

112TH CONGRESS
1ST SESSION

H. R. 3490

To direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2011

Mr. CHANDLER (for himself and Mr. LOEBSACK) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, 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 “21st Century Green High-Performing Public School Fa-
6 cilities Act”.

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

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

TITLE I—GRANTS FOR MODERNIZATION, RENOVATION, OR
 REPAIR OF PUBLIC SCHOOL FACILITIES

- Sec. 101. Purpose.
 Sec. 102. Allocation of funds.
 Sec. 103. Allowable uses of funds.
 Sec. 104. Priority projects.

TITLE II—GENERAL PROVISIONS

- Sec. 201. Impermissible uses of funds.
 Sec. 202. Supplement, not supplant.
 Sec. 203. Prohibition regarding State aid.
 Sec. 204. Maintenance of effort.
 Sec. 205. Special rule on contracting.
 Sec. 206. Use of American iron, steel, and manufactured goods.
 Sec. 207. Labor standards.
 Sec. 208. Charter schools.
 Sec. 209. Green schools.
 Sec. 210. Reporting.
 Sec. 211. Authorization of appropriations.
 Sec. 212. Special rules.
 Sec. 213. Youthbuild programs.
 Sec. 214. Evaluation.
 Sec. 215. Advisory Council on Green, High-Performing Schools.
 Sec. 216. Job Corps.
 Sec. 217. Junior and community college students.
 Sec. 218. GAO study.
 Sec. 219. Education regarding projects.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) The term “Bureau-funded school” has the
4 meaning given to such term in section 1141 of the
5 Education Amendments of 1978 (25 U.S.C. 2021).

6 (2) The term “charter school” has the meaning
7 given such term in section 5210 of the Elementary
8 and Secondary Education Act of 1965 (20 U.S.C.
9 7221).

1 (3) The term “CHPS Criteria” means the
2 green building rating program developed by the Col-
3 laborative for High Performance Schools.

4 (4) The term “Energy Star” means the Energy
5 Star program of the United States Department of
6 Energy and the United States Environmental Pro-
7 tection Agency.

8 (5) The term “Green Globes” means the Green
9 Building Initiative environmental design and rating
10 system referred to as Green Globes.

11 (6) The term “LEED Green Building Rating
12 System” means the United States Green Building
13 Council Leadership in Energy and Environmental
14 Design green building rating standard referred to as
15 LEED Green Building Rating System.

16 (7) The term “local educational agency”—

17 (A) has the meaning given to that term in
18 section 9101 of the Elementary and Secondary
19 Education Act of 1965 (20 U.S.C. 7801), and
20 shall also include the Recovery School District
21 of Louisiana and the New Orleans Public
22 Schools; and

23 (B) includes any public charter school that
24 constitutes a local educational agency under
25 State law.

1 (8) The term “outlying area”—

2 (A) means the United States Virgin Is-
3 lands, Guam, American Samoa, and the Com-
4 monwealth of the Northern Mariana Islands;
5 and

6 (B) includes the freely associated states of
7 the Republic of the Marshall Islands, the Fed-
8 erated States of Micronesia, and the Republic
9 of Palau.

10 (9) The term “public school facilities” means
11 an existing public school facility, including a public
12 charter school facility, or another existing facility
13 planned for adaptive reuse as such a school facility.

14 (10) The term “State” means each of the 50
15 States, the District of Columbia, and the Common-
16 wealth of Puerto Rico.

17 **TITLE I—GRANTS FOR MOD-**
18 **ERNIZATION, RENOVATION,**
19 **OR REPAIR OF PUBLIC**
20 **SCHOOL FACILITIES**

21 **SEC. 101. PURPOSE.**

22 Grants under this title shall be for the purpose of
23 modernizing, renovating, or repairing public school facili-
24 ties, based on their need for such improvements, to be

1 safe, healthy, high-performing, and up-to-date techno-
2 logically.

3 **SEC. 102. ALLOCATION OF FUNDS.**

4 (a) RESERVATION.—

5 (1) IN GENERAL.—From the amount appro-
6 priated to carry out this title for each fiscal year
7 pursuant to section 211(a), the Secretary shall re-
8 serve 2 percent of such amount, consistent with the
9 purpose described in section 101—

10 (A) to provide assistance to the outlying
11 areas; and

12 (B) for payments to the Secretary of the
13 Interior to provide assistance to Bureau-funded
14 schools.

