with incomes below the poverty
21 line;

22 “(ii) includes one or more low-per-
23 forming schools; and

1 “(iii) has a substantial need for as-
2 sistance in acquiring and using technology;

3 or

4 “(B) a partnership that includes at least 1
5 local educational agency that meets the require-
6 ments of subparagraph (A) and at least 1—

7 “(i) local educational agency that can
8 demonstrate that teachers in schools
9 served by that agency are using technology
10 effectively in their classrooms;

11 “(ii) institution of higher education in
12 full compliance with the reporting require-
13 ments of section 207(f) of the Higher Edu-
14 cation Act of 1965 and that has not been
15 identified by its State as low performing
16 under section 208 of such Act;

17 “(iii) for-profit organization that de-
18 velops, designs, manufactures, or produces
19 technology products or services, or has
20 substantial expertise in the application of
21 technology; or

22 “(iv) public or private non-profit orga-
23 nization with demonstrated experience in
24 the application of educational technology;
25 and

1 “(2) the term ‘low-performing school’ means a
2 school identified by the local educational agency for
3 school improvement under section 1116(b) of this
4 Act.

5 **“PART C—GETTING OUR GIRLS READY FOR THE**
6 **21ST CENTURY (GO GIRL)**

7 **“SEC. 3311. FINDINGS.**

8 “Congress finds the following:

9 “(1) Women have historically been underrep-
10 resented in mathematics, science, technology, and
11 engineering occupations.

12 “(2) Female students take fewer high-level
13 mathematics and science courses in high school than
14 male students.

15 “(3) Female students take far fewer advanced
16 computer classes than male students take and tend
17 to take only basic data entry and word processing
18 classes.

19 “(4) Female students earn fewer baccalaureate,
20 masters, and doctoral degrees in mathematics,
21 science, technology, and engineering than male stu-
22 dents.

23 “(5) Early career exploration is key to choosing
24 a career.

1 “(6) Teachers’ attitudes, methods of teaching,
2 and classroom atmosphere affect female student’s in-
3 terest in nontraditional fields.

4 “(7) Stereotypes about appropriate careers for
5 females, a lack of female role models, and a lack of
6 basic career information significantly deters girls’ in-
7 terest in mathematics, science, technology, and engi-
8 neering careers.

9 “(8) Females consistently rate themselves sig-
10 nificantly lower than males in computer ability.

11 “(9) In the coming years, 65 percent of the
12 economy will be based on information-technology.

13 “(10) Limited access is a hurdle faced by fe-
14 males seeking jobs in mathematics, science, tech-
15 nology, and engineering.

16 “(11) Common recruitment and hiring practices
17 make extensive use of traditional networks that
18 often overlook females.

19 **“SEC. 3312. PROGRAM AUTHORITY.**

20 “(a) IN GENERAL.—From funds provided under sec-
21 tion 3005(c), the Secretary is authorized to provide grants
22 to and enter into contracts or cooperative agreements with
23 local educational agencies on behalf of elementary and sec-
24 ondary schools to encourage the ongoing interest of girls
25 in science, mathematics, engineering, and technology and

1 to prepare girls to pursue undergraduate and graduate de-
2 grees and careers in science, mathematics, engineering, or
3 technology.

4 “(b) APPLICATION.—

5 “(1) IN GENERAL.—To be eligible to receive a
6 grant, enter into a contract, or cooperative agree-
7 ment under this part, a local educational agency
8 shall submit an application to the Secretary at such
9 time, in such form, and containing such information
10 as the Secretary may reasonably require.

11 “(2) CONTENTS.—The application referred to
12 in paragraph (1) shall contain, at a minimum, the
13 following:

14 “(A) A specific program description, in-
15 cluding the content of the program and the re-
16 search and models used to design the program.

17 “(B) A description of the collaboration be-
18 tween elementary and secondary schools to ful-
19 fill goals of the program.

20 “(C) An explanation regarding the recruit-
21 ment and selection of participants.

22 “(D) A description of the instructional and
23 motivational activities planned to be used.

24 “(E) An evaluation plan.

1 **“SEC. 3313. ELEMENTARY SCHOOL PROGRAM.**

2 “(a) SELECTION.—Local educational agencies shall
3 select elementary schools to provide services that—

4 “(1) encourage girls in grades 4 through 8 to
5 enjoy and pursue studies in science, mathematics,
6 engineering, and technology;

7 “(2) acquaint girls in grades 4 through 8 with
8 careers in science, mathematics, engineering, and
9 technology; and

10 “(3) educate the parents of girls in grades 4
11 through 8 about the difficulties faced by girls to
12 maintain an interest and desire to achieve in science,
13 mathematics, engineering, and technology and enlist
14 the help of the parents in overcoming these difficul-
15 ties.

16 “(b) SERVICES.—Services provided under this section
17 shall include one or more of the following:

18 “(1) Tutoring in reading, science, mathematics,
19 engineering, and technology.

20 “(2) Mentoring relationships, both in-person
21 and through the Internet.

22 “(3) Paying the costs of female students and
23 their teachers attending events and academic pro-
24 grams in science, mathematics, engineering, and
25 technology.

1 “(4) Providing after-school activities designed
2 to encourage the interest of girls in grades 4 and
3 higher in science, mathematics, engineering, and
4 technology.

5 “(5) Summer programs designed to encourage
6 interest, and develop skills, in science, mathematics,
7 engineering, and technology.

8 “(6) Purchasing software designed for girls, or
9 designed to encourage girls’ interest in science,
10 mathematics, engineering, and technology.

11 “(7) Offering field trips to locations that edu-
12 cate and encourage girls’ interest in science, mathe-
13 matics, engineering, and technology.

14 “(8) Offering field trips to locations that ac-
15 quaint girls with careers in science, mathematics,
16 engineering, and technology.

17 “(9) Purchasing and disseminating information
18 to parents of girls in grades 4 and higher that will
19 help parents to encourage their daughters’ interest
20 in science, mathematics, engineering, and tech-
21 nology.

22 **“SEC. 3314. SECONDARY SCHOOL PROGRAM.**

23 “(a) SELECTION.—Local educational agencies shall
24 select secondary schools to provide services that—

1 “(1) encourage girls in grades 9 and higher to
2 major in science, mathematics, engineering, and
3 technology of a institution of higher education;

4 “(2) provide academic advice and assistance in
5 high school course selection;

6 “(3) encourage girls in grades 9 and higher to
7 plan for careers in science, mathematics, engineer-
8 ing, and technology; and

9 “(4) educate the parents of girls in grades 9
10 and higher about the difficulties faced by girls to
11 maintain an interest in and desire to, achieve in
12 science, mathematics, engineering, and technology,
13 and enlist the help of the parents in overcoming
14 these difficulties.

15 “(b) SERVICES.—Services provided under this section
16 shall include one or more of the following:

17 “(1) Tutoring in science, mathematics, engi-
18 neering, and technology.

19 “(2) Mentoring relationships, both in-person
20 and through the Internet.

21 “(3) Paying the costs of female students and
22 their teachers attending events and academic pro-
23 grams in science, mathematics, engineering, and
24 technology.

1 “(4) Paying up to 50 percent of the cost of an
2 internship in science, mathematics, engineering, or
3 technology for female students.

4 “(5) Providing after-school activities designed
5 to encourage the interest of girls in grades 9 and
6 higher in science, mathematics, engineering, and
7 technology, including the cost of that portion of a
8 staff salary to supervise these activities.

9 “(6) Providing summer programs designed to
10 encourage interest, and develop skills, in science,
11 mathematics, engineering, and technology.

12 “(7) Purchasing software designed for girls, or
13 designed to encourage girls’ interest in science,
14 mathematics, engineering, and technology.

15 “(8) Offering field trips to locations that edu-
16 cate and encourage girls’ interest in science, mathe-
17 matics, engineering, and technology.

18 “(9) Offering field trips to locations that ac-
19 quaint girls with careers in science, mathematics,
20 engineering, and technology.

21 “(10) Visits to institutions of higher education
22 to acquaint girls with college-level programs in
23 science, mathematics, engineering, or technology,
24 and to meet with educators and female college stu-

1 dents who will encourage them to pursue degrees in
2 science, mathematics, engineering, and technology.

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

5 **SEC. 401. SAFE AND DRUG-FREE SCHOOLS AND COMMU-**
6 **NITIES.**

7 Title IV (20 U.S.C. 7101 et seq.) is amended to read
8 as follows:

9 **“TITLE IV—SAFE AND DRUG-**
10 **FREE SCHOOLS AND COMMU-**
11 **NITIES**

12 **“SEC. 4001. SHORT TITLE.**

13 “‘This title may be cited as the ‘Safe and Drug-Free
14 Schools and Communities Act’.

15 **“SEC. 4002. FINDINGS.**

16 “Congress finds the following:

17 “(1) It is essential for schools to provide a
18 drug-free, safe, and orderly learning environment for
19 all students, if all students are to live healthy lives
20 and achieve to high academic standards.

21 “(2) Student drug use, alcohol and tobacco, and
22 school violence are serious educational and public
23 health concerns.

24 “(3) Safe and Drug-Free Schools and Commu-
25 nities programs are most likely to be effective when

1 they are based on a thorough assessment of objective
2 data about the drug and violence problems in schools
3 and communities, are designed to meet measurable
4 goals and objectives, are based on sound research or
5 evaluation findings, and are evaluated regularly and
6 held accountable for results.

7 “(4) Safe and Drug-Free Schools and Commu-
8 nities program resources should be targeted at the
9 local level to projects in areas that demonstrate need
10 for the funds, have developed the best strategic
11 plans for using the funds, and are committed to
12 being accountable for results.

13 “(5) Alternative education, for children who
14 have been suspended or expelled from school, is vital
15 to improving the safety of schools and communities,
16 and ensuring continued educational opportunity.

17 **“SEC. 4003. PURPOSE.**

18 “The purpose of this title is to support programs that
19 prevent violence in and around schools and the illegal use
20 of alcohol, tobacco, and drugs; involve parents; and are
21 coordinated with related Federal, State, and community
22 efforts and resources, through the provision of Federal as-
23 sistance to—

24 “(1) States for grants to local educational agen-
25 cies and educational service agencies and consortia

1 of such agencies to establish, operate, and improve
2 local programs of school drug and violence preven-
3 tion, early intervention, rehabilitation referral, and
4 education in elementary and secondary schools (in-
5 cluding intermediate and junior high schools);

6 “(2) States for grants to, and contracts with,
7 community-based organizations and other public and
8 private nonprofit agencies and organizations for pro-
9 grams of drug and violence prevention, early inter-
10 vention, rehabilitation referral, and education;

11 “(3) States for development, training, technical
12 assistance, and coordination activities;

13 “(4) public and private nonprofit organizations
14 to conduct training, demonstrations, and evaluation,
15 and to provide supplementary services for the pre-
16 vention of drug use and violence among students
17 and youth; and

18 “(5) institutions of higher education to estab-
19 lish, operate, expand, and improve programs of
20 school drug and violence prevention, education, and
21 rehabilitation referral for students enrolled in col-
22 leges and universities.

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

24 “There are authorized to be appropriated—

1 “(1) \$500,000,000 for fiscal year 2002, and
2 such sums as may be necessary for each of the 4
3 succeeding fiscal years, for State grants under sub-
4 part 1 of part A;

5 “(2) \$200,000,000 for fiscal year 2002, and
6 such sums as may be necessary for each of the 4
7 succeeding fiscal years, for national programs under
8 subpart 2 of part A;

9 “(3) \$200,000,000 for fiscal year 2002, and
10 such sums as may be necessary for each of the 4
11 succeeding fiscal years to carry out part B related
12 to alternative education;

13 “(4) \$1,300,000,000 for fiscal year 2002,
14 \$1,623,000,000 for fiscal year 2003,
15 \$2,537,000,000 for fiscal year 2004,
16 \$3,452,000,000 for fiscal year 2005, and
17 \$4,366,000,000 for fiscal year 2006 to carry out
18 part C related to reserve staff for students; and

19 “(5) \$100,000,000 for fiscal year 2002 and
20 such sums as may be necessary for the 4 succeeding
21 fiscal years to carry out part D related to Technical
22 Assistance.

1 **“PART A—STATE GRANTS FOR DRUG AND**
2 **VIOLENCE PREVENTION PROGRAMS**
3 **“Subpart 1—State Grants for Drug and Violence**
4 **Prevention Programs**

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

6 “(a) RESERVATIONS.—From the amount made avail-
7 able under section 4004(1) to carry out this subpart for
8 each fiscal year, the Secretary—

9 “(1) shall reserve 1 percent of such amount for
10 grants under this subpart to Guam, American
11 Samoa, the Virgin Islands, and the Commonwealth
12 of the Northern Mariana Islands, to be allotted in
13 accordance with the Secretary’s determination of
14 their respective needs;

15 “(2) shall reserve 1 percent of such amount for
16 the Secretary of the Interior to carry out programs
17 under this part for Indian youth;

18 “(3) may reserve not more than \$2,000,000 for
19 the national evaluation activities required by section
20 4117(a); and

21 “(4) shall reserve 0.2 percent of such amount
22 for programs for Native Hawaiians under section
23 4118.

24 “(b) STATE ALLOTMENTS.—

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

4 “(A) $\frac{1}{2}$ of the remainder not reserved
5 under subsection (a) according to the ratio be-
6 tween the school-aged population of each State
7 and the school-aged population of all the States;
8 and

9 “(B) $\frac{1}{2}$ of such remainder according to
10 the ratio between the amount each State re-
11 ceived under part A of title I for the preceding
12 year and the sum of such amounts received by
13 all the States.

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

19 “(3) REALLOTMENT.—The Secretary may
20 reallocate any amount of any allotment to a State if the
21 Secretary determines that the State will be unable to
22 use such amount within 2 years of such allotment.
23 Such reallocations shall be made on the same basis
24 as allotments are made under paragraph (1).

1 “(4) DEFINITIONS.—For the purposes of this
2 subsection—

3 “(A) the term ‘State’ means each of the 50
4 States, the District of Columbia, and the Com-
5 monwealth of Puerto Rico; and

6 “(B) the term ‘local educational agency’
7 includes educational service agencies and con-
8 sortia of such agencies.

9 **“SEC. 4112. STATE APPLICATION.**

10 “(a) STATE APPLICATION.—In order to receive an al-
11 lotment under section 4111(b) for any fiscal year, a State
12 shall submit to the Secretary, at such time and in such
13 manner as the Secretary may require, a 5-year application
14 that—

15 “(1) is submitted jointly by the Governor and
16 the State educational agency of the State;

17 “(2) contains a description of how funds under
18 this part will be coordinated with other programs
19 under this Act and with other Federal education and
20 drug prevention programs;

21 “(3) contains a comprehensive plan for the use
22 of funds by the State educational agency and the
23 Governor to provide safe, orderly, and drug-free
24 school environments that includes—

1 “(A) the results of the State’s needs as-
2 sessment for drug and violence-prevention pro-
3 grams, which shall be based on the results of
4 ongoing State evaluation activities and include
5 data on the prevalence of drug use and violence
6 by youth in schools and communities in the
7 State;

8 “(B) a list of the State’s results-based per-
9 formance measures for drug and violence pre-
10 vention, which shall—

11 “(i) be focused on student behavior
12 and attitudes and derived from the needs
13 assessment;

14 “(ii) be selected from a core set of in-
15 dicators that the Secretary shall develop in
16 consultation with State and local officials;

17 “(iii) include targets and due dates
18 for the attainment of these indicators;

19 “(iv) include a description of the pro-
20 cedures the State will use to inform local
21 educational agencies of the State’s results-
22 based performance measures for drug and
23 violence prevention for assessing and pub-
24 licly reporting progress toward meeting

1 these indicators, or revising them as need-
2 ed;

3 “ (v) include a description of how the
4 procedures described in subparagraph (C)
5 and subparagraph (D) will support the
6 achievement of the State’s results-based
7 performance measures; and

8 “ (vi) incorporate each of the prin-
9 ciples of effectiveness;

10 “ (C) a description of the procedures the
11 Governor will use to award funds to eligible ap-
12 plicants on a competitive basis consistent with
13 section 4115, including—

14 “ (i) the criteria the Governor will use
15 to assess the relative quality of applica-
16 tions and demonstrated need for funding
17 of eligible applicants;

18 “ (ii) the peer review process the Gov-
19 ernor will use to review applications;

20 “ (iii) how those funds will be used for
21 community resources and activities that
22 support local educational agency programs
23 to create drug-free, safe, and disciplined
24 learning environments in, and passageways
25 to and from, schools; and

1 “(iv) how the Governor will ensure
2 that the geographic distribution of awards
3 reflects the diversity of local educational
4 agencies in the State;

5 “(D) a description of how the State edu-
6 cational agency and Governor will use the funds
7 reserved under sections 4113(b) and 4115(c)
8 for coordinated capacity-building and technical
9 assistance and program accountability services
10 and activities at the State and local levels, in-
11 cluding how the State educational agency and
12 Governor will coordinate their activities with
13 law enforcement, health, mental health, and
14 education programs and officials at the State
15 and local levels;

16 “(E) a description of how the State edu-
17 cational agency and the Governor will monitor
18 local programs and provide corrective action if
19 necessary; and

20 “(F) a description of how the State edu-
21 cational agency will ensure that local edu-
22 cational agencies not receiving funds under this
23 part will be provided technical assistance to im-
24 prove their programs;

1 agencies for drug and violence prevention activities
2 in accordance with this section.

3 “(2) EXCEPTION.—

4 “(A) If a State had, on or before January
5 1, 1994, established an independent State agen-
6 cy for the purpose of administering all of the
7 funds described in section 5121 of this Act (as
8 such section was in effect on the day preceding
9 the date of the enactment of the Improving
10 America’s Schools Act of 1994), then—

11 “(i) an amount equal to 85 percent of
12 the total amount allocated to such State
13 under section 4111 for each fiscal year
14 shall be used by the State educational
15 agency and its local educational agencies
16 for drug and violence prevention activities
17 in accordance with this section; and

18 “(ii) an amount equal to 15 percent of
19 such total amount shall be used by such
20 independent State agency for drug and vio-
21 lence prevention activities in accordance
22 with this section.

23 “(B) Not more than 5 percent of the
24 amount reserved under subparagraph (A)(ii)
25 may be used for administrative costs of the

1 independent State agency incurred in carrying
2 out the activities described in such subpara-
3 graph.

4 “(C) For the purposes of this paragraph,
5 the term independent State agency means an
6 independent agency with a board of directors or
7 a cabinet level agency whose chief executive of-
8 ficer is appointed by the chief executive officer
9 of the State and confirmed with the advice and
10 consent of the Senate of such State.

11 “(b) STATE LEVEL ACTIVITIES.—

12 “(1) IN GENERAL.—A State educational agency
13 may use not more than 5 percent of the amount
14 available under subsection (a) for activities such
15 as—

16 “(A) training and technical assistance con-
17 cerning drug and violence prevention for local
18 educational agencies and educational service
19 agencies, including teachers, administrators,
20 coaches and athletic directors, other staff, par-
21 ents, students, community leaders, health serv-
22 ice providers, local law enforcement officials,
23 and judicial officials;

24 “(B) the development, identification, dis-
25 semination, and evaluation of the most readily

1 available, accurate, and up-to-date curriculum
2 materials with a solid research base, for consid-
3 eration by local educational agencies;

4 “(C) making available to local educational
5 agencies cost effective programs for youth vio-
6 lence and drug abuse prevention;

7 “(D) demonstration projects in drug and
8 violence prevention;

9 “(E) training, technical assistance, and
10 demonstration projects to address violence asso-
11 ciated with prejudice and intolerance;

12 “(F) financial assistance to enhance re-
13 sources available for drug and violence preven-
14 tion in areas serving large numbers of economi-
15 cally disadvantaged children or sparsely popu-
16 lated areas, or to meet other special needs con-
17 sistent with the purposes of this title;

18 “(G) developing and implementing strate-
19 gies and programs to greatly reduce the inci-
20 dence of sexual harassment and abuse and to
21 encourage positive and respectful interactions
22 between girls and boys; and

23 “(H) the evaluation of activities carried
24 out within the State under this part.

1 “(2) SPECIAL RULE.—A State educational
2 agency may carry out activities under this subsection
3 directly, or through grants or contracts with commu-
4 nity based organizations, institutions of higher edu-
5 cation and other public and private non-profit enti-
6 ties.

7 “(c) STATE ADMINISTRATION.—A State educational
8 agency may use not more than 3 percent of the amount
9 reserved under subsection (a) for the administrative costs
10 of carrying out its responsibilities under this part.

11 “(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

12 “(1) IN GENERAL.—A State educational agency
13 shall distribute not less than 92 percent of the
14 amount made available under subsection (a) for each
15 fiscal year to local educational agencies in accord-
16 ance with this subsection.

17 “(2) DISTRIBUTION.—

18 “(A) Of the amount distributed under
19 paragraph (1), a State educational agency shall
20 distribute—

21 “(i) 70 percent of such amount to
22 local educational agencies, based on the
23 relative enrollments in public and private
24 nonprofit elementary and secondary

1 schools within the boundaries of such
2 agencies; and

3 “(ii) 30 percent of such amount to
4 local educational agencies that the State
5 educational agency determines have the
6 greatest need for additional funds to carry
7 out drug and violence prevention programs
8 authorized by this subpart.

9 “(B) Where appropriate and to the extent
10 consistent with the needs assessment conducted
11 by the State, not less than 25 percent of the
12 amount distributed under subparagraph (A)(ii)
13 for a fiscal year shall be distributed to local
14 educational agencies located in rural and urban
15 areas.

16 “(C)(i) A State educational agency shall
17 distribute funds under subparagraph (A)(ii) to
18 not more than 10 percent of the local edu-
19 cational agencies in the State, or 5 such agen-
20 cies, whichever is greater.

21 “(ii) In determining which local edu-
22 cational agencies have the greatest need for ad-
23 ditional funds under subparagraph (A)(ii), the
24 State educational agency shall consider objec-
25 tive data such as—

1 “(I) high rates of alcohol or drug use
2 among youth;

3 “(II) high rates of victimization of
4 youth by violence and crime;

5 “(III) high rates of arrests and con-
6 victions of youth for violent or drug- or al-
7 cohol-related crime;

8 “(IV) the extent of illegal gang activ-
9 ity;

10 “(V) high incidence of violence associ-
11 ated with prejudice and intolerance;

12 “(VI) high rates of referrals of youths
13 to drug and alcohol abuse treatment and
14 rehabilitation programs;

15 “(VII) high rates of referrals of
16 youths to juvenile court;

17 “(VIII) high rates of expulsions and
18 suspensions of students from schools; and

19 “(IX) high rates of reported cases of
20 child abuse and domestic violence.

21 “(D) SPECIAL RULE, MINIMUM GRANT
22 AMOUNTS.—

23 “(i) Except as provided in clause (ii),
24 a local educational agency shall not receive
25 an allocation under this subsection unless

1 the amount allocated to such agency under
2 this subsection is greater than \$5,000. A
3 local educational agency may enter into a
4 consortium with other local educational
5 agencies for the purposes of meeting the
6 minimum allocation requirement of this
7 clause.

8 “(ii) WAIVER.—The State educational
9 agency shall waive the requirement of
10 clause (i) in any case in which the local
11 educational agency demonstrates that it is
12 unable to enter into a consortium for the
13 purposes of carrying out activities under
14 this part.

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), does not
18 meet the requirements of subsection (d)(2)(D) and does
19 not form a consortium, or if such agency’s application
20 under section 4115 is disapproved by the State edu-
21 cational agency, the State educational agency shall reallo-
22 cate such amount to one or more of the local educational
23 agencies determined by the State educational agency
24 under subsection (d)(2)(A)(ii) to have the greatest need
25 for additional funds.

1 “(f) RETURN OF FUNDS TO STATE EDUCATIONAL
2 AGENCY; REALLOCATION.—

3 “(1) RETURN.—Except as provided in para-
4 graph (2), upon the expiration of the 1-year period
5 beginning on the date that a local educational agen-
6 cy or educational service agency under this title re-
7 ceives its allocation under this title—

8 “(A) such agency shall return to the State
9 educational agency any funds from such alloca-
10 tion that remain unobligated; and

11 “(B) the State educational agency shall re-
12 allocate any such amount to local educational
13 agencies or educational service agencies that
14 have plans for using such amount for programs
15 or activities on a timely basis.

16 “(2) REALLOCATION.—In any fiscal year, a
17 local educational agency, may retain for obligation in
18 the succeeding fiscal year—

19 “(A) an amount equal to not more than 25
20 percent of the allocation it receives under this
21 title for such fiscal year; or

22 “(B) upon a demonstration of good cause
23 by such agency or consortium, a greater
24 amount approved by the State educational
25 agency.

1 **“SEC. 4114. LOCAL DRUG AND VIOLENCE PREVENTION PRO-**
2 **GRAMS.**

3 “(a) PRINCIPLES OF EFFECTIVENESS.—Each local
4 educational agency that receives a subgrant under section
5 4113(c) shall use those funds to support research-based
6 drug- and violence-prevention services and activities that
7 are consistent with the principles of effectiveness described
8 in section 4119 and the purpose of this title, such as—

9 “(1) staff training and development;

10 “(2) parental involvement and training;

11 “(3) community involvement activities;

12 “(4) law enforcement and security activities
13 that are related to school safety and drug use;

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

17 “(6) counseling, mentoring, and referral serv-
18 ices, and other student assistance programs;

19 “(7) before- and after-school programs;

20 “(8) alternative education programs for those
21 students who have been expelled from their regular
22 education programs;

23 “(9) programs to assist students to reenter the
24 regular education program upon return from treat-
25 ment or alternative education settings;

1 “(10) services and activities that reduce the
2 need for suspension and expulsion in maintaining
3 classroom order and school discipline;

4 “(11) services and activities to prevent and re-
5 duce truancy;

6 “(12) teaching students about the risks and
7 consequences associated with handling firearms that
8 enabling them to make safe choices and avoid injury
9 to themselves and others;

10 “(13) age-appropriate, developmentally based
11 violence prevention and education programs for all
12 students, from the preschool level through grade 12,
13 that address the legal, health, personal, and social
14 consequences of violent and disruptive behavior, in-
15 cluding sexual harassment and abuse, and victimiza-
16 tion associated with prejudice and intolerance, and
17 that include activities designed to help students de-
18 velop a sense of individual responsibility and respect
19 for the rights of others, and to resolve conflicts with-
20 out violence;

21 “(14) age-appropriate, developmentally based or
22 community-oriented safety programs for all students,
23 from the preschool level through grade 12, that ad-
24 dress prevention and education of child abuse and
25 abduction, including—

1 “(A) teaching students the skills to iden-
2 tify, avoid if possible, and cope with potentially
3 dangerous or threatening situations that may
4 include abduction, abuse, or neglect; and

5 “(B) providing guidance to students that
6 encourages students to seek advice for anxiety,
7 threats of abuse, or actual abuse and to confide
8 in a trusted adult regarding an uncomfortable
9 or threatening situation;

10 “(15) activities designed to prevent hate crimes
11 and strengthen tolerance and understanding;

12 “(16) activities to greatly reduce the incidence
13 of sexual harassment and abuse;

14 “(17) activities to increase the safety of chil-
15 dren going to and from school, including those that
16 improve pedestrian and bicyclist safety; and

17 “(18) other activities that are consistent with
18 the purposes of this title.

19 “(b) LIMITATION.—A local educational agency may
20 not use more than 20 percent of its subgrant for the acqui-
21 sition or use of metal detectors and security personnel un-
22 less it demonstrates in its application under section 4116
23 to the satisfaction of the State educational agency that
24 it has a compelling need to do so.

1 “(c) SCHOOL PROTECTION.—Each local educational
2 agency, or consortium of such agencies, that receives a
3 subgrant under section 4113(c) and has reported expul-
4 sions under part F during the past 3 years shall develop
5 a program with local law enforcement agencies to protect
6 students and employees of public schools against gun vio-
7 lence that includes promoting the benefits of child safety
8 locks for firearms.

9 **“SEC. 4115. GOVERNORS PROGRAMS.**

10 “(a) USE OF FUNDS.—

11 “(1) IN GENERAL.—An amount equal to 15
12 percent of the total amount allocated to a State
13 under section 4111(b) for each fiscal year shall be
14 used by the chief executive officer of such State for
15 drug and violence prevention programs and activities
16 in accordance with this section.

17 “(2) LAW ENFORCEMENT EDUCATION PART-
18 NERSHIPS.—A chief executive officer shall use not
19 less than 10 percent of the 15 percent of the total
20 amount described in paragraph (1) for each fiscal
21 year for law enforcement education partnerships in
22 accordance with subsection (d).

23 “(3) ADMINISTRATIVE COSTS.—A chief execu-
24 tive officer may use not more than 20 percent of the
25 total amount described in paragraph (1) for the ad-

1 ministrative costs incurred in carrying out the duties
2 of such officer under this section.

3 “(b) PROGRAMS AUTHORIZED.—

4 “(1) IN GENERAL.—A chief executive officer
5 shall use funds made available under subsection (a)
6 for competitive grants to or contracts with parent
7 groups, community action and job training agencies,
8 community-based organizations, and other public en-
9 tities and private nonprofit organizations and con-
10 sortia thereof to support community efforts that di-
11 rectly complement the efforts of local educational
12 agencies to foster drug-free, safe, and orderly learn-
13 ing environments in and around schools. In making
14 such grants and contracts, a chief executive officer
15 shall give priority to programs and activities de-
16 scribed in subsection (c) for—

17 “(A) children and youth who are not nor-
18 mally served by State or local educational agen-
19 cies; or

20 “(B) populations that need special services
21 or additional resources (such as preschoolers,
22 youth in juvenile detention facilities, runaway
23 or homeless children and youth, pregnant and
24 parenting teenagers, and school dropouts).

1 “(2) PEER REVIEW.—Grants or contracts
2 awarded under this subsection shall be subject to a
3 peer review process.

4 “(c) AUTHORIZED ACTIVITIES.—Grants and con-
5 tracts under subsection (b) shall be used for programs and
6 activities that are consistent with the principles of effec-
7 tiveness described under section 4119, such as—

8 “(1) disseminating information about drug and
9 violence prevention;

10 “(2) training parents, law enforcement officials,
11 judicial officials, social service providers, health serv-
12 ice providers and community leaders about drug and
13 violence prevention, comprehensive health education,
14 early intervention, pupil services, or rehabilitation
15 referral;

16 “(3) developing and implementing comprehen-
17 sive, community-based drug and violence prevention
18 programs that link community resources with
19 schools and integrate services involving education,
20 vocational and job skills training and placement, law
21 enforcement, health, mental health, community serv-
22 ice, mentoring, and other appropriate services;

23 “(4) planning and implementing drug and vio-
24 lence prevention activities that coordinate the efforts

1 of State agencies with efforts of the State edu-
2 cational agency and its local educational agencies;

3 “(5) activities to protect students traveling to
4 and from school, including pedestrian and bicycle
5 safety education;

6 “(6) before-and-after school recreational, in-
7 structional, cultural, and artistic programs that en-
8 courage drug- and violence-free lifestyles;

9 “(7) activities that promote the awareness of
10 and sensitivity to alternatives to violence through
11 courses of study that include related issues of intol-
12 erance and hatred in history;

13 “(8) developing and implementing activities to
14 prevent and reduce violence associated with preju-
15 dice and intolerance;

16 “(9) developing and implementing strategies to
17 prevent illegal gang activity;

18 “(10) coordinating and conducting community-
19 wide violence and safety assessments and surveys;

20 “(11) service-learning projects that encourage
21 drug- and violence-free lifestyles; and

22 “(12) evaluating programs and activities as-
23 sisted under this section.

24 “(d) LAW ENFORCEMENT EDUCATION PARTNER-
25 SHIPS.—A chief executive officer shall use funds under

1 subsection (a)(2) to award grants to State, county, or local
2 law enforcement agencies (including district attorneys) in
3 consortium with local educational agencies or community-
4 based agencies for the purpose of carrying out drug abuse
5 and violence prevention activities, such as—

6 “(1) Project Drug Abuse Resistance Education
7 and other programs which provide classroom instruc-
8 tion by uniformed law enforcement officials that is
9 designed to teach students to recognize and resist
10 pressures to experiment that influence such children
11 to use controlled substances or alcohol;

12 “(2) Project Legal Lives and other programs in
13 which district attorneys provide classroom instruc-
14 tion in the law and legal system which emphasizes
15 interactive learning techniques, such as mock trial
16 competitions;

17 “(3) partnerships between law enforcement and
18 child guidance professionals; and

19 “(4) before- and after-school activities.

20 **“SEC. 4116. LOCAL APPLICATIONS.**

21 “(a) APPLICATION REQUIRED.—

22 “(1) IN GENERAL.—In order to be eligible to
23 receive a subgrant under section 4113(d) or section
24 4115 for any fiscal year, an applicant shall submit,
25 at such time and including such information as the

1 State educational agency or Governor, as applicable,
2 requires, an application to the State educational
3 agency or Governor, as applicable for approval. Such
4 an application shall be amended, as necessary, to re-
5 flect changes in the applicant's program.

6 “(2) APPLICATION PROCESS.—

7 “(A) Applications for subgrants from enti-
8 ties other than local educational agencies, under
9 section 4115 shall be developed in consultation
10 with the schools or local educational agencies to
11 be served and, to the extent practicable, with
12 the representatives described in subparagraph
13 (B).

14 “(B) An application from local educational
15 agencies for subgrants shall be developed in
16 consultation with a local or substate regional
17 advisory council that includes, to the extent
18 possible, representatives of local government,
19 business, parents, students, teachers, pupil
20 services personnel, appropriate State agencies,
21 private schools, the medical profession, law en-
22 forcement, community-based organizations, and
23 other groups with interest and expertise in drug
24 and violence prevention.

1 “(b) CONTENTS OF APPLICATIONS.—(1) An applica-
2 tion under this section shall contain—

3 “(A) the results of the applicant’s needs assess-
4 ment concerning the creation and maintenance of a
5 drug-free, safe, and orderly school environment and
6 include data on the prevalence of drug use and vio-
7 lence by youth in the schools and communities to be
8 served;

9 “(B) a description of how the applicant will tar-
10 get services and activities on the communities,
11 schools, and students with the greatest need for as-
12 sistance in creating and maintaining drug-free, safe,
13 and orderly learning environments;

14 “(C) the applicant’s results-based performance
15 measures for creating and maintaining a drug-free,
16 safe, and orderly learning environment, which shall
17 be focused on student behavior and attitudes, and
18 include annual targets for each performance meas-
19 ure;

20 “(D) a description of the procedures the appli-
21 cant will use to assess and publicly report progress
22 toward meeting its performance indicators;

23 “(E) a description of how—

24 “(i) the applicant will use the funds to be
25 awarded and how the activities it will support

1 with those funds address the needs identified
2 under subparagraph (A) and the performance
3 measures identified under subparagraph (C);
4 and

5 “(ii) if the applicant is a local educational
6 agency, how those activities are consistent with
7 the Safe and Drug-Free Schools plan under
8 paragraph (2)(D) or another existing school
9 plan related to safe, disciplined, and drug-free
10 environments;

11 “(F) a description of how the applicant will co-
12 ordinate its activities with local, State, and Federal
13 law enforcement, health, mental health, and edu-
14 cation officials;

15 “(G) a description of the applicant’s plan for
16 evaluating its project; and

17 “(H) any other information the State edu-
18 cational agency or Governor, as applicable, may re-
19 quire to review application’s, and award subgrants,
20 based on the applicants need for assistance and the
21 quality of the application.

22 “(2) Each applicant for a subgrant under this section
23 shall also include in its application an assurance that it—

1 “(A) has a policy, consistent with State law and
2 the Gun-Free Schools Act, that requires the expul-
3 sion of students who possess a firearm at school;

4 “(B) has, or will have, a full-or part-time pro-
5 gram coordinator whose primary responsibility is
6 planning, designing, implementing, and evaluating
7 the applicant’s programs (unless the applicant dem-
8 onstrates in its application, to the satisfaction of the
9 State educational agency, that such a program coor-
10 dinator is not needed);

11 “(C) will evaluate its program every 2 years to
12 assess its progress toward meeting its goals and ob-
13 jectives, and will use the results of its evaluation to
14 improve its program and refine its goals and objec-
15 tives, as needed; and

16 “(D) has, or the schools to be served have, a
17 comprehensive Safe and Drug-Free Schools plan
18 that includes—

19 “(i) appropriate and effective discipline
20 policies that prohibit disorderly conduct, the
21 possession of firearms and other weapons, and
22 the illegal use, possession, distribution, and sale
23 of tobacco, alcohol, and other drugs by stu-
24 dents, and that mandate predetermined con-

1 sequences, sanctions, or interventions for spe-
2 cific offenses;

3 “(ii) security procedures at school and
4 while students are on the way to and from
5 school, which may include the use of metal de-
6 tectors and the development and implementa-
7 tion of formal agreements with law enforcement
8 officials;

9 “(iii) early intervention and prevention ac-
10 tivities of demonstrated effectiveness designed
11 to create and maintain safe, disciplined, and
12 drug-free environments;

13 “(iv) school readiness and family involve-
14 ment activities;

15 “(v) improvements to classroom manage-
16 ment and school environment, such as efforts to
17 reduce class size or improve classroom dis-
18 cipline;

19 “(vi) procedures to identify and intervene
20 with troubled students, including establishing
21 linkages with, and referring students to, juve-
22 nile justice, community mental health, and
23 other service providers;

24 “(vii) activities that connect students to re-
25 sponsible adults in the community, including ac-

1 activities such as after-school or mentoring pro-
2 grams; and

3 “(viii) a crisis management plan for re-
4 sponding to violent or traumatic incidents on
5 school grounds, which provides for addressing
6 the needs of victims, and communicating with
7 parents, the media, law enforcement officials,
8 and mental health service providers.

9 “(3) Each applicant for a subgrant under section
10 4115 shall also include in its application—

11 “(A) a description of how the services and ac-
12 tivities to be supported will be coordinated with rel-
13 evant programs under this part that are supported
14 by State educational agencies, including how recipi-
15 ents will share resources, services, and data;

16 “(B) a description of how the applicant will co-
17 ordinate its activities under this part with those im-
18 plemented under the Drug-Free Communities Act, if
19 any; and

20 “(C)(i) an assurance that it will evaluate its
21 program every 2 years to assess its progress toward
22 meeting its goals and objectives, and will use the re-
23 sults of its evaluation to improve its program and
24 refine its goals and objectives as needed, if the appli-
25 cant is not a local educational agency; or

1 “(ii) the assurance under paragraph (2) if the
2 applicant is a local educational agency.

3 “(c) REVIEW OF APPLICATION.—

4 “(1) IN GENERAL.—In reviewing local applica-
5 tions under this section—

6 “(A) a State educational agency shall use
7 a peer review process or other methods of as-
8 suring the quality of such applications; and

9 “(B) Governors may use a peer review
10 process or other methods that ensure that ap-
11 plications are funded and approved on the basis
12 of need and quality.

13 “(2) CONSIDERATIONS.—

14 “(A) In determining whether to approve
15 the application of a local educational agency
16 under this section, a State educational agency
17 shall consider the quality of the local edu-
18 cational agency’s comprehensive plan under
19 subsection (b)(2).

20 “(B) A State educational agency may dis-
21 approve a local educational agency’s application
22 under this section in whole or in part and may
23 withhold, limit, or place restrictions on the use
24 of funds allotted to such a local educational
25 agency in a manner the State educational agen-

1 cy determines will best promote the purpose of
2 this title, except that a local educational agency
3 shall be afforded an opportunity to appeal any
4 such disapproval.

5 **“SEC. 4117. NATIONAL EVALUATIONS AND DATA COLLEC-**
6 **TIONS.**

7 “(a) NATIONAL EVALUATIONS.—

8 “(1) The Secretary shall provide for periodic
9 national evaluations, at least every 2 years, of the
10 quality and impact of programs under this title and
11 other programs designed to prevent drugs and vio-
12 lence in schools and submit a report of the findings
13 of such evaluations to the President and Congress.

14 “(2)(A) The National Center for Education
15 Statistics shall collect data for the following pur-
16 poses:

17 “(i) To determine the frequency, serious-
18 ness, and incidence of drug use by youth in
19 schools and communities in the States using, if
20 appropriate, data submitted by the States pur-
21 suant to subsection (b).

22 “(ii) To determine the frequency, degree of
23 harm, and morbidity of violent incidents, par-
24 ticularly firearm-related injuries and fatalities,

1 by youth in schools and communities in the
2 States, including information with respect to—

3 “(I) the relationship between victims
4 and perpetrators;

5 “(II) demographic characteristics of
6 victims and perpetrators; and

7 “(III) type and characteristic of the
8 firearm used in the shooting.

9 “(B) The Secretary shall report to Con-
10 gress on the data collected under this para-
11 graph, together with such recommendations as
12 the Secretary determines appropriate.

13 “(3) The Secretary shall publish annual reports
14 on school safety.

15 “(b) STATE REPORTS.—

16 “(1) The Governor and State educational agen-
17 cy of each State shall annually report to the Sec-
18 retary, in such form as the Secretary may require,
19 on the State’s progress toward attaining its perform-
20 ance indicators, required under section
21 4112(a)(1)(B), for achieving drug-free, safe, and or-
22 derly learning environments in its schools. Annual
23 reports shall—

24 “(A) be based on the State’s ongoing eval-
25 uation activities;

1 “(B) include data on the prevalence and
2 incidence of drug use and violence by youth in
3 schools and communities;

4 “(C) address the implementation and out-
5 comes of State and local programs under this
6 part, as well as their effectiveness; and

7 “(D) be made readily available to the pub-
8 lic.

9 “(2) Each State shall report to the Secretary,
10 in such form as the Secretary, in consultation with
11 the Secretary of Health and Human services, may
12 require, all school-related suicides and homicides
13 within the State not later than 30 days after the in-
14 cident.

15 “(c) LOCAL REPORTS.—

16 “(1)(A) Each local educational agency that re-
17 ceives a subgrant under section 4113(d) shall report
18 annually to the State educational agency and the
19 public on—

20 “(i) the local educational agency’s
21 progress toward meeting its results-based
22 performance indicators for its program;

23 “(ii) the results of its on-going evalua-
24 tion of its program; and

1 “(iii) any problems the local edu-
2 cational agency has encountered in imple-
3 menting its program that warrant the pro-
4 vision of technical assistance by the State
5 educational agency.

6 “(B)(i) The State educational agency shall
7 review the annual reports described under para-
8 graph (1) and shall not provide funding for the
9 second or third year of a local educational agen-
10 cy’s program unless it determines that the local
11 educational agency is making reasonable
12 progress toward meeting its objectives.

13 “(ii) Before the denial of funding under
14 clause (i) a local educational agency shall be af-
15 forded an opportunity to a hearing.

16 “(2)(A) Each recipient of funds under section
17 4115 shall report annually to the Governor and to
18 the public on—

19 “(i) its progress toward meeting its
20 results-based performance measures for its
21 program;

22 “(ii) the results of its on-going evalua-
23 tion of its program; and

24 “(iii) any problems it encountered in
25 implementing its program that warrant the

1 provision of technical assistance by the
2 Governor.

3 “(B) The Governor shall review the annual
4 reports described under subparagraph (A), and
5 shall not provide funding for subsequent years
6 of a multiyear program unless the Governor de-
7 termines that the recipient is making reason-
8 able progress toward meeting its objectives.

9 **“SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.**

10 “(a) GENERAL AUTHORITY.—From the funds made
11 available pursuant to section 4111(a)(4) to carry out this
12 section, the Secretary shall make grants to or enter into
13 cooperative agreements or contracts with organizations
14 primarily serving and representing Native Hawaiians,
15 which are recognized by the Governor of the State of Ha-
16 waii to plan, conduct, and administer programs, or por-
17 tions thereof, which are authorized by and consistent with
18 the provisions of this title for the benefit of Native Hawai-
19 ians.

20 “(b) DEFINITION OF NATIVE HAWAIIAN.—For the
21 purposes of this section, the term Native Hawaiian means
22 any individual any of whose ancestors were natives, prior
23 to 1778, of the area which now comprises the State of
24 Hawaii.

1 **“SEC. 4119. PRINCIPLES OF EFFECTIVENESS.**

2 “The principles of effectiveness referred to under this
3 title are as follows:

4 “(1) The applicant’s program is based on a
5 thorough assessment of objective data about the
6 drug and violence problems in the schools and com-
7 munities to be served.

8 “(2) The applicant has established a set of
9 measurable goals and objectives aimed at ensuring
10 that all schools served by the local educational agen-
11 cy have a drug-free, safe, and orderly learning envi-
12 ronment, and has designed its programs to meet
13 those goals and objectives.

14 “(3) The applicant has designed and will imple-
15 ment its programs for youth based on research or
16 evaluation that provides evidence that the program
17 to be used will prevent or reduce drug use, violence,
18 delinquency, or disruptive behavior among youth.

19 “(4) The applicant will evaluate its program pe-
20 riodically to assess its progress toward achieving its
21 goals and objectives, and will use evaluation results
22 to refine, improve, and strengthen its program, and
23 refine its goals and objectives, as needed.

1 **“Subpart 2—National Programs**

2 **“SEC. 4121. NATIONAL PROGRAMS.**

3 “(a) PROGRAM AUTHORIZED.—From funds appro-
4 priated to carry out this part for each fiscal year under
5 section 4004(2), the Secretary shall—

6 “(1) carry out programs designed to promote
7 drug-free, safe, and orderly learning environments
8 for students at all educational levels, from preschool
9 through the postsecondary level; and

10 “(2) reserve the lesser of 5 percent or
11 \$10,000,000 to carry out section 4122, relating to
12 Hate Crime prevention.

13 “(b) DRUG-FREE, SAFE, AND ORDERLY LEARNING
14 ENVIRONMENTS.—

15 “(1) The Secretary may carry out the programs
16 described in subsection (a)(1)(A) directly, or through
17 grants, contracts, or cooperative agreements with
18 public and private agencies, organizations, and indi-
19 viduals, or through agreements with other Federal
20 agencies, and shall coordinate with other Federal
21 agencies, as appropriate.

22 “(2) Programs under this subsection may in-
23 clude, but are not limited to—

24 “(A) one or more centers to provide train-
25 ing and technical assistance for teachers, school
26 administrators and staff, and others on the

1 identification and implementation of effective
2 strategies to promote safe, orderly, and drug-
3 free learning environments;

4 “(B) programs to train teachers in innova-
5 tive techniques and strategies of effective drug
6 and violence prevention;

7 “(C) research and demonstration projects
8 to test innovative approaches to drug and vio-
9 lence prevention;

10 “(D) evaluations of the effectiveness of
11 programs funded under this title, or other pro-
12 grams designed to create safe, disciplined, and
13 drug-free environments;

14 “(E) direct services and technical assist-
15 ance to schools and school systems, including
16 those afflicted with especially severe drug and
17 violence problems;

18 “(F) developing and disseminating drug
19 and violence prevention materials and informa-
20 tion in print, audiovisual, or electronic format,
21 including information about effective research-
22 based programs, policies, practices, strategies,
23 and curriculum and other relevant materials to
24 support drug and violence prevention education;

1 “(G) recruiting, hiring, and training pro-
2 gram coordinators to assist local educational
3 agencies in implementing high-quality, effective,
4 research-based drug and violence prevention
5 programs;

6 “(H) the development and provision of
7 education and training programs, curricula, in-
8 structional materials, and professional training
9 for preventing and reducing the incidence of
10 crimes or conflicts motivated by bullying, hate,
11 prejudice, intolerance, or sexual harassment and
12 abuse;

13 “(I) programs for youth who are out of the
14 education mainstream, including school drop-
15 outs, students who have been suspended or ex-
16 pelled from their regular education program,
17 and runaway or homeless children and youth;

18 “(J) programs implemented in conjunction
19 with other Federal agencies that support local
20 educational agencies and communities in devel-
21 oping and implementing comprehensive pro-
22 grams that create safe, disciplined, and drug-
23 free learning environments and promote healthy
24 childhood development;

1 “(K) services and activities that reduce the
2 need for suspension and expulsion in maintain-
3 ing classroom order and discipline;

4 “(L) services and activities to prevent and
5 reduce truancy;

6 “(M) services and activities by an organi-
7 zation that uses an effective life management
8 skills curriculum specifically designed to target
9 at-risk and disenfranchised youth who are con-
10 fronted with multiple challenging problems;

11 “(N) programs to provide counseling serv-
12 ices to troubled youth, including support for the
13 recruitment and hiring of counselors and the
14 operation of telephone help lines; and

15 “(O) other activities that meet emerging or
16 unmet national needs consistent with the pur-
17 poses of this title.

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

21 **“SEC. 4122. HATE CRIME PREVENTION.**

22 “(a) GRANT AUTHORIZATION.—From funds reserved
23 to carry out this section under section 4121(a)(2) the Sec-
24 retary may make grants, on a competitive basis, to local
25 educational agencies or local educational agencies in con-

1 junction with community-based organizations for the pur-
2 pose of providing assistance to localities most directly af-
3 fected by hate crimes.

4 “(b) USE OF FUNDS.—

5 “(1) PROGRAM DEVELOPMENT.—Grants under
6 this section may be used to improve elementary and
7 secondary educational efforts, including—

8 “(A) development of education and train-
9 ing programs designed to prevent and to reduce
10 the incidence of crimes and conflicts motivated
11 by hate;

12 “(B) development of curricula for the pur-
13 pose of improving conflict or dispute resolution
14 skills of students, teachers, and administrators;

15 “(C) development and acquisition of equip-
16 ment and instructional materials to meet the
17 needs of, or otherwise be part of, hate crime
18 or conflict programs; and

19 “(D) professional training and develop-
20 ment for teachers and administrators on the
21 causes, effects, and resolutions of hate crimes
22 or hate-based conflicts.

23 “(2) IN GENERAL.—In order to be eligible to
24 receive a grant under this section for any fiscal year,
25 a local educational agency, or a local educational

1 agency in conjunction with a community-based orga-
2 nization, shall submit an application to the Secretary
3 in such form, at such time, and containing such in-
4 formation as the Secretary may reasonably require.

5 “(3) REQUIREMENTS.—Each application under
6 paragraph (2) shall include—

7 “(A) a request for funds to be used con-
8 sistent with the purposes described in this sec-
9 tion;

10 “(B) a description of the schools and com-
11 munities to be served by the grants; and

12 “(C) or assurance that Federal funds re-
13 ceived under this section shall be used to sup-
14 plement, not supplant, non-Federal funds.

15 “(4) COMPREHENSIVE PLAN.—Each application
16 shall also include a comprehensive plan that
17 contains—

18 “(A) a description of the hate crime or
19 conflict problems within the schools or the com-
20 munity described in paragraph (3)(B);

21 “(B) a description of the program to be
22 developed or augmented by such Federal and
23 non-Federal matching funds (which may be pro-
24 vided in cash, or in-kind);

1 “(C) an assurance that such program or
2 activity shall be administered by or under the
3 supervision of the applicant;

4 “(D) procedures for proper and efficient
5 administration of such program; and

6 “(E) procedures for fiscal control and fund
7 accounting as may be necessary to ensure pru-
8 dent use, proper disbursement, and accurate ac-
9 counting of funds received under this section.

10 “(c) AWARD OF GRANTS.—

11 “(1) SELECTION OF RECIPIENTS.—The Sec-
12 retary shall consider the incidence of crimes and
13 conflicts motivated by bias in the schools and com-
14 munities described in subsection (b)(3)(B) in award-
15 ing grants under this section.

16 “(2) GEOGRAPHIC DISTRIBUTION.—The Sec-
17 retary shall attempt, to the extent practicable, to
18 achieve an equitable geographic distribution of grant
19 awards.

20 “(3) DISSEMINATION OF INFORMATION.—The
21 Secretary shall make available information regarding
22 successful research based hate crime prevention pro-
23 grams, including programs established or expanded
24 with grants under this section to grantees under this
25 section.

1 “(d) REPORTS.—The Secretary shall submit to the
2 Committee on Education and the Workforce in the House
3 of Representatives and the Committee on Health, Edu-
4 cation, Labor, and Pensions in the Senate a report every
5 2 years which shall contain a detailed statement regarding
6 grants and awards, activities of grant recipients, and an
7 evaluation of programs established under this section.

8 **“Subpart 3—General Provisions**

9 **“SEC. 4131. DEFINITIONS.**

10 “For the purposes of this part:

11 “(1) DRUG AND VIOLENCE PREVENTION.—The
12 term drug and violence prevention means—

13 “(A) with respect to drugs, prevention,
14 early intervention, rehabilitation, referral, or
15 education related to the illegal use of alcohol
16 and the use of controlled, illegal, addictive, or
17 harmful substances, including inhalants and an-
18 abolic steroids;

19 “(B) prevention, early intervention, smok-
20 ing cessation activities, or education, related to
21 the use of tobacco by children and youth eligible
22 for services under this title; and

23 “(C) with respect to violence, the pro-
24 motion of school safety, such that students and
25 school personnel are free from violent and dis-

1 ruptive acts, including sexual harassment and
2 abuse, and victimization associated with preju-
3 dice and intolerance, on school premises, going
4 to and from school, and at school-sponsored ac-
5 tivities, through the creation and maintenance
6 of a school environment that is free of weapons
7 and fosters individual responsibility and respect
8 for the rights of others.

9 “(2) HATE CRIME.—The term ‘hate crime’
10 means a crime as described in section 1(b) of the
11 Hate Crime Statistics Act of 1990.

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

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

24 “(5) SCHOOL PERSONNEL.—The term ‘school
25 personnel’ includes teachers, administrators, guid-

1 ance counselors, social workers, psychologists,
2 nurses, librarians, and other support staff who are
3 employed by a school or who perform services for the
4 school on a contractual basis.

5 **“SEC. 4132. MATERIALS.**

6 “(a) **WRONG AND HARMFUL MESSAGE.**—Drug pre-
7 vention programs supported under this part shall convey
8 a clear and consistent message that the illegal use of alco-
9 hol and other drugs is wrong and harmful.

10 “(b) **CURRICULUM.**—The Secretary shall not pre-
11 scribe the use of specific curricula for programs supported
12 under this part, but may evaluate the effectiveness of such
13 curricula and other strategies in drug and violence preven-
14 tion.

15 **“SEC. 4133. PROHIBITED USES OF FUNDS.**

16 “No funds under this part may be used for—

17 “(1) construction (except for minor remodeling
18 needed to accomplish the purposes of this part); and

19 “(2) medical services, drug treatment or reha-
20 bilitation, except for pupil services or referral to
21 treatment for students who are victims of, or wit-
22 nesses to, crime or who use alcohol, tobacco, or
23 drugs.

1 **“PART B—ALTERNATIVE EDUCATION**

2 **“SEC. 4201. PURPOSE.**

3 “The purpose of this part is to assist local edu-
4 cational agencies to implement, establish, develop, or
5 improve—

6 “(1) sound and equitable policies that ensure a
7 safe, orderly, and drug-free learning environment for
8 all children, while reducing the need to suspend or
9 expel students and the number of such suspensions
10 and expulsions; and

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

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

18 “(a) RESERVATION.—From the amount made avail-
19 able under section 4004(3) to carry out this part for each
20 fiscal year, the Secretary—

21 “(1) shall reserve 0.5 percent of such amount
22 for grants to Guam, American Samoa, the United
23 States Virgin Islands, the Commonwealth of the
24 Northern Mariana Islands, the Republic of Palau,
25 the Marshall Islands, and the Federated States of
26 Micronesia;

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

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

7 “(b) STATE EDUCATIONAL AGENCY ALLOTMENTS.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), and after making the reservations in sub-
10 section (a), the Secretary shall, for each fiscal year,
11 allot among the States the remainder according to
12 the ratio between the amount each State received
13 under part A of title I for the preceding year and
14 the sum of such amounts received by all the States
15 for such year.

16 “(2) MINIMUM.—For any fiscal year, the Sec-
17 retary shall not allot to a State an amount under
18 this subsection that is less than one-quarter of 1
19 percent of the total amount allotted to all the States
20 under this subsection.

21 “(3) REALLOTMENT.—The Secretary may
22 reallocate any amount of any allotment to a State if the
23 Secretary determines that the State will be unable to
24 use such amount within two years of such allotment.

1 Such reallocations shall be made on the same basis
2 as allotments are made under paragraph (1).

3 “(c) WITHIN-STATE DISTRIBUTION OF FUNDS.—
4 Each State educational agency having an approved appli-
5 cation pursuant to section 4203 and receiving an allot-
6 ment under subsection (b), shall—

7 “(1) allot not less than 95 percent of such allo-
8 cation to local educational agencies pursuant to sec-
9 tion 4207(a) or 4207(b); and

10 “(2) reserve not more than 5 percent for State
11 level activities and evaluation, of which not more
12 than 40 percent may be used for administration.

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

14 “Each State educational agency seeking a grant
15 under this part shall submit an application in such form,
16 and containing such information, as the Secretary may
17 reasonably require. At a minimum, the application shall
18 include—

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

24 “(2) a description of the performance indicators
25 the State educational agency will establish, con-

1 sistent with section 4206, that will be used to evalu-
2 ate local educational agency programs funded under
3 this part;

4 “(3) an assurance that State educational agen-
5 cy programs funded under this part shall be based
6 on the most effective research;

7 “(4) a description of the research-base of pro-
8 grams funded under this part;

9 “(5) a description of the professional develop-
10 ment necessary for teachers, other educators, and
11 pupil services personnel to implement alternative
12 education supports, services, and programs based on
13 the most effective research;

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

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

20 “(8) an assurance that the State educational
21 agency will make awards to local educational agen-
22 cies under section 4207(a) based on the quality of
23 their programs and their need for assistance under
24 this part;

1 “(9) a description of how the State will ensure
2 the implementation of disciplinary policies that are
3 fair and equitable;

4 “(10) a description of how the State will ensure
5 that supports, services, and programs funded under
6 this part will enable children to meet challenging
7 State academic standards;

8 “(11) a description of how the State will ensure
9 that programs funded under this part include ade-
10 quate support services for students and their fami-
11 lies, including counseling, and will coordinate with
12 and use services available through juvenile justice,
13 mental health, and social services agencies;

14 “(12) an assurance that the State and local
15 educational agencies which receive funds under this
16 part will use such funds to provide educational serv-
17 ices to children who have been suspended or expelled
18 from school; and

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

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

24 “The Secretary shall review the application of a State
25 educational agency for assistance under this part and shall

1 approve the application, unless the Secretary makes a de-
2 termination in writing that such application does not meet
3 the specific requirements of this part or is of insufficient
4 quality to meet the purposes of this part.

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

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

9 “(1) **IDENTIFICATION.**—Identification and dis-
10 semination of effective supports, services, and pro-
11 grams that are consistent with the purposes of this
12 part, based on the most effective research, to local
13 educational agencies within the State.

14 “(2) **ASSISTANCE.**—Technical assistance de-
15 signed to improve the performance of supports, serv-
16 ices, and programs funded under this part.

17 “(3) **EVALUATION.**—Evaluation of programs
18 funded under this part, and dissemination of the
19 findings of the evaluations.

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

23 “(1) **DEVELOPMENT.**—Development of effective
24 supports, services, and programs consistent with the
25 purposes of this part.

1 “(2) PROFESSIONAL DEVELOPMENT.—Profes-
2 sional development designed to provide teachers,
3 pupil services personnel, and other related instruc-
4 tional personnel with skills necessary to integrate be-
5 havior intervention techniques and methodology into
6 the academic curriculum used by the State and local
7 educational agencies to maintain effective discipline
8 and an environment conducive to learning that re-
9 duces the need to suspend or expel students.

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

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

13 “Each State educational agency shall establish per-
14 formance indicators and acceptable goals of progress to
15 evaluate the effectiveness of programs funded under this
16 part. Such performance indicators shall include, at a min-
17 imum:

18 “(1) reduction in the number of incidents of
19 disruptive and violent behavior;

20 “(2) reduction in the number of suspensions
21 and expulsions;

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

1 “(4) attainment of challenging State academic
2 standards by students in programs funded under
3 this part;

4 “(5) reduction in dropout rate; and

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

8 **“SEC. 4207. LOCAL EDUCATIONAL AGENCY DISTRIBUTION**
9 **OF FUNDS.**

10 “(a) COMPETITIVE GRANTS.—In any fiscal year in
11 which the total amount provided under section 4004(3)
12 is less than \$350,000,000, a State educational agency
13 shall distribute funds under section 4202(c)(1) on a com-
14 petitive basis to local educational agencies that have an
15 approved application under section 4208 and can dem-
16 onstrate a significant number of incidents of children aged
17 5 through 21 who have been suspended or expelled from
18 public school. Such competitive grant process shall—

19 “(1) give priority to local educational agencies
20 in which more than 30 percent of the children are
21 from families with incomes below the poverty line;

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

24 “(3) ensure, to the extent practicable, distribu-
25 tion of grants on an equitable geographic basis, in-

1 including selecting agencies that serve urban, subur-
2 ban, and rural populations; and

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

5 “(b) FORMULA GRANTS.—

6 “(1) IN GENERAL.—In any fiscal year in which
7 the total amount provided under section 4004(3)
8 equals or exceeds \$350,000,000, the State edu-
9 cational agency shall distribute funds under section
10 4202(e)(1) on the following basis:

11 “(A) 80 percent of such amount shall be
12 allocated to such local educational agencies in
13 proportion to the number of children, aged 5
14 through 17, who reside in the school district
15 served by the local educational agency from
16 families with incomes below the poverty line ap-
17 plicable to a family of the size involved for the
18 most recent fiscal year for which satisfactory
19 data are available compared to the number of
20 such individuals who reside in the school dis-
21 tricts served by all the local educational agen-
22 cies in the State for that fiscal year.

23 “(B) 20 percent of such amount to local
24 educational agencies, based on the relative en-
25 rollments in public and private nonprofit ele-

1 mentary and secondary schools within the
2 boundaries of such agencies.

3 “(2) REALLOCATION.—If a local educational
4 agency chooses not to apply to receive the amount
5 allocated to such agency under paragraph (1), or if
6 such agency’s application is disapproved by the State
7 educational agency pursuant to section 4209, the
8 State educational agency shall reallocate such
9 amount to other local educational agencies on the
10 same basis as allocations are made under paragraph
11 (1).

12 “(c) FEDERAL SHARE.—The Federal share of pro-
13 grams funded under this part shall be—

14 “(1) 75 percent for local educational agencies in
15 which 30 or more percent of the children who reside
16 in the school district served by the local educational
17 agency are from families with incomes below the
18 poverty line; and

19 “(2) 35 percent for local educational agencies in
20 which less than 30 percent of the children who re-
21 side in the school district served by the local edu-
22 cational agency are from families with incomes below
23 the poverty line.

24 “(d) NON-FEDERAL SHARE.—Local educational
25 agencies may satisfy the non-Federal share funding re-

1 requirements of this section with in-kind contributions and
2 may use Federal funds, other than those provided under
3 this part, that may be used to carry out the purposes of
4 this part.

5 **“SEC. 4208. LOCAL APPLICATION.**

6 “In order to be eligible to receive a grant under sec-
7 tion 4207, for any fiscal year, a local educational agency
8 shall submit an application to the State educational agen-
9 cy, at such time, and containing such information as the
10 State educational agency shall require. Such application
11 shall, at a minimum, include—

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

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

23 “(3) a description of the plan of the local edu-
24 cational agency for reducing the number of suspen-
25 sions and expulsions and reducing the total amount

1 of time students are out of a regular education set-
2 ting as a result of being suspended or expelled;

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

7 “(5) a description of how the local educational
8 agency will involve parents in the education of chil-
9 dren who have been suspended or expelled, to the ex-
10 tent possible;

11 “(6) an assurance that local educational agen-
12 cies will develop annually increasing quantifiable
13 program performance goals, consistent with the
14 State’s performance indicators under section 4206;

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

18 “(8) an assurance that the program will provide
19 sufficient support services for children and their
20 families, including counseling, and will coordinate
21 with and utilize services provided through juvenile
22 justice, social service, and mental health agencies;

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

1 “(10) provide an assurance that such program
2 will place an emphasis on personal, academic, social,
3 and workplace skills and behavior modification, as
4 appropriate.

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

6 “The State educational agency shall review the appli-
7 cation of a local educational agency for assistance under
8 this part. For the purposes of grants awarded under sec-
9 tion 4207(b), such application shall be deemed approved
10 unless the State makes a determination in writing that
11 such application does not meet the specific requirements
12 of this part or is of insufficient quality to meet the pur-
13 poses of this part.

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

15 “Each local educational agency, with an approved ap-
16 plication under section 4209, shall use funds provided
17 under section 4207 for one or more of the following activi-
18 ties, which shall be based on the most effective research:

19 “(1) The development, establishment, or im-
20 provement of alternative schools, either established
21 within a school or separate and apart from an exist-
22 ing school, that are designed—

23 “(A) to reduce disruptive behavior;

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

1 “(C) to enable students to meet chal-
2 lenging State academic standards.

3 “(2) The development, establishment, or im-
4 provement of alternative supports, services, pro-
5 grams, and strategies for students served by pro-
6 grams funded under this part.

7 “(3) Professional development for teachers, ad-
8 ministrators, pupil services personnel, and other
9 school staff on the most effective ways of preventing
10 students from disrupting class, and for dealing with
11 those students who disrupt class.

12 “(4) Mentoring, tutoring, and other services for
13 students.

14 “(5) Counseling and mental health services,
15 such as mental health assessment and counseling,
16 counseling on transitioning to work or other edu-
17 cational options, and family counseling.

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

22 “(7) Programs providing sufficient support
23 services for children and their families, including
24 counseling, and coordination with and utilization of

1 services provided through juvenile justice, social
2 service, and mental health agencies.

3 “(8) Activities to assist students in making the
4 transition back to regular school programs, as ap-
5 propriate.

6 “(9) Programs to assist students to meet chal-
7 lenging academic standards.

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

10 **“SEC. 4211. PROGRAM EVALUATION.**

11 “(a) IN GENERAL.—(1) Each State educational
12 agency receiving funds under this part shall evaluate the
13 effectiveness of programs and activities carried out under
14 this part in reducing the need to suspend or expel students
15 and in helping students who have been suspended or ex-
16 pelled to meet the State’s challenging academic standards.

17 “(2) In evaluating local programs, the State edu-
18 cational agency shall, as appropriate, review performance
19 data based on the attainment of the goals established by
20 local educational agencies under section 4208(6),
21 disaggregated, as appropriate, on the basis of gender,
22 race, ethnicity, migrant status, limited English proficiency
23 status, disability, primary versus secondary education, and
24 economic status.

1 “(b) EVALUATION RESULTS, CORRECTIVE ACTION,
2 AND TERMINATION OF FUNDS.—

3 “(1) RESULTS.—Each State educational agency
4 shall submit the results of its evaluation to the Sec-
5 retary in an annual report. The Secretary shall sub-
6 mit a summary of the annual reports to both the
7 Committee on Education and the Workforce of the
8 House of Representatives and the Health, Edu-
9 cation, Labor, and Pensions Committee of the Sen-
10 ate.

11 “(2) DISTRIBUTION.—Each State educational
12 agency shall distribute the results of the evaluation
13 of individual programs to each evaluated program.

14 “(3) INSUFFICIENT PROGRESS.—If a State edu-
15 cational agency determines that a local educational
16 agency’s program under this part did not make suf-
17 ficient progress toward the performance indicators
18 established by the State educational agency based on
19 the goals described in section 4208(6), the State
20 educational agency shall provide technical assistance
21 to such program. After two consecutive years of fail-
22 ure by a program to make sufficient progress toward
23 the levels of performance established by the State
24 educational agency, the State educational agency
25 shall take such action as may be necessary, includ-

1 ing the withdrawal of funds, in whole or in part,
2 from such program.

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

4 “(a) EVALUATION BY THE SECRETARY.—The Sec-
5 retary shall evaluate a representative sample of the pro-
6 grams funded under this part, and shall report the find-
7 ings of the evaluation to the Committee on Education and
8 the Workforce of the House of Representatives and the
9 Committee on Health, Education, Labor, and Pensions of
10 the Senate not later than 3 years after the first grants
11 are made under this part.

12 “(b) RESEARCH.—The Secretary shall conduct re-
13 search, directly or through grants or contracts, to develop
14 and identify proven alternative education practices. The
15 Secretary shall disseminate such alternative education
16 practices to State educational agencies and local edu-
17 cational agencies receiving funds under this Act.

18 “(c) OTHER NATIONAL ACTIVITIES.—The Secretary
19 may directly, or through grants or contracts, carry out
20 programs and activities consistent with the purposes of
21 this part such as, collection of data, dissemination of infor-
22 mation, and development of model programs and activi-
23 ties.

1 **“SEC. 4213. SPECIAL RULES.**

2 “(a) CONSTRUCTION.—Nothing in this part shall be
3 construed to affect the requirements of the Individuals
4 with Disabilities Education Act (20 U.S.C. 1400 et seq.)
5 or the Gun-Free Schools Act (20 U.S.C. 8921 et seq.).

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

10 **“PART C—RESOURCE STAFF FOR STUDENTS**

11 **“SEC. 4311. FINDINGS.**

12 “Congress finds the following:

13 “(1) Although 7,500,000 children under the age
14 of 18 require mental health services, fewer than 1 in
15 5 of these children receive the services.

16 “(2) Across the United States, counseling pro-
17 fessionals have an extremely busy caseload and often
18 students do not get the help they need. The current
19 national average ratio of students to counselors in
20 elementary and secondary schools is 513:1.

21 “(3) Schools in the United States need more
22 mental health professionals, and the funds needed to
23 hire staff to specifically serve students.

24 “(4) The maximum recommended ratio of stu-
25 dents-to-counselors is 250:1.

1 “(5) Existing counselors are severely taxed to
2 perform duties that are largely administrative in na-
3 ture, such as scheduling. They are burdened with
4 many demands regarding placement in colleges, test-
5 ing, career guidance, and the like.

6 “(6) Student populations are expected to grow
7 significantly over the next few years. School-based
8 services for students will be in great demand. With
9 expected large scale retirements, more than 100,000
10 new dedicated resource staff for students will be
11 needed to increase student-to-staff service avail-
12 ability.

13 “(7) The Federal support for reducing the stu-
14 dent-to-staff ratio would pay for itself, through re-
15 duced violence and substance abuse, and through
16 improvements in students’ academic achievement.

17 **“SEC. 4312. PURPOSE.**

18 “The purpose of this part is to assist States and local
19 educational agencies to recruit, train, and hire 100,000
20 school-based resource staff to specifically work with
21 students—

22 “(1) to reduce the student-to-counseling ratios
23 nationally, in grades 6–12, to an average of 1 such
24 staff for every 250 students as recommended in a
25 report by the Institute of Medicine of the National

1 Academy of Sciences relating to schools and health,
2 issued in 1997;

3 “(2) to help address the mental, emotional, and
4 developmental needs of public school students; and

5 “(3) to support other school staff and teachers
6 in reaching students early before problems arise,
7 conducting behavioral interventions to improve
8 school discipline, and developing the awareness and
9 skills to identify early warning signs of violence and
10 the need for mental health services.

11 **“SEC. 4313. STUDENT RESOURCE STAFF PROGRAM.**

12 “(a) IN GENERAL.—From funds provided under sec-
13 tion 4004(4), the Secretary shall award grants under this
14 part to establish or expand the number of resource staff
15 available for students’ needs.

16 “(1) DISTRIBUTION.—In awarding grants
17 under this part, the Secretary shall allocate funds
18 proportionately based on the population that is less
19 than 18 years of age in each local educational agen-
20 cy.

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

23 “(b) APPLICATIONS.—

24 “(1) IN GENERAL.—Each local educational
25 agency desiring a grant under this section shall sub-

1 mit an application to the Secretary at such time, in
2 such manner, and accompanied by such information
3 as the Secretary may reasonably require.

4 “(2) CONTENTS.—Each application for a grant
5 under this section shall—

6 “(A) describe the secondary public school
7 population to be targeted by the program, the
8 particular personal, social, emotional, education,
9 and career development needs of such popu-
10 lation, and the current school counseling re-
11 sources available for meeting such needs;

12 “(B) describe the activities, services, and
13 training to be provided by the program and the
14 specific approaches to be used to meet the
15 needs described in subparagraph (A);

16 “(C) describe the methods to be used to
17 evaluate the outcomes and effectiveness of the
18 program; and

19 “(D) document that the applicant has the
20 personnel qualified to develop, implement, and
21 administer the program.

22 “(c) USE OF FUNDS.—Funds under this section shall
23 be used to initiate or expand student resource staff pro-
24 grams that carry out the purpose under section.

1 “(d) DEFINITIONS.—For the purposes of this part
2 the term ‘resource staff’ means an individual who has doc-
3 umented competence and training in mental health to be
4 able to provide services to children and adolescents in a
5 school setting and who—

6 “(1) possesses State licensure or certification in
7 mental health granted by an independent profes-
8 sional regulatory authority;

9 “(2) in the absence of such State licensure or
10 certification, possesses national certification in men-
11 tal health or in a related specialty granted by an
12 independent professional organization;

13 “(3) holds at least a master’s degree in school
14 counseling from a program accredited by the Council
15 for Accreditation of Counseling and Related Edu-
16 cational Programs or an equivalent degree;

17 “(4) possesses a minimum of 60 graduate se-
18 mester hours in school psychology from an institu-
19 tion of higher education and has completed 1,200
20 clock hours in a supervised school psychology intern-
21 ship, of which 600 hours shall be in the school set-
22 ting, and possesses State licensure or certification in
23 school psychology in the State in which the indi-
24 vidual works; or

1 “(5) holds a master’s degree in social work and
2 is licensed or certified by the State in which services
3 are to be provided or holds a school social work spe-
4 cialist credential.

5 **“PART D—TECHNICAL ASSISTANCE**

6 **“SEC. 4411. COMPREHENSIVE PREVENTION TECHNICAL AS-**
7 **SISTANCE GRANTS.**

8 “(a) PROGRAM AUTHORIZED.—The Secretary is au-
9 thorized to provide grants to State educational agencies
10 that meet the requirements of this part to implement pre-
11 vention programs that meet a high scientific standard of
12 program effectiveness.

13 “(b) CONTENTS OF STATE PLAN.—To be eligible to
14 receive a grant under this part, a State educational agency
15 shall submit an application, to the Secretary at such time
16 and including such information as the Secretary may rea-
17 sonably require, including a State plan that describes—

18 “(1) the process and selection criteria by which
19 the State educational agency will make competitive
20 grants to eligible local educational agencies;

21 “(2) how the State educational agency will en-
22 sure that only high quality, well-defined, and well-
23 documented comprehensive prevention programs are
24 funded;

1 “(3) how the State educational agency will dis-
2 seminate materials developed or collected by the Sec-
3 retary about research-based comprehensive preven-
4 tion models that are proven to be effective and will
5 provide technical assistance to assist local edu-
6 cational agencies in evaluating, selecting, developing,
7 and implementing comprehensive prevention pro-
8 grams;

9 “(4) how the State educational agency will
10 evaluate the implementation of comprehensive pre-
11 vention programs and measure the results achieved
12 in preventing violence, criminal and delinquent be-
13 havior, substance abuse, and other problem behav-
14 iors and improving student academic performance;

15 “(5) how the State educational agency will en-
16 sure that local programs meet the requirements of
17 section 4214(c); and

18 “(6) provide an assurance that funds provided
19 under this part shall supplement, and not supplant,
20 other Federal, State, and local funds that would oth-
21 erwise be available for the purposes described under
22 this part.

1 **“SEC. 4412. RESERVATIONS AND ALLOCATIONS.**

2 “(a) RESERVATIONS.—From the funds made avail-
3 able under section 4004(5) to carry out this part for each
4 fiscal year, the Secretary shall—

5 “(1) reserve funds in accordance with para-
6 graphs (1), (2), and (4) of section 4111(a); and

7 “(2) except as provided in subsection (b), allo-
8 cate the remainder of funds among the States in ac-
9 cordance with section 4111(b)(1).

10 “(b) REALLOCATION OF FUNDS TO STATES.—If a
11 State educational agency does not develop a plan that
12 meets the requirements of section 4411(b), the Secretary
13 shall not make an allocation to the State under subsection
14 (a)(2) and shall allocate such funds in accordance with
15 section 4111(b)(1) to other States that have developed
16 such plans. Funds allocated to a State under this sub-
17 section may be used only to implement programs under
18 this subpart.

19 **“SEC. 4413. DISTRIBUTION OF FUNDS.**

20 “(a) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—

21 “(1) IN GENERAL.—Each State educational
22 agency that receives an allocation under this part
23 shall use such funds to make competitive grants to
24 local educational agencies.

25 “(2) AWARDS.—In awarding competitive grants
26 under this part, a State educational agency shall—

1 “(A) give the highest priority to local edu-
2 cational agencies with demonstrated need in ac-
3 cordance with the criteria described in section
4 4113(d)(2)(C)(ii);

5 “(B) make grant awards that are of suffi-
6 cient size and scope to support the initial start-
7 up costs for a comprehensive prevention plan
8 that meets the requirements of this part; and

9 “(C) take into account the equitable dis-
10 tribution of awards to different geographic re-
11 gions within the State, including urban and
12 rural areas, and to schools serving elementary
13 and secondary students.

14 “(b) RESERVATION.—A State educational agency
15 may use not more than 5 percent of the funds made avail-
16 able to it under this section for administrative, evaluation,
17 and technical assistance expenses, including expenses nec-
18 essary to inform local educational agencies about research-
19 based comprehensive prevention approaches that have
20 proven to be effective.

21 **“SEC. 4414. LOCAL AWARDS.**

22 “(a) IN GENERAL.—To be eligible to receive a
23 subgrant under this subpart for any fiscal year, a local
24 educational agency shall submit, at such time and includ-
25 ing such information, as the State educational agency re-

1 quires, an application to the State educational agency for
2 approval.

3 “(b) PLAN.—Each local educational agency shall sub-
4 mit a plan to the State educational agency demonstrating
5 how it will meet the requirements of subsection (c).

6 “(c) USE OF FUNDS.—A grant awarded to a local
7 educational agency under this part shall be used only for
8 the purpose of identifying and implementing comprehen-
9 sive prevention programs that—

10 “(1) employ strategies or approaches that are
11 based on reliable research and that show effective-
12 ness in preventing violence, criminal and delinquent
13 behavior, substance abuse, and other problem behav-
14 iors and improving student academic performance;

15 “(2) comprehensively address the mental, emo-
16 tional, social, and physical health of children and
17 adolescents;

18 “(3) employ developmentally appropriate activi-
19 ties and interventions;

20 “(4) assist children and adolescents in improv-
21 ing cognitive, affective, and behavioral skills;

22 “(5) use methods that ensure the active engage-
23 ment of the children and adolescents who participate
24 and that facilitate better communication between
25 children and adults about problem situations;

1 “(6) provide for the meaningful involvement of
2 parents, educators, health and mental health profes-
3 sionals, and the local community in planning and
4 implementation;

5 “(7) provide high-quality and continuous staff
6 professional development and training;

7 “(8) have measurable outcome goals and a clear
8 evaluation plan, including annual reports to the
9 State and the Secretary;

10 “(9) use high-quality external technical support
11 and assistance from individuals or entities with expe-
12 rience and expertise in developing, implementing,
13 and evaluating comprehensive prevention ap-
14 proaches; and

15 “(10) identify how other resources (Federal,
16 State, local, and private) available to the State will
17 be used to coordinate services to support and sustain
18 the comprehensive prevention effort.

19 **“PART E—RELATED PROVISIONS; GUN-FREE**
20 **SCHOOLS**

21 **“SEC. 4511. GUN-FREE SCHOOLS.**

22 “(a) **SHORT TITLE.**—This part may be cited as the
23 ‘Gun-Free Schools Act’.

24 “(b) **REQUIREMENTS.**—

1 “(1) Each State receiving Federal funds under
2 the Elementary and Secondary Education Act of
3 1965 shall have in effect a State law requiring local
4 educational agencies to expel from school, for a pe-
5 riod of not less than 1 year, a student who is deter-
6 mined to have possessed a firearm at school under
7 the jurisdiction of a local educational agency in that
8 State, except that such State law shall allow the
9 chief administering officer of that local educational
10 agency to modify the expulsion requirement for a
11 student on a case-by-case basis.

12 “(2) For the purpose of this section, the term
13 ‘firearm’ has the same meaning given that term in
14 section 921 of title 18, United States Code (which
15 includes bombs).

16 “(c) SPECIAL RULE.—This section shall be construed
17 in a manner consistent with the Individuals with Disabil-
18 ities Education Act.

19 “(d) REPORT TO STATE.—Each local educational
20 agency requesting assistance from the State educational
21 agency under this Act shall provide to the State in its
22 application—

23 “(1) an assurance that such local educational
24 agency is in compliance with the State law required
25 by subsection (b);

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

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

5 “(B) the number of students expelled from
6 such school (disaggregated by gender, race, eth-
7 nicity, and educational level); and

8 “(C) the type of weapons concerned; and

9 “(3) the number of—

10 “(A) students referred to the criminal jus-
11 tice or juvenile justice system as required by
12 section 4512(a)(1); and

13 “(B) instances in which the chief admin-
14 istering officer of a local educational agency
15 modified the expulsion requirement described in
16 subsection (b)(1) on a case-by-case basis.

17 “(e) REPORTING.—Each State shall report the infor-
18 mation described in subsection (d) to the Secretary on an
19 annual basis.

20 **“SEC. 4512. REQUIREMENTS.**

21 “(a) REQUIRED POLICIES.—No funds shall be made
22 available under this Act to any local educational agency
23 unless that agency has a policy ensuring—

1 “(1) that any student who possesses a firearm
2 at school served by such agency is referred to the
3 criminal justice or juvenile justice system;

4 “(2) that a student described in paragraph (1)
5 is referred to a mental health professional for as-
6 sessment as to whether he or she poses an imminent
7 threat of harm to himself, herself, or others and
8 needs appropriate mental health services before re-
9 admission to school; and

10 “(3) that a student under paragraph (1) who
11 has been determined by a mental health professional
12 to pose an imminent threat of harm to himself, her-
13 self, or others receive appropriate mental health
14 services before being permitted to return to school.

15 “(b) SPECIAL RULE.—This section shall be construed
16 in a manner consistent with the Individuals with Disabil-
17 ities Education Act.

18 “(c) DEFINITIONS.—For the purposes of this section,
19 the terms ‘firearm’ and ‘school’ have the same meaning
20 given those terms in section 921(a) of title 18, United
21 States Code.

22 **“SEC. 4513. POLICIES.**

23 “(a) REQUIRED POLICY.—Each State educational
24 agency and local educational agency that receives funds
25 under this title shall have a policy that prohibits cigarette

1 vending machines, and the illegal possession or use of
2 drugs and alcohol, in any form, at any time, and by any
3 person, in school buildings, on school grounds, or at any
4 school-sponsored event.

5 “(b) ASSURANCE.—Each local educational agency re-
6 questing assistance under this title from the State edu-
7 cational agency shall include in its application an assur-
8 ance that it is in compliance with the requirements of this
9 section.

10 “(c) STATE REPORTING.—Each State educational
11 agency shall report to the Secretary on an annual basis
12 if any local educational agency is not in compliance with
13 the requirements of subsection (a).

14 **“SEC. 4514. SUPPLANTING PROHIBITED.**

15 “Funds under this title shall be used to increase the
16 level of State, local, and other non-Federal funds that
17 would, in the absence of funds under this title, be made
18 available for programs and activities authorized under this
19 title, and in no case to supplant such State, local, and
20 other non-Federal funds.”.

1 **TITLE V—MAGNET SCHOOLS AS-**
2 **SISTANCE, PUBLIC SCHOOL**
3 **CHOICE, AND NATIONAL PRI-**
4 **ORITIES**

5 **SEC. 501. MAGNET SCHOOLS ASSISTANCE.**

6 (a) **HEADING.**—The heading for title V is amended
7 to read as follows:

8 **“TITLE V—INNOVATIVE PUBLIC**
9 **SCHOOL CHOICE AND NA-**
10 **TIONAL PRIORITIES**

11 (b) **MAGNET SCHOOL ASSISTANCE.**—Part A of title
12 V (20 U.S.C. 7201 et seq.) is amended to read as follows:

13 **“PART A—MAGNET SCHOOL ASSISTANCE**

14 **“SEC. 5101. FINDINGS.**

15 “Congress finds the following:

16 “(1) Magnet schools are a significant part of
17 our Nation’s effort to achieve voluntary desegrega-
18 tion in our Nation’s schools.

19 “(2) The use of magnet schools has increased
20 dramatically since the date of the enactment of the
21 Magnet Schools Assistance program, with approxi-
22 mately 2,000,000 students nationwide now attending
23 such schools, of which more than 65 percent of the
24 students are nonwhite.

1 “(3) Magnet schools offer a wide range of dis-
2 tinctive programs that have served as models for
3 school improvement efforts.

4 “(4) In administering the Magnet Schools As-
5 sistance program, the Federal Government has
6 learned that—

7 “(A) where magnet programs are imple-
8 mented for only a portion of a school’s student
9 body, special efforts must be made to discour-
10 age the isolation of—

11 “(i) magnet school students from
12 other students in the school; and

13 “(ii) students by racial characteristics;

14 “(B) local educational agencies can maxi-
15 mize their effectiveness in achieving the pur-
16 poses of the Magnet Schools Assistance pro-
17 gram if such agencies have more flexibility in
18 the administration of such program in order to
19 serve students attending a school who are not
20 enrolled in the magnet school program;

21 “(C) local educational agencies must be
22 creative in designing magnet schools for stu-
23 dents at all academic levels, so that school dis-
24 tricts do not select only the highest achieving
25 students to attend the magnet schools;

1 “(D) consistent with desegregation guide-
2 lines, local educational agencies must seek to
3 enable participation in magnet school programs
4 by students who reside in the neighborhoods
5 where the programs operate; and

6 “(E) in order to ensure that magnet
7 schools are sustained after Federal funding
8 ends, the Federal Government must assist
9 school districts to improve their capacity to con-
10 tinue to operate magnet schools at a high level
11 of performance.

12 “(5) It is in the national interest to—

13 “(A) continue the Federal Government’s
14 support of school districts implementing court-
15 ordered desegregation plans and school districts
16 voluntarily seeking to foster meaningful inter-
17 action among students of different racial and
18 ethnic backgrounds, beginning at the earliest
19 stage of such students’ education;

20 “(B) ensure that all students have equi-
21 table access to quality education that will pre-
22 pare such students to function well in a techno-
23 logically oriented society and a highly competi-
24 tive economy;

1 “(C) maximize the ability of local edu-
2 cational agencies to plan, develop, implement
3 and continue effective and innovative magnet
4 schools that contribute to State and local sys-
5 temic reform;

6 “(D) ensure that grant recipients provide
7 adequate data which demonstrates an ability to
8 improve student achievement; and

9 “(E) desegregate and diversify those
10 schools in our Nation that are racially, economi-
11 cally, linguistically, or ethnically segregated.

12 “(6) Such segregation exists between minority
13 and nonminority students as well as among students
14 of different minority groups.

15 **“SEC. 5102. STATEMENT OF PURPOSE.**

16 “The purpose of this part is to assist in the desegre-
17 gation of schools served by local educational agencies by
18 providing financial assistance to eligible local educational
19 agencies for—

20 “(1) the elimination, reduction, or prevention of
21 minority group isolation in elementary and sec-
22 ondary schools with substantial proportions of mi-
23 nority students;

24 “(2) the development and implementation of
25 magnet school projects that will assist local edu-

1 cational agencies in achieving systemic reforms and
2 providing all students the opportunity to meet chal-
3 lenging State content standards and challenging
4 State student performance standards;

5 “(3) the development and design of innovative
6 educational methods and practices that promote di-
7 versity and increase choices in public elementary and
8 secondary schools and educational programs; and

9 “(4) courses of instruction within magnet
10 schools that will substantially strengthen the knowl-
11 edge of academic subjects and the grasp of tangible
12 and marketable vocational and technical skills of
13 students attending such schools.

14 **“SEC. 5103. PROGRAM AUTHORIZED.**

15 “The Secretary, in accordance with this part, is au-
16 thorized to make grants to eligible local educational agen-
17 cies, and consortia of such agencies where appropriate, to
18 carry out the purpose of this part for magnet schools that
19 are—

20 “(1) part of an approved desegregation plan;
21 and

22 “(2) designed to bring students from different
23 social, economic, ethnic, and racial backgrounds to-
24 gether.

1 **“SEC. 5104. DEFINITION.**

2 “For the purposes of this part, the term ‘magnet
3 school’ means a public elementary or secondary school or
4 public elementary or secondary education center that of-
5 fers a special curriculum capable of attracting substantial
6 numbers of students of different racial backgrounds.

7 **“SEC. 5105. ELIGIBILITY.**

8 “A local educational agency, or consortium of such
9 agencies where appropriate, is eligible to receive assistance
10 under this part to carry out the purposes of this part if
11 such agency or consortium—

12 “(1) is implementing a plan undertaken pursu-
13 ant to a final order issued by a court of the United
14 States, or a court of any State, or any other State
15 agency or official of competent jurisdiction, that re-
16 quires the desegregation of minority-group-seg-
17 regated children or faculty in the elementary and
18 secondary schools of such agency; or

19 “(2) without having been required to do so, has
20 adopted and is implementing, or will, if assistance is
21 made available to such local educational agency or
22 consortium of such agencies under this part, adopt
23 and implement a plan that has been approved by the
24 Secretary as adequate under title VI of the Civil
25 Rights Act of 1964 for the desegregation of minor-

1 ity-group-segregated children or faculty in such
2 schools.

3 **“SEC. 5106. APPLICATIONS AND REQUIREMENTS.**

4 “(a) APPLICATIONS.—An eligible local educational
5 agency or consortium of such agencies desiring to receive
6 assistance under this part shall submit an application to
7 the Secretary at such time, in such manner, and con-
8 taining such information and assurances as the Secretary
9 may reasonably require.

10 “(b) INFORMATION AND ASSURANCES.—Each such
11 application shall include—

12 “(1) a description of—

13 “(A) how assistance made available under
14 this part will be used to promote desegregation,
15 including how the proposed magnet school
16 project will increase interaction among students
17 of different social, economic, ethnic, and racial
18 backgrounds;

19 “(B) the manner and extent to which the
20 magnet school project will increase student
21 achievement in the instructional area or areas
22 offered by the school;

23 “(C) how an applicant will continue the
24 magnet school project after assistance under
25 this part is no longer available, including, if ap-

1 plicable, an explanation of why magnet schools
2 established or supported by the applicant with
3 funds under this part cannot be continued with-
4 out the use of funds under this part;

5 “(D) how funds under this part will be
6 used to improve student academic performance
7 for all students attending the magnet schools;
8 and

9 “(E) the criteria to be used in selecting
10 students to attend the proposed magnet school
11 projects; and

12 “(2) assurances that the applicant will—

13 “(A) use funds under this part for the pur-
14 poses specified in section 5102;

15 “(B) employ fully qualified teachers (as de-
16 fined in section 1119) in the courses of instruc-
17 tion assisted under this part;

18 “(C) not engage in discrimination based on
19 race, religion, color, national origin, sex, or dis-
20 ability in—

21 “(i) the hiring, promotion, or assign-
22 ment of employees of the agency or other
23 personnel for whom the agency has any ad-
24 ministrative responsibility;

1 “(ii) the assignment of students to
2 schools, or to courses of instruction within
3 the school, of such agency, except to carry
4 out the approved plan; and

5 “(iii) designing or operating extra-
6 curricular activities for students;

7 “(D) carry out a high-quality education
8 program that will encourage greater parental
9 decisionmaking and involvement; and

10 “(E) give students residing in the local at-
11 tendance area of the proposed magnet school
12 projects equitable consideration for placement
13 in those projects.

14 **“SEC. 5107. 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 assist-
18 ance, based on the expense or difficulty of effectively
19 carrying 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
23 school projects; and

1 “(3) propose to select students to attend mag-
2 net school projects by methods such as lottery, rath-
3 er than through academic examination.

4 **“SEC. 5108. USE OF FUNDS.**

5 “(a) IN GENERAL.—Grant funds made available
6 under this part may be used by an eligible local edu-
7 cational agency or consortium of such agencies—

8 “(1) for planning and promotional activities di-
9 rectly related to the development, expansion, con-
10 tinuation, or enhancement of academic programs
11 and services offered at magnet schools;

12 “(2) for the acquisition of books, materials, and
13 equipment, including computers and the mainte-
14 nance and operation thereof, necessary for the con-
15 duct of programs in magnet schools;

16 “(3) for the payment, or subsidization of the
17 compensation, of elementary and secondary school
18 teachers who are fully qualified, and instructional
19 staff where applicable, who are necessary for the
20 conduct of programs in magnet schools;

21 “(4) with respect to a magnet school program
22 offered to less than the entire student population of
23 a school, for instructional activities that—

24 “(A) are designed to make available the
25 special curriculum that is offered by the magnet

1 school project to students who are enrolled in
2 the school but who are not enrolled in the mag-
3 net school program; and

4 “(B) further the purposes of this part; and

5 “(5) for activities, which may include profes-
6 sional development, that will build the recipient’s ca-
7 pacity to operate magnet school programs once the
8 grant period has ended.

9 “(b) SPECIAL RULE.—Grant funds under this part
10 may be used in accordance with paragraphs (2) and (3)
11 of subsection (a) only if the activities described in such
12 paragraphs are directly related to improving the students’
13 academic performance based on the State’s challenging
14 content standards and challenging student performance
15 standards or directly related to improving the students’
16 reading skills or knowledge of mathematics, science, his-
17 tory, geography, English, foreign languages, art, or music,
18 or to improving vocational and technical skills.

19 **“SEC. 5109. PROHIBITIONS.**

20 “(a) TRANSPORTATION.—Grants under this part may
21 not be used for transportation or any activity that does
22 not augment academic improvement.

23 “(b) PLANNING.—A local educational agency shall
24 not expend funds under this part after the third year that

1 such agency receives funds under this part for such
2 project.

3 **“SEC. 5110. LIMITATIONS.**

4 “(a) DURATION OF AWARDS.—A grant under this
5 part shall be awarded for a period that shall not exceed
6 3 fiscal years.

7 “(b) LIMITATION ON PLANNING FUNDS.—A local
8 educational agency may expend for planning not more
9 than 50 percent of the funds received under this part for
10 the first year of the project, 15 percent of such funds for
11 the second such year, and 10 percent of such funds for
12 the third such year.

13 “(c) AMOUNT.—No local educational agency or con-
14 sortium awarded a grant under this part shall receive
15 more than \$4,000,000 under this part in any 1 fiscal year.

16 “(d) TIMING.—To the extent practicable, the Sec-
17 retary shall award grants for any fiscal year under this
18 part not later than July 1 of the applicable fiscal year.

19 **“SEC. 5111. EVALUATIONS.**

20 “(a) RESERVATION.—The Secretary may reserve not
21 more than 2 percent of the funds appropriated under sec-
22 tion 5112(a) for any fiscal year to carry out evaluations,
23 technical assistance, and dissemination projects with re-
24 spect to magnet school projects and programs assisted
25 under this part.

1 “(b) CONTENTS.—Each evaluation described in sub-
2 section (a), at a minimum, shall address—

3 “(1) how and the extent to which magnet school
4 programs lead to educational quality and improve-
5 ment;

6 “(2) the extent to which magnet school pro-
7 grams enhance student access to quality education;

8 “(3) the extent to which magnet school pro-
9 grams lead to the elimination, reduction, or preven-
10 tion of minority group isolation in elementary and
11 secondary schools with substantial proportions of mi-
12 nority students; and

13 “(4) the extent to which magnet school pro-
14 grams differ from other school programs in terms of
15 the organizational characteristics and resource allo-
16 cations of such magnet school programs.

17 **“SEC. 5112. AUTHORIZATION OF APPROPRIATIONS; RES-**
18 **ERVATION.**

19 “(a) AUTHORIZATION.—For the purpose of carrying
20 out this part, there are authorized to be appropriated
21 \$150,000,000 for fiscal year 2002 and such sums as may
22 be necessary for each of fiscal years 2004 through 2006.

23 “(b) AVAILABILITY OF FUNDS FOR GRANTS TO
24 AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal
25 year for which the amount appropriated pursuant to sub-

1 section (a) exceeds \$75,000,000, the Secretary shall give
2 priority to using such amounts in excess of \$75,000,000
3 to award grants to local educational agencies or consortia
4 of such agencies that did not receive a grant under this
5 part in the preceding fiscal year.

6 **“SEC. 5113. INNOVATIVE PROGRAMS.**

7 “(a) IN GENERAL.—From amounts reserved under
8 subsection (d) for each fiscal year, the Secretary shall
9 award grants to local educational agencies or consortia of
10 such agencies described in section 5105 to enable such
11 agencies or consortia to conduct innovative programs
12 that—

13 “(1) involve innovative strategies other than
14 magnet schools, such as neighborhood or community
15 model schools, to support desegregation of schools
16 and to reduce achievement gaps;

17 “(2) assist in achieving systemic reforms and
18 providing all students the opportunity to meet chal-
19 lenging State and local content standards and chal-
20 lenging State and local student performance stand-
21 ards; and

22 “(3) include innovative educational methods
23 and practices that—

24 “(A) are organized around a special em-
25 phasis, theme, or concept; and

1 “(B) involve extensive parent and commu-
2 nity involvement.

3 “(b) APPLICABILITY.—Sections 5103, 5106, 5107,
4 and 5108 shall not apply to grants awarded under sub-
5 section (a).

6 “(c) APPLICATIONS.—Each local educational agency
7 or consortium of such agencies desiring a grant under this
8 section shall submit an application to the Secretary at
9 such time, in such manner, and containing such informa-
10 tion and assurances as the Secretary may reasonably re-
11 quire.

12 “(d) INNOVATIVE PROGRAMS.—The Secretary shall
13 reserve not more than 5 percent of the funds appropriated
14 under section 5112(a) for each fiscal year to award grants
15 under this section.”.

16 **SEC. 502. WOMEN’S EDUCATIONAL EQUITY.**

17 Part B of title V is amended—

18 (1) by redesignating sections 5201 through
19 5208 as sections 5151 through 5158, respectively;
20 and

21 (2) section 5158 (as so redesignated) is amend-
22 ed to read as follows:

23 **“SEC. 5158. AUTHORIZATION OF APPROPRIATIONS.**

24 “For the purpose of carrying out this part, there are
25 authorized to be appropriated \$5,000,000 for fiscal year

1 2002 and such sums as may be necessary for each of the
2 4 succeeding fiscal years, of which not less than two-thirds
3 of the amount appropriated under this section for each
4 fiscal year shall be available to carry out the activities de-
5 scribed in section 5153(b)(1).”.

6 **SEC. 503. FUND FOR THE IMPROVEMENT OF EDUCATION.**

7 Part A of title X is redesignated as part C of title
8 V and is amended to read as follows:

9 **“PART C—FUND FOR THE IMPROVEMENT OF**
10 **EDUCATION**

11 **“SEC. 5201. FUND FOR THE IMPROVEMENT OF EDUCATION.**

12 “(a) FUND AUTHORIZED.—From funds appropriated
13 under subsection (e), the Secretary is authorized to sup-
14 port nationally significant programs and projects to im-
15 prove the quality of elementary and secondary education,
16 assist all students to meet challenging State content
17 standards and challenging State student performance
18 standards. The Secretary is authorized to carry out such
19 programs and projects directly or through grants to, or
20 contracts with, State and local educational agencies, insti-
21 tutions of higher education, and other public and private
22 agencies, organizations, and institutions.

23 “(b) USES OF FUNDS.—Funds under this section
24 may be used for—

1 “(1) activities that will promote systemic edu-
2 cation reform at the State and local levels, such as—

3 “(A) research and development related to
4 challenging State content and challenging State
5 student performance standards;

6 “(B) the development and evaluation of
7 model strategies for—

8 “(i) assessment of student learning;

9 “(ii) professional development for
10 teachers and administrators;

11 “(iii) parent and community involve-
12 ment; and

13 “(iv) other aspects of systemic reform;

14 “(C) developing and evaluating strategies
15 for eliminating ability-grouping practices, and
16 developing policies and programs that place all
17 students on a college-preparatory path of study,
18 particularly in academic fields such as mathe-
19 matics, science, English, and social studies, in-
20 cluding comprehensive inservice programs for
21 teachers and pupil services personnel and aca-
22 demic enrichment programs that supplement
23 regular courses for students;

1 “(D) developing and evaluating programs
2 that directly involve parents and family mem-
3 bers in the academic progress of their children;

4 “(E) developing and evaluating strategies
5 for integrating instruction and assessment such
6 that teachers and administrators can focus on
7 what students should know and be able to do at
8 particular grade levels, which instruction shall
9 promote the synthesis of knowledge, encour-
10 aging the development of problem-solving skills
11 drawing on a vast range of disciplines, and pro-
12 moting the development of higher order think-
13 ing by all students; and

14 “(F) developing and evaluating strategies
15 for supporting professional development for
16 teachers across all disciplines that is consistent
17 with the requirements of title II and for pupil
18 services personnel, guidance counselors, and ad-
19 ministrators, including inservice training that
20 improves the skills of pupil services personnel,
21 counselors and administrators for working with
22 students from diverse populations;

23 “(2) demonstrations at the State and local lev-
24 els that are designed to yield nationally significant

1 results, including approaches to public school choice
2 and school-based decisionmaking;

3 “(3) activities to promote and evaluate coun-
4 seling and mentoring for students, including
5 intergenerational mentoring;

6 “(4) activities to promote and evaluate coordi-
7 nated pupil services programs;

8 “(5) activities to promote comprehensive health
9 education;

10 “(6) activities to promote environmental edu-
11 cation;

12 “(7) activities to promote consumer, economic,
13 and personal finance education, such as saving, in-
14 vesting, and entrepreneurial education;

15 “(8) activities to promote programs to assist
16 students to demonstrate competence in foreign lan-
17 guages;

18 “(9) studies and evaluation of various education
19 reform strategies and innovations being pursued by
20 the Federal Government, States, and local edu-
21 cational agencies;

22 “(10) senior mentoring of at-risk children;

23 “(11) the identification and recognition of ex-
24 emplary schools and programs, such as Blue Ribbon
25 Schools;

1 “(12) programs designed to promote gender eq-
2 uity in education by evaluating and eliminating gen-
3 der bias in instruction and educational materials,
4 identifying, and analyzing gender inequities in edu-
5 cational practices, and implementing and evaluating
6 educational policies and practices designed to
7 achieve gender equity;

8 “(13) programs designed to reduce excessive
9 student mobility, retain students who move within a
10 school district at the same school, educate parents
11 about the effect of mobility on a child’s education
12 and encourage parents to participate in school activi-
13 ties;

14 “(14) experiential-based learning, such as serv-
15 ice-learning;

16 “(15) the development and expansion of public-
17 private partnership programs which extend the
18 learning experience, via computers, beyond the class-
19 room environment into student homes through such
20 programs as the Buddy System Computer Project;

21 “(16) activities to promote child abuse edu-
22 cation and prevention programs;

23 “(17) activities to raise standards and expecta-
24 tions for academic achievement among all students,

1 especially disadvantaged students traditionally un-
2 derserved in schools;

3 “(18) activities to provide the academic sup-
4 port, enrichment and motivation to enable all stu-
5 dents to reach such standards;

6 “(19) demonstrations relating to the planning
7 and evaluations of the effectiveness of projects under
8 which local educational agencies or schools contract
9 with private management organizations to reform a
10 school or schools;

11 “(20) demonstration programs providing pre-
12 natal and counseling to pregnant students with such
13 education and counseling emphasizing the impor-
14 tance of prenatal care, the value of sound diet and
15 nutrition habits, and the harmful effects of smoking,
16 alcohol, and substance abuse on fetal development;

17 “(21) the development, implementation, and
18 evaluation of programs that are designed to foster
19 student community service, encourage responsible
20 citizenship and improve academic learning, and give
21 students the opportunity to apply what they learn
22 in the classroom to meet actual community needs;

23 “(22) activities to assist all students to meet
24 challenging State standards;

1 “(23) grants to establish cultural education
2 centers;

3 “(24) grants to museums to operate Indian
4 education programs in public schools;

5 “(25) programs or activities designed to im-
6 prove academic achievement through innovative
7 partnerships between local educational agencies and
8 teachers unions;

9 “(26) programs to hire and support school
10 nurses;

11 “(27) programs under sections 5202, 5203, and
12 5204; and

13 “(28) other programs and projects that meet
14 the purposes of this section.

15 “(c) AWARDS.—

16 “(1) IN GENERAL.—The Secretary may—

17 “(A) make awards under this section on
18 the basis of competitions announced by the Sec-
19 retary; and

20 “(B) support meritorious unsolicited pro-
21 posals.

22 “(2) GOALS.—An applicant for an award under
23 this section, shall—

24 “(A) establish clear goals and objectives
25 for its project under this part; and

1 “(B) describe the activities it will carry out
2 in order to meet the goals and objectives of its
3 project.

4 “(3) SECRETARIAL DISCRETION.—The Sec-
5 retary may—

6 “(A) require recipients of awards under
7 this section to provide matching funds from
8 non-Federal sources; and

9 “(B) limit competitions to particular types
10 of entities, such as State or local educational
11 agencies.

12 “(4) PEER REVIEW.—The Secretary shall use a
13 peer review process in reviewing applications for as-
14 sistance under this section and may use funds ap-
15 propriated under subsection (e) for the cost of such
16 peer review.

17 “(d) EVALUATION AND PROGRAM DEVELOPMENT.—

18 “(1) IN GENERAL.—Each recipient of a grant
19 under this section shall submit to the Secretary a
20 comprehensive evaluation of the effects of its pro-
21 gram assisted under this part, including its impact
22 on students, teachers, administrators, parents and
23 others—

24 “(A) at the mid-point of the program; and

1 “(B) not later than 1 year after the com-
2 pletion of the program.

3 “(2) EFFECTIVENESS.—Evaluations under this
4 subsection shall focus on the effectiveness of the pro-
5 gram in achieving its goals and objectives.

6 “(e) AUTHORIZATION.—For the purpose of carrying
7 out this section, there are authorized to be appropriated
8 such sums as may be necessary for fiscal year 2002 and
9 each of the 4 succeeding fiscal years.

10 **“SEC. 5202. STATE AND LOCAL CHARACTER EDUCATION**
11 **PROGRAM.**

12 “(a) PROGRAM AUTHORIZED.—

13 “(1) The Secretary may make grants to State
14 educational agencies, local educational agencies, or
15 consortia of such agencies for the design and imple-
16 mentation of character education programs.

17 “(2) Each grant under this section shall be
18 awarded for a period not to exceed 5 years, of which
19 the recipient shall use not more than 1 year for
20 planning and program design.

21 “(b) APPLICATIONS.—

22 “(1) Each applicant desiring a grant under this
23 section shall submit an application to the Secretary
24 at such time and in such manner as the Secretary
25 may require.

1 “(2) Each application under this section shall
2 include—

3 “(A) a description of any partnerships and
4 other collaborative efforts between the applicant
5 and other educational agencies;

6 “(B) a description of the programs goals
7 and objectives;

8 “(C) a description of the activities the ap-
9 plicant will carry out, and how these activities
10 are designed to meet the programs goals and
11 objectives under subparagraph (B), including—

12 “(i) how parents, students, and other
13 members of the community, including
14 members of private and nonprofit organi-
15 zations, will be involved in the design and
16 implementation of the program;

17 “(ii) the curriculum and instructional
18 practices that will be used or developed;
19 and

20 “(iii) the methods of teacher training
21 and parent education that will be used or
22 developed;

23 “(D) a description of how the program will
24 be linked to other efforts to improve educational
25 outcomes, including—

1 “(i) broader educational reforms that
2 are being instituted by the applicant or its
3 partners; and

4 “(ii) applicable State and local stand-
5 ards for student performance;

6 “(E) a description of how the appli-
7 cant will evaluate the progress of its pro-
8 gram in meeting the goals and objectives
9 under subparagraph (B), including the
10 performance indicators that will be used to
11 measure progress; and

12 “(F) such other information as the Sec-
13 retary may require.

14 “(c) DIVERSITY OF PROJECTS.—The Secretary shall
15 make awards under this section that, to the extent prac-
16 ticable, support programs that serve different geographic
17 areas of the Nation, including urban, suburban, and rural
18 areas.

19 **“SEC. 5203. CHARACTER EDUCATION RESEARCH, DISSEMI-**
20 **NATION, AND EVALUATION.**

21 “(a) PROGRAM AUTHORIZED.—The Secretary may
22 make grants, or enter into contracts or cooperative agree-
23 ments with, State educational agencies, local educational
24 agencies, institutions of higher education, tribal organiza-
25 tions, and other public or private agencies or organizations

1 to carry out research, development, dissemination, tech-
2 nical assistance, and evaluation activities that support or
3 inform character education programs under section 5202.

4 “(b) USE OF FUNDS.—Consistent with subsection
5 (a), funds under this section may be used—

6 “(1) to conduct research and development ac-
7 tivities that focus on such matters as—

8 “(A) the effectiveness of instructional mod-
9 els;

10 “(B) materials and curricula that can be
11 used by programs in character education;

12 “(C) models of professional development in
13 character education; and

14 “(D) the development of outcome measures
15 for character education programs;

16 “(2) to provide technical assistance to the agen-
17 cies receiving awards under section 5202, particu-
18 larly on matters of program evaluation;

19 “(3) to conduct a national evaluation of pro-
20 grams under section 5202; and

21 “(4) to compile and disseminate, through var-
22 ious approaches, such as a national clearinghouse—

23 “(A) information on model character edu-
24 cation programs;

1 “(B) character education materials and
2 curricula;

3 “(C) research findings in the area of char-
4 acter education and character development; and

5 “(D) any other information that will be
6 useful to character education program partici-
7 pants and other educators and administrators,
8 nationwide.

9 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated, \$50,000,000 for fiscal
11 year 2002 and such sums as may be necessary for the
12 4 subsequent fiscal years to carry out sections 5202 and
13 5203.

14 **“SEC. 5204. SMALLER LEARNING COMMUNITIES.**

15 “(a) IN GENERAL.—Each local educational agency
16 desiring a grant under this section shall submit an appli-
17 cation to the Secretary at such time, in such manner, and
18 accompanied by such information as the Secretary may
19 require. Each such application shall describe—

20 “(1) strategies and methods the applicant will
21 use to create the smaller learning community or
22 communities;

23 “(2) curriculum and instructional practices, in-
24 cluding any particular themes or emphases, to be
25 used in the learning environment;

1 “(3) the extent of involvement of teachers and
2 other school personnel in investigating, designing,
3 implementing and sustaining the smaller learning
4 community or communities;

5 “(4) the process to be used for involving stu-
6 dents, parents and other stakeholders in the develop-
7 ment and implementation of the smaller learning
8 community or communities;

9 “(5) any cooperation or collaboration among
10 community agencies, organizations, businesses, and
11 others to develop or implement a plan to create the
12 smaller learning community or communities;

13 “(6) the training and professional development
14 activities that will be offered to teachers and others
15 involved in the activities assisted under this part;

16 “(7) the goals and objectives of the activities
17 assisted under this part, including a description of
18 how such activities will better enable all students to
19 reach challenging State content standards and State
20 student performance standards;

21 “(8) the methods by which the applicant will
22 assess progress in meeting such goals and objectives;

23 “(9) if the smaller learning community or com-
24 munities exist as a school-within-a-school, the rela-
25 tionship, including governance and administration,

1 of the smaller learning community to the rest of the
2 school;

3 “(10) a description of the administrative and
4 managerial relationship between the local edu-
5 cational agency and the smaller learning community
6 or communities, including how such agency will dem-
7 onstrate a commitment to the continuity of the
8 smaller learning community or communities, includ-
9 ing the continuity of student and teacher assignment
10 to a particular learning community;

11 “(11) how the applicant will coordinate or use
12 funds provided under this part with other funds pro-
13 vided under this Act or other Federal laws;

14 “(12) grade levels or ages of students who will
15 participate in the smaller learning community or
16 communities; and

17 “(13) the method of placing students in the
18 smaller learning community or communities, such
19 that students are not placed according to ability,
20 performance or any other measure, so that students
21 are placed at random or by their own choice, not
22 pursuant to testing or other judgments.

23 “(b) AUTHORIZED ACTIVITIES.—Funds made avail-
24 able under this section may be used—

1 “(1) to study the feasibility of creating the
2 smaller learning community or communities as well
3 as effective and innovative organizational and in-
4 structional strategies that will be used in the smaller
5 learning community or communities;

6 “(2) to research, develop and implement strate-
7 gies for creating the smaller learning community or
8 communities, as well as effective and innovative
9 changes in curriculum and instruction, geared to
10 high State content standards and State student per-
11 formance standards;

12 “(3) to design and construct improvements
13 which improve the learning environment, including
14 appropriate use of daylighting, advanced energy con-
15 servation technologies, and renewable energy;

16 “(4) to provide professional development for
17 school staff in innovative teaching methods that
18 challenge and engage students to be used in the
19 smaller learning community or communities; and

20 “(5) to develop and implement strategies to in-
21 clude parents, business representatives, local institu-
22 tions of higher education, community-based organi-
23 zations, and other community members in the small-
24 er learning communities, as facilitators of activities
25 that enable teachers to participate in professional

1 development activities, as well as to provide links be-
2 tween students and their community.

3 “(c) SECRETARY’S ACTIVITIES.—The Secretary may
4 reserve up to 5 percent of the funding provided under sub-
5 section (d) for evaluation, technical assistance, and school
6 networking.

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated \$200,000,000 for fiscal
9 year 2002 and such sums as may be necessary for the
10 4 succeeding fiscal years to carry out this section.”.

11 **SEC. 504. AMENDMENT TO ESEA RELATING TO GIFTED AND**
12 **TALENTED CHILDREN.**

13 Part B of title X is redesignated as part D of title
14 V and is amended to read as follows:

15 **“PART D—GIFTED AND TALENTED CHILDREN**

16 **“SEC. 5251. SHORT TITLE.**

17 “This part may be cited as the ‘Jacob K. Javits Gift-
18 ed and Talented Students Education Act of 2001’.

19 **“SEC. 5252. FINDINGS.**

20 “The Congress finds the following:

21 “(1) Due to the wide dispersal of students who
22 are gifted and talented and the national interest in
23 a well-educated populace, the Federal Government
24 can most effectively and appropriately conduct sci-
25 entifically based research and development to pro-

1 vide an infrastructure and to ensure that there is a
2 national capacity to educate students who are gifted
3 and talented to meet the needs of the 21st century.

4 “(2) State and local educational agencies often
5 lack the specialized resources and trained personnel
6 to consistently plan and implement effective pro-
7 grams for the identification of gifted and talented
8 students and for the provision of educational services
9 and programs appropriate for their needs.

10 “(3) Because gifted and talented students gen-
11 erally are more advanced academically, are able to
12 learn more quickly, and study in more depth and
13 complexity than others their age, their educational
14 needs require opportunities and experiences that are
15 different from those generally available in regular
16 education programs.

17 “(4) Typical elementary school students who
18 are academically gifted and talented already have
19 mastered 35 to 50 percent of the school year’s con-
20 tent in several subject areas before the year begins.
21 Without an advanced and challenging curriculum,
22 they often lose their motivation and develop poor
23 study habits that are difficult to break.

1 **“SEC. 5253. CONDITIONS ON EFFECTIVENESS OF SUBPARTS**

2 **1 AND 2.**

3 “(a) SUBPART 1.—Subpart 1 shall be in effect only
4 for a fiscal year for which subpart 2 is not in effect.

5 “(b) SUBPART 2.—

6 “(1) IN GENERAL.—Subpart 2 shall be in effect
7 only for—

8 “(A) the first fiscal year for which the
9 amount appropriated to carry out this part
10 equals or exceeds \$50,000,000; and

11 “(B) all succeeding fiscal years.

12 “(2) CONTINUATION OF AWARDS.—Notwith-
13 standing any other provision of this part, a State re-
14 ceiving a grant under subpart 2—

15 “(A) shall give special consideration to a
16 request for the continuation of an award within
17 the State, made by any public or private agen-
18 cy, institution, or organization that was award-
19 ed a grant or contract under subpart 1 for a
20 fiscal year for which such subpart was in effect;
21 and

22 “(B) may use funds received under such
23 grant for the purpose of permitting the agency,
24 institution, or organization to continue to re-
25 ceive funds in accordance with the terms of

1 such award until the date on which the award
2 period terminates under such terms.

3 **“Subpart 1—Discretionary Grant Program**

4 **“SEC. 5261. PURPOSE.**

5 “The purpose of this subpart is to initiate a coordi-
6 nated program of scientifically based research, demonstra-
7 tion projects, innovative strategies, and similar activities
8 designed to build a nationwide capability in elementary
9 and secondary schools to meet the special educational
10 needs of gifted and talented students.

11 **“SEC. 5262. GRANTS TO MEET EDUCATIONAL NEEDS OF**
12 **GIFTED AND TALENTED STUDENTS.**

13 “(a) ESTABLISHMENT OF PROGRAM.—

14 “(1) IN GENERAL.—Subject to section 5253,
15 from the sums available to carry out this subpart in
16 any fiscal year, the Secretary (after consultation
17 with experts in the field of the education of gifted
18 and talented students) shall make grants to, or enter
19 into contracts with, State educational agencies, local
20 educational agencies, institutions of higher edu-
21 cation, other public agencies, and other private agen-
22 cies and organizations (including Indian tribes and
23 Indian organizations (as such terms are defined in
24 section 4 of the Indian Self-Determination and Edu-
25 cation Assistance Act (25 U.S.C. 450b)) and Native

1 Hawaiian organizations) to assist such agencies, in-
2 stitutions, and organizations in carrying out pro-
3 grams or projects authorized by this subpart that
4 are designed to meet the educational needs of gifted
5 and talented students, including the training of per-
6 sonnel in the education of gifted and talented stu-
7 dents and in the use, where appropriate, of gifted
8 and talented services, materials, and methods for all
9 students.

10 “(2) APPLICATION.—Each entity desiring as-
11 sistance under this subpart shall submit an applica-
12 tion to the Secretary at such time, in such manner,
13 and containing such information as the Secretary
14 may reasonably require. Each such application shall
15 describe how—

16 “(A) the proposed gifted and talented serv-
17 ices, materials, and methods can be adapted, if
18 appropriate, for use by all students; and

19 “(B) the proposed programs can be evalu-
20 ated.

21 “(b) USES OF FUNDS.—Programs and projects as-
22 sisted under this subpart may include the following:

23 “(1) Carrying out—

24 “(A) scientifically based research on meth-
25 ods and techniques for identifying and teaching

1 gifted and talented students, and for using gift-
2 ed and talented programs and methods to serve
3 all students; and

4 “(B) program evaluations, surveys, and the
5 collection, analysis, and development of infor-
6 mation needed to accomplish the purpose of this
7 subpart.

8 “(2) Professional development (including fellow-
9 ships) for personnel (including leadership personnel)
10 involved in the education of gifted and talented stu-
11 dents.

12 “(3) Establishment and operation of model
13 projects and exemplary programs for serving gifted
14 and talented students, including innovative methods
15 for identifying and educating students who may not
16 be served by traditional gifted and talented pro-
17 grams, including summer programs, mentoring pro-
18 grams, service learning programs, and cooperative
19 programs involving business, industry, and edu-
20 cation.

21 “(4) Implementing innovative strategies, such
22 as cooperative learning, peer tutoring and service
23 learning.

24 “(5) Programs of technical assistance and in-
25 formation dissemination, including assistance and

1 information with respect to how gifted and talented
2 programs and methods, where appropriate, may be
3 adapted for use by all students.

4 “(c) COORDINATION.—Scientifically based research
5 activities supported under this subpart—

6 “(1) shall be carried out in consultation with
7 the Office of Educational Research and Improve-
8 ment to ensure that such activities are coordinated
9 with and enhance the research and development ac-
10 tivities supported by such Office; and

11 “(2) may include collaborative scientifically
12 based research activities which are jointly funded
13 and carried out with such Office.

14 **“SEC. 5263. PROGRAM PRIORITIES.**

15 “(a) GENERAL PRIORITY.—In the administration of
16 this subpart, the Secretary shall give highest priority to
17 programs and projects designed to develop new informa-
18 tion that—

19 “(1) improves the capability of schools to plan,
20 conduct, and improve programs to identify and serve
21 gifted and talented students; and

22 “(2) assists schools in the identification of, and
23 provision of services to, gifted and talented students
24 who may not be identified and served through tradi-
25 tional assessment methods (including economically

1 disadvantaged individuals, individuals of limited
2 English proficiency, and individuals with disabili-
3 ties).

4 “(b) SERVICE PRIORITY.—In approving applications
5 for assistance under section 5262(a)(2), the Secretary
6 shall ensure that in each fiscal year at least one-half of
7 the applications approved under such section address the
8 priority described in subsection (a)(2).

9 “(c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
10 CIES FOR AUTHORIZED ACTIVITIES.—

11 “(1) IN GENERAL.—For fiscal year 2002 and
12 succeeding fiscal years, the Secretary shall ensure
13 that a percentage of the excess amount described in
14 paragraph (2) is used to increase (in proportion to
15 any increases in such excess amounts) the number
16 and size of the grants under this subpart to State
17 educational agencies to begin implementing activities
18 described in section 5272(b) through competitive
19 subgrants to local educational agencies.

20 “(2) EXCESS AMOUNT.—For purposes of para-
21 graph (1), the excess amount described in this para-
22 graph is, for fiscal year 2002 and succeeding fiscal
23 years, the amount (if any) by which the funds ap-
24 propriated to carry out this subpart for the year ex-
25 ceed such funds for fiscal year 2001.

1 **“SEC. 5264. GENERAL PROVISIONS FOR SUBPART.**

2 “(a) REVIEW, DISSEMINATION, AND EVALUATION.—

3 The Secretary—

4 “(1) shall use a peer review process in review-
5 ing applications under this subpart;

6 “(2) shall ensure that information on the activi-
7 ties and results of programs and projects funded
8 under this subpart is disseminated to appropriate
9 State and local educational agencies and other ap-
10 propriate organizations, including nonprofit private
11 organizations; and

12 “(3) shall evaluate the effectiveness of pro-
13 grams under this subpart in accordance with section
14 11501, both in terms of the impact on students tra-
15 ditionally served in separate gifted and talented pro-
16 grams and on other students, and submit the results
17 of such evaluation to the Congress not later than 2
18 years after the date of the enactment of the Excel-
19 lence and Accountability in Education Act.

20 “(b) PROGRAM OPERATIONS.—The Secretary shall
21 ensure that the programs under this subpart are adminis-
22 tered within the Department by a person who has recog-
23 nized professional qualifications and experience in the field
24 of the education of gifted and talented students and who—

25 “(1) shall administer and coordinate the programs
26 authorized under this subpart;

1 “(2) shall serve as a focal point of national
2 leadership and information on the educational needs
3 of gifted and talented students and the availability
4 of educational services and programs designed to
5 meet such needs; and

6 “(3) shall assist the Assistant Secretary of the
7 Office of Educational Research and Improvement in
8 identifying research priorities which reflect the needs
9 of gifted and talented students.

10 **“Subpart 2—Formula Grant Program**

11 **“SEC. 5271. PURPOSE.**

12 “The purpose of this subpart is to provide grants to
13 States to support programs, teacher preparation, and
14 other services designed to meet the needs of the Nation’s
15 gifted and talented students in elementary and secondary
16 schools.

17 **“SEC. 5272. ESTABLISHMENT OF PROGRAM; USE OF FUNDS.**

18 “(a) IN GENERAL.—In the case of each State that
19 in accordance with section 5274 submits to the Secretary
20 an application for a fiscal year, subject to section 5253,
21 the Secretary shall make a grant for the year to the State
22 for the uses specified in subsection (b). The grant shall
23 consist of the allotment determined for the State under
24 section 5273.

1 “(b) AUTHORIZED ACTIVITIES.—Each State receiv-
2 ing a grant under this subpart shall use the funds pro-
3 vided under the grant to assist local educational agencies
4 to develop or expand gifted and talented education pro-
5 grams through one or more of the following activities:

6 “(1) Development and implementation of pro-
7 grams to address State and local needs for in-service
8 training programs for general educators, specialists
9 in gifted and talented education, administrators, or
10 other personnel at the elementary and secondary lev-
11 els.

12 “(2) Making materials and services available
13 through State regional educational service centers,
14 institutions of higher education, or other entities.

15 “(3) Supporting innovative approaches and cur-
16 ricula used by local educational agencies (or con-
17 sortia of such agencies) or schools or (consortia of
18 schools).

19 “(4) Providing funds for challenging, high-level
20 course work, disseminated through new and emerg-
21 ing technologies (including distance learning), for in-
22 dividual students or groups of students in schools
23 and local educational agencies that do not have the
24 resources otherwise to provide such course work.

1 “(c) COMPETITIVE PROCESS.—A State receiving a
2 grant under this subpart shall distribute at least 95 per-
3 cent of the amount of the grant to local educational agen-
4 cies through a competitive process that results in an equi-
5 table distribution by geographic area within the State.

6 “(d) LIMITATIONS ON USE OF FUNDS.—

7 “(1) COURSE WORK PROVIDED THROUGH
8 EMERGING TECHNOLOGIES.—Activities under sub-
9 section (b)(4) may include development of cur-
10 rriculum packages, compensation of distance-learning
11 educators, or other relevant activities, but funds pro-
12 vided under this subpart may not be used for the
13 purchase or upgrading of technological hardware.

14 “(2) ADMINISTRATIVE COSTS.—A State receiv-
15 ing a grant under this subpart may use not more
16 than 5 percent of the amount of the grant for State
17 administrative costs.

18 **“SEC. 5273. ALLOTMENTS TO STATES.**

19 “(a) RESERVATION OF FUNDS.—From the amount
20 made available to carry out this subpart for any fiscal
21 year, the Secretary shall reserve one-half of 1 percent for
22 the Secretary of the Interior for programs under this sub-
23 part for teachers, other staff, and administrators in
24 schools operated or funded by the Bureau of Indian Af-
25 fairs.

1 “(b) STATE ALLOTMENTS.—

2 “(1) IN GENERAL.—Except as provided in para-
3 graph (2), the Secretary shall allot the total amount
4 made available to carry out this subpart for any fis-
5 cal year and not reserved under subsection (a) to the
6 50 States, the District of Columbia, and the Com-
7 monwealth of Puerto Rico on the basis of their rel-
8 ative populations of individuals aged 5 through 17,
9 as determined by the Secretary on the basis of the
10 most recent satisfactory data.

11 “(2) MINIMUM GRANT AMOUNT.—No State re-
12 ceiving an allotment under paragraph (1) may re-
13 ceive less than $\frac{1}{4}$ of 1 percent of the total amount
14 allotted under such paragraph.

15 “(c) REALLOTMENT.—If any State does not apply for
16 an allotment under this section for any fiscal year, the
17 Secretary shall realLOT such amount to the remaining
18 States in accordance with this section.

19 **“SEC. 5274. APPLICATION.**

20 “(a) IN GENERAL.—To be eligible to receive a grant
21 under this subpart, a State shall submit an application
22 to the Secretary at such time, in such manner, and con-
23 taining such information as the Secretary may reasonably
24 require.

1 “(b) CONTENTS.—Each application under this sec-
2 tion shall include assurances that—

3 “(1) funds received under this subpart will be
4 used to support gifted and talented students in pub-
5 lic schools and public charter schools, including stu-
6 dents from all economic, ethnic, and racial back-
7 grounds, students of limited English proficiency, stu-
8 dents with disabilities, and highly gifted students;

9 “(2) not less than 95 percent of the amount of
10 the funds provided under the grant shall be used for
11 the purpose of making, in accordance with this sub-
12 part and on a competitive basis, subgrants to local
13 educational agencies;

14 “(3) funds received under this subpart shall be
15 used only to supplement, but not supplant, the
16 amount of State and local funds expended for spe-
17 cialized education and related services provided for
18 the education of gifted and talented students; and

19 “(4) the State shall develop procedures to
20 evaluate program effectiveness.

21 “(c) APPROVAL.—To the extent funds are made
22 available for this subpart, the Secretary shall approve an
23 application of a State if such application meets the re-
24 quirements of this section.

1 **“SEC. 5275. ANNUAL REPORTING.**

2 “Beginning 1 year after the date of the enactment
3 of the Excellence and Accountability in Education Act, a
4 State receiving a grant under this subpart shall submit
5 an annual report to the Secretary that describes the num-
6 ber of students served and the activities supported with
7 funds provided under this subpart. The report shall in-
8 clude a description of the measures taken to comply with
9 paragraphs (1) and (4) of section 5274(b). To the extent
10 practicable and otherwise authorized by law, this report
11 shall be submitted as part of any consolidated State per-
12 formance report for State formula grant programs under
13 this Act.

14 **“Subpart 3—National Center for Research and Devel-**
15 **opment in the Education of Gifted and Talented**
16 **Children and Youth**

17 **“SEC. 5281. CENTER FOR RESEARCH AND DEVELOPMENT.**

18 “(a) IN GENERAL.—The Secretary (after consulta-
19 tion with experts in the field of the education of gifted
20 and talented students) shall establish a National Center
21 for Research and Development in the Education of Gifted
22 and Talented Children and Youth through grants to or
23 contracts with one or more institutions of higher education
24 or State educational agencies, or a combination or consor-
25 tium of such institutions and agencies and other public

1 or private agencies and organizations, for the purpose of
2 carrying out activities described in section 5273(b)(1).

3 “(b) DIRECTOR.—Such National Center shall have a
4 Director. The Secretary may authorize the Director to
5 carry out such functions of the National Center as may
6 be agreed upon through arrangements with institutions of
7 higher education, State or local educational agencies, or
8 other public or private agencies and organizations.

9 “(c) COORDINATION.—Scientifically based research
10 activities supported under this subpart—

11 “(1) shall be carried out in consultation with
12 the Office of Educational Research and Improve-
13 ment to ensure that such activities are coordinated
14 with and enhance the research and development ac-
15 tivities supported by such Office; and

16 “(2) may include collaborative scientifically
17 based research activities which are jointly funded
18 and carried out with such Office.

19 **“Subpart 4—General Provisions**

20 **“SEC. 5291. CONSTRUCTION.**

21 “Nothing in this part shall be construed to prohibit
22 a recipient of funds under this part from serving gifted
23 and talented students simultaneously with students with
24 similar educational needs, in the same educational settings
25 where appropriate.

1 **“SEC. 5292. PARTICIPATION OF PRIVATE SCHOOL CHIL-**
2 **DREN AND TEACHERS.**

3 “In making grants and entering into contracts under
4 this part, the Secretary shall ensure, where appropriate,
5 that provision is made for the equitable participation of
6 students and teachers in private nonprofit elementary and
7 secondary schools, including the participation of teachers
8 and other personnel in professional development programs
9 serving such children.

10 **“SEC. 5293. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) SUBPART 1 OR 2.—Subject to section 5253,
12 there are authorized to be appropriated \$20,000,000 to
13 carry out subpart 1 or 2 for fiscal year 2002 and such
14 sums as may be necessary for each of fiscal years 2003
15 through 2006.

16 “(b) SUBPART 3.—There are authorized to be appro-
17 priated to carry out subpart 3 for fiscal year 2002
18 \$1,950,000 and such sums as may be necessary for each
19 of fiscal years 2002 through 2006.”.

20 **SEC. 505. CHARTER SCHOOLS.**

21 (a) REDESIGNATIONS.—Part F of title X is redesi-
22 gnated as part E of title V and sections 10301 through
23 10311 are redesignated as sections 5301 through 5311,
24 respectively.

25 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
26 5311 (as so redesignated) to read as follows:

1 **“SEC. 5311. AUTHORIZATION OF APPROPRIATIONS.**

2 “For the purpose of carrying out this part, there are
3 authorized to be appropriated \$250,000,000 for fiscal year
4 2002 and such sums as may be necessary for each of the
5 4 succeeding fiscal years.”.

6 **SEC. 506. ARTS IN EDUCATION.**

7 (a) REDESIGNATIONS.—Part D of title X is repealed,
8 except for subpart 1. Subpart 1 of part D of title X is
9 redesignated as part F of title V and section 10401 is
10 redesignated as section 5351.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—Sub-
12 section (f) of section 5351 (as so redesignated) is amended
13 to read as follows:

14 “(f) AUTHORIZATION OF APPROPRIATIONS.—For the
15 purpose of carrying out this part, there are authorized to
16 be appropriated \$35,000,000 for fiscal year 2002 and
17 such sums as may be necessary for each of the 4 suc-
18 ceeding fiscal years.

19 (c) SUBPART REFERENCES.—Section 5351 (as so re-
20 designated) is amended by striking “this subpart” each
21 place it appears and inserting “this part”.

22 **SEC. 507. INEXPENSIVE BOOK DISTRIBUTION PROGRAM.**

23 (a) REDESIGNATION.—Part E of title X is redesi-
24 gnated as part G of title V and section 10501 is redesi-
25 gnated as section 5401.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Sub-
2 section (e) of section 5401 (as so redesignated) is amended
3 to read as follows:

4 “(e) AUTHORIZATION OF APPROPRIATIONS.—For the
5 purpose of carrying out this part, there are authorized to
6 be appropriated \$28,000,000 for fiscal year 2002 and
7 such sums as may be necessary for each of the 4 suc-
8 ceeding fiscal years.”.

9 **SEC. 508. CIVIC EDUCATION.**

10 Part F of title X is redesignated as part H of title
11 V and is amended to read as follows:

12 **“PART H—CIVIC EDUCATION**

13 **“SEC. 5451. SHORT TITLE.**

14 “This part may be cited as the ‘Education for De-
15 mocracy Act’.

16 **“SEC. 5452. FINDINGS.**

17 “The Congress finds that—

18 “(1) college freshmen surveyed in 1999 by the
19 Higher Education Research Institute at the Univer-
20 sity of California at Los Angeles demonstrated high-
21 er levels of disengagement, both academically and
22 politically, than any previous entering class of stu-
23 dents;

24 “(2) college freshmen in 1999 demonstrated the
25 lowest levels of political interest in the 20-year his-

1 tory of surveys conducted by the Higher Education
2 Research Institute at the University of California at
3 Los Angeles;

4 “(3) United States secondary school students
5 expressed relatively low levels of interest in politics
6 and economics in a 1999 Harris survey;

7 “(4) the 32d Annual Phi Delta Kappa/Gallup
8 Poll of 2000 indicated that preparing students to be-
9 come responsible citizens was the most important
10 purpose of public schools;

11 “(5) Americans surveyed by the Organization of
12 Economic Cooperation and Development indicated
13 that only 59 percent had confidence that schools
14 have a major effect on the development of good citi-
15 zenship;

16 “(6) teachers too often do not have sufficient
17 expertise in the subjects that they teach, and half of
18 all secondary school history students in America are
19 being taught by teachers with neither a major nor
20 a minor in history;

21 “(7) secondary school students correctly an-
22 swered less than half of the questions on a national
23 test of economic knowledge in a 1999 Harris survey;

24 “(8) the 1998 National Assessment of Edu-
25 cational Progress indicated that students have only

1 superficial knowledge of, and lacked a depth of un-
2 derstanding regarding, civics;

3 “(9) civic and economic education are impor-
4 tant not only to developing citizenship competencies
5 in the United States but also are critical to sup-
6 porting political stability and economic health in
7 other democracies, particularly emerging democratic
8 market economies;

9 “(10) more than three quarters of Americans
10 surveyed by the National Constitution Center in
11 1997 admitted that they knew only some or very lit-
12 tle about the Constitution of the United States; and

13 “(11) the Constitution of the United States is
14 too often viewed within the context of history and
15 not as a living document that shapes current events.

16 **“SEC. 5453. PURPOSE.**

17 “It is the purpose of this part—

18 “(1) to improve the quality of civics and gov-
19 ernment education by educating students about the
20 history and principles of the Constitution of the
21 United States, including the Bill of Rights;

22 “(2) to foster civic competence and responsi-
23 bility; and

24 “(3) to improve the quality of civic education
25 and economic education through cooperative civic

1 education and economic education exchange pro-
2 grams with emerging democracies.

3 **“SEC. 5454. GENERAL AUTHORITY.**

4 “(a) GRANTS AND CONTRACTS.—

5 “(1) IN GENERAL.—The Secretary is authorized
6 to award grants to or enter into contracts with—

7 “(A) the Center for Civic Education to
8 carry out civic education activities under sec-
9 tions 5455 and 5456; and

10 “(B) the National Council on Economic
11 Education to carry out economic education ac-
12 tivities under section 5456.

13 “(2) CONSULTATION.—The Secretary shall
14 award the grants and contracts under section 5456
15 in consultation with the Secretary of State.

16 “(b) DISTRIBUTION.—The Secretary shall use not
17 more than 50 percent of the amount appropriated under
18 section 5457(b) for each fiscal year to carry out economic
19 education activities under section 5456.

20 **“SEC. 5455. WE THE PEOPLE PROGRAM.**

21 “(a) THE CITIZEN AND THE CONSTITUTION.—

22 “(1) IN GENERAL.—The Center for Civic Edu-
23 cation shall use funds awarded under section
24 5454(a)(1)(A) to carry out The Citizen and the Con-
25 stitution program in accordance with this subsection.

1 “(2) EDUCATIONAL ACTIVITIES.—The Citizen
2 and the Constitution program—

3 “(A) shall continue and expand the edu-
4 cational activities of the ‘We the People . . .
5 The Citizen and the Constitution’ program ad-
6 ministered by the Center for Civic Education;

7 “(B) shall enhance student attainment of
8 challenging content standards in civics and gov-
9 ernment; and

10 “(C) may provide—

11 “(i) a course of instruction on the
12 basic principles of our Nation’s constitu-
13 tional democracy and the history of the
14 Constitution of the United States and the
15 Bill of Rights;

16 “(ii) at the request of a participating
17 school, school and community simulated
18 congressional hearings following the course
19 of study;

20 “(iii) an annual national competition
21 of simulated congressional hearings for
22 secondary school students who wish to par-
23 ticipate in such a program;

24 “(iv) advanced training of teachers
25 about the Constitution of the United

1 States and the political system the United
2 States created;

3 “(v) materials and methods of instruc-
4 tion, including teacher training, that utilize
5 the latest advancements in educational
6 technology; and

7 “(vi) civic education materials and
8 services to address specific problems such
9 as the prevention of school violence and the
10 abuse of drugs and alcohol.

11 “(3) AVAILABILITY OF PROGRAM.—The edu-
12 cation program authorized under this subsection
13 shall be made available to public and private elemen-
14 tary schools and secondary schools, including Bu-
15 reau funded schools, in the 435 congressional dis-
16 tricts, and in the District of Columbia, the Common-
17 wealth of Puerto Rico, the United States Virgin Is-
18 lands, Guam, American Samoa, and the Common-
19 wealth of the Northern Mariana Islands.

20 “(b) PROJECT CITIZEN.—

21 “(1) IN GENERAL.—The Center for Civic Edu-
22 cation shall use funds awarded under section
23 5454(a)(1)(A) to carry out The Project Citizen pro-
24 gram in accordance with this subsection.

1 “(2) EDUCATIONAL ACTIVITIES.—The Project
2 Citizen program—

3 “(A) shall continue and expand the edu-
4 cational activities of the ‘We the People . . .
5 Project Citizen’ program administered by the
6 Center for Civic Education;

7 “(B) shall enhance student attainment of
8 challenging content standards in civics and gov-
9 ernment; and

10 “(C) may provide—

11 “(i) a course of instruction at the
12 middle school level on the roles of State
13 and local governments in the Federal sys-
14 tem established by the Constitution of the
15 United States;

16 “(ii) optional school and community
17 simulated State legislative hearings;

18 “(iii) an annual national showcase or
19 competition;

20 “(iv) advanced training of teachers on
21 the roles of State and local governments in
22 the Federal system established by the Con-
23 stitution of the United States;

24 “(v) materials and methods of instruc-
25 tion, including teacher training, that utilize

1 the latest advancements in educational
2 technology; and

3 “(vi) civic education materials and
4 services to address specific problems such
5 as the prevention of school violence and the
6 abuse of drugs and alcohol.

7 “(3) AVAILABILITY OF PROGRAM.—The edu-
8 cation program authorized under this subsection
9 shall be made available to public and private middle
10 schools, including Bureau funded schools, in the 50
11 States of the United States, the District of Colum-
12 bia, the Commonwealth of Puerto Rico, the United
13 States Virgin Islands, Guam, American Samoa, and
14 the Commonwealth of the Northern Mariana Is-
15 lands.

16 “(c) DEFINITION OF BUREAU FUNDED SCHOOL.—
17 In this section the term ‘Bureau funded school’ has the
18 meaning given the term in section 1146 of the Education
19 Amendments of 1978.

20 **“SEC. 5456. COOPERATIVE CIVIC EDUCATION AND ECO-**
21 **NOMIC EDUCATION EXCHANGE PROGRAMS.**

22 “(a) COOPERATIVE EDUCATION EXCHANGE PRO-
23 GRAMS.—The Center for Civic Education and the National
24 Council on Economic Education shall use funds awarded

1 under section 5454(a)(1) to carry out Cooperative Edu-
2 cation Exchange programs in accordance with this section.

3 “(b) PURPOSE.—The purpose of the Cooperative
4 Education Exchange programs provided under this section
5 shall be to—

6 “(1) make available to educators from eligible
7 countries exemplary curriculum and teacher training
8 programs in civics and government education, and
9 economics education, developed in the United States;

10 “(2) assist eligible countries in the adaptation,
11 implementation, and institutionalization of such pro-
12 grams;

13 “(3) create and implement civics and govern-
14 ment education, and economic education, programs
15 for students that draw upon the experiences of the
16 participating eligible countries;

17 “(4) provide a means for the exchange of ideas
18 and experiences in civics and government education,
19 and economic education, among political, edu-
20 cational, governmental, and private sector leaders of
21 participating eligible countries; and

22 “(5) provide support for—

23 “(A) research and evaluation to determine
24 the effects of educational programs on students’
25 development of the knowledge, skills, and traits

1 of character essential for the preservation and
2 improvement of constitutional democracy; and

3 “(B) effective participation in and the
4 preservation and improvement of an efficient
5 market economy.

6 “(c) AVOIDANCE OF DUPLICATION.—The Secretary
7 shall consult with the Secretary of State to ensure that—

8 “(1) activities under this section are not dupli-
9 cative of other efforts in the eligible countries; and

10 “(2) partner institutions in the eligible coun-
11 tries are creditable.

12 “(d) ACTIVITIES.—The Cooperative Education Ex-
13 change programs shall—

14 “(1) provide eligible countries with—

15 “(A) seminars on the basic principles of
16 United States constitutional democracy and ec-
17 onomics, including seminars on the major gov-
18 ernmental and economic institutions and sys-
19 tems in the United States, and visits to such in-
20 stitutions;

21 “(B) visits to school systems, institutions
22 of higher education, and nonprofit organizations
23 conducting exemplary programs in civics and
24 government education, and economic education,
25 in the United States;

1 “(C) translations and adaptations regard-
2 ing United States civic and government edu-
3 cation, and economic education, curricular pro-
4 grams for students and teachers, and in the
5 case of training programs for teachers trans-
6 lations and adaptations into forms useful in
7 schools in eligible countries, and joint research
8 projects in such areas;

9 “(D) research and evaluation assistance to
10 determine—

11 “(i) the effects of the Cooperative
12 Education Exchange programs on stu-
13 dents’ development of the knowledge,
14 skills, and traits of character essential for
15 the preservation and improvement of con-
16 stitutional democracy; and

17 “(ii) effective participation in and the
18 preservation and improvement of an effi-
19 cient market economy;

20 “(2) provide United States participants with—

21 “(A) seminars on the histories, economies,
22 and systems of government of eligible countries;

23 “(B) visits to school systems, institutions
24 of higher education, and organizations con-
25 ducting exemplary programs in civics and gov-

1 ernment education, and economic education, lo-
2 cated in eligible countries;

3 “(C) assistance from educators and schol-
4 ars in eligible countries in the development of
5 curricular materials on the history, government,
6 and economy of such countries that are useful
7 in United States classrooms;

8 “(D) opportunities to provide onsite dem-
9 onstrations of United States curricula and ped-
10 agogy for educational leaders in eligible coun-
11 tries; and

12 “(E) research and evaluation assistance to
13 determine—

14 “(i) the effects of the Cooperative
15 Education Exchange programs on stu-
16 dents’ development of the knowledge,
17 skills, and traits of character essential for
18 the preservation and improvement of con-
19 stitutional democracy; and

20 “(ii) effective participation in and im-
21 provement of an efficient market economy;
22 and

23 “(3) assist participants from eligible countries
24 and the United States to participate conferences on
25 civics and government education, and economic edu-

1 cation, for educational leaders, teacher trainers,
2 scholars in related disciplines, and educational pol-
3 icymakers.

4 “(e) PARTICIPANTS.—The primary participants in
5 the Cooperative Education Exchange programs assisted
6 under this section shall be educational leaders in the areas
7 of civics and government education, and economic edu-
8 cation, including teachers, curriculum and teacher train-
9 ing specialists, scholars in relevant disciplines, and edu-
10 cational policymakers, and government and private sector
11 leaders from the United States and eligible countries.

12 “(f) DEFINITION.—For the purpose of this section,
13 the term ‘eligible country’ means a Central European
14 country, an Eastern European country, Lithuania, Latvia,
15 Estonia, the independent states of the former Soviet
16 Union as defined in section 3 of the FREEDOM Support
17 Act (22 U.S.C. 5801), and may include the Republic of
18 Ireland, the province of Northern Ireland in the United
19 Kingdom, and any developing country, as defined in sec-
20 tion 209(d) of the Education for the Deaf Act, that has
21 a democratic form of government as determined by the
22 Secretary in consultation with the Secretary of State.

23 **“SEC. 5457. AUTHORIZATION OF APPROPRIATIONS.**

24 “(a) SECTION 5455.—There are authorized to be ap-
25 propriated to carry out section 5455, \$15,000,000 for fis-

1 cal year 2002 and such sums as may be necessary for each
2 of the fiscal years 2003 through 2006.

3 “(b) SECTION 5456.—There are authorized to be ap-
4 propriated to carry out section 5456, \$12,000,000 for fis-
5 cal year 2002 and such sums as may be necessary for each
6 of the fiscal years 2003 through 2006.”.

7 **SEC. 509. ALLEN J. ELLENDER FELLOWSHIP PROGRAM.**

8 (a) REDESIGNATIONS.—Part G of title X is redesi-
9 gnated as part I of title V. Section 10701 is redesignated
10 as section 5501. Sections 10711 and 10712 are redesi-
11 gnated as section 5511 and 5512, respectively. Sections
12 10721 and 10722 are redesignated as sections 5521 and
13 5522, respectively. Sections 10731 and 10732 are redesi-
14 gnated as section 5531 and 5532, respectively. Sections
15 10741 and 10742 are redesignated as sections 5541 and
16 5542, respectively.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
18 5542 (as so redesignated) is amended to read as follows:

19 **“SEC. 5542. AUTHORIZATION OF APPROPRIATIONS.**

20 “(a) IN GENERAL.—There are authorized to be ap-
21 propriated to carry out the provisions of subparts 1, 2,
22 and 3 of this part \$4,400,000 for fiscal year 2002 and
23 such sums as may be necessary of each of the 4 succeeding
24 fiscal years.

1 “(b) SPECIAL RULE.—Of the funds appropriated
2 pursuant to subsection (a), not more than 30 percent may
3 be used for teachers associated with students participating
4 in the programs described in section 5511(a).”.

5 **SEC. 510. 21ST CENTURY COMMUNITY LEARNING CENTERS.**

6 Part I of title X is redesignated as part J of title
7 V and amended to read as follows:

8 **“PART J—21ST CENTURY COMMUNITY LEARNING**
9 **CENTERS**

10 **“SEC. 5551. SHORT TITLE.**

11 “This part may be cited as the ‘21st Century Com-
12 munity Learning Centers Act’.

13 **“SEC. 5552. FINDINGS.**

14 The Congress finds that—

15 “(1) a local public school often serves as a cen-
16 ter for the delivery of education and human re-
17 sources for all members of a community;

18 “(2) evaluations show that collaboration be-
19 tween public schools (particularly in inner and small
20 cities and rural and disadvantaged suburban com-
21 munities) and other public and nonprofit agencies
22 and organizations, local businesses, educational enti-
23 ties, recreational, cultural, and other community and
24 human service entities helps to meet the needs of,

1 and expands the opportunities available to, all resi-
2 dents of the communities served by such schools;

3 “(3) participation in high-quality programs can
4 result in better grades and conduct in school, and is
5 particularly beneficial for children living in high-risk
6 environments. In particular, children who participate
7 in high-quality after school program spend more
8 time in academic and enrichment activities; watch
9 less television; have significantly lower incidences of
10 drug use and unwanted teenage pregnancies; and
11 communicate better with adults and their peers.

12 “(4) by using school facilities, equipment, and
13 resources, communities can promote a more efficient
14 use of public education facilities, especially in rural
15 and inner city areas where limited financial re-
16 sources have enhanced the necessity for local public
17 schools to become social service centers;

18 “(5) the high technology, global economy of the
19 21st century will require lifelong learning to keep
20 America’s workforce competitive and successful, and
21 local public schools should provide centers for life-
22 long learning and educational opportunities for indi-
23 viduals of all ages; and

24 “(6) 21st Century Community Learning Cen-
25 ters enable the entire community to develop an edu-

1 cation strategy that addresses the educational needs
2 of all members of local communities.

3 **“SEC. 5553. PROGRAM AUTHORIZATION.**

4 “(a) PROGRAM AUTHORITY.—The Secretary is au-
5 thorized, in accordance with the provisions of this part,
6 to award grants to State educational agencies to enable
7 its schools or a consortia of its schools to plan, implement,
8 or to expand projects that benefit the educational, health,
9 social service, cultural, and recreational needs of inner and
10 small cities and rural and disadvantaged suburban com-
11 munities with a substantial need for expanded learning op-
12 portunities because—

13 “(1) they lack resources to establish or expand
14 after-school centers that benefit the educational,
15 health, social service, cultural, and recreational
16 needs of the community; or

17 “(2) they have other needs consistent with the
18 purposes of this part.

19 “(b) RESERVATION.—From the funds appropriated
20 under section 5663 to carry out this part for each fiscal
21 year, the Secretary—

22 “(1) shall reserve an amount necessary to make
23 continuation grants to existing grantees under part
24 I of title X, as it existed on the day before the date

1 of the enactment of the Excellence and Account-
2 ability in Education Act.

3 “(2) shall reserve the lesser of 0.5 percent or
4 \$3,000,000 of such amount for grants under this
5 part to Guam, American Samoa, the Virgin Islands,
6 the Commonwealth of the Northern Mariana Is-
7 lands, the Republic of Palau, the Marshall Islands,
8 and the Federated States of Micronesia;

9 “(3) shall reserve 0.5 percent of such amount
10 for the Bureau of Indian Affairs of the Department
11 of Interior to carry out programs under this part for
12 Indian children; and

13 “(4) shall reserve the lesser of 2.5 percent or
14 \$20,000,000 for evaluation and national activities
15 under section 5660.

16 “(c) STATE EDUCATIONAL AGENCY ALLOTMENTS.—

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

24 “(2) MINIMUM.—For any fiscal year, no State
25 (including for the purposes of this part, the Bureau

1 of Indian Affairs) shall be allotted under this sub-
2 section an amount that is less than 0.5 percent of
3 the total amount allotted to all the States under this
4 subsection.

5 “(3) REALLOTMENT.—The Secretary may
6 reallocate any amount of any allotment to a State if the
7 Secretary determines that the State will be unable to
8 use such amount within 2 years of such allotment.
9 Such reallocations shall be made on the same basis
10 as allotments are made under paragraph (1).

11 “(d) WITHIN STATE DISTRIBUTION OF FUNDS.—
12 Each State educational agency having an approved appli-
13 cation pursuant to section 5554 and receiving an alloca-
14 tion under subsection (c), shall—

15 “(1) use not less than 95 percent of the funds
16 made available to it under subsection (c) to award
17 grants, on a competitive basis, to local educational
18 agencies, or consortia of local educational agencies,
19 acting on behalf of public elementary or secondary
20 schools; and

21 “(2) use up to 5 percent for State level activi-
22 ties and evaluation, of which 40 percent may be used
23 for administration.

1 **“SEC. 5554. STATE EDUCATIONAL AGENCY APPLICATIONS.**

2 “(a) IN GENERAL.—Each State educational agency
3 seeking a grant under this subpart shall submit an appli-
4 cation in such form, and containing such information, as
5 the Secretary may reasonably require. At a minimum, the
6 application shall—

7 “(1) designate the State educational agency as
8 the agency responsible for the administration and
9 supervision of programs assisted under this part;

10 “(2) describe the competitive procedures and
11 criteria the State will use to ensure that grants
12 under this part will support high-quality programs
13 in communities with a substantial need for expand-
14 ing learning opportunities, with a priority for those
15 that—

16 “(A) have a high proportion of high-pov-
17 erty students; and

18 “(B) lack resources to establish or expand
19 after-school centers that benefit the educational
20 health, social service, cultural, and recreational
21 needs of the community.

22 “(3) describe the steps the State will take to
23 ensure that programs implement effective strategies,
24 including providing ongoing technical assistance and
25 training, evaluation, dissemination of promising
26 practices, and monitoring;

1 “(4) contain an assurance that the State edu-
2 cational agency shall provide for the annual submis-
3 sion of data regarding the uses of funds under this
4 part, including the activities provided and popu-
5 lations served under this part, and such other infor-
6 mation as the Secretary may require;

7 “(5) contain an assurance that the State edu-
8 cational agency shall comply with the requirements
9 of this part;

10 “(6) contain a description of how the State will
11 coordinate Federal, State, and local programs in
12 order to use most effectively the resources available
13 to support the project;

14 “(7) provide that the State educational agency
15 will keep such records and provide such information
16 to the Secretary as may be required for fiscal audit
17 and program evaluation (consistent with all State
18 educational agency fiscal audit and program evalua-
19 tion responsibilities required under this Act);

20 “(8) describe how the State will evaluate the ef-
21 fectiveness of programs and activities carried out
22 with funds under this part; and

23 “(9) provide for timely public notice and public
24 dissemination of the data submitted under this part.

1 “(b) APPROVAL.—The Secretary shall approve a
2 State application under this section if the Secretary deter-
3 mines that it satisfies the requirements, and holds reason-
4 able promise for accomplishing the purposes of this part.

5 **“SEC. 5555. STATE EDUCATIONAL AGENCY ACTIVITIES.**

6 “Each State, having an approved application under
7 section 5554 may use funds allocated under section
8 5553(d)(2) for one or more of the following activities:

9 “(1) establishment and implementation of a
10 peer review process for grant applications;

11 “(2) supervision of the awarding of funds to
12 local educational agencies on behalf of public ele-
13 mentary schools, secondary schools or consortia
14 thereof;

15 “(3) planning, supervision, and processing of
16 funds made available under this section;

17 “(4) monitoring and evaluation of programs
18 and activities assisted under this part; and

19 “(5) providing technical assistance under this
20 part.

21 **“SEC. 5556. STATE PERFORMANCE INDICATORS.**

22 Each State educational agency shall establish per-
23 formance indicators and acceptable goals of progress to
24 evaluate the effectiveness of programs funded under this
25 part.

1 **“SEC. 5557. LOCAL COMPETITIVE GRANTS**

2 “(a) **COMPETITIVE GRANTS.**—The State educational
3 agency shall distribute funds provided under section
4 5553(d)(1) on a competitive basis to local educational
5 agencies, consortia of local educational agencies, acting on
6 behalf of a public elementary or secondary schools to en-
7 able such schools to plan, implement, or expand commu-
8 nity learning centers that address the educational, health,
9 social service, cultural, and recreational needs of the local
10 community.

11 “(b) **EXTENDED LEARNING TIME.**—In order to re-
12 ceive a grant under this part, a local educational agency
13 shall provide significant expanded learning opportunities,
14 such as before and after school, for children and youth
15 in the community that:

16 “(1) are designed to help students in the school
17 and community achieve to challenging state content
18 and performance standards;

19 “(2) provide academic instruction by trained
20 and qualified teachers;

21 “(3) utilize research-based practices, to the ex-
22 tent available and feasible, that show success in rais-
23 ing student achievement and increasing literacy
24 skills;

25 “(4) include a parent and family involvement
26 component;

1 “(5) include professional development that is
2 aligned to the extended learning curriculum;

3 “(6) indicate how the school will provide a con-
4 tinuity of extended learning curriculum over multiple
5 years; and

6 “(7) include ongoing evaluation to assess the ef-
7 fectiveness of the program.

8 “(c) **EQUITABLE DISTRIBUTION.**—In awarding
9 grants under this part, the State educational agency shall
10 ensure that both urban and rural areas of the State are
11 served.

12 “(d) **GRANT PERIOD.**—A State educational agency
13 shall award grants under this part for a period not to ex-
14 ceed 5 years.

15 “(e) **AMOUNT.**—A State educational agency shall not
16 award a grant under this part in any fiscal year in an
17 amount less than \$75,000.

18 **“SEC. 5558. LOCAL APPLICATION.**

19 “(a) **APPLICATION.**—To be eligible to receive a grant
20 under this part, a local educational agency, or a consortia
21 of local educational agencies, on behalf of public elemen-
22 tary or secondary schools, shall submit an application to
23 the State educational agency at such time, in such man-
24 ner, and accompanied by such information as the State
25 educational agency may reasonably require.

1 “(b) CONTENTS.—Each such application shall
2 include—

3 “(1) a comprehensive local plan that enables
4 the school or consortium to serve as a center for the
5 delivery of education and human resources for mem-
6 bers of a community;

7 “(2) an evaluation of the needs, available re-
8 sources, and goals and objectives for the proposed
9 project in order to determine which activities will be
10 undertaken to address such needs;

11 “(3) a description of the proposed project,
12 including—

13 “(A) a description of the mechanism that
14 will be used to disseminate information in a
15 manner that is understandable and accessible to
16 the community;

17 “(B) a description of how the applicant
18 will coordinate Federal, State, and local pro-
19 grams in order to use most effectively the re-
20 sources available to support the project;

21 “(C) a description of the collaborative ef-
22 forts to be undertaken with community-based
23 organizations, related public agencies, busi-
24 nesses, or other appropriate organizations in
25 order to promote community involvement in the

1 planning and implementation of services pro-
2 vided under this part;

3 “(D) a description of how the community
4 learning center will serve as a delivery center
5 for existing and new services, especially for
6 interactive telecommunication used for edu-
7 cation and professional training; and

8 “(E) an assurance that the school or con-
9 sortium will establish a facility utilization policy
10 that specifically states—

11 “(i) the rules and regulations applica-
12 ble to building and equipment use; and

13 “(ii) supervision guidelines;

14 “(4) information demonstrating that the school
15 or consortium will provide at least 50 percent of the
16 cost of the project from other sources, which may in-
17 clude other Federal funds and may be provided in
18 cash or in-kind, fairly evaluate;

19 “(5) an assurance that the school or consortium
20 will, each year of the project, expend, from non-Fed-
21 eral sources, at least as much for the services under
22 this part as it expended for the preceding year; and

23 “(6) information demonstrating how the school
24 or consortium will continue the project after comple-
25 tion of the grant.

1 **“SEC. 5559. USE OF FUNDS.**

2 Grants awarded under section 5557, either directly
3 or through contracts with community-based organizations
4 with demonstrated ability to provide high-quality program-
5 ming, shall be used to establish or expand community
6 learning centers that provide activities that offer signifi-
7 cant expanded learning opportunities, such as before and
8 after school, for children and youth in the community. A
9 grantee shall use at least a portion of its grant under sec-
10 tion 5557 to implement or expand after school learning
11 opportunities, and shall use the remainder of its grant to
12 carry out not less than 3 of the following activities:

13 “(1) Literacy education programs.

14 “(2) Senior citizen programs.

15 “(3) Children’s day care services.

16 “(4) Integrated education, health, social service,
17 recreational, or cultural programs.

18 “(5) Summer and weekend school programs in
19 conjunction with recreation programs.

20 “(6) Nutrition and health programs.

21 “(7) Expanded library service hours to serve
22 community needs.

23 “(8) Telecommunications and technology edu-
24 cation programs for individuals of all ages.

25 “(9) Parenting skills education programs.

1 “(10) Support and training for child day care
2 providers.

3 “(11) Employment counseling, training, and
4 placement.

5 “(12) Services for individuals who leave school
6 before graduating from secondary school, regardless
7 of the age of such individual.

8 “(13) Services for individuals with disabilities.

9 “(14) Mentoring of at-risk children, including
10 mentoring by senior citizens.

11 **“SEC. 5560. NATIONAL ACTIVITIES.**

12 “The Secretary shall use funds reserved under sec-
13 tion 5553(b)(4) for technical assistance, evaluation, dis-
14 semination of information, activities to encourage the
15 spread and adoption of successful extended learning op-
16 portunities programs, and other national activities that
17 support programs under this part.

18 **“SEC. 5561. COMMUNITY LEARNING CENTER DEFINED.**

19 “For the purpose of this part, the term ‘community
20 learning center’ means an entity within a public elemen-
21 tary or secondary school building that—

22 “(1) provides expanded learning opportunities,
23 and educational, recreational, health, and social
24 service programs for residents of all ages within a

1 local community in a safe and drug-free environ-
2 ment;

3 “(2) is operated by a local educational agency
4 in conjunction with local governmental agencies,
5 businesses, vocational education programs, institu-
6 tions of higher education, community colleges, and
7 cultural, recreational, and other community and
8 human service entities; and

9 “(3) includes expanded learning opportunities
10 such as before- and after-school.

11 **“SEC. 5562. SUPPLEMENT.**

12 “Funds made available under this part shall be used
13 to supplement and not supplant other Federal, State, and
14 local funds expended to carry out activities relating to ex-
15 panded learning opportunities.

16 **“SEC. 5563. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated
18 \$964,000,000 for fiscal year 2002, \$1,100,000,000 for fis-
19 cal year 2003, \$1,253,000,000 for fiscal year 2004,
20 \$1,416,000,000 for fiscal year 2005, and \$1,615,000,000
21 for fiscal year 2006, to carry out this part.”.

22 **SEC. 511. RURAL EDUCATION ACHIEVEMENT PROGRAM.**

23 (a) REDESIGNATIONS.—Part J of title X is repealed,
24 except for subpart 2. Subpart 2 of part J is redesignated

1 as part K of title V. Sections 10971 through 10978 are
2 redesignated as sections 5601 through 5608, respectively.

3 (b) SUBPART REFERENCES.—Part K of title V (as
4 so redesignated) is amended by striking “this subpart”
5 each place it appears and inserting “this part”.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
7 5603 (as so redesignated) is amended by striking “2001.”
8 and inserting “2002 and such sums as may be necessary
9 for the 4 succeeding fiscal years.”.

10 **SEC. 512. PHYSICAL EDUCATION FOR PROGRESS.**

11 (a) REDESIGNATIONS.—Part L of title X is redesi-
12 gnated as part L of title V. Sections 10999A through
13 10999L are redesignated as sections 5651 through 5662,
14 respectively.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
16 5662 (as so redesignated) is amended by striking “2005”
17 and inserting “2006”.

18 **SEC. 513. COORDINATED SERVICES.**

19 Title XI is redesignated as part M of title V and
20 amended to read as follows:

21 **“PART M—COORDINATED SERVICES**

22 **“SEC. 5701. FINDINGS AND PURPOSE.**

23 “(a) FINDINGS.—The Congress finds the following:

24 “(1) Access to health and social service pro-
25 grams in a school-based or school-linked community

1 service center may make it easier for families to ad-
2 dress the basic physical and emotional needs of chil-
3 dren and parents.

4 “(2) Parents, school personnel, and service pro-
5 viders should have access to services and activities to
6 improve the education, health, mental health, safety
7 and economic well-being of children and their fami-
8 lies.

9 “(3) School personnel, health care providers,
10 mental health care providers, child care providers,
11 juvenile justice workers and other family service pro-
12 viders could be of greater assistance to children and
13 their families if they had access to a single school-
14 based or school-linked community service center.

15 “(4) Coordinating health and social services
16 with education will help ensure that children come to
17 school ready to learn.

18 “(b) PURPOSE.—The purpose of this part is to en-
19 courage eligible partnerships to establish or expand child
20 opportunity zone family centers in or near public elemen-
21 tary and secondary schools in order to provide students
22 and their families better access to coordinated services
23 which improve their education, health, mental health, safe-
24 ty, and economic well-being.

1 **“Subpart 1—Local Educational Agency Reservation**

2 **“SEC. 5711. COORDINATED SERVICES.**

3 “(a) PROGRAM AUTHORIZED.—Notwithstanding any
4 other provision of this Act, a local educational agency,
5 school, or consortium of schools may use not more than
6 5 percent of the funds received under this Act for the de-
7 velopment, or the implementation or expansion, of a co-
8 ordinated service project under this section.

9 “(b) APPLICATION.—Each local educational agency
10 desiring to use funds described in subsection (a) to carry
11 out this section shall submit an application to the Sec-
12 retary at such time, in such manner and accompanied by
13 such information as the Secretary may reasonably require.

14 “(c) USES OF FUNDS.—Funds described in sub-
15 section (a) may be used to plan, implement, or expand
16 activities which include—

17 “(1) hiring a services coordinator;

18 “(2) making minor renovations to existing
19 buildings;

20 “(3) purchasing basic operating equipment;

21 “(4) improving communications and informa-
22 tion-sharing among entities participating in the co-
23 ordinated services project; or

24 “(5) providing training to teachers and appro-
25 priate personnel concerning such teacher’s and per-
26 sonnel’s role in a coordinated services project.

1 **“Subpart 2—Local Educational Agency Grants**

2 **“SEC. 5721. GRANTS AUTHORIZED.**

3 “(a) IN GENERAL.—The Secretary may award, on a
4 competitive basis, grants to eligible partnerships to pay
5 for the Federal share of the cost of establishing and ex-
6 panding child opportunity zone family centers.

7 “(b) DURATION.—The Secretary shall award grants
8 under this section for periods of 5 years.

9 **“SEC. 5722. REQUIRED ACTIVITIES.**

10 “Each eligible partnership receiving a grant under
11 this subpart shall use the grant funds—

12 “(1) in accordance with the needs assessment
13 described in section 5723(b)(1), to provide or link
14 children and their families with information, sup-
15 port, activities, or services in core areas consisting
16 of—

17 “(A) education, such as child care and
18 education programs for children below the age
19 of compulsory school attendance, before- and
20 after-school care, and school age enrichment
21 and education support programs;

22 “(B) health, such as primary care (includ-
23 ing prenatal care, well child care, and mental
24 health care), preventative health and safety pro-
25 grams, outreach and referral, screening and

1 health promotion, and enrollment in health in-
2 surance programs; and

3 “(C) family support, such as adult edu-
4 cation and literacy programs, welfare-to-work-
5 programs, job training, parenting skills pro-
6 grams, assistance that supports healthy child
7 development, and access to basic needs, includ-
8 ing food and housing;

9 “(2) to provide intensive, high-quality, research-
10 based instructional programs that—

11 “(A) provide violence prevention education
12 for families and developmentally appropriate in-
13 structional services to children (including chil-
14 dren below the age of compulsory school attend-
15 ance), such as education and services on non-
16 violent conflict resolution, pro social skills and
17 behaviors, and other skills necessary for effec-
18 tively relating to others without violence; and

19 “(B) provide effective strategies for nur-
20 turing and supporting the emotional, social, and
21 cognitive growth of children; and

22 “(3) to provide training, information, and sup-
23 port to families to enable the families to participate
24 effectively in their children’s education, and to help

1 their children meet challenging standards, including
2 assisting families to—

3 “(A) understand the accountability sys-
4 tems, including content standards, performance
5 standards, and local assessments, in place for
6 the State involved, the participating local edu-
7 cational agency, and the participating elemen-
8 tary school or secondary school;

9 “(B) understand their children’s edu-
10 cational needs, their children’s educational per-
11 formance in comparison to State and local
12 standards, and the steps the school is taking to
13 address the children’s needs and to help the
14 children meet the standards; and

15 “(C) communicate effectively with per-
16 sonnel responsible for providing educational
17 services to the families’ children, and to partici-
18 pate in the development, amendment, review,
19 and implementation of school-parent compacts,
20 parent involvement policies, and school plans.

21 **“SEC. 5723. APPLICATIONS.**

22 “(a) IN GENERAL.—Each eligible partnership desir-
23 ing a grant under this subpart shall submit an application
24 to the Secretary at such time, in such manner, and con-
25 taining such information as the Secretary may require.

1 “(b) CONTENTS.—Each application submitted pursu-
2 ant to subsection (a) shall—

3 “(1) include a needs assessment, including a de-
4 scription of how the partnership will ensure that the
5 activities to be assisted under this part will be tai-
6 lored to meet the specific needs of the children and
7 families to be served;

8 “(2) describe arrangements that have been for-
9 malized between the participating elementary school
10 or secondary school, and other partnership members;

11 “(3) describe how the partnership will effec-
12 tively coordinate and utilize Federal, State, and local
13 educational agency sources of funding, including
14 funding provided under part J of title V and under
15 the Safe Schools/Healthy Students Initiative (jointly
16 funded by the Departments of Education, Justice,
17 and Health and Human Services), that provide as-
18 sistance to families and their children in the areas
19 of job training, housing, justice, health, mental
20 health, child care, and social and human services;

21 “(4) describe the partnership’s plan to—

22 “(A) develop and carry out the activities
23 assisted under this subpart with extensive par-
24 ticipation of parents, administrators, teachers,
25 pupil services personnel, social and human serv-

1 ice agencies, and community organizations and
2 leaders; and

3 “(B) connect and integrate the activities
4 assisted under this subpart with the education
5 reform efforts of the participating elementary
6 school or secondary school, and the partici-
7 pating local educational agency;

8 “(5) describe the partnership’s strategy for pro-
9 viding information and assistance in a language and
10 form that families can understand, including how
11 the partnership will ensure that families of students
12 with limited English proficiency, or families of stu-
13 dents with disabilities, are effectively involved, in-
14 formed, and assisted;

15 “(6) describe how the partnership will collect
16 and analyze data, and will utilize specific perform-
17 ance measures and indicators to—

18 “(A) determine the impact of activities as-
19 sisted under this subpart as described in section
20 5726(a); and

21 “(B) improve the activities assisted under
22 this subpart; and

23 “(7) describe how the partnership will protect
24 the privacy of families and their children partici-
25 pating in the activities assisted under this subpart.

1 **“SEC. 5724. FEDERAL SHARE.**

2 “The Federal share of the cost of establishing and
3 expanding child opportunity zone family centers—

4 “(1) for the first year for which an eligible
5 partnership receives assistance under this subpart
6 shall not exceed 90 percent;

7 “(2) for the second such year, shall not exceed
8 80 percent;

9 “(3) for the third such year, shall not exceed 70
10 percent;

11 “(4) for the fourth such year, shall not exceed
12 60 percent; and

13 “(5) for the fifth such year, shall not exceed 50
14 percent.

15 **“SEC. 5725. CONTINUATION OF FUNDING.**

16 “Each eligible partnership that receives a grant
17 under this subpart shall, after the third year for which
18 the partnership receives funds through the grant, be eligi-
19 ble to continue to receive the funds if the Secretary deter-
20 mines that the partnership has made significant progress
21 in meeting the performance measures used for the part-
22 nership’s local evaluation under section 5726(a)(4).

23 **“SEC. 5726. EVALUATIONS AND REPORTS.**

24 “(a) LOCAL EVALUATIONS.—Each partnership re-
25 ceiving funds under this subpart shall conduct annual

1 evaluations and submit to the Secretary reports containing
2 the results of the evaluations. The reports shall include—

3 “(1) information on the partnership’s activities
4 that are assisted under this subpart;

5 “(2) information on the number of families and
6 children served by the partnership’s activities that
7 are assisted under this subpart;

8 “(3) information on the partnership’s effective-
9 ness in reaching and meeting the needs of families
10 and children served under this subpart, including
11 underserved families, families of students with lim-
12 ited English proficiency, and families of students
13 with disabilities; and

14 “(4) the results of a partnership’s performance
15 assessment of the partnership, including perform-
16 ance measures demonstrating—

17 “(A) improvements in student achieve-
18 ment, school readiness, family participation in
19 schools, and access to health care, mental
20 health care, child care, and family support serv-
21 ices, resulting from activities assisted under this
22 subpart; and

23 “(B) reductions in violence-related prob-
24 lems and risk taking behavior among youth,
25 and reductions in truancy, suspension, and

1 dropout rates, resulting from activities assisted
2 under this subpart.

3 “(b) NATIONAL EVALUATIONS.—

4 “(1) IN GENERAL.—The Secretary shall reserve
5 not more than 3 percent of the amount appropriated
6 under this subpart to carry out a national evaluation
7 of the activities assisted under this part. Such eval-
8 uation shall be completed not later than 3 years
9 after the date of the enactment of the Excellence
10 and Accountability in Education Act, and every year
11 thereafter.

12 “(2) SCOPE OF EVALUATION.—In conducting
13 the national evaluation, the Secretary shall evaluate
14 the effectiveness and impact of the activities, and
15 identify model activities, assisted under this subpart.

16 “(3) ANNUAL REPORTS.—The Secretary shall
17 submit an annual report to Congress, regarding each
18 national evaluation conducted under paragraph (1),
19 that contains the information described in the na-
20 tional evaluation.

21 “(c) MODEL ACTIVITIES.—The Secretary shall
22 broadly disseminate information on model activities devel-
23 oped under this part.

24 **“SEC. 5727. DEFINITIONS.**

25 “For the purposes of this subpart—

1 “(1) the term ‘coordinated services project’
2 means a comprehensive approach to meeting the
3 educational, health, social service, and other needs of
4 children and their families, including foster children
5 and their foster families, through a communitywide
6 partnership that links public and private agencies
7 providing such services or access to such services
8 through a coordination site at or near a school; and

9 “(2) CHILD OPPORTUNITY ZONE FAMILY CEN-
10 TER.—The term ‘child opportunity zone family cen-
11 ter’ means a school-based or school-linked commu-
12 nity service center that provides and links children
13 and their families with comprehensive information,
14 support, services, and activities to improve the edu-
15 cation, health, mental health, safety, and economic
16 well-being of the children and their families.

17 “(3) ELIGIBLE PARTNERSHIP.—The term ‘eligi-
18 ble partnership’ means a partnership—

19 “(A) that contains—

20 “(i) at least 1 elementary school or
21 secondary school that—

22 “(I) receives assistance under
23 title I and for which a measure of
24 poverty determination is made under
25 section 1113(a)(5) with respect to a

1 minimum of 40 percent of the chil-
2 dren in the school; and

3 “(II) demonstrates parent in-
4 volvement and parent support for the
5 partnership’s activities;

6 “(ii) a local educational agency;

7 “(iii) a public agency, other than a
8 local educational agency, including a local
9 or State department of health and social
10 services; and

11 “(iv) a nonprofit community-based or-
12 ganization, including a community mental
13 health services organization or a family
14 health center that provides mental health
15 services; and

16 “(B) that may contain—

17 “(i) an institution of higher education;

18 and

19 “(ii) other public or private nonprofit
20 entities.

21 **“SEC. 5728. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated to carry out
23 this subpart \$50,000,000 for fiscal year 2002, and such
24 sums as may be necessary for each of the fiscal years 2003
25 through 2006.

1 **SEC. 514. DROPOUT PREVENTION.**

2 Title V is amended by adding at the end the fol-
3 lowing:

4 **“PART N—ASSISTANCE TO ADDRESS SCHOOL**
5 **DROPOUT PROBLEMS**

6 **“Subpart 1—Coordinated National Strategy**

7 **“SEC. 5751. NATIONAL ACTIVITIES.**

8 “(a) NATIONAL PRIORITY.—It shall be a national pri-
9 ority, for the 5-year period beginning on the date of the
10 enactment of the Excellence and Accountability in Edu-
11 cation Act, to lower the school dropout rate, and increase
12 school completion, for middle school and secondary school
13 students in accordance with Federal law. As part of this
14 priority, all Federal agencies that carry out activities that
15 serve students at risk of dropping out of school or that
16 are intended to help address the school dropout problem
17 shall make school dropout prevention a top priority in the
18 agencies’ funding priorities during the 5-year period.

19 “(b) ENHANCED DATA COLLECTION.—The Secretary
20 shall collect systematic data on the participation of dif-
21 ferent racial and ethnic groups (including migrant and
22 limited English proficient students) in all Federal pro-
23 grams.

1 **“SEC. 5752. NATIONAL SCHOOL DROPOUT PREVENTION**
2 **STRATEGY.**

3 “(a) PLAN.—The Director shall develop, implement,
4 and monitor an interagency plan (in this section referred
5 to as the ‘plan’) to assess the coordination, use of re-
6 sources, and availability of funding under Federal law that
7 can be used to address school dropout prevention, or mid-
8 dle school or secondary school reentry. The plan shall be
9 completed and transmitted to the Secretary and Congress
10 not later than 180 days after the first Director is ap-
11 pointed.

12 “(b) COORDINATION.—The plan shall address inter-
13 and intra-agency program coordination issues at the Fed-
14 eral level with respect to school dropout prevention and
15 middle school and secondary school reentry, assess the tar-
16 geting of existing Federal services to students who are
17 most at risk of dropping out of school, and the cost-effec-
18 tiveness of various programs and approaches used to ad-
19 dress school dropout prevention.

20 “(c) AVAILABLE RESOURCES.—The plan shall also
21 describe the ways in which State and local agencies can
22 implement effective school dropout prevention programs
23 using funds from a variety of Federal programs, including
24 the programs under title I.

25 “(d) SCOPE.—The plan will address all Federal pro-
26 grams with school dropout prevention or school reentry

1 elements or objectives, programs under title I, part B of
2 title IV of the Job Training Partnership Act, subtitle C
3 of title I of the Workforce Investment Act of 1998, and
4 other programs.

5 **“SEC. 5753. NATIONAL CLEARINGHOUSE.**

6 “Not later than 6 months after the date of the enact-
7 ment of the Excellence and Accountability in Education
8 Act, the Director shall establish a national clearinghouse
9 on effective school dropout prevention, intervention and
10 reentry programs. The clearinghouse shall be established
11 through a competitive grant or contract awarded to an or-
12 ganization with a demonstrated capacity to provide tech-
13 nical assistance and disseminate information in the area
14 of school dropout prevention, intervention, and reentry
15 programs. The clearinghouse shall—

16 “(1) collect and disseminate to educators, par-
17 ents, and policymakers information on research, ef-
18 fective programs, best practices, and available Fed-
19 eral resources with respect to school dropout preven-
20 tion, intervention, and reentry programs, including
21 dissemination by an electronically accessible data-
22 base, a worldwide Web site, and a national journal;
23 and

24 “(2) provide technical assistance regarding se-
25 curing resources with respect to, and designing and

1 implementing, effective and comprehensive school
2 dropout prevention, intervention, and reentry pro-
3 grams.

4 **“SEC. 5754. NATIONAL RECOGNITION PROGRAM.**

5 “(a) IN GENERAL.—The Director shall carry out a
6 national recognition program that recognizes schools that
7 have made extraordinary progress in lowering school drop-
8 out rates under which a public middle school or secondary
9 school from each State will be recognized. The Director
10 shall use uniform national guidelines that are developed
11 by the Director for the recognition program and shall rec-
12 ognize schools from nominations submitted by State edu-
13 cational agencies.

14 “(b) ELIGIBLE SCHOOLS.—The Director may recog-
15 nize any public middle school or secondary school (includ-
16 ing a charter school) that has implemented comprehensive
17 reforms regarding the lowering of school dropout rates for
18 all students at that school.

19 “(c) SUPPORT.—The Director may make monetary
20 awards to schools recognized under this section, in
21 amounts determined by the Director. Amounts received
22 under this section shall be used for dissemination activities
23 within the school district or nationally.

1 **“Subpart 2—National School Dropout Prevention**
2 **Initiative**

3 **“SEC. 5761. FINDINGS.**

4 “The Congress finds that, in order to lower dropout
5 rates and raise academic achievement levels, improved and
6 redesigned schools must—

7 “(1) challenge all children to attain their high-
8 est academic potential; and

9 “(2) ensure that all students have substantial
10 and ongoing opportunities to—

11 “(A) achieve high levels of academic and
12 technical skills;

13 “(B) prepare for college and careers;

14 “(C) learn by doing;

15 “(D) work with teachers in small schools
16 within schools;

17 “(E) receive ongoing support from adult
18 mentors;

19 “(F) access a wide variety of information
20 about careers and postsecondary education and
21 training;

22 “(G) use technology to enhance and moti-
23 vate learning; and

24 “(H) benefit from strong links among mid-
25 dle schools, secondary schools, and postsec-
26 ondary institutions.

1 **“SEC. 5762. PROGRAM AUTHORIZED.**

2 “(a) ALLOTMENTS TO STATES.—

3 “(1) IN GENERAL.—From the sum made avail-
4 able under section 5772(b) for a fiscal year the Sec-
5 retary shall make an allotment to each State in an
6 amount that bears the same relation to the sum as
7 the amount the State received under title I for the
8 preceding fiscal year bears to the amount received
9 by all States under such title for the preceding fiscal
10 year.

11 “(2) DEFINITION OF STATE.—In this subpart,
12 the term ‘State’ means each of the several States of
13 the United States, the District of Columbia, the
14 Commonwealth of Puerto Rico, the United States
15 Virgin Islands, Guam, American Samoa, the Com-
16 monwealth of the Northern Mariana Islands, the Re-
17 public of the Marshall Islands, the Federated States
18 of Micronesia, and the Republic of Palau.

19 “(b) GRANTS.—From amounts made available to a
20 State under subsection (a), the State educational agency
21 may award grants to public middle schools or secondary
22 schools, that have school dropout rates which are in the
23 highest $\frac{1}{3}$ of all school dropout rates in the State, to en-
24 able the schools to pay only the startup and implementa-
25 tion costs of effective, sustainable, coordinated, and whole

1 school dropout prevention programs that involve activities
2 such 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; and

11 “(8) counseling for at-risk students.

12 “(c) INTENT OF CONGRESS.—It is the intent of Con-
13 gress that the activities started or implemented under sub-
14 section (a) shall be continued with funding provided under
15 part A of title I.

16 “(d) AMOUNT.—

17 “(1) IN GENERAL.—Subject to subsection (d)
18 and except as provided in paragraph (2), a grant
19 under this subpart shall be awarded—

20 “(A) in the first year that a school receives
21 a grant payment under this subpart, in an
22 amount that is not less than \$50,000 and not
23 more than \$100,000, based on factors such
24 as—

25 “(i) school size;

1 “(ii) costs of the model being imple-
2 mented; and

3 “(iii) local cost factors such as poverty
4 rates;

5 “(B) in the second such year, in an
6 amount that is not less than 75 percent of the
7 amount the school received under this subpart
8 in the first such year;

9 “(C) in the third year, in an amount that
10 is not less than 50 percent of the amount the
11 school received under this subpart in the first
12 such year; and

13 “(D) in each succeeding year in an amount
14 that is not less than 30 percent of the amount
15 the school received under this subpart in the
16 first such year.

17 “(2) INCREASES.—The Director shall increase
18 the amount awarded to a school under this subpart
19 by 10 percent if the school creates smaller learning
20 communities within the school and the creation is
21 certified by the State educational agency.

22 “(e) DURATION.—A grant under this subpart shall
23 be awarded for a period of 3 years, and may be continued
24 for a period of 2 additional years if the State educational
25 agency determines, based on the annual reports described

1 in section 5768(a), that significant progress has been
2 made in lowering the school dropout rate for students par-
3 ticipating in the program assisted under this subpart com-
4 pared to students at similar schools who are not partici-
5 pating in the program.

6 **“SEC. 5763. STRATEGIES AND ALLOWABLE MODELS.**

7 “(a) STRATEGIES.—Each school receiving a grant
8 under this subpart shall implement research-based, sus-
9 tainable, and widely replicated, strategies for school drop-
10 out prevention and reentry that address the needs of an
11 entire school population rather than a subset of students.
12 The strategies may include—

13 “(1) specific strategies for targeted purposes;
14 and

15 “(2) approaches such as breaking larger schools
16 down into smaller learning communities and other
17 comprehensive reform approaches, creating alter-
18 native school programs, developing clear linkages to
19 career skills and employment, and addressing spe-
20 cific gatekeeper hurdles that often limit student re-
21 tention and academic success.

22 “(b) ALLOWABLE MODELS.—The Director shall an-
23 nually establish and publish in the Federal Register the
24 principles, criteria, models, and other parameters regard-
25 ing the types of effective, proven program models that are

1 allowed to be used under this subpart, based on existing
2 research.

3 “(c) CAPACITY BUILDING.—

4 “(1) IN GENERAL.—The Director, through a
5 contract with a non-Federal entity, shall conduct a
6 capacity building and design initiative in order to in-
7 crease the types of proven strategies for dropout
8 prevention on a schoolwide level.

9 “(2) NUMBER AND DURATION.—

10 “(A) NUMBER.—The Director shall award
11 not more than 5 contracts under this sub-
12 section.

13 “(B) DURATION.—The Director shall
14 award a contract under this section for a period
15 of not more than 5 years.

16 “(d) SUPPORT FOR EXISTING REFORM NET-
17 WORKS.—

18 “(1) IN GENERAL.—The Director 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
22 under this subpart.

23 “(2) DEFINITION OF ELIGIBLE ENTITY.—The
24 term ‘eligible entity’ means an entity that, prior to

1 the date of the enactment of the Excellence and Ac-
2 countability in Education Act—

3 “(A) provided training, technical assist-
4 ance, and materials to 100 or more elementary
5 schools or secondary schools; and

6 “(B) developed and published a specific
7 educational program or design for use by the
8 schools.

9 **“SEC. 5764. SELECTION OF SCHOOLS.**

10 “(a) SCHOOL APPLICATION.—

11 “(1) IN GENERAL.—Each school desiring a
12 grant under this subpart shall submit an application
13 to the State educational agency at such time, in
14 such manner, and accompanied by such information
15 as the 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
22 group served by the local educational agen-
23 cy;

24 “(ii) the local educational agency is
25 committed to providing ongoing oper-

1 ational support, for the school’s com-
2 prehensive reform plan to address the
3 problem of school dropouts, for a period of
4 5 years; and

5 “(iii) the local educational agency will
6 support the plan, including—

7 “(I) release time for teacher
8 training;

9 “(II) efforts to coordinate activi-
10 ties for feeder schools; and

11 “(III) encouraging other schools
12 served by the local educational agency
13 to participate in the plan;

14 “(B) demonstrate that the faculty and ad-
15 ministration of the school have agreed to apply
16 for assistance under this subpart, and provide
17 evidence of the school’s willingness and ability
18 to use the funds under this subpart, including
19 providing an assurance of the support of 80
20 percent or more of the professional staff at the
21 school;

22 “(C) describe the instructional strategies
23 to be implemented, how the strategies will serve
24 all students, and the effectiveness of the strate-
25 gies;

1 “(D) describe a budget and timeline for
2 implementing the strategies;

3 “(E) contain evidence of interaction with
4 an eligible entity described in section
5 5763(d)(2);

6 “(F) contain evidence of coordination with
7 existing resources;

8 “(G) provide an assurance that funds pro-
9 vided under this subpart will supplement and
10 not supplant other Federal, State, and local
11 funds;

12 “(H) describe how the activities to be as-
13 sisted conform with an allowable model de-
14 scribed in section 5763(b); and

15 “(I) demonstrate that the school and local
16 educational agency have agreed to conduct a
17 schoolwide program under 1114.

18 “(b) STATE AGENCY REVIEW AND AWARD.—The
19 State educational agency shall review applications and
20 award grants to schools under subsection (a) according to
21 a review by a panel of experts on school dropout preven-
22 tion.

23 “(c) CRITERIA.—The Director shall establish clear
24 and specific selection criteria for awarding grants to
25 schools under this subpart. Such criteria shall be based

1 on school dropout rates and other relevant factors for
2 State educational agencies to use in determining the num-
3 ber of grants to award and the type of schools to be award-
4 ed grants.

5 “(d) ELIGIBILITY.—A school is eligible to receive a
6 grant under this subpart if the school is—

7 “(1) a public school (including a public alter-
8 native school)—

9 “(A) that is eligible to receive assistance
10 under part A of title I, including a comprehen-
11 sive secondary school, a vocational or technical
12 secondary school, and a charter school; and

13 “(B)(i) that serves students 50 percent or
14 more of whom are low-income individuals; or

15 “(ii) with respect to which the feeder
16 schools that provide the majority of the incom-
17 ing students to the school serve students 50
18 percent or more of whom are low-income indi-
19 viduals; or

20 “(2) participating in a schoolwide program
21 under section 1114 during the grant period.

22 “(e) COMMUNITY-BASED ORGANIZATIONS.—A school
23 that receives a grant under this subpart may use the grant
24 funds to secure necessary services from a community-
25 based organization, including private sector entities, if—

1 “(1) the school approves the use;

2 “(2) the funds are used to provide school drop-
3 out prevention and reentry activities related to
4 schoolwide efforts; and

5 “(3) the community-based organization has
6 demonstrated the organization’s ability to provide ef-
7 fective services as described in section 107(a) of the
8 Job Training Partnership Act, or section 122 of the
9 Workforce Investment Act of 1998.

10 “(f) COORDINATION.—Each school that receives a
11 grant under this subpart shall coordinate the activities as-
12 sisted under this subpart with other Federal programs,
13 such as programs assisted under chapter 1 of subpart 2
14 of part A of title IV of the Higher Education Act of 1965.

15 **“SEC. 5765. DISSEMINATION ACTIVITIES.**

16 “Each school that receives a grant under this subpart
17 shall provide information and technical assistance to other
18 schools within the school district, including presentations,
19 document-sharing, and joint staff development.

20 **“SEC. 5766. PROGRESS INCENTIVES.**

21 “Notwithstanding any other provision of law, each
22 local educational agency that receives funds under title I
23 shall use such funding to provide assistance to schools
24 served by the agency that have not made progress toward

1 lowering school dropout rates after receiving assistance
2 under this subpart for 2 fiscal years.

3 **“SEC. 5767. SCHOOL DROPOUT RATE CALCULATION.**

4 “For purposes of calculating a school dropout rate
5 under this subpart, a school shall use—

6 “(1) the annual event school dropout rate for
7 students leaving a school in a single year determined
8 in accordance with the National Center for Edu-
9 cation Statistics’ Common Core of Data, if available;
10 or

11 “(2) in other cases, a standard method for cal-
12 culating the school dropout rate as determined by
13 the State educational agency.

14 **“SEC. 5768. REPORTING AND ACCOUNTABILITY.**

15 “(a) REPORTING.—In order to receive funding under
16 this subpart for a fiscal year after the first fiscal year a
17 school receives funding under this subpart, the school shall
18 provide, on an annual basis, to the Director a report re-
19 garding the status of the implementation of activities
20 funded under this subpart, the disaggregated outcome
21 data for students at schools assisted under this subpart
22 such as dropout rates, and certification of progress from
23 the eligible entity whose strategies the school is imple-
24 menting.

1 “(b) ACCOUNTABILITY.—On the basis of the reports
2 submitted under subsection (a), the Director shall evaluate
3 the effect of the activities assisted under this subpart on
4 school dropout prevention compared to a control group.

5 **“SEC. 5769. PROHIBITION ON TRACKING.**

6 “(a) IN GENERAL.—A school shall be ineligible to re-
7 ceive funding under this subpart for a fiscal year, if the
8 school—

9 “(1) has in place a general education track;

10 “(2) provides courses with significantly dif-
11 ferent material and requirements to students at the
12 same grade level; or

13 “(3) fails to encourage all students to take a
14 core curriculum of courses.

15 “(b) REGULATIONS.—The Secretary shall promul-
16 gate regulations implementing subsection (a).

17 **“Subpart 3—Definitions; Authorization of**
18 **Appropriations**

19 **“SEC. 5771. DEFINITIONS.**

20 “In this Act:

21 “(1) DIRECTOR.—The term ‘Director’ means
22 the Director of the Office of Dropout Prevention and
23 Program Completion established under section 220
24 of the General Education Provisions Act.

1 “(2) LOW-INCOME.—The term ‘low-income’,
2 used with respect to an individual, means an indi-
3 vidual determined to be low-income in accordance
4 with measures described in section 1113(a)(5).

5 “(3) SCHOOL DROPOUT.—The term ‘school
6 dropout’ has the meaning given the term in section
7 4(17) of the School-to-Work Opportunities Act of
8 1994.

9 **“SEC. 5772. AUTHORIZATION OF APPROPRIATIONS.**

10 “(a) SUBPART 1.—There are authorized to be appro-
11 priated to carry out subpart 1, \$5,000,000 for fiscal year
12 2002 and such sums as may be necessary for each of the
13 4 succeeding fiscal years.

14 “(b) SUBPART 2.—There are authorized to be appro-
15 priated to carry out subpart 2, \$145,000,000 for fiscal
16 year 2002 and such sums as may be necessary for each
17 of the 4 succeeding fiscal years, of which—

18 “(1) \$125,000,000 shall be available to carry
19 out section 5322; and

20 “(2) \$20,000,000 shall be available to carry out
21 section 5323.”.

22 **SEC. 515. OFFICE OF DROPOUT PREVENTION AND PRO-**
23 **GRAM COMPLETION.**

24 Title II of the Department of Education Organization
25 Act (20 U.S.C. 3411) is amended—

1 “(3) oversee the implementation of subpart 2 of
2 part C of title V of the Elementary and Secondary
3 Education Act of 1965;

4 “(4) develop and implement the National
5 School Dropout Prevention Strategy under section
6 5752 of the Elementary and Secondary Education
7 Act of 1965;

8 “(5) annually prepare and submit to Congress
9 and the Secretary a national report describing ef-
10 forts and recommended actions regarding school
11 dropout prevention and program completion;

12 “(6) recommend action to the Secretary and the
13 President, as appropriate, regarding school dropout
14 prevention and program completion; and

15 “(7) consult with and assist State and local
16 governments regarding school dropout prevention
17 and program completion.

18 “(c) SCOPE OF DUTIES.—The scope of the Director’s
19 duties under subsection (b) shall include examination of
20 all Federal and non-Federal efforts related to—

21 “(1) promoting program completion for children
22 attending middle school or secondary school;

23 “(2) programs to obtain a secondary school di-
24 ploma or its recognized equivalent (including general

1 equivalency diploma (GED) programs), or college
2 degree programs; and

3 “(3) reentry programs for individuals aged 12
4 to 24 who are out of school.

5 “(d) **DETAILING.**—In carrying out the Director’s du-
6 ties under this section, the Director may request the head
7 of any Federal department or agency to detail personnel
8 who are engaged in school dropout prevention activities
9 to another Federal department or agency in order to im-
10 plement the National School Dropout Prevention Strat-
11 egy.”.

12 **SEC. 516. IMPACT AID AMENDMENTS.**

13 (a) **PAYMENTS FOR FEDERAL ACQUISITION OF REAL**
14 **PROPERTY.**—Section 8014(a) (20 U.S.C. 7714(a)) is
15 amended—

16 (1) by striking “\$32,000,000 for fiscal year
17 2000” and inserting “\$50,000,000 for fiscal year
18 2002”; and

19 (2) by striking “three” and inserting “four”.

20 (b) **BASIC PAYMENTS.**—Section 8014(b) (20 U.S.C.
21 7714(b)) is amended—

22 (1) by striking “\$809,400,000 for fiscal year
23 2000” and inserting “\$1,000,000,000 for fiscal year
24 2002”; and

25 (2) by striking “three” and inserting “four”.

1 (c) PAYMENTS FOR CHILDREN WITH DISABIL-
2 ITIES.—Section 8014(c) (20 U.S.C. 7714(c)) is
3 amended—

4 (1) by striking “\$50,000,000 for fiscal year
5 2000” and inserting “\$70,000,000 for fiscal year
6 2002”; and

7 (2) by striking “three” and inserting “four”.

8 (d) CONSTRUCTION.—Section 8014(e) (20 U.S.C.
9 7714(e)) is amended—

10 (1) by striking “\$10,052,000 for fiscal year
11 2000” and inserting “\$35,000,000 for fiscal year
12 2002”; and

13 (2) by striking “three” and inserting “four”.

14 (e) FACILITIES MAINTENANCE.—Section 8014(f) (20
15 U.S.C. 7714(f)) is amended—

16 (1) by striking “\$5,000,000 for fiscal year
17 2000” and inserting “\$12,000,000 for fiscal year
18 2002”; and

19 (2) by striking “three” and inserting “four”.

20 (f) ADDITIONAL ASSISTANCE FOR CERTAIN LOCAL
21 EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROP-
22 erty ACQUISITION.—Section 8014(g) (20 U.S.C.
23 7714(g)) is amended—

24 (1) in the heading, by striking “FEDERAL
25 PROPERTY LOCAL EDUCATIONAL AGENCIES” and

1 inserting “LOCAL EDUCATIONAL AGENCIES IM-
 2 PACTED BY FEDERAL PROPERTY ACQUISITION”;
 3 and

4 (2) by striking “2000” and inserting “2002”.

5 **TITLE VI—INNOVATIVE**
 6 **EDUCATIONAL STRATEGIES**

7 **SEC. 601. INNOVATIVE EDUCATIONAL STRATEGIES.**

8 (a) AMENDMENT TO HEADING.—The heading of title
 9 VI is amended to read as follows:

10 **“TITLE VI—INNOVATIVE EDU-**
 11 **CATION PROGRAM STRATE-**
 12 **GIES AND SCHOOL CAPAC-**
 13 **ITY”.**

14 (b) STRATEGIES.—Part A of title VI is amended by
 15 adding at the end the following:

16 **“SEC. 6103. ANNUAL PERFORMANCE REPORTING.**

17 “(a) ANNUAL REPORT TO STATE EDUCATIONAL
 18 AGENCY.—A local educational agency that receive funds
 19 under this title shall report annually to the State edu-
 20 cational agency on—

21 “(1) the specific purposes for which the funds
 22 were used;

23 “(2) the measurable impact such funds had on
 24 student achievement and enabling children to
 25 achieve challenging State academic standards; and

1 “(3) the extent to which the local educational
2 agency met the goals established by the State edu-
3 cational agency for annual progress on improving
4 student academic achievement and student perform-
5 ance.

6 “(b) ANNUAL REPORT TO PUBLIC.—A local edu-
7 cational agency receiving funds under this title shall annu-
8 ally report to the public information on the agency’s an-
9 nual progress in meeting the goals established by the
10 State, and the specific purposes for which funds under this
11 title were used.

12 “(c) LIMITATION ON FUNDS.—A local educational
13 agency shall not receive funds under this title unless it
14 complies with the requirements of this section.”.

15 (b) STATE APPLICATIONS.—Paragraph (2) of section
16 6202(a) is amended to read as follows:

17 “(2)(A) annually provides the submission of
18 data on the use of funds, the types of services fur-
19 nished, and the extent that special populations and
20 economically disadvantaged students were served rel-
21 ative to the overall student population for each local
22 educational agency; and

23 “(B) beginning in 2003 provides for a rigorous,
24 independent evaluation of this title’s effectiveness in
25 each local educational agency in the State in improv-

1 ing student academic achievement and student per-
2 formance, consistent with the goals specified in
3 paragraph (8).”.

4 (c) GOALS.—Section 6202(a) is amended—

5 (1) by striking “and” at the end of paragraph
6 (6);

7 (2) by striking the period at the end of para-
8 graph (7) and inserting “; and”; and

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

10 “(8) provides an assurance that the State edu-
11 cational agency will establish specific measurable
12 goals for the annual progress of local educational
13 agencies and schools within the State with respect to
14 improving student academic achievement and stu-
15 dent performance.”.

16 (d) DEFINITIONS AND DATA ELEMENTS.—Part D of
17 title VI is amended by adding at the end the following:

18 **“SEC. 6404. DEFINITIONS AND DATA ELEMENTS.**

19 “The Secretary shall establish, in consultation with
20 the States, common definitions and data elements to en-
21 sure that data required to be provided under this title are
22 comparable across States and the data can be used by the
23 Department for compliance with the Government Perform-
24 ance and Results Act.”.

1 (e) AUTHORIZATION.—Section 6002 (20 U.S.C.
2 7302) is amended to read as follows:

3 **“SEC. 6002. AUTHORIZATION.**

4 “To carry out the purposes of this title, there are au-
5 thorized to be appropriated \$450,000,000 for fiscal year
6 2002 and such sums as may be necessary for the 4 suc-
7 ceeding fiscal years.”.

8 **SEC. 602. SCHOOL CONSTRUCTION AND RENOVATION**
9 **GRANTS.**

10 Title VI is amended by adding at the end the fol-
11 lowing:

12 **“PART E—SCHOOL CONSTRUCTION AND**
13 **RENOVATION GRANTS**

14 **“SEC. 6501. SCHOOL CONSTRUCTION AND RENOVATION**
15 **GRANTS.**

16 “(a) GRANTS.—

17 “(1) ALLOCATION OF FUNDS.—From the
18 amount provided under section 6502, the Secretary
19 shall reserve—

20 “(A) 6.25 percent of such amount for
21 grants to impacted local educational agencies
22 (as defined in paragraph (3)) for school repair,
23 renovation, and construction;

24 “(B) $\frac{1}{4}$ of 1 percent of such amount for
25 grants to outlying areas for school repair and

1 renovation in high-need schools and commu-
2 nities, allocated on such basis, and subject to
3 such terms and conditions, as the Secretary de-
4 termines appropriate;

5 “(C) \$25,000,000 for grants to public enti-
6 ties, private nonprofit entities, and consortia of
7 such entities, for use in accordance with sub-
8 part 2 of part E of title V; and

9 “(D) the remainder for grants to State
10 educational agencies in proportion to the
11 amount each State received under part A of
12 title I, except that no State shall receive less
13 than 0.5 percent of the amount allocated under
14 this subparagraph.

15 “(2) DETERMINATION OF GRANT AMOUNT.—

16 “(A) DETERMINATION OF WEIGHTED STU-
17 DENT UNITS.—For purposes of computing the
18 grant amounts under paragraph (1)(A), the
19 Secretary shall determine the results obtained
20 by the computation made under section 8003
21 with respect to children described in subsection
22 (a)(1)(C) of such section and computed under
23 subsection (a)(2)(B) of such section for the ap-
24 propriate fiscal year—

1 “(i) for each impacted local edu-
2 cational agency that receives funds under
3 this section; and

4 “(ii) for all such agencies together.

5 “(B) COMPUTATION OF PAYMENT.—The
6 Secretary shall calculate the amount of a grant
7 to an impacted local educational agency by—

8 “(i) dividing the amount described in
9 paragraph (1)(A) by the results of the
10 computation described in subparagraph
11 (A)(ii); and

12 “(ii) multiplying the number derived
13 under clause (i) by the results of the com-
14 putation described in subparagraph (A)(i)
15 for such agency.

16 “(3) DEFINITION.—For purposes of this sec-
17 tion, the term ‘impacted local educational agency’
18 means—

19 “(A) a local educational agency that re-
20 ceives a basic support payment under section
21 8003(b) for such fiscal year; and

22 “(B) with respect to which the number of
23 children determined under section
24 8003(a)(1)(C) for the preceding school year
25 constitutes at least 50 percent of the total stu-

1 dent enrollment in the schools of the agency
2 during such school year.

3 “(b) WITHIN-STATE ALLOCATIONS.—

4 “(1) ADMINISTRATIVE COSTS.—

5 “(A) STATE EDUCATIONAL AGENCY AD-
6 MINISTRATION.—Except as provided in sub-
7 paragraph (B), each State educational agency
8 may reserve not more than 1 percent of its allo-
9 cation under subsection (a)(1)(D) for the pur-
10 pose of administering the distribution of grants
11 under this subsection.

12 “(B) STATE ENTITY ADMINISTRATION.—If
13 the State educational agency transfers funds to
14 a State entity described in paragraph (2)(A),
15 the agency shall transfer to such entity 0.75 of
16 the amount reserved under this paragraph for
17 the purpose of administering the distribution of
18 grants under this subsection.

19 “(2) RESERVATION FOR COMPETITIVE SCHOOL
20 CONSTRUCTION, REPAIR, AND RENOVATION GRANTS
21 TO LOCAL EDUCATIONAL AGENCIES.—

22 “(A) IN GENERAL.—Subject to the res-
23 ervation under paragraph (1), of the funds allo-
24 cated to a State educational agency under sub-
25 section (a)(1)(D), the State educational agency

1 shall distribute no less than 99 percent of such
2 funds to local educational agencies or, if such
3 State educational agency is not responsible for
4 the financing of education facilities, the agency
5 shall transfer such funds to the State entity re-
6 sponsible for the financing of education facili-
7 ties (referred to in this section as the ‘State en-
8 tity’) for distribution by such entity to local
9 educational agencies in accordance with this
10 paragraph, to be used, consistent with sub-
11 section (c), for school construction, repair, and
12 renovation.

13 “(B) COMPETITIVE GRANTS TO LOCAL
14 EDUCATIONAL AGENCIES.—

15 “(i) IN GENERAL.—The State edu-
16 cational agency or State entity shall carry
17 out a program of competitive grants to
18 local educational agencies for the purpose
19 described in subparagraph (A). Of the
20 total amount available for distribution to
21 such agencies under this paragraph, the
22 State educational agency or State entity,
23 shall, in carrying out the competition—

24 “(I) award to high poverty local
25 educational agencies described in

1 clause (ii), in the aggregate, at least
2 an amount which bears the same rela-
3 tionship to such total amount as the
4 aggregate amount such local edu-
5 cational agencies received under part
6 A of title I for the current fiscal year
7 bears to the aggregate amount re-
8 ceived for such fiscal year under such
9 part by all local educational agencies
10 in the State;

11 “(II) award to rural local edu-
12 cational agencies in the State, in the
13 aggregate, at least an amount which
14 bears the same relationship to such
15 total amount as the aggregate amount
16 such rural local educational agencies
17 received under part A of title I for the
18 current fiscal year bears to the aggre-
19 gate amount received for such fiscal
20 year under such part by all local edu-
21 cational agencies in the State; and

22 “(III) award the remaining funds
23 to local educational agencies not re-
24 ceiving an award under subclause (I)
25 or (II), including high poverty and

1 rural local educational agencies that
2 did not receive such an award.

3 “(ii) HIGH POVERTY LOCAL EDU-
4 CATIONAL AGENCIES.—A local educational
5 agency is described in this clause if—

6 “(I) the percentage described in
7 subparagraph (C)(i) with respect to
8 the agency is 30 percent or greater; or

9 “(II) the number of children de-
10 scribed in such subparagraph with re-
11 spect to the agency is at least 10,000.

12 “(C) CRITERIA FOR AWARDING GRANTS.—
13 In awarding competitive grants under this para-
14 graph, a State educational agency or State enti-
15 ty shall—

16 “(i) take into account—

17 “(I) the percentage of poor chil-
18 dren 5 to 17 years of age, inclusive, in
19 a local educational agency;

20 “(II) the need of a local edu-
21 cational agency for school construc-
22 tion, repair, and renovation, as dem-
23 onstrated by the condition of its pub-
24 lic school facilities;

1 “(III) the fiscal capacity of a
2 local educational agency to meet its
3 needs for construction, repair, and
4 renovation of public school facilities
5 without assistance under this section,
6 including its ability to raise funds
7 through the use of local bonding ca-
8 pacity and otherwise;

9 “(IV) in the case of a local edu-
10 cational agency that proposes to fund
11 a construction, repair, or renovation
12 project for a charter school or schools,
13 the extent to which the school or
14 schools have access to funding for the
15 project through the financing methods
16 available to other public schools or
17 local educational agencies in the
18 State; and

19 “(V) the likelihood that the local
20 educational agency will maintain, in
21 good condition, any facility whose con-
22 struction, repair, or renovation is as-
23 sisted under this section; and

24 “(ii) give priority, consistent with sub-
25 paragraph (B)(i), to local educational

1 agencies which provide an assurance that
2 such grant will be used to repair or ren-
3 ovate schools identified as in need of im-
4 provement under section 1116(b).

5 “(D) POSSIBLE MATCHING REQUIRE-
6 MENT.—

7 “(i) IN GENERAL.—A State edu-
8 cational agency or State entity may require
9 local educational agencies to match funds
10 awarded under this subsection.

11 “(ii) MATCH AMOUNT.—The amount
12 of a match described in clause (i) may be
13 established by using a sliding scale that
14 takes into account the relative poverty of
15 the population served by the local edu-
16 cational agency.

17 “(c) RULES APPLICABLE TO SCHOOL CONSTRUC-
18 TION, REPAIR, AND RENOVATION.—With respect to funds
19 made available under this section that are used for school
20 construction, repair, and renovation, the following rules
21 shall apply:

22 “(1) PERMISSIBLE USES OF FUNDS.—School
23 construction, repair, and renovation shall be limited
24 to one or more of the following:

1 “(A) Emergency repairs or renovations to
2 public school facilities only to ensure the health
3 and safety of students and staff, including—

4 “(i) repairing, replacing, or installing
5 roofs, electrical wiring, plumbing systems,
6 or sewage systems;

7 “(ii) repairing, replacing, or installing
8 heating, ventilation, or air conditioning
9 systems (including insulation); and

10 “(iii) bringing public schools into com-
11 pliance with fire and safety codes.

12 “(B) School facilities modifications nec-
13 essary to render public school facilities acces-
14 sible in order to comply with the Americans
15 with Disabilities Act of 1990 (42 U.S.C. 12101
16 et seq.).

17 “(C) School facilities modifications nec-
18 essary to render public school facilities acces-
19 sible in order to comply with section 504 of the
20 Rehabilitation Act of 1973 (29 U.S.C. 794).

21 “(D) Asbestos abatement or removal from
22 public school facilities.

23 “(E) Renovation, repair, and acquisition
24 needs related to the building infrastructure of a
25 charter school.

1 “(F) Construction of new public school fa-
2 cilities.

3 “(2) IMPERMISSIBLE USES OF FUNDS.—No
4 funds received under this section may be used for—

5 “(A) payment of maintenance costs in con-
6 nection with any projects constructed in whole
7 or part with Federal funds provided under this
8 section; or

9 “(B) stadiums or other facilities primarily
10 used for athletic contests or exhibitions or other
11 events for which admission is charged to the
12 general public.

13 “(3) CHARTER SCHOOLS.—A public charter
14 school that constitutes a local educational agency
15 under State law shall be eligible for assistance under
16 the same terms and conditions as any other local
17 educational agency.

18 “(4) SUPPLEMENT, NOT SUPPLANT.—Excluding
19 the uses described in subparagraphs (B) and (C) of
20 paragraph (1), a local educational agency shall use
21 Federal funds subject to this subsection only to sup-
22 plement the amount of funds that would, in the ab-
23 sence of such Federal funds, be made available from
24 non-Federal sources for school repair and renova-
25 tion.

1 “(d) SPECIAL RULE.—Each local educational agency
2 that receives funds under this section shall ensure that,
3 if it carries out construction, repair, or renovation through
4 a contract, any such contract process ensures the max-
5 imum number of qualified bidders, including small, minor-
6 ity, and women-owned businesses, through full and open
7 competition.

8 “(e) PUBLIC COMMENT.—Each local educational
9 agency receiving funds under paragraph (2) of subsection
10 (b)—

11 “(1) shall provide parents, educators, and all
12 other interested members of the community the op-
13 portunity to consult on the use of funds received
14 under such paragraph;

15 “(2) shall provide the public with adequate and
16 efficient notice of the opportunity described in para-
17 graph (1) in a widely read and distributed medium;
18 and

19 “(3) shall provide the opportunity described in
20 paragraph (1) in accordance with any applicable
21 State and local law specifying how the comments
22 may be received and how the comments may be re-
23 viewed by any member of the public.

24 “(f) REPORTING.—

1 “(1) LOCAL REPORTING.—Each local edu-
2 cational agency receiving funds under subsection
3 (a)(1)(D) shall submit a report to the State edu-
4 cational agency, at such time as the State edu-
5 cational agency may require, describing the use of
6 such funds for school construction, repair, and ren-
7 ovation.

8 “(2) STATE REPORTING.—Each State edu-
9 cational agency shall submit to the Secretary of
10 Education, not later than December 31, 2002, a re-
11 port on the use of funds received under subsection
12 (a)(1)(D) by local educational agencies for school
13 construction, repair, and renovation.

14 “(3) ADDITIONAL REPORTS.—Each entity re-
15 ceiving funds allocated under subsection (a)(1) (A)
16 of (B) shall submit to the Secretary, not later than
17 December 31, 2002, a report on its uses of funds
18 under this section, in such form and containing such
19 information as the Secretary may require.

20 “(g) REALLOCATION.—If a State educational agency
21 does not apply for an allocation of funds under subsection
22 (a)(1)(D) for fiscal year 2001, or does not use its entire
23 allocation for such fiscal year, the Secretary may reallo-
24 cate the amount of the State educational agency’s alloca-
25 tion (or the remainder thereof, as the case may be) to the

1 remaining State educational agencies in accordance with
2 subsection (a)(1)(D).

3 “(h) PARTICIPATION OF PRIVATE SCHOOLS.—

4 “(1) IN GENERAL.—Section 6402 shall apply to
5 subsection (b)(2) in the same manner as it applies
6 to activities under this part, except that—

7 “(A) such section shall not apply with re-
8 spect to the title to any real property renovated
9 or repaired with assistance provided under this
10 section;

11 “(B) the term ‘services’ as used in section
12 6402 with respect to funds under this section
13 shall be provided only to private, nonprofit ele-
14 mentary or secondary schools with a rate of
15 child poverty of at least 40 percent and may in-
16 clude for purposes of subsection (b)(2) only—

17 “(i) modifications of school facilities
18 necessary to meet the standards applicable
19 to public schools under the Americans with
20 Disabilities Act of 1990 (42 U.S.C. 12101
21 et seq.);

22 “(ii) modifications of school facilities
23 necessary to meet the standards applicable
24 to public schools under section 504 of the

1 Rehabilitation Act of 1973 (29 U.S.C.
2 794); and

3 “(iii) asbestos abatement or removal
4 from school facilities; and

5 “(C) notwithstanding the requirements of
6 section 6402(b), expenditures for services pro-
7 vided using funds made available under sub-
8 section (b)(2) shall be considered equal for pur-
9 poses of such section if the per-pupil expendi-
10 tures for services described in subparagraph
11 (B) for students enrolled in private nonprofit el-
12 ementary and secondary schools that have child
13 poverty rates of at least 40 percent are con-
14 sistent with the per-pupil expenditures under
15 this section for children enrolled in the public
16 schools in the school district of the local edu-
17 cational agency receiving funds under this sec-
18 tion.

19 “(2) REMAINING FUNDS.—If the expenditure
20 for services described in paragraph (1)(B) is less
21 than the amount calculated under paragraph (1)(C)
22 because of insufficient need for such services, the re-
23 mainder shall be available to the local educational
24 agency for renovation and repair of public school fa-
25 cilities.

1 “(3) APPLICATION.—If any provision of this
2 section, or the application thereof, to any person or
3 circumstances is judicially determined to be invalid,
4 the provisions of the remainder of the section and
5 the application to other persons or circumstances
6 shall not be affected thereby.

7 “(i) DEFINITIONS.—For purposes of this section:

8 “(1) POOR CHILDREN AND CHILD POVERTY.—
9 The terms ‘poor children’ and ‘child poverty’ refer to
10 children 5 to 17 years of age, inclusive, who are
11 from families with incomes below the poverty line
12 (as defined by the Office of Management and Budget
13 and revised annually in accordance with section
14 673(2) of the Community Services Block Grant (42
15 U.S.C. 9902(2)) applicable to a family of the size in-
16 volved for the most recent fiscal year for which data
17 satisfactory to the Secretary are available.

18 “(2) RURAL LOCAL EDUCATIONAL AGENCY.—
19 The term ‘rural local educational agency’ means a
20 local educational agency that the State determines is
21 located in a rural area using objective data and a
22 commonly employed definition of the term ‘rural’.

23 **“SEC. 6502. AUTHORIZATION OF APPROPRIATIONS.**

24 “For the purpose of carrying out this part, there are
25 authorized to be appropriated \$2,256,000,000 for fiscal

1 year 2002, \$3,414,000,000 for fiscal year 2003,
2 \$4,619,000,000 for fiscal year 2004, \$5,874,000,000 for
3 fiscal year 2005, and \$7,179,000,000 for fiscal year
4 2006.”.

5 **TITLE VII—EDUCATION OF LIM-**
6 **ITED ENGLISH PROFICIENT**
7 **CHILDREN AND EMERGENCY**
8 **IMMIGRANT EDUCATION**

9 **SEC. 701. PROGRAMS AUTHORIZED.**

10 Title VII (20 U.S.C. 7401 et seq.) is amended to read
11 as follows:

12 **“TITLE VII—EDUCATION OF LIM-**
13 **ITED ENGLISH PROFICIENT**
14 **CHILDREN AND EMERGENCY**
15 **IMMIGRANT EDUCATION**

16 **“PART A—INSTRUCTIONAL PROGRAMS FOR**
17 **LIMITED ENGLISH PROFICIENT STUDENTS**

18 **“SEC. 7101. SHORT TITLE.**

19 “This part may be cited as the ‘Bilingual Instruction
20 and Academic Achievement Act’.

21 **“SEC. 7102. FINDINGS AND PURPOSES.**

22 “(a) FINDINGS.—The Congress finds that—

23 “(1) since 1979, the number of limited English
24 proficient children attending school in the United
25 States has more than doubled to greater than

1 4,000,000, and demographic trends indicate the pop-
2 ulation of limited English proficient children will
3 continue to increase;

4 “(2) limited English proficient children must
5 overcome a number of challenges in receiving an
6 education in order to enable such children to partici-
7 pate fully in American society, including—

8 “(A) segregated education programs;

9 “(B) disproportionate and improper place-
10 ment in special education and other special pro-
11 grams due to the use of inappropriate evalua-
12 tion procedures;

13 “(C) the limited English proficiency of
14 their own parents, which hinders the parents’
15 ability to fully participate in the education of
16 their children; and

17 “(D) a need for additional teachers and
18 other staff who are professionally trained and
19 qualified to serve such children;

20 “(3) States and local educational agencies need
21 assistance in developing the capacity to provide pro-
22 grams of instruction that offer and provide an equal
23 educational opportunity to children who need special
24 assistance because English is not their dominant
25 language;

1 “(4) as the world becomes increasingly inter-
2 dependent and as international communication be-
3 comes a daily occurrence in government, business,
4 commerce, and family life, language skills constitute
5 an important national resource which deserves pro-
6 tection and development;

7 “(5) Native Americans and Native American
8 languages (as such terms are defined in section 103
9 of the Native American Languages Act), including
10 native residents of the outlying areas, have a unique
11 status under Federal law that requires special poli-
12 cies within the broad purposes of this Act to serve
13 the education needs of language minority students in
14 the United States;

15 “(6) the Federal Government, as exemplified by
16 title VI of the Civil Rights Act of 1964 and section
17 204(f) of the Equal Education Opportunities Act of
18 1974, has a special and continuing obligation to en-
19 sure that States and local educational agencies take
20 appropriate action to provide equal educational op-
21 portunities to children of limited English proficiency;
22 and

23 “(7) research, evaluation, and data collection
24 capabilities in the field of instruction for limited
25 English proficient children need to be strengthened

1 so that educators and other staff teaching limited
2 English proficient children in the classroom can bet-
3 ter identify and promote programs, program imple-
4 mentation strategies, and instructional practices that
5 result in the effective education of limited English
6 proficient children.

7 “(b) PURPOSES.—The purposes of this part are—

8 “(1) to help ensure that children who are lim-
9 ited English proficient are provided appropriate in-
10 struction that ensures they can demonstrate English
11 proficiency, develop high levels of academic attain-
12 ment in English, and meet the same challenging
13 State content standards and challenging State stu-
14 dent performance standards expected of all children;
15 and

16 “(2) to develop high quality instructional pro-
17 grams designed to assist local educational agencies
18 in teaching limited English proficient children.

19 **“SEC. 7103. PARENTAL NOTIFICATION AND CONSENT FOR**
20 **ENGLISH LANGUAGE INSTRUCTION.**

21 “(a) NOTIFICATION.—If a local educational agency
22 receives funds under this part, the agency shall inform a
23 parent or the parents of a child being assisted under this
24 part of—

1 “(1) the reasons for the identification of the
2 child as being in need of academic and language in-
3 struction;

4 “(2) the child’s level of English proficiency, how
5 such level was assessed, and the status of the child’s
6 academic achievement;

7 “(3) how the instruction program will specifi-
8 cally help the child acquire English and meet age-
9 appropriate standards for grade promotion and
10 graduation;

11 “(4) what the specific exit requirements are for
12 the program;

13 “(5) what programs are available to meet the
14 student’s educational strengths and needs and how
15 the programs differ in content and instructional
16 goals, and in the case of a student with a disability,
17 how the program meets the objectives of the stu-
18 dent’s individualized education program; and

19 “(6) the expected rate of graduation from high
20 school for the program if funds under this part are
21 used for children in secondary schools.

22 “(b) PARENTAL RIGHTS.—A parent or the parents
23 of a child participating in an instruction program for lim-
24 ited English proficient children assisted under this part
25 shall—

1 “(1) be afforded an opportunity to select among
2 methods of instruction, if more than one method is
3 offered in the program; and

4 “(2) have the right to have their child imme-
5 diately removed from the program upon their re-
6 quest.

7 “(c) RECEIPT OF INFORMATION.—A parent or the
8 parents of a child identified for participation in an English
9 language instruction program for limited English pro-
10 ficient children assisted under this part shall receive, in
11 a manner and form understandable to the parent or par-
12 ents, the information required by this subsection. At a
13 minimum, the parent or parents shall receive—

14 “(1) timely information about English language
15 instruction programs for limited English proficient
16 children assisted under this part;

17 “(2) if a parent of a participating child so de-
18 sires, notice of opportunities for regular meetings for
19 the purpose of formulating and responding to rec-
20 ommendations from such parents; and

21 “(3) procedural information for removing a
22 child from a program for limited English proficient
23 children.

24 “(d) BASIS FOR ADMISSION OR EXCLUSION.—Stu-
25 dents shall not be admitted to or excluded from any feder-

1 ally assisted education program on the basis of a surname
2 or language-minority status.

3 “(e) CIVIL RIGHTS PROTECTION.—A local edu-
4 cational agency shall not be relieved of any of its obliga-
5 tions under title VI of the Civil Rights Act of 1964 be-
6 cause parents choose not to enroll their children in a spe-
7 cialized instructional program to help their child learn
8 English.

9 **“SEC. 7104. AUTHORIZATIONS OF APPROPRIATIONS.**

10 “(a) SUBPART 1.—For the purpose of carrying out
11 subpart 1 there are authorized to be appropriated
12 \$500,000,000 for fiscal year 2002 and such sums as may
13 be necessary for the 4 succeeding fiscal years.

14 “(b) SUBPART 2.—For the purpose of carrying out
15 subpart 2, there are authorized to be appropriated
16 \$60,000,000 for fiscal year 2002 and such sums as may
17 be necessary for the 4 succeeding fiscal years.

18 “(c) SUBPART 3.—For the purpose of carrying out
19 subpart 4, there are authorized to be appropriated
20 \$16,000,000 for fiscal year 2002 and such sums as may
21 be necessary for the 4 succeeding fiscal years.

1 **“Subpart 1—Instructional Programs**

2 **“SEC. 7111. FINANCIAL ASSISTANCE FOR PROGRAMS FOR**
3 **LIMITED ENGLISH PROFICIENT CHILDREN.**

4 “The purpose of this subpart is to assist local edu-
5 cational agencies, institutions of higher education, and
6 community-based organizations, through the grants au-
7 thorized under section 7112, to—

8 “(1) develop and enhance their capacity to pro-
9 vide high-quality instruction through language in-
10 struction and programs which assist limited English
11 proficient children in achieving the same high levels
12 of academic achievement as other children; and

13 “(2) help such children—

14 “(A) develop proficiency in English; and

15 “(B) meet the same challenging State con-
16 tent standards and challenging State student
17 performance standards expected for all children
18 as required by section 1111(b).

19 **“SEC. 7112. FINANCIAL ASSISTANCE FOR INSTRUCTIONAL**
20 **SERVICES.**

21 “(a) PROGRAM AUTHORIZED.—

22 “(1) IN GENERAL.—The Secretary is authorized
23 to award grants to eligible entities having applica-
24 tions approved under section 7114 to enable such
25 entities to carry out activities described in subsection
26 (b).

1 “(2) LENGTH OF GRANT.—Each grant under
2 this section shall be awarded for a period of 3 to 5
3 years, as determined by the Secretary, based on the
4 type of grant for which the eligible entity applies.

5 “(b) AUTHORIZED ACTIVITIES.—Grants awarded
6 under this section shall be used to improve the education
7 of limited English proficient children and their families,
8 through the acquisition of English and the attainment of
9 challenging State academic content standards and chal-
10 lenging State performance standards using scientifically-
11 based research approaches and methodologies, by—

12 “(1) developing and implementing new language
13 and academic content instructional programs for
14 children who are limited English proficient, includ-
15 ing programs of early childhood education and kin-
16 dergarten through 12th grade education, that are
17 aligned with the State’s challenging academic, con-
18 tent, and performance standards;

19 “(2) carrying out highly focused, innovative, lo-
20 cally designed projects to expand or enhance existing
21 English language and academic content instruction
22 programs for limited English proficient children;

23 “(3) implementing, within an individual school,
24 schoolwide programs for restructuring, reforming,
25 and upgrading all relevant programs and operations

1 relating to English language and academic content
2 instruction for limited English proficient students;
3 or

4 “(4) implementing, within the entire jurisdic-
5 tion of a local educational agency, agency-wide pro-
6 grams for restructuring, reforming, and upgrading
7 all relevant programs and operations relating to lan-
8 guage and academic content instruction for limited
9 English proficient students.

10 “(c) USES OF FUNDS.—Grants under this section
11 may be used—

12 “(1) to upgrade program objectives and effec-
13 tive instructional strategies;

14 “(2) to improve the instruction program for
15 limited English proficient students by identifying,
16 acquiring, and upgrading curricula, instructional
17 materials, educational software, and assessment pro-
18 cedures;

19 “(3) to provide—

20 “(A) tutorials and academic or vocational
21 education for limited English proficient chil-
22 dren; and

23 “(B) intensified instruction;

24 “(4) to develop and implement comprehensive
25 preschool or elementary or secondary school lan-

1 guage instructional programs that are coordinated
2 with other relevant programs and services;

3 “(5) to provide professional development to
4 classroom teachers, administrators, and other school
5 or community-based organizational personnel to im-
6 prove the instruction and assessment of children who
7 are limited English proficient children;

8 “(6) to improve the English language pro-
9 ficiency and academic performance of limited
10 English proficient children;

11 “(7) to improve the instruction of limited
12 English proficient children by providing for the ac-
13 quisition or development of education technology or
14 instructional materials, access to and participation
15 in electronic networks for materials, training and
16 communications, and incorporation of such resources
17 in curricula and programs, such as those funded
18 under this subpart;

19 “(8) to develop tutoring programs for limited
20 English proficient children that provide early inter-
21 vention and intensive instruction in order to improve
22 academic achievement, to increase graduation rates
23 among limited English proficient children, and to in-
24 crease English proficiency among such children;

1 “(9) to develop accountability systems to mon-
2 itor the academic progress and English proficiency
3 of limited proficient students and formerly limited
4 English proficient students;

5 “(10) to provide family literacy services and
6 parent outreach and training activities to limited
7 English proficient children and their families to im-
8 prove their English language skills and assist par-
9 ents in helping their children to improve their aca-
10 demic performance; and

11 “(11) to undertake other activities that are con-
12 sistent with the purposes of this subpart.

13 “(d) SPECIAL RULE.—A grant recipient, before car-
14 rying out a program assisted under this section, shall plan,
15 train personnel, develop curricula, and acquire or develop
16 materials.

17 “(e) ELIGIBLE ENTITIES.—For the purpose of this
18 section, the term ‘eligible entity’ means—

19 “(1) one or more local educational agencies; or

20 “(2) one or more local educational agencies in
21 collaboration with an institution of higher education,
22 community-based organization, or local or State edu-
23 cational agency.

1 **“SEC. 7113. NATIVE AMERICAN AND ALASKA NATIVE CHIL-**
2 **DREN IN SCHOOL.**

3 “(a) **ELIGIBLE ENTITIES.**—For the purpose of car-
4 rying out programs under this subpart for individuals
5 served by elementary, secondary, and postsecondary
6 schools operated predominately for Native American or
7 Alaska Native children, an Indian tribe, a tribally sanc-
8 tioned educational authority, a Native Hawaiian or Native
9 American Pacific Islander native language education orga-
10 nization, or an elementary or secondary school that is op-
11 erated or funded by the Bureau of Indian Affairs shall
12 be considered to be a local educational agency as such
13 term is used in this subpart, subject to the following quali-
14 fications:

15 “(1) **INDIAN TRIBE.**—The term ‘Indian tribe’
16 means any Indian tribe, band, nation, or other orga-
17 nized group or community, including any Alaska Na-
18 tive village or regional or village corporation as de-
19 fined in or established pursuant to the Alaska Na-
20 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),
21 that is recognized for the special programs and serv-
22 ices provided by the United States to Indians be-
23 cause of their status as Indians.

24 “(2) **TRIBALLY SANCTIONED EDUCATIONAL AU-**
25 **THORITY.**—The term ‘tribally sanctioned educational
26 authority’ means—

1 “(A) any department or division of edu-
2 cation operating within the administrative
3 structure of the duly constituted governing body
4 of an Indian tribe; and

5 “(B) any nonprofit institution or organiza-
6 tion that is—

7 “(i) chartered by the governing body
8 of an Indian tribe to operate any such
9 school or otherwise to oversee the delivery
10 of educational services to members of that
11 tribe; and

12 “(ii) approved by the Secretary for
13 the purpose of this section.

14 “(b) ELIGIBLE ENTITY APPLICATION.—Notwith-
15 standing any other provision of this subpart, each eligible
16 entity described in subsection (a) shall submit any applica-
17 tion for assistance under this subpart directly to the Sec-
18 retary along with timely comments on the need for the
19 proposed program.

20 **“SEC. 7114. APPLICATIONS.**

21 “(a) IN GENERAL.—

22 “(1) SECRETARY.—To receive a grant under
23 this subpart, an eligible entity shall submit an applica-
24 tion to the Secretary at such time, in such form,

1 and containing such information as the Secretary
2 may require.

3 “(2) STATE EDUCATIONAL AGENCY.—An eligi-
4 ble entity, with the exception of schools funded by
5 the Bureau of Indian Affairs, shall submit a copy of
6 its application under this section to the State edu-
7 cational agency.

8 “(b) REQUIRED DOCUMENTATION.—Such applica-
9 tion shall include documentation that the applicant has
10 the qualified personnel required to develop, administer,
11 and implement the proposed program.

12 “(c) CONTENTS.—

13 “(1) IN GENERAL.—An application for a grant
14 under this subpart shall contain the following:

15 “(A) A description of the need for the pro-
16 posed program, and a comprehensive descrip-
17 tion of the characteristics relevant to the chil-
18 dren being served.

19 “(B) An assurance that, if the applicant
20 includes one or more local educational agencies,
21 each such agency is complying with section
22 7103(b) prior to, and throughout, each school
23 year.

24 “(C) A description of the program to be
25 implemented and how such program’s design—

1 “(i) relates to the English language
2 and academic needs of the children of lim-
3 ited English proficiency to be served;

4 “(ii) is coordinated with other pro-
5 grams under this Act and other Acts, as
6 appropriate, in accordance with section
7 10206;

8 “(iii) involves the parents of the chil-
9 dren of limited English proficiency to be
10 served;

11 “(iv) ensures accountability in achiev-
12 ing high academic standards; and

13 “(v) promotes coordination of services
14 for the children of limited English pro-
15 ficiency to be served and their families.

16 “(D) A description, if appropriate, of the
17 applicant’s collaborative activities with institu-
18 tions of higher education, community-based or-
19 ganizations, local or State educational agencies,
20 private schools, nonprofit organizations, or busi-
21 nesses in carrying out the proposed program.

22 “(E) An assurance that the applicant will
23 not reduce the level of State and local funds
24 that the applicant expends for programs for

1 limited English proficient children if the appli-
2 cant receives an award under this subpart.

3 “(F) An assurance that the applicant will
4 employ teachers in the proposed program who
5 are proficient in English, including written and
6 oral communication skills, and another lan-
7 guage, if appropriate.

8 “(G) A budget for grant funds.

9 “(H) A description of how the applicant
10 annually will assess the English proficiency of
11 all children with limited English proficiency
12 participating in programs funded under this
13 subpart.

14 “(I) Data on the number of limited
15 English proficient students that will be served.

16 “(J) The characteristics of the students to
17 be served, including—

18 “(i) the proficiency of such students
19 in English; and

20 “(ii) achievement data, in the aggre-
21 gate, of such students in core academic
22 subjects.

23 “(2) ADDITIONAL INFORMATION.—Each appli-
24 cant for a grant under section 7112 who intends to

1 use the grant for a purpose described in paragraph
2 (3) or (4) of subsection (b) of such section—

3 “(A) shall describe—

4 “(i) how services provided under this
5 subpart are supplementary to existing serv-
6 ices;

7 “(ii) how funds received under this
8 subpart will be integrated, as appropriate,
9 with all other Federal, State, local, and
10 private resources that may be used to serve
11 children of limited English proficiency;

12 “(iii) specific achievement and school
13 retention goals for the children to be
14 served by the proposed program and how
15 progress toward achieving such goals will
16 be measured; and

17 “(iv) current family literacy programs
18 if applicable; and

19 “(B) shall provide assurances that the pro-
20 gram funded will be integrated with the overall
21 educational program.

22 “(d) APPROVAL OF APPLICATIONS.—An application
23 for a grant under this subpart may be approved only if
24 the Secretary determines that—

1 “(1) the program will use qualified personnel,
2 including personnel who are proficient in English
3 and other languages used in instruction, if appro-
4 priate;

5 “(2) in designing the program for which appli-
6 cation is made, the needs of children in nonprofit
7 private elementary and secondary schools have been
8 taken into account through consultation with appro-
9 priate private school officials and, consistent with
10 the number of such children enrolled in such schools
11 in the area to be served whose educational needs are
12 of the type and whose language and grade levels are
13 of a similar type to those which the program is in-
14 tended to address, after consultation with appro-
15 priate private school officials, provision has been
16 made for the participation of such children on a
17 basis comparable to that provided for public school
18 children;

19 “(3) student evaluation and assessment proce-
20 dures in the program are valid, reliable, and fair for
21 limited English proficient students, and that limited
22 English proficient students who are disabled are
23 identified and served in accordance with the require-
24 ments of the Individuals with Disabilities Education
25 Act;

1 “(4) Federal funds made available for the
2 project or activity will be used so as to supplement
3 the level of State and local funds that, in the ab-
4 sence of such Federal funds, would have been ex-
5 pended for special programs for limited English pro-
6 ficient children and in no case to supplant such
7 State and local funds, except that nothing in this
8 paragraph shall be construed to preclude a local edu-
9 cational agency from using funds under this title for
10 activities carried out under an order of a court of
11 the United States or of any State respecting services
12 to be provided such children, or to carry out a plan
13 approved by the Secretary as adequate under title
14 VI of the Civil Rights Act of 1964 with respect to
15 services to be provided such children; and

16 “(5) the assistance provided under the applica-
17 tion will contribute toward building the capacity of
18 the applicant to provide a program on a regular
19 basis, similar to that proposed for assistance, which
20 will be of sufficient size, scope, and quality to prom-
21 ise significant improvement in the education of stu-
22 dents of limited English proficiency, and that the
23 applicant will have the resources and commitment to
24 continue the program when assistance under this
25 subpart is reduced or no longer available.

1 “(e) CONSIDERATION.—In approving applications
2 under this subpart, the Secretary shall give consideration
3 to the degree to which the program for which assistance
4 is sought involves the collaborative efforts of institutions
5 of higher education, community-based organizations, the
6 appropriate local and State educational agency, or busi-
7 nesses.

8 **“SEC. 7115. INTENSIFIED INSTRUCTION.**

9 “In carrying out this subpart, each grant recipient
10 may intensify instruction for limited English proficient
11 students by—

12 “(1) expanding the educational calendar of the
13 school in which such student is enrolled to include
14 programs before and after school and during the
15 summer months;

16 “(2) applying technology to the course of in-
17 struction; and

18 “(3) providing intensified instruction through
19 supplementary instruction or activities, including
20 educationally enriching extracurricular activities,
21 during times when school is not routinely in session.

22 **“SEC. 7116. CAPACITY BUILDING.**

23 “Each recipient of a grant under this subpart shall
24 use the grant in ways that will build such recipient’s ca-
25 pacity to continue to offer high-quality language instruc-

1 tion and programs which assist limited English proficient
2 children in achieving the same high levels of academic
3 achievement as other children, once Federal assistance is
4 reduced or eliminated.

5 **“SEC. 7117. SUBGRANTS.**

6 “A local educational agency that receives a grant
7 under this subpart may, with the approval of the Sec-
8 retary, make a subgrant to, or enter into a contract with,
9 an institution of higher education, a nonprofit organiza-
10 tion, or a consortium of such entities to carry out an ap-
11 proved program, including a program to serve out-of-
12 school youth.

13 **“SEC. 7118. SPECIAL CONSIDERATION.**

14 “The Secretary shall give special consideration to ap-
15 plications under this subpart that describe a program
16 that—

17 “(1) enrolls a large percentage or large number
18 of limited English proficient students;

19 “(2) takes into account significant increases in
20 limited English proficient children, including such
21 children in areas with low concentrations of such
22 children; and

23 “(3) ensures that activities assisted under this
24 subpart address the needs of school systems of all

1 sizes and geographic areas, including rural and
2 urban schools.

3 **“SEC. 7119. COORDINATION WITH OTHER PROGRAMS.**

4 “In order to secure the most flexible and efficient use
5 of Federal funds, any State receiving funds under this
6 subpart shall coordinate its program with other programs
7 under this Act and other Acts, as appropriate, in accord-
8 ance with section 10206.

9 **“SEC. 7120. NOTIFICATION.**

10 “The State educational agency, and when applicable,
11 the State board for postsecondary education, shall be noti-
12 fied within three working days of the date an award under
13 this subpart is made to an eligible entity within the State.

14 **“SEC. 7121. STATE GRANT PROGRAM.**

15 “(a) STATE GRANT PROGRAM.—The Secretary is au-
16 thorized to make an award to a State educational agency
17 that demonstrates, to the satisfaction of the Secretary,
18 that such agency, through such agency’s own programs
19 and other Federal education programs, effectively provides
20 for the education of children of limited English proficiency
21 within the State.

22 “(b) PAYMENTS.—The amount paid to a State edu-
23 cational agency under subsection (a) shall not exceed 5
24 percent of the total amount awarded to local educational
25 agencies within the State under subpart 1 for the previous

1 fiscal year, except that in no case shall the amount paid
2 by the Secretary to any State educational agency under
3 this subsection for any fiscal year be less than \$100,000.

4 “(c) USE OF FUNDS.—

5 “(1) IN GENERAL.—A State educational agency
6 shall use funds awarded under this section for pro-
7 grams authorized by this section—

8 “(A) to assist local educational agencies in
9 the State with program design, capacity build-
10 ing, assessment of student performance, and
11 program evaluation; and

12 “(B) to collect data on the State’s limited
13 English proficient populations and the edu-
14 cational programs and services available to such
15 populations.

16 “(2) TRAINING.—The State educational agency
17 may also use funds provided under this section for
18 the training of State educational agency personnel in
19 educational issues affecting limited English pro-
20 ficient children.

21 “(3) SPECIAL RULE.—Recipients of funds
22 under this section shall not restrict the provision of
23 services under this section to federally funded pro-
24 grams.

1 “(d) APPLICATIONS.—A State educational agency de-
2 siring to receive funds under this section shall submit an
3 application to the Secretary in such form, at such time,
4 and containing such information and assurances as the
5 Secretary may require.

6 “(e) SUPPLEMENT NOT SUPPLANT.—Funds made
7 available under this section for any fiscal year shall be
8 used by the State educational agency to supplement and,
9 to the extent practical, to increase to the level of funds
10 that would, in the absence of such funds, be made avail-
11 able by the State for the purposes described in this sec-
12 tion, and in no case to supplant such funds.

13 “(f) REPORT TO THE SECRETARY.—State edu-
14 cational agencies receiving awards under this section shall
15 provide for the annual submission of a summary report
16 to the Secretary describing such State’s use of such funds.

17 **“Subpart 2—Professional Development**

18 **“SEC. 7131. PURPOSE.**

19 “The purpose of this subpart is to assist in preparing
20 educators to improve educational services for limited
21 English proficient children by supporting professional de-
22 velopment programs primarily aimed at improving and de-
23 veloping the skills of instructional staff in elementary and
24 secondary schools and on assisting limited English pro-
25 ficient children to attain English proficiency and meet

1 challenging State academic content standards and chal-
2 lenging State performance standards.

3 **“SEC. 7132. PROFESSIONAL DEVELOPMENT AND FELLOW-**
4 **SHIPS.**

5 “(a) PROGRAM AUTHORIZED.—

6 “(1) IN GENERAL.—The Secretary is authorized
7 to award grants, as appropriate, to local educational
8 agencies, institutions of higher education, State edu-
9 cational agencies, public and private organizations in
10 consortium with a local educational agency, or a con-
11 sortium of such agencies or institutions, except that
12 any such consortium shall include a local educational
13 agency.

14 “(2) GRANT PURPOSE.—Grants awarded under
15 this section shall be used for one or more of the fol-
16 lowing purposes:

17 “(A) To develop and provide ongoing in-
18 service professional development, including pro-
19 fessional development necessary to receive cer-
20 tification as a teacher of limited English pro-
21 ficient children, for teachers of limited English
22 proficient children, school administrators and, if
23 appropriate, pupil services personnel, and other
24 educational personnel who are involved in, or
25 preparing to be involved in, the provision of

1 educational services to limited English pro-
2 ficient children.

3 “(B) To provide for the incorporation of
4 courses and curricula on appropriate and effec-
5 tive instructional and assessment methodolo-
6 gies, strategies, and resources specific to limited
7 English proficient students into in-service pro-
8 fessional development programs for teachers,
9 administrators and, if appropriate, pupil serv-
10 ices personnel, and other educational personnel
11 in order to prepare such individuals to provide
12 effective services to limited English proficient
13 students.

14 “(C) To upgrade the qualifications and
15 skills of teachers to ensure that they are fully
16 qualified (as defined by section 1610) and meet
17 high professional standards, including certifi-
18 cation and licensure as a teacher of limited
19 English proficient students.

20 “(D) To upgrade the qualifications and
21 skills of paraprofessionals to ensure they meet
22 the requirements under section 1119 and meet
23 high professional standards to assist, as appro-
24 priate, teachers who instruct limited English
25 proficient students.

1 “(E) To train secondary school students as
2 teachers of limited English proficient children
3 and to train, as appropriate, other education
4 personnel to serve limited English proficient
5 students.

6 “(F) To award fellowships for—

7 “(i) study in such areas as teacher
8 training, program administration, research
9 and evaluation, and curriculum develop-
10 ment, at the master’s, doctoral, or post-
11 doctoral degree level, related to instruction
12 of children and youth of limited English
13 proficiency; and

14 “(ii) the support of dissertation re-
15 search related to such study.

16 “(G) To recruit elementary and secondary
17 school teachers of limited English proficient
18 children.

19 “(b) DURATION AND LIMITATION.—

20 “(1) GRANT PERIOD.—Each grant under this
21 section shall be awarded for a period of not more
22 than 5 years.

23 “(2) LIMITATION.—Not more than 15 percent
24 of the amount of the grant may be expended for the

1 purposes described in subparagraphs (F) and (G) of
2 subsection (a)(2).

3 “(c) PROFESSIONAL DEVELOPMENT REQUIRE-
4 MENTS.—

5 “(1) ACTIVITIES.—A recipient of a grant under
6 this section may use the grant funds for the fol-
7 lowing professional development activities:

8 “(A) Designing and implementing of in-
9 duction programs for new teachers, including
10 mentoring and coaching by trained teachers,
11 team teaching with experienced teachers, com-
12 pensation for, and availability of, time for ob-
13 servation of, and consultation with, experienced
14 teachers, and compensation for, and availability
15 of, additional time for course preparation.

16 “(B) Implementing collaborative efforts
17 among teachers to improve instruction in read-
18 ing and other core academic areas for students
19 with limited English proficiency, including pro-
20 grams that facilitate teacher observation and
21 analysis of fellow teachers’ classroom practice.

22 “(C) Supporting long-term collaboration
23 among teachers and outside experts to improve
24 instruction of limited English proficient stu-
25 dents.

1 “(D) Coordinating project activities with
2 other programs, such as those under the Head
3 Start Act, and titles I and II of this Act, and
4 titles II and V of the Higher Education Act of
5 1965.

6 “(E) Developing curricular materials and
7 assessments for teachers that are aligned with
8 State and local standards and the needs of the
9 limited English proficient students to be served.

10 “(F) Instructing teachers and, where ap-
11 propriate, other personnel working with limited
12 English children on how—

13 “(i) to utilize test results to improve
14 instruction for limited English proficient
15 children so the children can meet the same
16 challenging State content standards and
17 challenging State performance standards
18 as other students; and

19 “(ii) to help parents understand the
20 results of such assessments.

21 “(G) Contracting with institutions of high-
22 er education to allow them to provide in-service
23 training to teachers, and, where appropriate,
24 other personnel working with limited English
25 proficient children to improve the quality of

1 professional development programs for limited
2 English proficient students.

3 “(H) Such other activities as are con-
4 sistent with the purpose of this section.

5 “(2) ADDITIONAL REQUIREMENTS FOR PROFES-
6 SIONAL DEVELOPMENT FUNDS.—Uses of funds re-
7 ceived under this section for professional
8 development—

9 “(A) shall advance teacher understanding
10 of effective instructional strategies based on sci-
11 entifically based research for improving student
12 achievement;

13 “(B) shall be of sufficient intensity and
14 duration (not to include 1-day or short-term
15 workshops and conferences) to have a positive
16 and lasting impact on teachers’ performance in
17 the classroom;

18 “(C) shall be developed with extensive par-
19 ticipation of teachers, principals, parents, and
20 administrators of schools to be served under
21 subparts 1 and 2 of part A; and

22 “(D) as a whole, shall be regularly evalu-
23 ated for their impact on increased teacher effec-
24 tiveness and improved student achievement,

1 with the findings of such evaluations used to
2 improve the quality of professional development.

3 “(d) FELLOWSHIP REQUIREMENTS.—

4 “(1) IN GENERAL.—Any person receiving a fel-
5 lowship under subsection (a)(2)(F) shall agree—

6 “(A) to work as a teacher of limited
7 English proficient children, or in a program or
8 an activity funded under this part, for a period
9 of time equivalent to the period of time during
10 which the person receives such fellowship; or

11 “(B) to repay the amount received pursu-
12 ant to the fellowship award.

13 “(2) REGULATIONS.—The Secretary shall es-
14 tablish in regulations such terms and conditions for
15 agreements under paragraph (1) as the Secretary
16 deems reasonable and necessary and may waive the
17 requirement of such paragraph in extraordinary cir-
18 cumstances.

19 “(3) PRIORITY.—In awarding fellowships under
20 this section, the Secretary shall give priority to fel-
21 lowship applicants applying for study or dissertation
22 research at institutions of higher education that
23 have demonstrated a high level of success in placing
24 fellowship recipients into employment in elementary
25 and secondary schools.

1 “(4) INFORMATION.—The Secretary shall in-
2 clude information on the operation and the number
3 of fellowships awarded under this section in the eval-
4 uation required under section 7303.

5 **“SEC. 7133. APPLICATION.**

6 “(a) IN GENERAL.—

7 “(1) SUBMISSION TO SECRETARY.—In order to
8 receive a grant under section 7132, an agency, insti-
9 tution, organization, or consortium described in sub-
10 section (a)(1) of such section shall submit an appli-
11 cation to the Secretary at such time, in such form,
12 and containing such information as the Secretary
13 may require.

14 “(2) CONTENTS.—Each such application shall
15 include—

16 “(A) a description of the proposed profes-
17 sional development or graduate fellowship pro-
18 grams to be implemented with the grant;

19 “(B) a description of the scientific research
20 on which the program or programs are based;
21 and

22 “(C) an assurance that funds will be used
23 to supplement and not supplant other profes-
24 sional development activities that affect the

1 teaching and learning in elementary and sec-
2 ondary schools, as appropriate.

3 “(b) APPROVAL.—The Secretary shall only approve
4 an application under this section if it meets the require-
5 ments of this section and is of sufficient quality to meet
6 the purposes of this subpart.

7 “(c) SPECIAL RULES.—

8 “(1) OUTREACH AND TECHNICAL ASSIST-
9 ANCE.—The Secretary shall provide for outreach
10 and technical assistance to institutions of higher
11 education eligible for assistance under titles III and
12 V of the Higher Education Act of 1965 and institu-
13 tions of higher education that are operated or fund-
14 ed by the Bureau of Indian Affairs to facilitate the
15 participation of such institutions under this subpart.

16 “(2) DISTRIBUTION.—In making awards under
17 this subpart, the Secretary shall ensure adequate
18 representation of Hispanic-serving institutions (as
19 defined in section 502 of the Higher Education Act
20 of 1965) that demonstrate competence and experi-
21 ence in the programs and activities authorized under
22 this subpart and are otherwise qualified.

23 **“SEC. 7134. PROGRAM EVALUATIONS.**

24 “Each recipient of funds under this subpart shall pro-
25 vide the Secretary with an evaluation of the program as-

1 sisted under this subpart every 2 years. Such evaluation
2 shall include data on—

3 “(1) post-program placement of persons trained
4 in a program assisted under this subpart;

5 “(2) how such training relates to the employ-
6 ment of persons served by the program;

7 “(3) program completion; and

8 “(4) such other information as the Secretary
9 may require.

10 **“SEC. 7135. USE OF FUNDS FOR SECOND LANGUAGE COM-**
11 **PETENCE.**

12 “Funds received under this subpart may be used to
13 develop any program participant’s competence in a second
14 language for use in instructional programs.

15 **“Subpart 3—Research, Evaluation, and**
16 **Dissemination**

17 **“SEC. 7141. AUTHORITY.**

18 “The Secretary shall conduct and coordinate, through
19 the Office of Educational Research and Improvement and
20 in coordination with the Office of Educational Services for
21 Limited English Proficient Children, research for the pur-
22 pose of improving language and academic content instruc-
23 tion for children who are limited English proficient. Activi-
24 ties under this section shall be limited to research to iden-
25 tify successful models for teaching limited English pro-

1 ficient children English, research to identify successful
2 models for assisting such children to meet challenging
3 State content and student performance standards, and
4 distribution of research results to States for dissemination
5 to schools with populations of students who are limited
6 English proficient. Research conducted under this section
7 may not focus solely on any one method of instruction.

8 **“SEC. 7142. NATIONAL CLEARINGHOUSE FOR BILINGUAL**
9 **EDUCATION.**

10 “(a) ESTABLISHMENT.—The Secretary shall estab-
11 lish and support the operation of a National Clearinghouse
12 for Bilingual Education, which shall collect, analyze, syn-
13 thesize, and disseminate information about bilingual edu-
14 cation and related programs.

15 “(b) FUNCTIONS.—The National Clearinghouse for
16 Bilingual Education shall—

17 “(1) be administered as an adjunct clearing-
18 house of the Educational Resources Information
19 Center Clearinghouses system of clearinghouses sup-
20 ported by the Office of Educational Research and
21 Improvement;

22 “(2) coordinate its activities with Federal data
23 and information clearinghouses and dissemination
24 networks and systems;

1 pectedly large increases in their student population due
2 to immigration—

3 “(1) to provide high-quality instruction to im-
4 migrant children and youth; and

5 “(2) to help such children and youth—

6 “(A) with their transition into American
7 society; and

8 “(B) meet the same challenging State per-
9 formance standards expected of all children and
10 youth.

11 **“SEC. 7202. STATE ADMINISTRATIVE COSTS.**

12 “For any fiscal year, a State educational agency may
13 reserve not more than 1.5 percent of the amount allocated
14 to such agency under section 7204 to pay the costs of per-
15 forming such agency’s administrative functions under this
16 part.

17 **“SEC. 7203. WITHHOLDING.**

18 “Whenever the Secretary, after providing reasonable
19 notice and opportunity for a hearing to any State edu-
20 cational agency, finds that there is a failure to meet the
21 requirement of any provision of this part, the Secretary
22 shall notify that agency that further payments will not be
23 made to the agency under this part, or in the discretion
24 of the Secretary, that the State educational agency shall
25 not make further payments under this part to specified

1 local educational agencies whose actions cause or are in-
2 volved in such failure until the Secretary is satisfied that
3 there is no longer any such failure to comply. Until the
4 Secretary is so satisfied, no further payments shall be
5 made to the State educational agency under this part, or
6 payments by the State educational agency under this part
7 shall be limited to local educational agencies whose actions
8 did not cause or were not involved in the failure, as the
9 case may be.

10 **“SEC. 7204. STATE ALLOCATIONS.**

11 “(a) PAYMENTS.—The Secretary shall, in accordance
12 with the provisions of this section, make payments to
13 State educational agencies for each of the fiscal years
14 2002 through 2006 for the purpose set forth in section
15 7201(b).

16 “(b) ALLOCATIONS.—

17 “(1) IN GENERAL.—Except as provided in sub-
18 sections (c) and (d), of the amount appropriated for
19 each fiscal year for this part, each State partici-
20 pating in the program assisted under this part shall
21 receive an allocation equal to the proportion of such
22 State’s number of immigrant children and youth
23 who are enrolled in public elementary or secondary
24 schools under the jurisdiction of each local edu-
25 cational agency described in paragraph (2) within

1 such State, and in nonpublic elementary or sec-
2 ondary schools within the district served by each
3 such local educational agency, relative to the total
4 number of immigrant children and youth so enrolled
5 in all the States participating in the program as-
6 sisted under this part.

7 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
8 CIES.—The local educational agencies referred to in
9 paragraph (1) are those local educational agencies in
10 which the sum of the number of immigrant children
11 and youth who are enrolled in public elementary or
12 secondary schools under the jurisdiction of such
13 agencies, and in nonpublic elementary or secondary
14 schools within the districts served by such agencies,
15 during the fiscal year for which the payments are to
16 be made under this part, is equal to—

17 “(A) at least 500; or

18 “(B) at least 3 percent of the total number
19 of students enrolled in such public or nonpublic
20 schools during such fiscal year,
21 whichever number is less.

22 “(c) DETERMINATIONS OF NUMBER OF CHILDREN
23 AND YOUTH.—

24 “(1) IN GENERAL.—Determinations by the Sec-
25 retary under this section for any period with respect

1 to the number of immigrant children and youth shall
2 be made on the basis of data or estimates provided
3 to the Secretary by each State educational agency in
4 accordance with criteria established by the Sec-
5 retary, unless the Secretary determines, after notice
6 and opportunity for a hearing to the affected State
7 educational agency, that such data or estimates are
8 clearly erroneous.

9 “(2) SPECIAL RULE.—No such determination
10 with respect to the number of immigrant children
11 and youth shall operate because of an underestimate
12 or overestimate to deprive any State educational
13 agency of the allocation under this section that such
14 State would otherwise have received had such deter-
15 mination been made on the basis of accurate data.

16 “(d) REALLOCATION.—Whenever the Secretary de-
17 termines that any amount of a payment made to a State
18 under this part for a fiscal year will not be used by such
19 State for carrying out the purpose for which the payment
20 was made, the Secretary shall make such amount available
21 for carrying out such purpose to one or more other States
22 to the extent the Secretary determines that such other
23 States will be able to use such additional amount for car-
24 rying out such purpose. Any amount made available to a
25 State from any appropriation for a fiscal year in accord-

1 ance with the preceding sentence shall, for purposes of this
2 part, be regarded as part of such State's payment (as de-
3 termined under subsection (b)) for such year, but shall
4 remain available until the end of the succeeding fiscal
5 year.

6 “(e) RESERVATION OF FUNDS.—

7 “(1) IN GENERAL.—Notwithstanding any other
8 provision of this part, if the amount appropriated to
9 carry out this part exceeds \$50,000,000 for a fiscal
10 year, a State educational agency may reserve not
11 more than 20 percent of such agency's payment
12 under this part for such year to award grants, on a
13 competitive basis, to local educational agencies with-
14 in the State as follows:

15 “(A) At least one-half of such grants shall
16 be made available to eligible local educational
17 agencies (as described in subsection (b)(2))
18 within the State with the highest numbers and
19 percentages of immigrant children and youth.

20 “(B) Funds reserved under this paragraph
21 and not made available under subparagraph (A)
22 may be distributed to local educational agencies
23 within the State experiencing a sudden influx of
24 immigrant children and youth which are other-
25 wise not eligible for assistance under this part.

1 “(2) USE OF GRANT FUNDS.—Each local edu-
2 cational agency receiving a grant under paragraph
3 (1) shall use such grant funds to carry out the ac-
4 tivities described in section 7207.

5 “(3) INFORMATION.—Local educational agen-
6 cies with the highest number of immigrant children
7 and youth receiving funds under paragraph (1) may
8 make information available on serving immigrant
9 children and youth to local educational agencies in
10 the State with sparse numbers of such children.

11 **“SEC. 7205. STATE APPLICATIONS.**

12 “(a) SUBMISSION.—No State educational agency
13 shall receive any payment under this part for any fiscal
14 year unless such agency submits an application to the Sec-
15 retary at such time, in such manner, and containing or
16 accompanied by such information, as the Secretary may
17 reasonably require. Each such application shall—

18 “(1) provide that the educational programs,
19 services, and activities for which payments under
20 this part are made will be administered by or under
21 the supervision of the agency;

22 “(2) provide assurances that payments under
23 this part will be used for purposes set forth in sec-
24 tions 7201(b) and 7207, including a description of
25 how local educational agencies receiving funds under

1 this part will use such funds to meet such purposes
2 and will coordinate with other programs assisted
3 under this Act and other Acts as appropriate;

4 “(3) provide an assurance that local educational
5 agencies receiving funds under this part will coordi-
6 nate the use of such funds with programs assisted
7 under part A or title I;

8 “(4) provide assurances that such payments,
9 with the exception of payments reserved under sec-
10 tion 7204(e), will be distributed among local edu-
11 cational agencies within that State on the basis of
12 the number of immigrant children and youth count-
13 ed with respect to each such local educational agency
14 under section 7204(b)(1);

15 “(5) provide assurances that the State edu-
16 cational agency will not finally disapprove in whole
17 or in part any application for funds received under
18 this part without first affording the local educational
19 agency submitting an application for such funds rea-
20 sonable notice and opportunity for a hearing;

21 “(6) provide for making such reports as the
22 Secretary may reasonably require to perform the
23 Secretary’s functions under this part;

24 “(7) provide assurances—

1 “(A) that to the extent consistent with the
2 number of immigrant children and youth en-
3 rolled in the nonpublic elementary or secondary
4 schools within the district served by a local edu-
5 cational agency, such agency, after consultation
6 with appropriate officials of such schools, shall
7 provide for the benefit of such children and
8 youth secular, neutral, and nonideological serv-
9 ices, materials, and equipment necessary for the
10 education of such children and youth;

11 “(B) that the control of funds provided
12 under this part to any materials, equipment,
13 and property repaired, remodeled, or con-
14 structed with those funds shall be in a public
15 agency for the uses and purposes provided in
16 this part, and a public agency shall administer
17 such funds and property; and

18 “(C) that the provision of services pursu-
19 ant to this paragraph shall be provided by em-
20 ployees of a public agency or through contract
21 by such public agency with a person, associa-
22 tion, agency, or corporation who or which, in
23 the provision of such services, is independent of
24 such nonpublic elementary or secondary school
25 and of any religious organization, and such em-

1 ployment or contract shall be under the control
2 and supervision of such public agency, and the
3 funds provided under this paragraph shall not
4 be commingled with State or local funds;

5 “(8) provide that funds reserved under section
6 7204(e) be awarded on a competitive basis based on
7 merit and need in accordance with such subsection;
8 and

9 “(9) provide an assurance that State and local
10 educational agencies receiving funds under this part
11 will comply with the requirements of section
12 1120(b).

13 “(b) APPLICATION REVIEW.—

14 “(1) IN GENERAL.—The Secretary shall review
15 all applications submitted pursuant to this section
16 by State educational agencies.

17 “(2) APPROVAL.—The Secretary shall approve
18 any application submitted by a State educational
19 agency that meets the requirements of this section.

20 “(3) DISAPPROVAL.—The Secretary shall dis-
21 approve any application submitted by a State edu-
22 cational agency which does not meet the require-
23 ments of this section, but shall not finally disapprove
24 an application except after providing reasonable no-

1 tice, technical assistance, and an opportunity for a
2 hearing to the State.

3 **“SEC. 7206. ADMINISTRATIVE PROVISIONS.**

4 “(a) NOTIFICATION OF AMOUNT.—The Secretary,
5 not later than June 1 of each year, shall notify each State
6 educational agency that has an application approved under
7 section 7205 of the amount of such agency’s allocation
8 under section 7204 for the succeeding year.

9 “(b) SERVICES TO CHILDREN ENROLLED IN NON-
10 PUBLIC SCHOOLS.—If by reason of any provision of law
11 a local educational agency is prohibited from providing
12 educational services for children enrolled in elementary
13 and secondary nonpublic schools, as required by section
14 7205(a)(7), or if the Secretary determines that a local
15 educational agency has substantially failed or is unwilling
16 to provide for the participation on an equitable basis of
17 children enrolled in such schools, the Secretary may waive
18 such requirement and shall arrange for the provision of
19 services, subject to the requirements of this part, to such
20 children. Such waivers shall be subject to consultation,
21 withholding, notice, and judicial review requirements in
22 accordance with the provisions of title I.

23 **“SEC. 7207. USES OF FUNDS.**

24 “(a) USE OF FUNDS.—Funds awarded under this
25 part shall be used to pay for enhanced instructional oppor-

1 tunities for immigrant children and youth, which may
2 include—

3 “(1) family literacy, parent outreach, and train-
4 ing activities designed to assist parents to become
5 active participants in the education of their children;

6 “(2) salaries of personnel, including teacher
7 aides who have been specifically trained, or are being
8 trained, to provide services to immigrant children
9 and youth;

10 “(3) tutorials, mentoring, and academic or ca-
11 reer counseling for immigrant children and youth;

12 “(4) identification and acquisition of curricular
13 materials, educational software, and technologies to
14 be used in the program;

15 “(5) basic instructional services which are di-
16 rectly attributable to the presence in the school dis-
17 trict of immigrant children, including the costs of
18 providing additional classroom supplies, overhead
19 costs, costs of construction, acquisition or rental of
20 space, costs of transportation, or such other costs as
21 are directly attributable to such additional basic in-
22 structional services; and

23 “(6) such other activities, related to the pur-
24 poses of this part, as the Secretary may authorize.

1 “(b) CONSORTIA.—A local educational agency that
2 receives a grant under this part may collaborate or form
3 a consortium with one or more local educational agencies,
4 institutions of higher education, and nonprofit organiza-
5 tions to carry out the program described in an application
6 approved under this part.

7 “(c) SUBGRANTS.—A local educational agency that
8 receives a grant under this part may, with the approval
9 of the Secretary, make a subgrant to, or enter into a con-
10 tract with, an institution of higher education, a nonprofit
11 organization, or a consortium of such entities to carry out
12 a program described in an application approved under this
13 part, including a program to serve out-of-school youth.

14 “(d) CONSTRUCTION.—Nothing in this part shall be
15 construed to prohibit a local educational agency from serv-
16 ing immigrant children simultaneously with students with
17 similar educational needs, in the same educational settings
18 where appropriate.

19 **“SEC. 7208. REPORTS.**

20 “(a) BIENNIAL REPORT.—Each State educational
21 agency receiving funds under this part shall submit, once
22 every 2 years, a report to the Secretary concerning the
23 expenditure of funds by local educational agencies under
24 this part. Each local educational agency receiving funds

1 under this part shall submit to the State educational agen-
2 cy such information as may be necessary for such report.

3 “(b) REPORT TO CONGRESS.—The Secretary shall
4 submit, once every 2 years, a report to the appropriate
5 committees of the Congress concerning programs assisted
6 under this part in accordance with section 10501.

7 **“SEC. 7209. AUTHORIZATION OF APPROPRIATIONS.**

8 “For the purpose of carrying out this part, there are
9 authorized to be appropriated \$200,000,000 for fiscal year
10 2002 and such sums as may be necessary for each of the
11 4 succeeding fiscal years.

12 **“PART C—GENERAL PROVISIONS**

13 **“SEC. 7301. DEFINITIONS.**

14 “For purposes of this title:

15 “(1) CHILDREN AND YOUTH.—The term ‘chil-
16 dren and youth’ means individuals aged 3 through
17 21.

18 “(2) COMMUNITY-BASED ORGANIZATION.—The
19 term ‘community-based organization’ means a pri-
20 vate nonprofit organization of demonstrated effec-
21 tiveness or Indian tribe or tribally sanctioned edu-
22 cational authority which is representative of a com-
23 munity or significant segments of a community and
24 which provides educational or related services to in-
25 dividuals in the community. Such term includes a

1 Native Hawaiian or Native American Pacific Is-
2 lander native language educational organization.

3 “(3) IMMIGRANT CHILDREN AND YOUTH.—The
4 term ‘immigrant children and youth’ means individ-
5 uals who—

6 “(A) are aged 3 through 21;

7 “(B) were not born in any State; and

8 “(C) have not been attending one or more
9 schools in any one or more States for more
10 than three full academic years.

11 “(4) LIMITED ENGLISH PROFICIENT.—The
12 term ‘limited English proficient’, when used with
13 reference to an individual, means an individual—

14 “(A) aged 3 through 21;

15 “(B) who—

16 “(i) was not born in the United
17 States;

18 “(ii) comes from an environment
19 where a language other than English is
20 dominant and who normally uses a lan-
21 guage other than English;

22 “(iii) is a Native American or Alaska
23 Native or who is a native resident of the
24 outlying areas and who normally uses a
25 language other than English; or

1 “(iv) is migratory and whose native
2 language is other than English and who
3 normally uses a language other than
4 English; and

5 “(C) who has sufficient difficulty speaking,
6 reading, writing, or understanding the English
7 language that the difficulty may deny the indi-
8 vidual the opportunity—

9 “(i) to learn successfully in a class-
10 room where the language of instruction is
11 English; or

12 “(ii) to participate fully in society.

13 “(5) NATIVE AMERICAN AND NATIVE AMERICAN
14 LANGUAGE.—The terms ‘Native American’ and ‘Na-
15 tive American language’ shall have the same mean-
16 ing given such terms in section 103 of the Native
17 American Languages Act of 1990.

18 “(6) NATIVE HAWAIIAN OR NATIVE AMERICAN
19 PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL
20 ORGANIZATION.—The term ‘Native Hawaiian or Na-
21 tive American Pacific Islander native language edu-
22 cational organization’ means a nonprofit organiza-
23 tion with a majority of its governing board and em-
24 ployees consisting of fluent speakers of the tradi-
25 tional Native American languages used in their edu-

1 cational programs and with not less than 5 years
2 successful experience in providing educational serv-
3 ices in traditional Native American languages.

4 “(7) NATIVE LANGUAGE.—The term ‘native
5 language’, when used with reference to an individual
6 who is limited English proficient, means the lan-
7 guage normally used by such individual.

8 “(8) OUTLYING AREA.—The term ‘outlying
9 area’ means any of the following:

10 “(A) The Virgin Islands of the United
11 States.

12 “(B) Guam.

13 “(C) American Samoa.

14 “(D) The Commonwealth of the Northern
15 Mariana Islands.

16 “(9) PARAPROFESSIONAL.—The term ‘para-
17 professional’ means an individual who is employed in
18 preschool, elementary or secondary school under the
19 supervision of a certified or licensed teacher, includ-
20 ing individuals employed in educational programs
21 serving limited English proficient children, special
22 education and migrant education.

23 “(10) STATE.—The term ‘State’ means any of
24 the several States, the District of Columbia, the
25 Commonwealth of Puerto Rico, or any outlying area.

1 “(11) TRIBALLY SANCTIONED EDUCATIONAL
2 AUTHORITY.—The term ‘tribally sanctioned edu-
3 cational authority’ means—

4 “(A) any department or division of edu-
5 cation operating within the administrative
6 structure of the duly constituted governing body
7 of an Indian tribe; and

8 “(B) any nonprofit institution or organiza-
9 tion that is—

10 “(i) chartered by the governing body
11 of an Indian tribe to operate a school de-
12 scribed in section 7113(a) or otherwise to
13 oversee the delivery of educational services
14 to members of the tribe; and

15 “(ii) approved by the Secretary for
16 the purpose of carrying out programs
17 under subpart 1 of part A for individuals
18 served by a school described in section
19 7113(a).

20 **“SEC. 7302. CONSTRUCTION.**

21 “Nothing in part A shall be construed—

22 “(1) to prohibit a local educational agency from
23 serving limited English proficient children and youth
24 simultaneously with students with similar edu-

1 cational needs, in the same educational settings
2 where appropriate;

3 “(2) as requiring a State or a local educational
4 agency to establish, continue, or eliminate a program
5 of native language instruction; and

6 “(3) to limit the preservation or use of Native
7 American languages as defined in the Native Amer-
8 ican Languages Act or Alaska Native languages.

9 **“SEC. 7303. EVALUATION.**

10 “(a) IN GENERAL.—Each eligible entity that receives
11 a subgrant from a State or a grant from the Secretary
12 under subpart 1 of part A shall provide the Secretary, at
13 the conclusion of every second fiscal year during which the
14 subgrant or grant is received, with an evaluation, in a
15 form prescribed by the State or the Secretary, of—

16 “(1) the programs and activities conducted by
17 the entity with funds received under such subpart
18 during the two immediately preceding fiscal years;

19 “(2) the progress made by students in learning
20 the English language and meeting challenging State
21 content standards and challenging State student
22 performance standards;

23 “(3) the number and percentage of students in
24 the programs and activities attaining English lan-
25 guage proficiency by the end of each school year, as

1 determined by a valid and reliable assessment of
2 English proficiency; and

3 “(4) the progress made by students in meeting
4 challenging State content and challenging State per-
5 formance standards for each of the 2 years after
6 such students are no longer receiving services under
7 this part.

8 “(b) USE OF EVALUATION.—An evaluation provided
9 by an eligible entity under subsection (a) shall be used
10 by the entity and the Secretary—

11 “(1) for improvement of programs and activi-
12 ties;

13 “(2) to determine the effectiveness of programs
14 and activities in assisting children who are limited
15 English proficient to attain English proficiency (as
16 measured consistent with subsection (d)) and meet
17 challenging State content standards and challenging
18 State student performance standards; and

19 “(3) in determining whether or not to continue
20 funding for specific programs or projects.

21 “(c) EVALUATION COMPONENTS.—An evaluation
22 provided by an eligible entity under subsection (a) shall
23 include—

24 “(1) an evaluation of whether students enrolling
25 in a program or activity conducted by the entity

1 with funds received under subpart 1 of part A have
2 progressed in attaining English proficiency and are
3 meeting challenging State content standards and
4 challenging State student performance standards;
5 and

6 “(2) such other information as the State or the
7 Secretary may require.

8 “(d) EVALUATION MEASURES.—In prescribing the
9 form of an evaluation provided by an entity under sub-
10 section (a), a State or the Secretary shall approve evalua-
11 tion measures, as applicable, for use under subsection (c)
12 that are designed to assess—

13 “(1) oral language proficiency in kindergarten;

14 “(2) oral language proficiency, including speak-
15 ing and listening skills, in first grade;

16 “(3) both oral language proficiency, including
17 speaking and listening skills, and reading and writ-
18 ing proficiency in grades 2 and higher; and

19 “(4) attainment of challenging State perform-
20 ance standards.

21 **“SEC. 7304. LIMITATION ON FEDERAL REGULATIONS.**

22 “The Secretary shall issue regulations under this title
23 only to the extent that such regulations are necessary to
24 ensure compliance with the specific requirements of this
25 title.

1 **“SEC. 7305. CIVIL RIGHTS.**

2 “Nothing in this title shall be construed in a manner
3 inconsistent with any Federal law guaranteeing a civil
4 right.

5 **“SEC. 7306. REPORT.**

6 “The Secretary shall prepare, and submit to the
7 Committee on Education and the Workforce of the House
8 of Representatives and the Committee on Health, Edu-
9 cation, Labor, and Pensions of the Senate, a report on—

10 “(1) the activities carried out part A and the
11 effectiveness of such activities in increasing the
12 English proficiency of limited English proficient chil-
13 dren and helping them to meet challenging State
14 content standards and challenging State perform-
15 ance standards;

16 “(2) the types of instructional programs used
17 under subpart 1 of part A to teach limited English
18 proficient children;

19 “(3) the number of programs, if any, which
20 were terminated from the program because they
21 were not able to reach program goals; and

22 “(4) other information gathered as part of the
23 evaluation conducted under section 7303.

1 **“SEC. 7307. PROGRAMS FOR NATIVE AMERICANS AND**
2 **PUERTO RICO.**

3 “Programs authorized under subparts 1 and 2 of part
4 A that serve Native American children, Native Pacific Is-
5 land children, and children in the Commonwealth of Puer-
6 to Rico, notwithstanding any other provision of part A
7 may include programs of instruction, teacher training,
8 curriculum development, evaluation, and testing designed
9 for Native American children learning and studying Na-
10 tive American languages and children of limited Spanish
11 proficiency, except that a primary outcome of programs
12 serving such children shall be increased English pro-
13 ficiency among such children.”.

14 **TITLE VIII—INDIAN, NATIVE HA-**
15 **WAIIAN, AND ALASKA NATIVE**
16 **EDUCATION**

17 **SEC. 801. AMENDMENTS.**

18 Part A of title IX (20 U.S.C. 7801 et seq.) is
19 amended—

20 (1) in section 9125(e), by striking “1995
21 through 1999” and inserting “2002 through 2006”;
22 and

23 (2) in section 9162—

24 (A) by striking “1995” each place it ap-
25 pears and inserting “2002”; and

1 (B) by striking “\$61,300,000”,
2 “\$26,000,000”, and “\$3,775,000” and insert-
3 ing “\$250,000,000”, \$30,000,000”, and
4 “\$8,000,000”, respectively.

5 **SEC. 802. NATIVE HAWAIIAN EDUCATION.**

6 Sections 9204(j), 9205(c), 9206(e), 9208(c),
7 9209(d), and 9210(d) are each amended by striking
8 “1995” and inserting “2002”.

9 **SEC. 803. ALASKA NATIVE EDUCATION.**

10 Part C of title IX (20 U.S.C. 7931 et seq.) is
11 amended—

12 (1) by repealing sections 9304 through 9306
13 and inserting the following:

14 **“SEC. 9304. PROGRAM AUTHORIZED.**

15 “(a) GENERAL AUTHORITY.—

16 “(1) PROGRAM AUTHORIZED.—The Secretary is
17 authorized to make grants to, or enter into contracts
18 with, Alaska Native organizations, educational enti-
19 ties with experience in developing or operating Alas-
20 ka Native programs or programs of instruction con-
21 ducted in Alaska Native languages, and consortia of
22 such organizations and entities to carry out pro-
23 grams that meet the purpose of this part.

24 “(2) PERMISSIBLE ACTIVITIES.—Programs
25 under this part 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
9 of 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) recruiting and preparing teach-
24 ers who are Alaska Natives, reside in com-
25 munities with high concentrations of Alas-

1 ka Native students, or are likely to succeed
2 as teachers in isolated, rural communities
3 and engage in cross-cultural instruction;

4 “(D) the development and operation of
5 home instruction programs for Alaska Native
6 preschool children, the purpose of which is to
7 ensure the active involvement of parents in
8 their children’s education from the earliest
9 ages;

10 “(E) family Literacy Services;

11 “(F) the development and operation of stu-
12 dent enrichment programs in science and math-
13 ematics that—

14 “(i) are designed to prepare Alaska
15 Native students from rural areas, who are
16 preparing to enter high school, to excel in
17 science and math; and

18 “(ii) provide appropriate support serv-
19 ices to the families of such students that
20 are needed to enable such students to ben-
21 efit from the program;

22 “(G) research and data collection activities
23 to determine the educational status and needs
24 of Alaska Native children and adults;

1 “(H) other research and evaluation activi-
2 ties related to programs under this part; and

3 “(I) other activities, consistent with the
4 purposes of this part, to meet the educational
5 needs of Alaska Native children and adults.

6 “(3) HOME INSTRUCTION PROGRAMS.—Home
7 instruction programs for Alaska Native preschool
8 children under paragraph (2)(D) may include—

9 “(A) programs for parents and their in-
10 fants, from prenatal through age 3;

11 “(B) preschool programs; and

12 “(C) training, education, and support for
13 parents in such areas as reading readiness, ob-
14 servation, story-telling, and critical thinking.

15 “(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not
16 more than 5 percent of funds provided to a grantee under
17 this section for any fiscal year may be used for administra-
18 tive purposes.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated \$20,000,000 for fiscal
21 year 2002, and such sums as may be necessary for each
22 of the fiscal years 2003 through 2006 to carry out this
23 part.”;

24 (2) in section 9307—

1 (A) by amending subsection (b) to read as
2 follows:

3 “(b) APPLICATIONS.—State and local educational
4 agencies may apply for an award under this part only as
5 part of a consortium involving an Alaska Native organiza-
6 tion. This consortium may include other eligible appli-
7 cants.”;

8 (B) by amending subsection (d) to read as
9 follows:

10 “(d) LOCAL EDUCATIONAL AGENCY COORDINA-
11 TION.—Each applicant for an award under this part shall
12 inform each local educational agency serving students who
13 would participate in the project about its application.”;
14 and

15 (C) by striking subsection (e); and
16 (3) by redesignating sections 9307 and 9308 as
17 sections 9305 and 9306, respectively.

18 **TITLE IX—GENERAL**
19 **PROVISIONS**

20 **SEC. 901. GENERAL PROVISIONS.**

21 Title XIV is redesignated as title X and is amended
22 to read as follows:

1 **“TITLE X—GENERAL**
2 **PROVISIONS**

3 **“PART A—DEFINITIONS**

4 **“SEC. 10001. DEFINITIONS.**

5 “Except as otherwise provided, for the purposes of
6 this Act, the following terms have the following meanings:

7 “(1) AVERAGE DAILY ATTENDANCE.—

8 “(A) Except as provided otherwise by
9 State law or this paragraph, the term ‘average
10 daily attendance’ means—

11 “(i) the aggregate number of days of
12 attendance of all students during a school
13 year; divided by

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

16 “(B) The Secretary shall permit the con-
17 version of average daily membership (or other
18 similar data) to average daily attendance for
19 local educational agencies in States that provide
20 State aid to local educational agencies on the
21 basis of average daily membership or such other
22 data.

23 “(C) If the local educational agency in
24 which a child resides makes a tuition or other
25 payment for the free public education of the

1 child in a school located in another school dis-
2 trict, the Secretary shall, for purposes of this
3 Act—

4 “(i) consider the child to be in attend-
5 ance at a school of the agency making such
6 payment; and

7 “(ii) not consider the child to be in at-
8 tendance at a school of the agency receiv-
9 ing such payment.

10 “(D) If a local educational agency makes a
11 tuition payment to a private school or to a pub-
12 lic school of another local educational agency
13 for a child with disabilities, as defined in sec-
14 tion 602(a)(1) of the Individuals with Disabil-
15 ities Education Act, the Secretary shall, for the
16 purposes of this Act, consider such child to be
17 in attendance at a school of the agency making
18 such payment.

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

22 “(A) without regard to the source of
23 funds—

24 “(i) the aggregate current expendi-
25 tures, during the third fiscal year pre-

1 ceding the fiscal year for which the deter-
2 mination is made (or, if satisfactory data
3 for that year are not available, during the
4 most recent preceding fiscal year for which
5 satisfactory data are available) of all local
6 educational agencies in the State or, in the
7 case of the United States for all States
8 (which, for the purpose of this paragraph,
9 means the 50 States and the District of
10 Columbia); plus

11 “(ii) any direct current expenditures
12 by the State for the operation of such
13 agencies; divided by

14 “(B) the aggregate number of children in
15 average daily attendance to whom such agencies
16 provided free public education during such pre-
17 ceding year.

18 “(3) CHILD.—The term ‘child’ means any per-
19 son within the age limits for which the State pro-
20 vides free public education.

21 “(4) COMMUNITY-BASED ORGANIZATION.—The
22 term ‘community-based organization’ means a public
23 or private nonprofit organization of demonstrated ef-
24 fectiveness that—

1 “(A) is representative of a community or
2 significant segments of a community; and

3 “(B) provides educational or related serv-
4 ices to individuals in the community.

5 “(5) CONSOLIDATED LOCAL APPLICATION.—
6 The term ‘consolidated local application’ means an
7 application submitted by a local educational agency
8 pursuant to section 10404.

9 “(6) CONSOLIDATED LOCAL PLAN.—The term
10 ‘consolidated local plan’ means a plan submitted by
11 a local educational agency pursuant to section
12 10404.

13 “(7) CONSOLIDATED STATE APPLICATION.—
14 The term ‘consolidated State application’ means an
15 application submitted by a State educational agency
16 pursuant to section 10402.

17 “(8) CONSOLIDATED STATE PLAN.—The term
18 ‘consolidated State plan’ means a plan submitted by
19 a State educational agency pursuant to section
20 10402.

21 “(9) CORE ACADEMIC SUBJECTS.—The term
22 ‘core academic subjects’ means—

23 “(A) mathematics;

24 “(B) science;

1 “(C) reading (or language arts) and
2 English;

3 “(D) social studies (history, civics/govern-
4 ment, geography, and economics);

5 “(E) foreign languages; and

6 “(F) fine arts (music, dance, drama, and
7 the visual arts).

8 “(10) COUNTY.—The term ‘county’ means 1 of
9 the divisions of a State used by the Secretary of
10 Commerce in compiling and reporting data regard-
11 ing counties.

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

15 “(A) part A of title I;

16 “(B) part C of title I;

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

19 “(D) subpart 2 of part B of title III;

20 “(E) part A of title IV (other than section
21 4114);

22 “(F) title VI; and

23 “(G) Comprehensive School Reform.

1 “(12) CURRENT EXPENDITURES.—The term
2 ‘current expenditures’ means expenditures for free
3 public education—

4 “(A) including expenditures for adminis-
5 tration, instruction, attendance and health serv-
6 ices, pupil transportation services, operation
7 and maintenance of plant, fixed charges, and
8 net expenditures to cover deficits for food serv-
9 ices and student body activities; but

10 “(B) not including expenditures for com-
11 munity services, capital outlay, and debt serv-
12 ice, or any expenditures made from funds re-
13 ceived under title I and title VI.

14 “(13) DEPARTMENT.—The term ‘Department’
15 means the Department of Education.

16 “(14) EDUCATIONAL SERVICE AGENCY.—The
17 term ‘educational service agency’ means a regional
18 public multiservice agency authorized by State stat-
19 ute to develop, manage, and provide services or pro-
20 grams to local educational agencies.

21 “(15) ELEMENTARY SCHOOL.—The term ‘ele-
22 mentary school’ means a nonprofit institutional day
23 or residential school, including a public elementary
24 charter school, that provides elementary education,
25 as determined under State law.

1 “(16) FREE PUBLIC EDUCATION.—The term
2 ‘free public education’ means education that is
3 provided—

4 “(A) at public expense, under public super-
5 vision and direction, and without tuition charge;
6 and

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

11 “(17) FULLY QUALIFIED.—The term ‘fully
12 qualified’—

13 “(A) when used with respect to an elemen-
14 tary or secondary school teacher, means that
15 the teacher has obtained certification or passed
16 the State licensing exam and holds a license;
17 and

18 “(B) when used with respect to—

19 “(i) an elementary school teacher,
20 means that the teacher holds a bachelor’s
21 degree and demonstrates general knowl-
22 edge, teaching skill, and subject matter
23 knowledge required to teach at the elemen-
24 tary school level in the core academic sub-
25 jects; or

1 “(ii) a middle or secondary school
2 teacher, means that the teacher holds a
3 bachelor’s degree and demonstrates a high
4 level of competency in all subject areas in
5 which he or she teaches through—

6 “(I) a high level of performance
7 on a rigorous academic subject area
8 test; or

9 “(II) completion of an academic
10 major in each of the subject areas in
11 which he or she provides instruction.

12 “(18) GIFTED AND TALENTED.—The term
13 ‘gifted and talented’, when used with respect to stu-
14 dents, children or youth, means students, children or
15 youth who give evidence of high performance capa-
16 bility in areas such as intellectual, creative, artistic,
17 or leadership capacity, or in specific academic fields,
18 and who require services or activities not ordinarily
19 provided by the school in order to fully develop such
20 capabilities.

21 “(19) INSTITUTION OF HIGHER EDUCATION.—
22 The term ‘institution of higher education’ has the
23 meaning given that term in section 101 of the High-
24 er Education Act of 1965.

25 “(20) LOCAL EDUCATIONAL AGENCY.—

1 “(A) The term ‘local educational agency’
2 means a public board of education or other pub-
3 lic authority legally constituted within a State
4 for either administrative control or direction of,
5 or to perform a service function for, public ele-
6 mentary or secondary schools in a city, county,
7 township, school district, or other political sub-
8 division of a State, or for such combination of
9 local educational agencies or counties as are
10 recognized in a State as an administrative
11 agency for its public elementary or secondary
12 schools.

13 “(B) The term includes any other public
14 institution or agency having administrative con-
15 trol and direction of a public elementary or sec-
16 ondary school.

17 “(C) The term includes an elementary or
18 secondary school funded by the Bureau of In-
19 dian Affairs but only to the extent that such in-
20 clusion makes such school eligible for programs
21 for which specific eligibility is not provided to
22 such school in another provision of law and
23 such school does not have a student population
24 that is smaller than the student population of
25 the local educational agency receiving assistance

1 under this Act with the smallest student popu-
2 lation, except that such school shall not be sub-
3 ject to the jurisdiction of any State educational
4 agency other than the Bureau of Indian Affairs.

5 “(21) MENTORING.—The term ‘mentoring’
6 means a program in which an adult works with a
7 child or youth on a 1-to-1 basis, establishing a sup-
8 portive relationship, providing academic assistance,
9 and introducing the child or youth to new experi-
10 ences that enhance the child or youths ability to
11 excel in school and become a responsible citizen.

12 “(22) OTHER STAFF.—The term ‘other staff’
13 means pupil services personnel, librarians, career
14 guidance and counseling personnel, education aides,
15 and other instructional and administrative per-
16 sonnel.

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

1 “(24) PARENT.—The term ‘parent’ includes a
2 legal guardian or other person standing in loco
3 parentis.

4 “(25) POVERTY LINE.—The term ‘poverty line’
5 is defined as such term is defined by the Office of
6 Management and Budget and revised annually in ac-
7 cordance with section 672(2) of the Community
8 Services Block Grant Act (42 U.S.C. 9902(2)).

9 “(26) PROFESSIONAL DEVELOPMENT.—The
10 term ‘professional development’ means sustained and
11 intensive activities that improve teachers’ content
12 knowledge and teaching skills and that—

13 “(A) enhance the ability of teachers to help
14 all students, including females, minorities, chil-
15 dren with disabilities, children with limited
16 English proficiency and economically disadvan-
17 taged children, reach high State and local con-
18 tent and student performance standards;

19 “(B) advance teacher understanding of one
20 or more of the core academic subject areas and
21 effective instructional strategies for improving
22 student achievement in those areas, including
23 technology;

24 “(C) are directly related to the subject
25 area in which the teacher provides instruction;

1 “(D) are of sufficient duration to have a
2 positive and lasting impact on classroom in-
3 struction;

4 “(E) are an integral part of broader school
5 and district-wide plans for raising student
6 achievement to State and local standards;

7 “(F) are aligned with State content and
8 student performance standards;

9 “(G) are based on the best available re-
10 search on teaching and learning;

11 “(H) include professional development ac-
12 tivities that involve collaborative groups of
13 teachers and administrators from the same
14 school or district and, to the greatest extent
15 possible, include follow-up and school-based
16 support such as coaching or study groups; and

17 “(I) as a whole, are regularly evaluated for
18 their impact on increased teacher effectiveness
19 and improved student achievement, with the
20 findings of such evaluations used to improve the
21 quality of professional development.

22 “(27) PUBLIC TELECOMMUNICATION ENTITY.—
23 The term ‘public telecommunication entity’ has the
24 same meaning given to such term in section 397(12)
25 of the Communications Act of 1934.

1 “(28) PUPIL SERVICES PERSONNEL; PUPIL
2 SERVICES.—

3 “(A) The term ‘pupil services personnel’
4 means school counselors, school social workers,
5 school psychologists, and other qualified profes-
6 sional personnel involved in providing assess-
7 ment, diagnosis, counseling, educational, thera-
8 peutic, and other necessary services (including
9 related services as such term is defined in sec-
10 tion 602(a)(17) of the Individuals with Disabil-
11 ities Education Act) as part of a comprehensive
12 program to meet student needs.

13 “(B) The term ‘pupil services’ means the
14 services provided by pupil services personnel.

15 “(29) SCIENTIFICALLY BASED RESEARCH.—
16 The term ‘scientifically based research’—

17 “(A) means the application of rigorous,
18 systematic, and objective procedures in the de-
19 velopment of comprehensive school reform mod-
20 els; and

21 “(B) shall include research that—

22 “(i) employs systematic, empirical
23 methods that draw on observation or ex-
24 periment;

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

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

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

14 “(30) SECONDARY SCHOOL.—The term ‘sec-
15 ondary school’ means a nonprofit institutional day or
16 residential school, including a public secondary char-
17 ter school, that provides secondary education, as de-
18 termined under State law, except that such term
19 does not include any education beyond grade 12.

20 “(31) SECRETARY.—The term ‘Secretary’
21 means the Secretary of Education.

22 “(32) STATE.—The term ‘State’ means each of
23 the 50 States, the District of Columbia, the Com-
24 monwealth of Puerto Rico, and each of the outlying
25 areas.

1 “(33) STATE EDUCATIONAL AGENCY.—The
2 term ‘State educational agency’ means the agency
3 primarily responsible for the State supervision of
4 public elementary and secondary schools.

5 “(34) TECHNOLOGY.—The term ‘technology’
6 means the latest state-of-the-art technology products
7 and services, such as closed circuit television sys-
8 tems, educational television or radio programs and
9 services, cable television, satellite, copper fiber optic
10 transmission, computer hardware and software,
11 video and audio laser and CDROM disks, video and
12 audio tapes, including interactive forms of such
13 products and services, or other technologies.

14 **“SEC. 10002. APPLICABILITY OF THIS TITLE.**

15 “Parts B, C, D, E, and F of this title do not apply
16 to title VIII of this Act.

17 **“SEC. 10003. APPLICABILITY TO BUREAU OF INDIAN AF-**
18 **FAIRS OPERATED SCHOOLS.**

19 “For purposes of any competitive program under this
20 Act, a consortia of schools operated by the Bureau of In-
21 dian Affairs, a school operated under a contract or grant
22 with the Bureau of Indian Affairs in consortia with an-
23 other contract or grant school or tribal or community or-
24 ganization, or a Bureau of Indian Affairs school in con-
25 sortia with an institution of higher education, a contract

1 or grant school and tribal or community organization shall
2 be given the same consideration as a local educational
3 agency.

4 **“PART B—FLEXIBILITY IN THE USE OF**
5 **ADMINISTRATIVE AND OTHER FUNDS**

6 **“SEC. 10101. CONSOLIDATION OF STATE ADMINISTRATIVE**
7 **FUNDS FOR ELEMENTARY AND SECONDARY**
8 **EDUCATION PROGRAMS.**

9 “(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

10 “(1) IN GENERAL.—A State educational agency
11 may consolidate the amounts specifically made avail-
12 able to such agency for State administration under
13 one or more of the programs specified under para-
14 graph (2) if such State educational agency can dem-
15 onstrate that the majority of such agency’s resources
16 come from non-Federal sources.

17 “(2) APPLICABILITY.—This section applies to—

18 “(A) programs under title I and those pro-
19 grams described in subparagraphs (C), (D),
20 (E), (F), and (G) of section 10101(10);

21 “(B) the Carl D. Perkins Vocational and
22 Technical Education Act of 1998; and

23 “(C) such other programs as the Secretary
24 may designate.

25 “(b) USE OF FUNDS.—

1 “(1) IN GENERAL.—A State educational agency
2 shall use the amount available under this section for
3 the administration of the programs included in the
4 consolidation under subsection (a).

5 “(2) ADDITIONAL USES.—A State educational
6 agency may also use the funds available under this
7 section for administrative activities designed to en-
8 hance the effective and coordinated use of funds
9 under the programs included in the consolidation
10 under subsection (a), such as—

11 “(A) State-level activities designed to carry
12 out this title, including part B;

13 “(B) the coordination of those programs
14 with other Federal and non-Federal programs;

15 “(C) the establishment and operation of
16 peer-review mechanisms under this Act;

17 “(D) collaborative activities with other
18 State educational agencies to improve adminis-
19 tration under this Act;

20 “(E) the dissemination of information re-
21 garding model programs and practices;

22 “(F) technical assistance under the pro-
23 grams specified in subsection (a)(2);

24 “(G) training personnel engaged in audit
25 and other monitoring activities; and

1 “(H) implementation of the Cooperative
2 Audit Resolution and Oversight Initiative.

3 “(c) RECORDS.—A State educational agency that
4 consolidates administrative funds under this section shall
5 not be required to keep separate records, by individual
6 program, to account for costs relating to the administra-
7 tion of programs included in the consolidation under sub-
8 section (a).

9 “(d) REVIEW.—To determine the effectiveness of
10 State administration under this section, the Secretary may
11 periodically review the performance of State educational
12 agencies in using consolidated administrative funds under
13 this section and take such steps as the Secretary finds
14 appropriate to ensure the effectiveness of such administra-
15 tion.

16 “(e) UNUSED ADMINISTRATIVE FUNDS.—If a State
17 educational agency does not use all of the funds available
18 to such agency under this section for administration, such
19 agency may use such funds during the applicable period
20 of availability as funds available under one or more pro-
21 grams included in the consolidation under subsection (a).

22 **“SEC. 10102. SINGLE LOCAL EDUCATIONAL AGENCY**
23 **STATES.**

24 “A State educational agency that also serves as a
25 local educational agency, in such agency’s applications or

1 plans under this Act, shall describe how such agency will
2 eliminate duplication in the conduct of administrative
3 functions.

4 **“SEC. 10103. CONSOLIDATION OF FUNDS FOR LOCAL AD-**
5 **MINISTRATION.**

6 “(a) GENERAL AUTHORITY.—In accordance with
7 regulations of the Secretary, a local educational agency,
8 with the approval of its State educational agency, may
9 consolidate and use for the administration of one or more
10 covered programs for any fiscal year not more than the
11 percentage, established in each covered program, of the
12 total amount available to the local educational agency
13 under such covered programs.

14 “(b) STATE PROCEDURES.—Each State educational
15 agency shall, in collaboration with local educational agen-
16 cies in the State, implement procedures for responding to
17 requests from local educational agencies to consolidate ad-
18 ministrative funds under subsection (a) and for estab-
19 lishing limitations on the amount of funds under covered
20 programs that may be used for administration on a con-
21 solidated basis.

22 “(c) CONDITIONS.—A local educational agency that
23 consolidates administrative funds under this section for
24 any fiscal year shall not use any other funds under the

1 programs included in the consolidation for administration
2 for that fiscal year.

3 “(d) USES OF ADMINISTRATIVE FUNDS.—A local
4 educational agency that consolidates administrative funds
5 under this section may use such consolidated funds for
6 the administration of covered programs and for the uses
7 described in section 10201(b)(2).

8 “(e) RECORDS.—A local educational agency that con-
9 solidates administrative funds under this section shall not
10 be required to keep separate records, by individual covered
11 program, to account for costs relating to the administra-
12 tion of covered programs included in the consolidation.

13 **“SEC. 10104. CONSOLIDATED SET-ASIDE FOR DEPARTMENT**
14 **OF THE INTERIOR FUNDS.**

15 “(a) GENERAL AUTHORITY.—

16 “(1) TRANSFER.—The Secretary shall transfer
17 to the Department of the Interior, as a consolidated
18 amount for covered programs, the Indian education
19 programs under part A of title IX of this Act, and
20 the education for homeless children and youth pro-
21 gram under subtitle B of title VII of the Stewart B.
22 McKinney Homeless Assistance Act, the amounts al-
23 lotted to the Department of the Interior under those
24 programs.

25 “(2) AGREEMENT.—

1 “(A) The Secretary and the Secretary of
2 the Interior shall enter into an agreement, con-
3 sistent with the requirements of the programs
4 specified in paragraph (1), for the distribution
5 and use of those program funds under terms
6 that the Secretary determines best meet the
7 purposes of those programs.

8 “(B) The agreement shall—

9 “(i) set forth the plans of the Sec-
10 retary of the Interior for the use of the
11 amount transferred and performance meas-
12 ures to assess program effectiveness, in-
13 cluding measurable goals and objectives;
14 and

15 “(ii) be developed in consultation with
16 Indian tribes.

17 “(b) ADMINISTRATION.—The Department of the In-
18 terior may use not more than 1.5 percent of the funds
19 consolidated under this section for such departments costs
20 related to the administration of the funds transferred
21 under this section.

22 **“SEC. 10105. MOST EFFECTIVE USE OF UNNEEDED PRO-**
23 **GRAM FUNDS.**

24 “With the approval of its State educational agency,
25 a local educational agency that determines for any fiscal

1 year that funds under a covered program (other than title
 2 I) would be more effective in helping all its students
 3 achieve the State’s challenging standards if used under
 4 another covered program, may use those funds, not to ex-
 5 ceed 5 percent of the local educational agency’s total allot-
 6 ment for that fiscal year, to carry out programs and activi-
 7 ties under that other covered program.

8 **“PART C—COORDINATION OF PROGRAMS; CON-**
 9 **SOLIDATED STATE AND LOCAL PLANS AND**
 10 **APPLICATIONS**

11 **“SEC. 10201. PURPOSE.**

12 It is the purpose of this part to improve teaching and
 13 learning by encouraging greater cross-program coordina-
 14 tion, planning, and service delivery under this Act and en-
 15 hanced integration of programs under this Act with edu-
 16 cational activities carried out with State and local funds.

17 **“SEC. 10202. OPTIONAL CONSOLIDATED STATE PLANS AND**
 18 **APPLICATIONS.**

19 “(a) IN GENERAL.—

20 “(1) PURPOSE AND AUTHORITY.—In order to
 21 promote continuing, standards-based education re-
 22 form, encourage the integration and coordination of
 23 resources, and simplify application requirements and
 24 reduce burden for State educational agencies under
 25 this Act, the Secretary, in accordance with sub-

1 section (b), shall establish procedures and criteria
2 under which a State educational agency may submit
3 a consolidated State plan meeting the requirements
4 of this section for any or all of—

5 “(A) the covered programs in which the
6 State participates; and

7 “(B) the additional programs described in
8 paragraph (2).

9 “(2) ADDITIONAL PROGRAMS.—A State edu-
10 cational agency may also include in its consolidated
11 State plan—

12 “(A) the Even Start program under part B
13 of title I;

14 “(B) the State Agency Programs for Chil-
15 dren and Youth Who Are Neglected or Delin-
16 quent under part D of title I;

17 “(C) programs under part A of title II of
18 the Carl D. Perkins Vocational and Technical
19 Education Act of 1998; and

20 “(D) such other programs as the Secretary
21 may designate.

22 “(3) STATE DEVELOPMENT AND SUBMISSION.—

23 “(A) A State educational agency desiring
24 to receive a grant under 2 or more of the pro-
25 grams to which this section applies may submit

1 a consolidated State plan for those programs
2 that satisfies the procedures and criteria estab-
3 lished under this section.

4 “(B) A State educational agency that sub-
5 mits a consolidated State plan shall not be re-
6 quired to submit separate State plans or appli-
7 cations for the programs included in the con-
8 solidated State plan.

9 “(C) A State educational agency that sub-
10 mits a consolidated State plan shall comply
11 with all the requirements applicable to the pro-
12 grams in the consolidated State plan as if it
13 had submitted separate State plans.

14 “(4) CONSOLIDATED STATE PLANS.—A State
15 educational agency that desires to receive funds
16 under a program to which this section applies for
17 fiscal year 2002 and the succeeding 4 fiscal years
18 shall submit to the Secretary a new consolidated
19 plan that meets the requirements of this section
20 within the time specified by the Secretary.

21 “(b) PLAN CONTENTS.—

22 “(1) COLLABORATIVE PROCESS.—

23 “(A) In establishing criteria and proce-
24 dures under this section, the Secretary shall
25 collaborate with State educational agencies and,

1 as appropriate, with other State agencies, local
2 educational agencies, public and private non-
3 profit agencies, organizations, and institutions,
4 private schools, and representatives of parents,
5 students, and teachers.

6 “(B)(i) Through the collaborative process
7 described in subparagraph (A), the Secretary
8 shall establish, for each program under the Act
9 to which this section applies, the descriptions
10 and information that must be included in a con-
11 solidated State plan.

12 “(ii) In carrying out clause (i), the Sec-
13 retary shall ensure that a consolidated State
14 plan contains, for each program included in the
15 plan, the descriptions and information needed
16 to ensure proper and effective administration of
17 that program in accordance with its purposes.

18 “(2) INTEGRATION AND COORDINATION OF RE-
19 SOURCES.—In its consolidated plan under this sec-
20 tion, a State educational agency shall describe
21 how—

22 “(A) funds under the programs included in
23 the plan will be integrated as appropriate to
24 best serve the students and teachers intended to
25 benefit from those programs; and

1 “(B) those programs will be coordinated at
2 the State, school district, and school levels with
3 other covered programs not included in the
4 plan.

5 “(c) PEER REVIEW AND SECRETARIAL APPROVAL.—

6 “(1) The Secretary shall—

7 “(A) establish a peer-review process to as-
8 sist in the review, and provide recommendations
9 for the revision, of consolidated State plans
10 under this section; and

11 “(B) appoint individuals to the peer-review
12 process who—

13 “(i) are knowledgeable about the pro-
14 grams, and the populations they serve, in-
15 cluded in the plans;

16 “(ii) to the extent practicable are rep-
17 resentative of State educational agencies,
18 local educational agencies, teachers, and
19 parents of students served under those
20 programs; and

21 “(iii) have expertise on educational
22 standards, assessments, and accountability.

23 “(2)(A) Following such peer review, the Sec-
24 retary shall approve a consolidated State plan if the

1 Secretary determines that the plan meets the re-
2 quirements of this section.

3 “(B) The Secretary may accompany such ap-
4 proval with one or more conditions that the State
5 educational agency shall meet.

6 “(3) If the Secretary determines that the plan
7 does not meet the requirements of this section, the
8 Secretary shall notify the State of that determina-
9 tion and the reasons for it.

10 “(4) The Secretary shall not finally disapprove
11 a consolidated State plan before—

12 “(A) offering the State an opportunity to
13 revise its plan;

14 “(B) providing technical assistance to as-
15 sist the State to meet the requirements; and

16 “(C) providing a hearing.

17 “(d) REVISION AND AMENDMENT.—A State edu-
18 cational agency shall periodically review its consolidated
19 State plan to ensure that it accurately reflects its strate-
20 gies and activities under the programs covered by the plan.
21 If the State educational agency makes significant changes
22 to its strategies and activities, it shall submit an amend-
23 ment to its plan to the Secretary for approval in accord-
24 ance with this section.

1 **“SEC. 10203. GENERAL APPLICABILITY OF STATE EDU-**
2 **CATIONAL AGENCY ASSURANCES.**

3 “(a) ASSURANCES.—A State educational agency that
4 submits a consolidated State plan or consolidated State
5 application under this Act, whether separately or under
6 section 10302, shall have on file with the Secretary a sin-
7 gle set of assurances, applicable to each program for which
8 such plan or application is submitted, that provides that—

9 “(1) each such program will be administered in
10 accordance with all applicable statutes, regulations,
11 program plans, and applications;

12 “(2)(A) the control of funds provided under
13 each such program and title to property acquired
14 with program funds will be in a public agency, in a
15 nonprofit private agency, institution, or organiza-
16 tion, or in an Indian tribe if the law authorizing the
17 program provides for assistance to such entities; and

18 “(B) the public agency, nonprofit private agen-
19 cy, institution, or organization, or Indian tribe will
20 administer such funds and property to the extent re-
21 quired by the authorizing law;

22 “(3) the State will adopt and use proper meth-
23 ods of administering each such program, including—

24 “(A) the enforcement of any obligations
25 imposed by law on agencies, institutions, orga-

1 nizations, and other recipients responsible for
2 carrying out each program;

3 “(B) the correction of deficiencies in pro-
4 gram operations that are identified through au-
5 dits, monitoring, or evaluation; and

6 “(C) the adoption of written procedures for
7 the receipt and resolution of complaints alleging
8 violations of law in the administration of such
9 programs;

10 “(4) the State will monitor performance by
11 local educational agencies to ensure compliance with
12 the requirements of this Act and—

13 “(A) maintain proper documentation of
14 monitoring activities;

15 “(B) provide technical assistance when ap-
16 propriate and undertake enforcement activities
17 when needed; and

18 “(C) systematically analyze the results of
19 audits and other monitoring activities to iden-
20 tify trends in funding and to develop strategies
21 to correct problems;

22 “(5) the data used by the State to measure its
23 performance (and that of its local educational agen-
24 cies) under this Act are complete, reliable, accurate,
25 or if not, that the State will take such steps as are

1 necessary to make those data complete, reliable, and
2 accurate.

3 “(6) the State will cooperate in carrying out
4 any evaluation of each such program conducted by
5 or for the Secretary or other Federal officials;

6 “(7) the State will use such fiscal control and
7 fund accounting procedures as will ensure proper
8 disbursement of, and accounting for, Federal funds
9 paid to the State under each such program;

10 “(8) the State will—

11 “(A) make reports to the Secretary as may
12 be necessary to enable the Secretary to perform
13 the Secretary’s duties under each such pro-
14 gram; and

15 “(B) maintain such records, provide such
16 information to the Secretary, and afford access
17 to the records as the Secretary may find nec-
18 essary to carry out the Secretary’s duties; and

19 “(9) before the plan or application was sub-
20 mitted to the Secretary, the State has afforded a
21 reasonable opportunity for public comment on the
22 plan or application and has considered such com-
23 ment.

1 “(b) GEPA PROVISION.—Section 441 of the General
2 Education Provisions Act shall not apply to programs
3 under this Act.

4 **“SEC. 10204. CONSOLIDATED LOCAL PLANS OR APPLICA-**
5 **TIONS.**

6 “(a) GENERAL AUTHORITY.—A local educational
7 agency receiving funds under more than 1 covered pro-
8 gram may submit plans or applications to the State edu-
9 cational agency under such programs on a consolidated
10 basis.

11 “(b) REQUIRED CONSOLIDATED PLANS OR APPLICA-
12 TIONS.—A State educational agency that has submitted
13 and had approved a consolidated State plan or application
14 under section 10302 may require local educational agen-
15 cies in the State receiving funds under more than 1 pro-
16 gram included in the consolidated State plan or consoli-
17 dated State application to submit consolidated local plans
18 or applications under such programs.

19 “(c) COLLABORATION.—A State educational agency
20 shall collaborate with local educational agencies in the
21 State in establishing procedures for the submission of the
22 consolidated State plans or consolidated State applications
23 under this section.

24 “(d) NECESSARY MATERIALS.—The State edu-
25 cational agency shall require only descriptions, informa-

1 tion, assurances, and other material that are absolutely
2 necessary for the consideration of the local educational
3 agency plan or application.

4 **“SEC. 10205. OTHER GENERAL ASSURANCES.**

5 “(a) ASSURANCES.—Any applicant other than a
6 State educational agency that submits a plan or applica-
7 tion under this Act shall have on file with the State edu-
8 cational agency a single set of assurances, applicable to
9 each program for which a plan or application is submitted,
10 that provides that—

11 “(1) each such program will be administered in
12 accordance with all applicable statutes, regulations,
13 program plans, and applications;

14 “(2)(A) the control of funds provided under
15 each such program and title to property acquired
16 with program funds will be in a public agency or in
17 a nonprofit private agency, institution, organization,
18 or Indian tribe, if the law authorizing the program
19 provides for assistance to such entities; and

20 “(B) the public agency, nonprofit private agen-
21 cy, institution, or organization, or Indian tribe will
22 administer such funds and property to the extent re-
23 quired by the authorizing statutes;

1 “(3) the applicant will adopt and use proper
2 methods of administering each such program,
3 including—

4 “(A) the enforcement of any obligations
5 imposed by law on agencies, institutions, orga-
6 nizations, and other recipients responsible for
7 carrying out each program; and

8 “(B) the correction of deficiencies in pro-
9 gram operations that are identified through au-
10 dits, monitoring, or evaluation;

11 “(4) the applicant will cooperate in carrying out
12 any evaluation of each such program conducted by
13 or for the State educational agency, the Secretary or
14 other Federal officials;

15 “(5) the applicant will use such fiscal control
16 and fund accounting procedures as will ensure prop-
17 er disbursement of, and accounting for, Federal
18 funds paid to such applicant under each such pro-
19 gram;

20 “(6) the applicant will—

21 “(A) make reports to the State educational
22 agency and the Secretary as may be necessary
23 to enable such agency and the Secretary to per-
24 form their duties under each such program; and

1 “(B) maintain such records, provide such
2 information, and afford access to the records as
3 the State educational agency or the Secretary
4 may find necessary to carry out the State edu-
5 cational agency’s or the Secretary’s duties; and

6 “(7) before the application was submitted, the
7 applicant afforded a reasonable opportunity for pub-
8 lic comment on the application and has considered
9 such comment.

10 “(b) GEPA PROVISION.—Section 442 of the General
11 Education Provisions Act does not apply to programs
12 under this Act.

13 **“PART D—WAIVERS**

14 **“SEC. 10301. WAIVERS OF STATUTORY AND REGULATORY** 15 **REQUIREMENTS.**

16 “(a) IN GENERAL.—Except as provided in subsection
17 (c), the Secretary may waive any statutory or regulatory
18 requirement of this Act for a State educational agency,
19 local educational agency, Indian tribe, or school through
20 a local educational agency, that—

21 “(1) receives funds under a program authorized
22 by this Act; and

23 “(2) requests a waiver under subsection (b).

24 “(b) REQUEST FOR WAIVER.—

1 “(1) IN GENERAL.—A State educational agen-
2 cy, local educational agency, or Indian tribe which
3 desires a waiver shall submit a waiver request to the
4 Secretary that—

5 “(A) identifies the Federal programs af-
6 fected by such requested waiver;

7 “(B) describes which Federal requirements
8 are to be waived and how the waiving of such
9 requirements will—

10 “(i) increase the quality of instruction
11 for students; or

12 “(ii) improve the academic perform-
13 ance of students;

14 “(C) if applicable, describes which similar
15 State and local requirements will be waived and
16 how the waiving of such requirements will assist
17 the local educational agencies, Indian tribes or
18 schools, as appropriate, to achieve the objectives
19 described in clauses (i) and (ii) of subparagraph
20 (B);

21 “(D) describes specific, measurable edu-
22 cational improvement goals and expected out-
23 comes for all affected students;

1 “(E) describes the methods to be used to
2 measure progress in meeting such goals and
3 outcomes; and

4 “(F) describes how schools will continue to
5 provide assistance to the same populations
6 served by programs for which waivers are re-
7 quested.

8 “(2) ADDITIONAL INFORMATION.—Such
9 requests—

10 “(A) may provide for waivers of require-
11 ments applicable to State educational agencies,
12 local educational agencies, Indian tribes, and
13 schools; and

14 “(B) shall be developed and submitted—

15 “(i)(I) by local educational agencies
16 (on behalf of such agencies and schools) to
17 State educational agencies; and

18 “(II) by State educational agencies
19 (on behalf of, and based upon the requests
20 of, local educational agencies) to the Sec-
21 retary; or

22 “(ii) by Indian tribes (on behalf of
23 schools operated by such tribes) to the Sec-
24 retary.

25 “(3) GENERAL REQUIREMENTS.—

1 “(A) In the case of a waiver request sub-
2 mitted by a State educational agency acting in
3 its own behalf, the State educational agency
4 shall—

5 “(i) provide all interested local edu-
6 cational agencies in the State with notice
7 and a reasonable opportunity to comment
8 on the request;

9 “(ii) submit the comments to the Sec-
10 retary; and

11 “(iii) provide notice and information
12 to the public regarding the waiver request
13 in the manner that the applying agency
14 customarily provides similar notices and
15 information to the public.

16 “(B) In the case of a waiver request sub-
17 mitted by a local educational agency that re-
18 ceives funds under this Act—

19 “(i) such request shall be reviewed by
20 the State educational agency and be ac-
21 companied by the comments, if any, of
22 such State educational agency; and

23 “(ii) notice and information regarding
24 the waiver request shall be provided to the
25 public by the agency requesting the waiver

1 in the manner that such agency custom-
2 arily provides similar notices and informa-
3 tion to the public.

4 “(c) RESTRICTIONS.—The Secretary shall not waive
5 under this section any statutory or regulatory require-
6 ments relating to—

7 “(1) the allocation or distribution of funds to
8 States, local educational agencies, or other recipients
9 of funds under this Act;

10 “(2) maintenance of effort;

11 “(3) comparability of services;

12 “(4) use of Federal funds to supplement, not
13 supplant, non-Federal funds;

14 “(5) equitable participation of private school
15 students and teachers;

16 “(6) parental participation and involvement;

17 “(7) applicable civil rights requirements;

18 “(8) the requirement for a charter school under
19 part C of title X; or

20 “(9) the prohibitions regarding—

21 “(A) State aid in section 10502; or

22 “(B) use of funds for religious worship or
23 instruction in section 10507.

24 “(d) DURATION AND EXTENSION OF WAIVER.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), the duration of a waiver approved by the
3 Secretary under this section may be for a period not
4 to exceed 3 years.

5 “(2) EXTENSION.—The Secretary may extend
6 the period described in paragraph (1) if the Sec-
7 retary determines that—

8 “(A) the waiver has been effective in ena-
9 bling the State or affected recipients to carry
10 out the activities for which the waiver was re-
11 quested and the waiver has contributed to im-
12 proved student performance; and

13 “(B) such extension is in the public inter-
14 est.

15 “(e) REPORTS.—

16 “(1) LOCAL WAIVER.—A local educational agen-
17 cy that receives a waiver under this section shall at
18 the end of the second year for which a waiver is re-
19 ceived under this section, and each subsequent year,
20 submit a report to the State educational agency
21 that—

22 “(A) describes the uses of such waiver by
23 such agency or by schools;

24 “(B) describes how schools continued to
25 provide assistance to the same populations

1 served by the programs for which waivers are
2 requested; and

3 “(C) evaluates the progress of such agency
4 and of schools in improving the quality of in-
5 struction or the academic performance of stu-
6 dents.

7 “(2) STATE WAIVER.—A State educational
8 agency that receives reports required under para-
9 graph (1) shall annually submit a report to the Sec-
10 retary that is based on such reports and contains
11 such information as the Secretary may require.

12 “(3) INDIAN TRIBE WAIVER.—An Indian tribe
13 that receives a waiver under this section shall annu-
14 ally submit a report to the Secretary that—

15 “(A) describes the uses of such waiver by
16 schools operated by such tribe; and

17 “(B) evaluates the progress of such schools
18 in improving the quality of instruction or the
19 academic performance of students.

20 “(4) REPORT TO CONGRESS.—Beginning in fis-
21 cal year 1997 and each subsequent year, the Sec-
22 retary shall submit to the Committee on Education
23 and the Workforce of the House of Representatives
24 and the Committee on Health, Education, Labor
25 and Pensions of the Senate an annual report—

1 “(A) summarizing the uses of waivers by
2 State educational agencies, local educational
3 agencies, Indian tribes, and schools; and

4 “(B) describing whether such waivers—

5 “(i) increased the quality of instruc-
6 tion to students; or

7 “(ii) improved the academic perform-
8 ance of students.

9 “(f) TERMINATION OF WAIVERS.—The Secretary
10 shall terminate a waiver under this section if the Secretary
11 determines that the performance of the State or other re-
12 cipient affected by the waiver has been inadequate to jus-
13 tify a continuation of the waiver or if the waiver is no
14 longer necessary to achieve its original purposes.

15 “(g) PUBLICATION.—A notice of the Secretary’s deci-
16 sion to grant each waiver under subsection (a) shall be
17 published in the Federal Register and the Secretary shall
18 provide for the dissemination of such notice to State edu-
19 cational agencies, interested parties, including educators,
20 parents, students, advocacy and civil rights organizations,
21 and the public.

22 **“PART E—UNIFORM PROVISIONS**

23 **“SEC. 10401. MAINTENANCE OF EFFORT.**

24 “(a) IN GENERAL.—A local educational agency may
25 receive funds under a covered program for any fiscal year

1 only if the State educational agency finds that either the
2 combined fiscal effort per student or the aggregate ex-
3 penditures of such agency and the State with respect to
4 the provision of free public education by such agency for
5 the preceding fiscal year was not less than 90 percent of
6 such combined fiscal effort or aggregate expenditures for
7 the second preceding fiscal year.

8 “(b) REDUCTION IN CASE OF FAILURE TO MEET.—

9 “(1) IN GENERAL.—The State educational
10 agency shall reduce the amount of the allocation of
11 funds under a covered program in any fiscal year in
12 the exact proportion to which a local educational
13 agency fails to meet the requirement of subsection
14 (a) by falling below 90 percent of both the combined
15 fiscal effort per student and aggregate expenditures
16 (using the measure most favorable to such local
17 agency).

18 “(2) SPECIAL RULE.—No such lesser amount
19 shall be used for computing the effort required
20 under subsection (a) for subsequent years.

21 “(c) WAIVER.—The Secretary may waive the require-
22 ments of this section if the Secretary determines that such
23 a waiver would be equitable due to—

24 “(1) exceptional or uncontrollable circumstances
25 such as a natural disaster; or

1 “(2) a precipitous decline in the financial re-
2 sources of the local educational agency.

3 **“SEC. 10402. PROHIBITION REGARDING STATE AID.**

4 “A State shall not take into consideration payments
5 under this Act (other than under title VIII) in determining
6 the eligibility of any local educational agency in such State
7 for State aid, or the amount of State aid, with respect
8 to free public education of children.

9 **“SEC. 10403. PARTICIPATION BY PRIVATE SCHOOL CHIL-**
10 **DREN AND TEACHERS.**

11 “(a) PRIVATE SCHOOL PARTICIPATION.—

12 “(1) IN GENERAL.—Except as otherwise pro-
13 vided in this Act, to the extent consistent with the
14 number of eligible children in a State educational
15 agency, local educational agency, or educational
16 service agency or consortium of such agencies receiv-
17 ing financial assistance under a program specified in
18 subsection (b), who are enrolled in private elemen-
19 tary and secondary schools in such agency or consor-
20 tium, such agency or consortium shall, after timely
21 and meaningful consultation with appropriate pri-
22 vate school officials, provide such children and their
23 teachers or other educational personnel, on an equi-
24 table basis, special educational services or other ben-
25 efits under such program.

1 “(2) SECULAR, NEUTRAL, AND NONIDEOLOG-
2 ICAL SERVICES OR BENEFITS.—Educational services
3 or other benefits, including materials and equipment,
4 provided under this section, shall be secular, neutral,
5 and nonideological.

6 “(3) SPECIAL RULE.—Educational services and
7 other benefits provided under this section for such
8 private school children, teachers, and other edu-
9 cational personnel shall be equitable in comparison
10 to services and other benefits for public school chil-
11 dren, teachers, and other educational personnel par-
12 ticipating in such program.

13 “(4) EXPENDITURES.—Expenditures for edu-
14 cational services and other benefits provided under
15 this section to eligible private school children, their
16 teachers, and other educational personnel serving
17 such children shall be equal, taking into account the
18 number and educational needs of the children to be
19 served, to the expenditures for participating public
20 school children.

21 “(5) PROVISION OF SERVICES.—Such agency or
22 consortium described in subsection (a)(1) may pro-
23 vide such services directly or through contracts with
24 public and private agencies, organizations, and insti-
25 tutions.

1 “(b) APPLICABILITY.—

2 “(1) IN GENERAL.—This section applies to pro-
3 grams under—

4 “(A) part C of title I (migrant education);

5 “(B) title II;

6 “(C) title VII;

7 “(D) title III; and

8 “(E) part A of title IV (other than section
9 4114).

10 “(2) DEFINITION.—For the purposes of this
11 section, the term eligible children means children eli-
12 gible for services under a program described in para-
13 graph (1).

14 “(c) CONSULTATION.—

15 “(1) IN GENERAL.—To ensure timely and
16 meaningful consultation, a State educational agency,
17 local educational agency, educational service agency
18 or consortium of such agencies shall consult with ap-
19 propriate private school officials during the design
20 and development of the programs under this Act, on
21 issues such as—

22 “(A) how the childrens’ needs will be iden-
23 tified;

24 “(B) what services will be offered;

1 “(C) how and where the services will be
2 provided; and

3 “(D) how the services will be assessed.

4 “(2) TIMING.—Such consultation shall occur
5 before the agency or consortium makes any decision
6 that affects the opportunities of eligible private
7 school children, teachers, and other educational per-
8 sonnel to participate in programs under this Act.

9 “(3) DISCUSSION REQUIRED.—Such consulta-
10 tion shall include a discussion of service delivery
11 mechanisms that the agency or consortium could use
12 to provide equitable services to eligible private school
13 children, teachers, administrators, and other staff.

14 “(d) PUBLIC CONTROL OF FUNDS.—

15 “(1) IN GENERAL.—The control of funds used
16 to provide services under this section, and title to
17 materials, equipment, and property purchased with
18 such funds, shall be in a public agency for the uses
19 and purposes provided in this Act, and a public
20 agency shall administer such funds and property.

21 “(2) PROVISION OF SERVICES.—

22 “(A) The provision of services under this
23 section shall be provided—

24 “(i) by employees of a public agency;

25 or

1 “(ii) through contract by such public
2 agency with an individual, association,
3 agency, or organization.

4 “(B) In the provision of such services, such
5 employee, person, association, agency, or orga-
6 nization shall be independent of such private
7 school and of any religious organization, and
8 such employment or contract shall be under the
9 control and supervision of such public agency.

10 “(C) Funds used to provide services under
11 this section shall not be commingled with non-
12 Federal funds.

13 **“SEC. 10404. STANDARDS FOR BY-PASS.**

14 “If, by reason of any provision of law, a State edu-
15 cational agency, local educational agency, educational
16 service agency or consortium of such agencies is prohibited
17 from providing for the participation in programs of chil-
18 dren enrolled in, or teachers or other educational per-
19 sonnel from, private elementary and secondary schools, on
20 an equitable basis, or if the Secretary determines that
21 such agency or consortium has substantially failed or is
22 unwilling to provide for such participation, as required by
23 section 10503, the Secretary shall—

24 “(1) waive the requirements of that section for
25 such agency or consortium; and

1 “(2) arrange for the provision of equitable serv-
2 ices to such children, teachers, or other educational
3 personnel through arrangements that shall be sub-
4 ject to the requirements of this section and of sec-
5 tions 10503, 10505, and 10506.

6 **“SEC. 10405. COMPLAINT PROCESS FOR PARTICIPATION OF**
7 **PRIVATE SCHOOL CHILDREN.**

8 “(a) PROCEDURES FOR COMPLAINTS.—The Sec-
9 retary shall develop and implement written procedures for
10 receiving, investigating, and resolving complaints from
11 parents, teachers, or other individuals and organizations
12 concerning violations of section 10503 by a State edu-
13 cational agency, local educational agency, educational
14 service agency, or consortium of such agencies. Such indi-
15 vidual or organization shall submit such complaint to the
16 State educational agency for a written resolution by the
17 State educational agency within a reasonable period of
18 time.

19 “(b) APPEALS TO THE SECRETARY.—Such resolution
20 may be appealed by an interested party to the Secretary
21 not later than 30 days after the State educational agency
22 resolves the complaint or fails to resolve the complaint
23 within a reasonable period of time. Such appeal shall be
24 accompanied by a copy of the State educational agency’s
25 resolution, and a complete statement of the reasons sup-

1 porting the appeal. The Secretary shall investigate and re-
2 solve each such appeal not later than 120 days after re-
3 ceipt of the appeal.

4 **“SEC. 10406. BY-PASS DETERMINATION PROCESS.**

5 “(a) REVIEW.—

6 “(1) IN GENERAL.—

7 “(A) The Secretary shall not take any final
8 action under section 10504 until the State edu-
9 cational agency, local educational agency, edu-
10 cational service agency, or consortium of such
11 agencies affected by such action has had an op-
12 portunity, for not less than 45 days after re-
13 ceiving written notice thereof, to submit written
14 objections and to appear before the Secretary to
15 show cause why that action should not be
16 taken.

17 “(B) Pending final resolution of any inves-
18 tigation or complaint that could result in a de-
19 termination under this section, the Secretary
20 may withhold from the allocation of the affected
21 State or local educational agency the amount
22 estimated by the Secretary to be necessary to
23 pay the cost of those services.

24 “(2) PETITION FOR REVIEW.—

1 “(A) If such affected agency or consortium
2 is dissatisfied with the Secretary’s final action
3 after a proceeding under paragraph (1), such
4 agency or consortium may, not later than 60
5 days after notice of such action, file with the
6 United States court of appeals for the circuit in
7 which such State is located a petition for review
8 of that action.

9 “(B) A copy of the petition shall be forth-
10 with transmitted by the clerk of the court to the
11 Secretary.

12 “(C) The Secretary upon receipt of the
13 copy of the petition shall file in the court the
14 record of the proceedings on which the Sec-
15 retary based this action, as provided in section
16 2112 of title 28, United States Code.

17 “(3) FINDINGS OF FACT.—

18 “(A) The findings of fact by the Secretary,
19 if supported by substantial evidence, shall be
20 conclusive, but the court, for good cause shown,
21 may remand the case to the Secretary to take
22 further evidence and the Secretary may then
23 make new or modified findings of fact and may
24 modify the Secretary’s previous action, and

1 shall file in the court the record of the further
2 proceedings.

3 “(B) Such new or modified findings of fact
4 shall likewise be conclusive if supported by sub-
5 stantial evidence.

6 “(4) JURISDICTION.—

7 “(A) Upon the filing of such petition, the
8 court shall have jurisdiction to affirm the action
9 of the Secretary or to set such action aside, in
10 whole or in part.

11 “(B) The judgment of the court shall be
12 subject to review by the Supreme Court of the
13 United States upon certiorari or certification as
14 provided in section 1254 of title 28, United
15 States Code.

16 “(b) DETERMINATION.—Any determination by the
17 Secretary under this section shall continue in effect until
18 the Secretary determines, in consultation with such agency
19 or consortium and representatives of the affected private
20 school children, teachers, or other educational personnel
21 that there will no longer be any failure or inability on the
22 part of such agency or consortium to meet the applicable
23 requirements of section 10503 or any other provision of
24 this Act.

1 “(c) PAYMENT FROM STATE ALLOTMENT.—When
2 the Secretary arranges for services pursuant to this sec-
3 tion, the Secretary shall, after consultation with the ap-
4 propriate public and private school officials, pay the cost
5 of such services, including the administrative costs of ar-
6 ranging for those services, from the appropriate allocation
7 or allocations under this Act.

8 “(d) PRIOR DETERMINATION.—Any by-pass deter-
9 mination by the Secretary under this Act as in effect on
10 the day preceding the date of the enactment of the Excel-
11 lence and Accountability in Education Act shall remain
12 in effect to the extent the Secretary determines that such
13 determination is consistent with the purpose of this sec-
14 tion.

15 **“SEC. 10407. PROHIBITION AGAINST FUNDS FOR RELIGIOUS**
16 **WORSHIP OR INSTRUCTION AND**
17 **VOUCHERIZED ASSISTANCE.**

18 “(a) Nothing contained in this Act shall be construed
19 to authorize the making of any payment under this Act
20 for religious worship or instruction.

21 “(b) Notwithstanding any other provision of this Act,
22 no services under this Act may be provided through vouch-
23 er or certificate.

1 **“SEC. 10408. APPLICABILITY TO HOME SCHOOLS.**

2 “Nothing in this Act shall be construed to affect
3 home schools.

4 **“SEC. 10409. GENERAL PROVISION REGARDING NON-
5 RECIPIENT NONPUBLIC SCHOOLS.**

6 “Nothing in this Act shall be construed to permit,
7 allow, encourage, or authorize any Federal control over
8 any aspect of any private, religious, or home school,
9 whether or not a home school is treated as a private school
10 or home school under State law. This section shall not be
11 construed to bar private, religious, or home schools from
12 participation in programs or services under this Act.

13 **“SEC. 10410. SCHOOL PRAYER.**

14 “Any State or local educational agency that is ad-
15 judged by a Federal court of competent jurisdiction to
16 have willfully violated a Federal court order mandating
17 that such local educational agency remedy a violation of
18 the constitutional right of any student with respect to
19 prayer in public schools, in addition to any other judicial
20 remedies, shall be ineligible to receive Federal funds under
21 this Act until such time as the local educational agency
22 complies with such order. Funds that are withheld under
23 this section shall not be reimbursed for the period during
24 which the local educational agency was in willful non-
25 compliance.

1 **“SEC. 10411. GENERAL PROHIBITIONS.**

2 “(a) PROHIBITION.—None of the funds authorized
3 under this Act shall be used—

4 “(1) to develop or distribute materials, or oper-
5 ate programs or courses of instruction directed at
6 youth that are designed to promote or encourage,
7 sexual activity;

8 “(2) to distribute or to aid in the distribution
9 by any organization of legally obscene materials to
10 minors on school grounds;

11 “(3) to purchase unsafe needles;

12 “(4) to provide sex education or HIV preven-
13 tion education in schools unless such instruction is
14 age appropriate and includes the health benefits of
15 abstinence; or

16 “(5) to operate a program of condom distribu-
17 tion in schools.

18 “(b) LOCAL CONTROL.—Nothing in this section shall
19 be construed to—

20 “(1) authorize an officer or employee of the
21 Federal Government to mandate, direct, review, or
22 control a State, local educational agency, or school’s
23 instructional content, curriculum, and related activi-
24 ties;

25 “(2) limit the application of the General Edu-
26 cation Provisions Act;

1 “(3) require the distribution of scientifically or
2 medically false or inaccurate materials or to prohibit
3 the distribution of scientifically or medically true or
4 accurate materials; or

5 “(4) create any legally enforceable right.

6 **“SEC. 10412. PROHIBITION ON FEDERAL MANDATES, DIREC-**
7 **TION, AND CONTROL.**

8 “Nothing in this Act shall be construed to authorize
9 an officer or employee of the Federal Government to man-
10 date, direct, or control a State, local educational agency,
11 or schools curriculum, program of instruction, or alloca-
12 tion of State or local resources, or mandate a State or
13 any subdivision thereof to spend any funds or incur any
14 costs not paid for under this Act.

15 **“SEC. 10413. REPORT.**

16 “The Secretary shall report to the Congress not later
17 than 180 days after the date of the enactment of the Ex-
18 cellence and Accountability in Education Act regarding
19 how the Secretary shall ensure that audits conducted by
20 Department employees of activities assisted under this Act
21 comply with changes to this Act made by the Excellence
22 and Accountability in Education Act, particularly with re-
23 spect to permitting children with similar educational needs
24 to be served in the same educational settings, where ap-
25 propriate.

1 **“SEC. 10414. REQUIRED PARTICIPATION PROHIBITED.**

2 “Notwithstanding any other provision of law, no
3 State shall be required to participate in any program
4 under the Goals 2000: Educate America Act, or to have
5 content standards or student performance standards ap-
6 proved or certified under such Act, in order to receive as-
7 sistance under this Act.

8 **“SEC. 10415. PRIVACY FOR STUDENTS.**

9 “(a) IN GENERAL.—No State educational agency or
10 local educational agency that receives funds under this Act
11 may enter into an agreement, or allow a school under its
12 supervision to enter into an agreement, with any person
13 or entity that allows such person or entity to monitor,
14 gather, or obtain information used to advertise, sell, or
15 develop a product from any student under 18 years of age
16 unless such agreement requires the written permission of
17 the parent of such student prior to monitoring, gathering,
18 or obtaining such information.

19 “(b) NATURE OF INFORMATION COLLECTED.—Be-
20 fore a school, local educational agency, or State edu-
21 cational agency, as the case may be, enters into an agree-
22 ment to allow a person or entity to monitor, gather, or
23 obtain information used to advertise, sell, or develop a
24 product from any student under 18 years, the school,
25 agency, or State shall ascertain the nature of the informa-
26 tion to be collected, how the information will be used, if

1 the information will be sold, distributed, or transferred to
2 any person or entity, and the amount of class time, if any,
3 that will be consumed by such activity.

4 “(c) CONSENT FORM.—The written permission re-
5 quired by subsection (a) shall clearly disclose to the parent
6 the nature of the agreement between a school, local edu-
7 cational agency, or State educational agency, as the case
8 may be, and the person or entity, including—

9 “(1) the dollar amount of any consideration
10 paid under the agreement;

11 “(2) the nature of the information to be gath-
12 ered;

13 “(3) how the information will be used;

14 “(4) whether the information will be sold, dis-
15 tributed, or transferred to any other entity; and

16 “(5) the amount of class time, if any, that will
17 be consumed by such activity.

18 “(d) EXCEPTIONS.—This section shall not apply to—

19 “(1) the recruitment activities of any institution
20 of higher education, as such term is defined in sec-
21 tion 102 of the Higher Education Act of 1965;

22 “(2) the development and administration of
23 tests and assessments used by elementary and sec-
24 ondary schools to provide cognitive, evaluative, diag-
25 nostic, aptitude, or achievement information about

1 students (or for normalizing data), and the subse-
2 quent analysis and public release of aggregate data,
3 if—

4 “(A) the information is not used to sell,
5 advertise, or develop another product; and

6 “(B) the tests are conducted in accordance
7 with applicable Federal, State, and local poli-
8 cies;

9 “(3) the development and administration of
10 educational curriculum and instructional materials
11 used by elementary and secondary schools to teach
12 core academic subjects, if—

13 “(A) the information is not used to sell,
14 advertise, or develop another product; and

15 “(B) the curriculum and instructional ma-
16 terials are used in accordance with applicable
17 Federal, State, and local policies; or

18 “(4) contact information collected from a stu-
19 dent that is used only to respond directly to a spe-
20 cific request from the student for a transaction, if
21 the information—

22 “(A) is not used for any purpose other
23 than as required in order to effect the trans-
24 action with the student; and

1 “(B) is not used to recontact the student
2 in order to advertise, sell, or develop any other
3 product or service to the student.

4 **“PART F—EVALUATIONS**

5 **“SEC. 10501. EVALUATIONS.**

6 “(a) EVALUATIONS.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2), the Secretary is authorized to reserve not
9 more than 0.50 percent of the amount appropriated
10 to carry out each program authorized under this
11 Act—

12 “(A) to carry out comprehensive evalua-
13 tions of categorical programs and demonstra-
14 tion projects, and studies of program effective-
15 ness, under this Act, and the administrative im-
16 pact of such programs on schools and local edu-
17 cational agencies in accordance with subsection
18 (b);

19 “(B) to evaluate the aggregate short- and
20 long-term effects and cost efficiencies across
21 Federal programs under this Act and related
22 Federal preschool, elementary and secondary
23 programs under other Federal law; and

24 “(C) to strengthen the usefulness of grant
25 recipient evaluations for continuous program

1 progress through improving the quality, timeli-
2 ness, efficiency, and utilization of program in-
3 formation on program performance.

4 “(2) SPECIAL RULE.—

5 “(A) Paragraph (1) shall not apply to any
6 program under title I.

7 “(B) If funds are made available under
8 any program assisted under this Act (other
9 than a program under title I) for evaluation ac-
10 tivities, then the Secretary shall reserve no ad-
11 ditional funds pursuant to the authority in sub-
12 section (a)(1) to evaluate such program, but
13 shall coordinate the evaluation of such program
14 with the national evaluation described in sub-
15 section (b).

16 “(b) NATIONAL EVALUATION.—The Secretary shall
17 use funds reserved under subsection (a) to conduct inde-
18 pendent studies of programs under this Act and the effec-
19 tiveness of those programs in achieving their purposes, to
20 determine whether those programs (or the administration
21 of those programs) are—

22 “(1) contributing to improved student academic
23 performance;

24 “(2) supporting the development of challenging
25 standards and aligned assessments that guide other

1 elements of school reform, including teacher certifi-
2 cation, curriculum frameworks, instruction, and pro-
3 fessional development;

4 “(3) assisting efforts in schools and classrooms
5 to improve teaching and the climate for learning,
6 particularly in high-poverty schools, including efforts
7 related to technology, professional development,
8 school violence and drug prevention, and public
9 school choice;

10 “(4) promoting flexibility with accountability;

11 “(5) supporting efforts to strengthen family
12 and community involvement in education;

13 “(6) targeting their resources effectively;

14 “(7) contributing to reform efforts and contin-
15 uous improvement; and

16 “(8) achieving other goals consistent with the
17 purposes of this Act.

18 “(c) INDEPENDENT PANEL.—The Secretary shall es-
19 tablish an independent panel to review studies under sub-
20 section (b) to advise the Secretary on their progress, and
21 to comment, if the panel chooses, on the final report de-
22 scribed in subsection (d).

23 “(d) REPORTS.—The Secretary shall submit an in-
24 terim report on the evaluation described in subsection (b)
25 not later than 3 years after the date of the enactment of

1 the Excellence and Accountability in Education Act and
2 a final report not later than 4 years after such date to
3 the Committee on Education and the Workforce of the
4 House of Representatives and to the Committee on
5 Health, Education, Labor, and Pensions of the Senate.

6 “(e) PARTNERSHIPS TO STRENGTHEN PERFORM-
7 ANCE INFORMATION FOR IMPROVEMENT.—The Secretary
8 may provide technical assistance to recipients of assistance
9 under this Act in order to strengthen the collection and
10 assessment of information relating to program perform-
11 ance and quality assurance at the State and local levels.
12 Such technical assistance shall be designed to promote the
13 development, measurement, use, and reporting of data on
14 valid, reliable, timely, and consistent performance indica-
15 tors, within and across programs, and may include one-
16 time grants, from funds reserved under subsection (a), to
17 recipients to develop their data systems with the goal of
18 helping recipients make continuous program improvement.

19 **“SEC. 10502. PERFORMANCE MEASURES.**

20 “(a) IN GENERAL.—The Secretary is authorized to
21 establish performance indicators, benchmarks, and targets
22 for each program under this Act and subtitle B of title
23 VII of the Stewart B. McKinney Homeless Assistance Act,
24 to assist in measuring program performance. Indicators,
25 benchmarks, and targets under this section shall be con-

1 sistent with the Government Performance and Results Act
2 of 1993 (and strategic plans adopted by the Secretary
3 under that Act).

4 “(b) COLLABORATION.—The Secretary shall collabo-
5 rate with State educational agencies, local educational
6 agencies, and other recipients under this Act in estab-
7 lishing performance indicators, benchmarks, and targets
8 under this section.

9 “(c) PLANS AND APPLICATIONS.—The Secretary may
10 require any applicant for funds under this Act or subtitle
11 B of title VII of the Stewart B. McKinney Homeless As-
12 sistance Act to—

13 “(1) include in its plan or application informa-
14 tion relating to how it will use performance indica-
15 tors, benchmarks, and targets under this section to
16 improve its program performance; and

17 “(2) report data relating to such performance
18 indicators, benchmarks, and targets to the Sec-
19 retary.

20 **“PART G—SENSE OF CONGRESS**

21 **“SEC. 10601. SENSE OF CONGRESS; REQUIREMENT REGARD-**
22 **ING NOTICE.**

23 “(a) PURCHASE OF AMERICAN-MADE EQUIPMENT
24 AND PRODUCTS.—In the case of any equipment or prod-
25 ucts that may be authorized to be purchased with financial

1 assistance provided under this Act, it is the sense of the
2 Congress that entities receiving such assistance should, in
3 expending the assistance, purchase only American-made
4 equipment and products.

5 “(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
6 providing financial assistance under this Act, the head of
7 each Federal agency shall provide to each recipient of the
8 assistance a notice describing the statement made in sub-
9 section (a) by the Congress.

10 **“PART H—DROPOUT PREVENTION**

11 **“SEC. 10701. DROPOUT PREVENTION.**

12 “In order to receive any assistance under this Act,
13 a State educational agency shall comply with the following
14 provisions regarding school dropouts:

15 “(1) UNIFORM DATA COLLECTION.—Within 1
16 year after the date of the enactment of the Excel-
17 lence and Accountability in Education Act, a State
18 educational agency shall report to the Secretary and
19 statewide, all school district and school data regard-
20 ing school dropout rates in the State, and demo-
21 graphic breakdowns, according to procedures that
22 conform with the National Center for Education
23 Statistics’ Common Core of Data.

24 “(2) ATTENDANCE-NEUTRAL FUNDING POLI-
25 CIES.—Within 2 years after the date of the enact-

1 ment of the Excellence and Accountability in Edu-
 2 cation Act, a State educational agency shall develop
 3 and implement education funding formula policies
 4 for public schools that provide appropriate incentives
 5 to retain students in school throughout the school
 6 year, such as—

7 “(A) a student count methodology that
 8 does not determine annual budgets based on at-
 9 tendance on a single day early in the academic
 10 year; and

11 “(B) specific incentives for retaining en-
 12 rolled students throughout each year.

13 “(3) SUSPENSION AND EXPULSION POLICIES.—
 14 Within 2 years after the date of the enactment of
 15 the Excellence and Accountability in Education Act,
 16 a State educational agency shall develop uniform,
 17 long-term suspension and expulsion policies for seri-
 18 ous infractions resulting in more than 10 days of ex-
 19 clusion from school per academic year so that simi-
 20 lar violations result in similar penalties.”.

21 **TITLE X—REPEALS; EFFECTIVE**
 22 **DATE**

23 **SEC. 1001. REPEALS; EFFECTIVE DATE.**

24 (a) REPEAL OF SCHOOL FACILITIES INFRASTRUC-
 25 TURE IMPROVEMENT ACT AND SUPPORT AND ASSIST-

1 ANCE PROGRAMS TO IMPROVE EDUCATION.—Title XII
2 and XIII are repealed.

3 (b) EFFECTIVE DATE.—This Act and the amend-
4 ments made by this Act shall take effect on October 1,
5 2001, or the date of the enactment of this Act, whichever
6 occurs later.

7 **TITLE XI—AMENDMENTS TO**
8 **OTHER ACTS**

9 **SEC. 1101. AMENDMENTS TO EDUCATION AMENDMENTS OF**
10 **1978.**

11 Part B of title XI of the Education Amendments of
12 1978 (25 U.S.C. 2001 et seq.) is amended—

13 (1) in section 1121—

14 (A) by inserting “**ACCREDITATION AND**”
15 before “**STANDARDS**” in the heading;

16 (B) by striking subsections (a) through (g)
17 of section 1121 and inserting the following:

18 “(a) PURPOSE; DECLARATIONS OF PURPOSES.—

19 “(1) PURPOSE.—The purpose of the standards
20 implemented under this section shall be to afford In-
21 dian students being served by a school funded by the
22 Bureau of Indian Affairs the same opportunities as
23 all other students in the United States to achieve
24 the same challenging State performance standards
25 expected of all students.

1 “(2) DECLARATIONS OF PURPOSES.—Local
2 school boards for schools operated by the Bureau of
3 Indian Affairs, in cooperation and consultation with
4 their tribal governing bodies and their communities,
5 are encouraged to adopt declarations of purposes of
6 education for their communities taking into account
7 the implications of such purposes on education in
8 their communities and for their schools. In adopting
9 such declarations of purpose, the school boards shall
10 consider the effect those declarations may have on
11 the motivation of students and faculties. Such de-
12 clarations shall represent the aspirations of the com-
13 munity for the kinds of people the community would
14 like its children to become, and shall include assur-
15 ances that all learners will become accomplished in
16 things and ways important to them and respected by
17 their parents and communities, shaping worthwhile
18 and satisfying lives for themselves, exemplifying the
19 best values of the community and humankind, and
20 becoming increasingly effective in shaping the char-
21 acter and quality of the world all learners share.
22 These declarations of purpose shall influence the
23 standards for accreditation to be accepted by the
24 schools.

1 “(b) STUDIES AND SURVEYS RELATING TO STAND-
2 ARDS.—Not later than 1 year after the date of the enact-
3 ment of the Excellence and Accountability in Education
4 Act, the Secretary, in consultation with the Secretary of
5 Education, consortia of education organizations, and In-
6 dian organizations and tribes, and making the fullest use
7 possible of other existing studies, surveys, and plans, shall
8 carry out by contract with an Indian organization, studies
9 and surveys to establish and revise standards for the basic
10 education of Indian children attending Bureau funded
11 schools. Such studies and surveys shall take into account
12 factors such as academic needs, local cultural differences,
13 type and level of language skills, geographic isolation, and
14 appropriate teacher-student ratios for such children, and
15 shall be directed toward the attainment of equal edu-
16 cational opportunity for such children.

17 “(c) REVISION OF MINIMUM ACADEMIC STAND-
18 ARDS.—

19 “(1) IN GENERAL.—Not later than 2 years
20 after the date of the enactment of the Excellence
21 and Accountability in Education Act, the Secretary
22 shall—

23 “(A) propose revisions to the minimum
24 academic standards published in the Federal
25 Register on September 9, 1995 (50 Fed. Reg.

1 174) for the basic education of Indian children
2 attending Bureau funded schools in accordance
3 with the purpose described in subsection (a)
4 and the findings of the studies and surveys con-
5 ducted under subsection (b);

6 “(B) publish such proposed revisions to
7 such standards in the Federal Register for the
8 purpose of receiving comments from the tribes,
9 tribal school boards, Bureau funded schools,
10 and other interested parties; and

11 “(C) consistent with the provisions of this
12 section and section 1131, take such actions as
13 are necessary to coordinate standards imple-
14 mented under this section with the Comprehen-
15 sive School Reform Plan developed by the Bu-
16 reau and—

17 “(i) with the standards of the im-
18 provement plans for the States in which
19 any school operated by the Bureau of In-
20 dian Affairs is located; or

21 “(ii) in the case where schools oper-
22 ated by the Bureau are within the bound-
23 aries of reservation land of 1 tribe but
24 within the boundaries of more than 1
25 State, with the standards of the State im-

1 provement plan of 1 such State selected by
2 the tribe.

3 “(2) FURTHER REVISIONS.—Not later than 180
4 days after the close of the comment period, the Sec-
5 retary shall establish final standards, distribute such
6 standards to all tribes and publish such final stand-
7 ards in the Federal Register. The Secretary shall re-
8 vise such standards periodically as necessary. Prior
9 to any revision of such final standards, the Secretary
10 shall distribute such proposed revision to all the
11 tribes, and publish such proposed revision in the
12 Federal Register, for the purpose of receiving com-
13 ments from the tribes and other interested parties.

14 “(3) APPLICABILITY OF STANDARDS.—Except
15 as provided in subsection (e), the final standards
16 published under paragraph (2) shall apply to all Bu-
17 reau funded schools not accredited under subsection
18 (f), and may also serve as a model for educational
19 programs for Indian children in public schools.

20 “(4) CONSIDERATIONS WHEN ESTABLISHING
21 AND REVISING STANDARDS.—In establishing and re-
22 vising such standards, the Secretary shall take into
23 account the unique needs of Indian students and
24 support and reinforcement of the specific cultural
25 heritage of each tribe.

1 “(d) ALTERNATIVE OR MODIFIED STANDARDS.—The
2 Secretary shall provide alternative or modified standards
3 in lieu of the standards established under subsection (c),
4 where necessary, so that the programs of each school are
5 in compliance with the minimum accreditation standards
6 required for schools in the State or region where the school
7 is located.

8 “(e) WAIVER OF STANDARDS; ALTERNATIVE STAND-
9 ARDS.—A tribal governing body, or the local school board
10 so designated by the tribal governing body, shall have the
11 local authority to waive, in part or in whole, the standards
12 established under subsection (c) and (d) if such standards
13 are deemed by such body to be inappropriate. The tribal
14 governing body or designated school board shall, not later
15 than 60 days after a waiver under this subsection, submit
16 to the Secretary a proposal for alternative standards that
17 take into account the specific needs of the tribe’s children.
18 Such alternative standards shall be established by the Sec-
19 retary unless specifically rejected by the Secretary for
20 good cause and in writing to the affected tribes or local
21 school board, which rejection shall be final and not subject
22 to review.

23 “(f) ACCREDITATION AND IMPLEMENTATION OF
24 STANDARDS.—

1 “(1) DEADLINE FOR MEETING STANDARDS.—
2 Not later the second academic year after publication
3 of the standards, to the extent necessary funding is
4 provided, all Bureau funded schools shall meet the
5 standards established under subsections (c) and (d)
6 or shall be accredited—

7 “(A) by a tribal accrediting body, if the ac-
8 creditation standards of the tribal accrediting
9 body have been accepted by formal action of the
10 tribal governing body and are equal to or ex-
11 ceed the accreditation standards of the State or
12 region in which the school is located;

13 “(B) by a regional accreditation agency; or

14 “(C) by State accreditation standards for
15 the State in which it is located.

16 “(2) DETERMINATION OF STANDARDS TO BE
17 APPLIED.—The accreditation type or standards ap-
18 plied for each school shall be determined by the
19 school board of the school, in consultation with the
20 Administrator of the school, provided that in the
21 case where the School Board and the Administrator
22 fail to agree on the type of accreditation and stand-
23 ards to apply, the decision of the school board with
24 the approval of the tribal governing body shall be
25 final.

1 “(3) ASSISTANCE TO SCHOOL BOARDS.—The
2 Secretary, through contracts and grants, shall assist
3 school boards of contract or grant schools in imple-
4 mentation of the standards established under sub-
5 sections (c) and (d), if the school boards request
6 that such standards, in part or in whole, be imple-
7 mented.

8 “(4) FISCAL CONTROL AND FUND ACCOUNTING
9 STANDARDS.—The Bureau shall, either directly or
10 through contract with an Indian organization, estab-
11 lish a consistent system of reporting standards for
12 fiscal control and fund accounting for all contract
13 and grant schools. Such standards shall provide data
14 comparable to those used by Bureau operated
15 schools.

16 “(g) ANNUAL PLAN FOR MEETING OF STAND-
17 ARDS.—Except as provided in subsections (e) and (f), the
18 Secretary shall begin to implement the standards estab-
19 lished under this section immediately upon the date of
20 their establishment. On an annual basis, the Secretary
21 shall submit to the appropriate committees of Congress,
22 all Bureau funded schools, and the tribal governing bodies
23 of such schools a detailed plan to bring all Bureau schools
24 and contract or grant schools up to the level required by
25 the applicable standards established under this section.

1 Such plan shall include detailed information on the status
2 of each school's educational program in relation to the ap-
3 plicable standards established under this section, specific
4 cost estimates for meeting such standards at each school
5 and specific timelines for bringing each school up to the
6 level required by such standards.”; and

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

8 “(m) STATUTORY CONSTRUCTION.—Nothing in this
9 section shall be read so as to preclude the expansion of
10 grades and related facilities at a Bureau funded school
11 where such expansion and the maintenance of such expan-
12 sion is occasioned or paid for with non-Bureau funds.

13 “(n) GENERAL USE OF FUNDS.—Funds received by
14 Bureau funded schools from the Bureau of Indian Affairs
15 and under any program from the Department of Edu-
16 cation or any other Federal agency for the purpose of pro-
17 viding education or related services may be used for
18 schoolwide projects to improve the educational program
19 for all Indian students.

20 “(o) STUDY ON ADEQUACY OF FUNDS AND FOR-
21 MULAS.—The Comptroller General of the United States
22 shall conduct a study, in consultation with Indian tribes
23 and local school boards, to determine the adequacy of
24 funding, and formulas used by the Bureau to determine
25 funding, for programs operated by Bureau funded schools,

1 taking into account unique circumstances applicable to
2 Bureau funded schools, as well as expenditures for com-
3 parable purposes in public schools nationally. Upon com-
4 pletion of the study, the Secretary of the Interior shall
5 take such action as necessary to ensure distribution of the
6 findings of the study to all affected Indian tribes, local
7 school boards, and associations of local school boards.”;

8 (2) by striking section 1122 and inserting the
9 following:

10 **“SEC. 1122. NATIONAL CRITERIA FOR HOME LIVING SITUA-**
11 **TIONS.**

12 “(a) IN GENERAL.—The Secretary, in consultation
13 with the Secretary of Education, Indian organizations and
14 tribes, and Bureau funded schools, shall revise the na-
15 tional standards for home-living (dormitory) situations to
16 include such factors as heating, lighting, cooling, adult-
17 child ratios, needs for counselors (including special needs
18 related to off-reservation home-living (dormitory) situa-
19 tions), therapeutic programs, space, and privacy. Such
20 standards shall be implemented in Bureau operated
21 schools, and shall serve as minimum standards for con-
22 tract or grant schools.

23 “(b) IMPLEMENTATION.—The Secretary shall imple-
24 ment the revised standards established under this section
25 immediately upon their completion.

1 “(c) PLAN.—At the time of each annual budget sub-
2 mission for Bureau educational services is presented, the
3 Secretary shall submit to the appropriate committees of
4 Congress, the tribes, and the affected schools, and publish
5 in the Federal Register, a detailed plan to bring all Bu-
6 reau funded schools that provide home-living (dormitory)
7 situations up to the standards established under this sec-
8 tion. Such plan shall include a statement of the relative
9 needs of each Bureau funded home-living (dormitory)
10 school, projected future needs of each Bureau funded
11 home-living (dormitory) school, detailed information on
12 the status of each school in relation to the standards es-
13 tablished under this section, specific cost estimates for
14 meeting each standard for each such school, aggregate
15 cost estimates for bringing all such schools into compli-
16 ance with the criteria established under this section, and
17 specific timelines for bringing each school into compliance
18 with such standards.

19 “(d) WAIVER.—The criteria established under this
20 section may be waived in the same manner as the stand-
21 ards provided under section 1121(e) may be waived.

22 “(e) CLOSURE FOR FAILURE TO MEET STANDARDS
23 PROHIBITED.—No school in operation on or before Janu-
24 ary 1, 1987 (regardless of compliance or noncompliance
25 with the criteria established under this section), may be

1 closed, transferred to another authority, consolidated, or
2 have its program substantially curtailed for failure to meet
3 the criteria.”;

4 (3) by striking sections 1124 and 1125 and in-
5 serting the following:

6 **“SEC. 1124. SCHOOL BOUNDARIES.**

7 “(a) ESTABLISHMENT BY SECRETARY.—The Sec-
8 retary shall establish, by regulation, separate geographical
9 attendance areas for each Bureau funded school.

10 “(b) ESTABLISHMENT BY TRIBAL BODY.—In any
11 case where there is more than 1 Bureau funded school
12 located on an Indian reservation, at the direction of the
13 tribal governing body, the relevant school boards of the
14 Bureau funded schools on the reservation may, by mutual
15 consent, establish the relevant attendance areas for such
16 schools, subject to the approval of the tribal governing
17 body. Any such boundaries so established shall be accepted
18 by the Secretary.

19 “(c) BOUNDARY REVISIONS.—

20 “(1) IN GENERAL.—On or after the date of the
21 enactment of the Excellence and Accountability in
22 Education Act, no geographical attendance area
23 shall be revised or established with respect to any
24 Bureau funded school unless the tribal governing
25 body or the local school board concerned (if so des-

1 ignated by the tribal governing body) has been
2 afforded—

3 “(A) at least 180 days notice of the inten-
4 tion of the Bureau to revise or establish such
5 attendance area; and

6 “(B) the opportunity to propose alternative
7 boundaries.

8 Any tribe may petition the Secretary for revision of
9 existing attendance area boundaries. The Secretary
10 shall accept such proposed alternative or revised
11 boundaries unless the Secretary finds, after con-
12 sultation with the affected tribe or tribes, that such
13 revised boundaries do not reflect the needs of the In-
14 dian students to be served or do not provide ade-
15 quate stability to all of the affected programs. The
16 Secretary shall cause such revisions to be published
17 in the Federal Register.

18 “(2) TRIBAL RESOLUTION DETERMINATION.—
19 Nothing in this section shall be interpreted as deny-
20 ing a tribal governing body the authority, on a con-
21 tinuing basis, to adopt a tribal resolution allowing
22 parents the choice of the Bureau funded school their
23 children may attend, regardless of the attendance
24 boundaries established under this section.

1 “(d) FUNDING RESTRICTIONS.—The Secretary shall
2 not deny funding to a Bureau funded school for any eligi-
3 ble Indian student attending the school solely because that
4 student’s home or domicile is outside of the geographical
5 attendance area established for that school under this sec-
6 tion. No funding shall be made available without tribal au-
7 thorization to enable a school to provide transportation for
8 any student to or from the school and a location outside
9 the approved attendance area of the school.

10 “(e) RESERVATION AS BOUNDARY.—In any case
11 where there is only 1 Bureau funded program located on
12 an Indian reservation, the attendance area for the pro-
13 gram shall be the boundaries (established by treaty, agree-
14 ment, legislation, court decisions, or executive decisions
15 and as accepted by the tribe) of the reservation served,
16 and those students residing near the reservation shall also
17 receive services from such program.

18 “(f) OFF-RESERVATION HOME-LIVING (DORMITORY)
19 SCHOOLS.—Notwithstanding any geographical attendance
20 areas, attendance at off-reservation home-living (dor-
21 mitory) schools shall include students requiring special
22 emphasis programs to be implemented at each off-reserva-
23 tion home-living (dormitory) school. Such attendance shall
24 be coordinated between education line officers, the family,
25 and the referring and receiving programs.

1 **“SEC. 1125. FACILITIES CONSTRUCTION.**

2 “(a) COMPLIANCE WITH HEALTH AND SAFETY
3 STANDARDS.—The Secretary shall immediately begin to
4 bring all schools, dormitories, and other Indian education-
5 related facilities operated by the Bureau or under contract
6 or grant with the Bureau into compliance with all applica-
7 ble tribal, Federal, or State health and safety standards,
8 whichever provides greater protection (except that the
9 tribal standards to be applied shall be no greater than any
10 otherwise applicable Federal or State standards), with sec-
11 tion 504 of the Rehabilitation Act of 1973, and with the
12 Americans with Disabilities Act of 1990. Nothing in this
13 section shall require termination of the operations of any
14 facility which does not comply with such provisions and
15 which is in use on the date of the enactment of the Excel-
16 lence and Accountability in Education Act.

17 “(b) COMPLIANCE PLAN.—At the time that the an-
18 nual budget request for Bureau educational services is
19 presented, the Secretary shall submit to the appropriate
20 committees of Congress a detailed plan to bring all facili-
21 ties covered under subsection (a) of this section into com-
22 pliance with the standards referred to in subsection (a).
23 Such plan shall include detailed information on the status
24 of each facility’s compliance with such standards, specific
25 cost estimates for meeting such standards at each school,

1 and specific timelines for bringing each school into compli-
2 ance with such standards.

3 “(c) CONSTRUCTION PRIORITIES.—

4 “(1) SYSTEM TO ESTABLISH PRIORITIES.—On
5 an annual basis the Secretary shall submit to the
6 appropriate committees of Congress and cause to be
7 published in the Federal Register, the system used
8 to establish priorities for replacement and construc-
9 tion projects for Bureau funded schools and home-
10 living schools, including boarding schools and dor-
11 mitories. At the time any budget request for edu-
12 cation is presented, the Secretary shall publish in
13 the Federal Register and submit with the budget re-
14 quest the current list of all Bureau funded school
15 construction priorities.

16 “(2) LONG-TERM CONSTRUCTION AND RE-
17 PLACEMENT LIST.—In addition to the plan sub-
18 mitted under subsection (b), the Secretary shall—

19 “(A) not later than 18 months after the
20 date of the enactment of the Excellence and Ac-
21 countability in Education Act, establish a long-
22 term construction and replacement list for all
23 Bureau funded schools;

24 “(B) using the list prepared under sub-
25 paragraph (A), propose a list for the orderly re-

1 placement of all Bureau funded education-re-
2 lated facilities over a period of 40 years to en-
3 able planning and scheduling of budget re-
4 quests;

5 “(C) cause the list prepared under sub-
6 section (B) to be published in the Federal Reg-
7 ister and allow a period of not less than 120
8 days for public comment;

9 “(D) make such revisions to the list pre-
10 pared under subparagraph (B) as are appro-
11 priate based on the comments received; and

12 “(E) cause the final list to be published in
13 the Federal Register.

14 “(3) EFFECT ON OTHER LIST.—Nothing in this
15 section shall be construed as interfering with or
16 changing in any way the construction priority list as
17 it exists on the date of the enactment of the Excel-
18 lence and Accountability in Education Act.

19 “(d) HAZARDOUS CONDITION AT BUREAU
20 SCHOOL.—

21 “(1) CLOSURE OR CONSOLIDATION.—A Bureau
22 funded school may be closed or consolidated, and the
23 programs of a Bureau funded school may be sub-
24 stantially curtailed by reason of plant conditions
25 that constitute an immediate hazard to health and

1 safety only if a health and safety officer of the Bu-
2 reau determines that such conditions exist at the
3 Bureau funded school.

4 “(2) INSPECTION.—(A) After making a deter-
5 mination described in paragraph (1), the Bureau
6 health and safety officer shall conduct an inspection
7 of the condition of such plant accompanied by an ap-
8 propriate tribal, county, municipal, or State health
9 and safety officer in order to determine whether con-
10 ditions at such plant constitute an immediate hazard
11 to health and safety. Such inspection shall be com-
12 pleted by not later than the date that is 30 days
13 after the date on which the action described in para-
14 graph (1) is taken. No further negative action may
15 be taken unless the findings are concurred in by the
16 second, non-Bureau of Indian Affairs inspector.

17 “(B) If the health and safety officer conducting
18 the inspection of a plant required under subpara-
19 graph (A) determines that conditions at the plant do
20 not constitute an immediate hazard to health and
21 safety, any consolidation or curtailment that was
22 made under paragraph (1) shall immediately cease
23 and any school closed by reason of conditions at the
24 plant shall be reopened immediately.

1 “(C) If a Bureau funded school is temporarily
2 closed or consolidated or the programs of a Bureau
3 funded school are substantially curtailed under this
4 subsection and the Secretary determines that the
5 closure, consolidation, or curtailment will exceed 1
6 year, the Secretary shall submit to the Congress, by
7 not later than 180 days after the date on which the
8 closure, consolidation, or curtailment was initiated, a
9 report which sets forth the reasons for such tem-
10 porary actions, the actions the Secretary is taking to
11 eliminate the conditions that constitute the hazard,
12 and an estimated date by which such actions will be
13 concluded.

14 “(e) FUNDING REQUIREMENT.—

15 “(1) DISTRIBUTION OF FUNDS.—Beginning
16 with the fiscal year following the year of the date of
17 the enactment of the Excellence and Accountability
18 in Education Act, all funds appropriated for the op-
19 erations and maintenance of Bureau funded schools
20 shall be distributed by formula to the schools. No
21 funds from this account may be retained or seg-
22 regated by the Bureau to pay for administrative or
23 other costs of any facilities branch or office, at any
24 level of the Bureau.

1 “(2) REQUIREMENTS FOR CERTAIN USES.—No
2 funds shall be withheld from the distribution to the
3 budget of any school operated under contract or
4 grant by the Bureau for maintenance or any other
5 facilities or road related purpose, unless such school
6 has consented, as a modification to the contract or
7 in writing for grants schools, to the withholding of
8 such funds, including the amount thereof, the pur-
9 pose for which the funds will be used, and the
10 timeline for the services to be provided. The school
11 may, at the end of any fiscal year, cancel an agree-
12 ment under this paragraph upon giving the Bureau
13 30 days notice of its intent to do so.

14 “(f) NO REDUCTION IN FEDERAL FUNDING.—Noth-
15 ing in this section shall be construed to diminish any Fed-
16 eral funding due to the receipt by the school of funding
17 for facilities improvement or construction from a State or
18 any other source.”;

19 (4) in section 1143(f), by striking
20 “\$10,000,000” and all that follows through the pe-
21 riod and inserting “\$12,000,000 for fiscal year 2002
22 and such sums as may be necessary for each of the
23 4 succeeding fiscal years.”; and

24 (5) in section 1144(e), by striking “\$2,000,000’
25 and all that follows through the period and inserting

1 “\$2,000,000 for fiscal year 2002 and such sums as
2 may be necessary for each of the 4 succeeding fiscal
3 years.”.

4 **SEC. 1102. AMENDMENTS TO TRIBALLY CONTROLLED**
5 **SCHOOLS ACT OF 1988.**

6 The Tribally Controlled Schools Act of 1988 (Public
7 Law 100–297; 25 U.S.C. 2501 et seq.) is amended—

8 (1) by redesignating section 5212 as section
9 5213; and

10 (2) by inserting after section 5211 the fol-
11 lowing:

12 **“SEC. 5212. THE TRIBALLY CONTROLLED GRANT SCHOOL**
13 **ENDOWMENT PROGRAM.**

14 “(a) IN GENERAL.—

15 “(1) Each school receiving grants under this
16 part may establish, at a Federally insured banking
17 and savings institution, a trust fund for the pur-
18 poses of this section.

19 “(2) The school may provide—

20 “(A) for the deposit into the trust fund,
21 only funds from non-Federal sources, except
22 that the interest on funds received from grants
23 under this part may be used for this purpose;

24 “(B) for the deposit in the account of any
25 earnings on funds deposited in the account; and

1 “(C) for the sole use of the school any
2 noncash, in-kind contributions of real or per-
3 sonal property, such property may at any time
4 be converted to cash.

5 “(b) INTEREST.—Interest from the fund established
6 under subsection (a) may periodically be withdrawn and
7 used, at the discretion of the school, to defray any ex-
8 penses associated with the operation of the school.”.

9 **SEC. 1103. AMENDMENTS TO STEWART B. MCKINNEY HOME-**
10 **LESS ASSISTANCE ACT.**

11 Subtitle B of title VII of the Stewart B. McKinney
12 Homeless Act (42 U.S.C. 11431 et seq.) is amended—

13 (1) in section 722(e), by adding at the end the
14 following:

15 “(3) PROHIBITION ON SEGREGATING HOMELESS
16 STUDENTS.—In providing a free, public education to
17 a homeless child or youth, no State receiving funds
18 under this subtitle shall segregate such child or
19 youth, either in a separate school, or in a separate
20 program within a school, based solely on such child
21 or youth’s status as homeless.”;

22 (2) by striking section 722(g)(1)(H) and insert-
23 ing the following:

24 “(H) contain assurances that State and
25 local educational agencies shall—

1 “(i) adopt policies and practices to en-
2 sure that homeless children and youth are
3 not segregated solely on the basis of their
4 status as homeless; and

5 “(ii) designate an appropriate staff
6 person, who may also be a coordinator for
7 other Federal programs, as a liaison for
8 homeless children and youth.”;

9 (3) in section 722(g)(3)(A)(i)—

10 (A) by redesignating subclause (II) as sub-
11 clause (III); and

12 (B) by striking subclause (I) and inserting
13 the following:

14 “(I) for the duration of their
15 homelessness;

16 “(II) if the child becomes perma-
17 nently housed, for the remainder of
18 the academic year; or”;

19 (4) by striking section 722(g)(3)(C) and insert-
20 ing the following:

21 “(C) ENROLLMENT.—(i) A school that a
22 homeless child seeks to enroll in shall, in ac-
23 cordance with this paragraph, immediately en-
24 roll the homeless child or youth even if the child
25 or youth is unable to produce records normally

1 required for enrollment, such as previous aca-
2 demic records, proof of residency, or other doc-
3 umentation.

4 “(ii) The enrolling school shall immediately
5 contact the school last attended by the child or
6 youth to obtain relevant academic and other
7 records.

8 “(iii) If the child or youth needs to obtain
9 immunizations or immunization records, the en-
10 rolling school shall immediately refer the parent
11 or guardian of the child or youth to the liaison
12 who shall assist in obtaining necessary immuni-
13 zations or immunization records in accordance
14 with subparagraph (E).

15 “(D) RECORDS.—Any record ordinarily
16 kept by the school, including immunization
17 records, academic records, birth certificates,
18 guardianship records, and evaluations for spe-
19 cial services or programs, of each homeless
20 child or youth shall be maintained—

21 “(i) so that the records are available,
22 in a timely fashion, when a child or youth
23 enters a new school district; and

1 “(ii) in a manner consistent with sec-
2 tion 444 of the General Education Provi-
3 sions Act.

4 “(E) ENROLLMENT DISPUTES.—If there is
5 a dispute over school selection or enrollment—

6 “(i) the child or youth shall be imme-
7 diately admitted to the school in which en-
8 rollment is sought, pending resolution of
9 the dispute;

10 “(ii) the parent or guardian shall be
11 provided with a written explanation of the
12 school’s decision regarding enrollment, in-
13 cluding the right to appeal the decision;
14 and

15 “(iii) the parent or guardian shall be
16 referred to the liaison, who shall carry out
17 the dispute resolution process as described
18 in paragraph (6)(D) as expeditiously as
19 possible, after receiving notice of the dis-
20 pute.

21 “(F) PLACEMENT CHOICE.—The choice re-
22 garding placement shall be made regardless of
23 whether the child or youth lives with the home-
24 less parents or has been temporarily placed
25 elsewhere by the parents.

1 “(G) DEFINITION.—For the purposes of
2 this paragraph, the term ‘school of origin’
3 means the school that the child or youth at-
4 tended when permanently housed, or the school
5 in which the child or youth was last enrolled.

6 “(H) CONTACT INFORMATION.—Nothing
7 in this subtitle shall prohibit a local educational
8 agency from requiring a parent or guardian of
9 a homeless child to submit contact information
10 required by the local educational agency of a
11 parent or guardian of a nonhomeless child.”;

12 (5) by striking section 722(g)(7) and inserting
13 the following:

14 “(7) LIAISON.—

15 “(A) DUTIES.—Each local liaison for
16 homeless children and youth, designated pursu-
17 ant to subsection (g)(1)(H)(ii), shall ensure
18 that—

19 “(i) homeless children and youth en-
20 roll in, and have an equal opportunity to
21 succeed in, schools of that agency;

22 “(ii) homeless families, children, and
23 youth receive educational services for
24 which such families, children, and youth
25 are eligible, including Head Start and

1 Even Start programs and preschool pro-
2 grams administered by the local edu-
3 cational agency, and referrals to health
4 care services, dental services, mental health
5 services, and other appropriate services;

6 “(iii) the parents or guardians of
7 homeless children and youth are informed
8 of the education and related opportunities
9 available to their children and are provided
10 with meaningful opportunities to partici-
11 pate in the education of their children; and

12 “(iv) public notice of the educational
13 rights of homeless children and youth is
14 disseminated where such children and
15 youth receive services under this Act (such
16 as family shelters and soup kitchens).

17 “(B) NOTICE.—State coordinators and
18 local educational agencies shall inform school
19 personnel, service providers, and advocates
20 working with homeless families of the duties of
21 the liaisons.

22 “(C) LOCAL AND STATE COORDINATION.—
23 Local educational agency liaisons for homeless
24 children and youth shall, as a part of their du-
25 ties, coordinate and collaborate with State coor-

1 dinator and community and school personnel
2 responsible for the provision of education and
3 related services to homeless children and youth.

4 “(D) DISPUTE RESOLUTION.—Unless an-
5 other individual is designated by State law, the
6 local educational agency liaisons for homeless
7 children and youth shall provide resource infor-
8 mation and assist in resolving disputes under
9 this subtitle, should they arise.”; and

10 (6) by striking section 726 and inserting the
11 following:

12 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

13 “For the purpose of carrying out this subtitle, there
14 are authorized to be appropriated \$50,000,000 for fiscal
15 year 2002 and such sums as may be necessary for each
16 of the fiscal years 2003 through 2006.”.

○