15 (2) USE OF RESERVED FUNDS.—In each fiscal
16 year, the amount reserved under paragraph (1) shall
17 be divided between the uses described in subpara-
18 graphs (A) and (B) of such paragraph in the same
19 proportion as the amount reserved under section
20 1121(a) of the Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C. 6331(a)) is divided
22 between the uses described in paragraphs (1) and
23 (2) of such section 1121(a) in such fiscal year.

24 (3) DISTRESSED AREAS AND NATURAL DISAS-
25 TERS.—From the amount appropriated to carry out

1 this title for each fiscal year pursuant to section
2 211(a), the Secretary shall reserve 5 percent of such
3 amount for grants to—

4 (A) local educational agencies serving geo-
5 graphic areas with significant economic distress,
6 to be used consistent with the purpose de-
7 scribed in section 101 and the allowable uses of
8 funds described in section 103; and

9 (B) local educational agencies serving geo-
10 graphic areas recovering from a natural dis-
11 aster, to be used consistent with the purpose
12 described in section 101 and the allowable uses
13 of funds described in section 103.

14 (b) ALLOCATION TO STATES.—

15 (1) STATE-BY-STATE ALLOCATION.—Of the
16 amount appropriated to carry out this title for each
17 fiscal year pursuant to section 211(a), and not re-
18 served under subsection (a), each State shall be allo-
19 cated an amount in proportion to the amount re-
20 ceived by all local educational agencies in the State
21 under part A of title I of the Elementary and Sec-
22 ondary Education Act of 1965 (20 U.S.C. 6311 et
23 seq.) for the previous fiscal year relative to the total
24 amount received by all local educational agencies in
25 every State under such part for such fiscal year.

1 (2) STATE ADMINISTRATION.—A State may re-
2 serve up to 1 percent of its allocation under para-
3 graph (1) to carry out its responsibilities under this
4 title, which include—

5 (A) providing technical assistance to local
6 educational agencies;

7 (B) developing an online, publicly search-
8 able database that includes an inventory of pub-
9 lic school facilities in the State, including for
10 each, its design, condition, modernization, ren-
11 ovation and repair needs, usage, utilization, en-
12 ergy use, and carbon footprint; and

13 (C) creating voluntary guidelines for high-
14 performing school buildings, including guide-
15 lines concerning the following:

16 (i) Site location, storm water manage-
17 ment, outdoor surfaces, outdoor lighting,
18 and transportation (location near public
19 transit and easy access for pedestrians and
20 bicycles).

21 (ii) Outdoor water systems, land-
22 scaping to minimize water use, including
23 elimination of irrigation systems for land-
24 scaping, and indoor water use reduction.

1 (iii) Energy efficiency (including min-
2 imum and superior standards, such as for
3 heating, ventilation, and air conditioning
4 systems), use of alternative energy sources,
5 commissioning, and training.

6 (iv) Use of durable, sustainable mate-
7 rials and waste reduction.

8 (v) Indoor environmental quality, such
9 as day lighting in classrooms, lighting
10 quality, indoor air quality (including with
11 reference to reducing the incidence and ef-
12 fects of asthma and other respiratory ill-
13 nesses), acoustics, and thermal comfort.

14 (vi) Operations and management,
15 such as use of energy efficient equipment,
16 indoor environmental management plan,
17 maintenance plan, and pest management.

18 (3) GRANTS TO LOCAL EDUCATIONAL AGEN-
19 CIES.—

20 (A) IN GENERAL.—From the amount allo-
21 cated to a State under paragraph (1), each eli-
22 gible local educational agency in the State shall
23 receive an amount in proportion to the amount
24 received by such local educational agency under
25 part A of title I of the Elementary and Sec-

1 ondary Education Act of 1965 (20 U.S.C. 6311
2 et seq.) for the previous fiscal year relative to
3 the total amount received by all local edu-
4 cational agencies in the State under such part
5 for such fiscal year, except that no local edu-
6 cational agency that received funds under title
7 I of that Act for such fiscal year shall receive
8 a grant of less than \$5,000 in any fiscal year
9 under this title.

10 (B) ELIGIBLE LOCAL EDUCATIONAL AGEN-
11 CY.—For purposes of subparagraph (A), the
12 term “eligible local educational agency” means
13 a local educational agency that—

14 (i) meets the requirements for—

15 (I) a local educational agency
16 plan under section 1112(a) of the Ele-
17 mentary and Secondary Education
18 Act of 1965 (20 U.S.C. 6312(a));

19 (II) public school choice under
20 section 1116(b)(1)(E) of the Elemen-
21 tary and Secondary Education Act of
22 1965 (20 U.S.C. 6316(b)(1)(E));

23 (III) transportation funding for
24 public school choice under section
25 1116(b)(9) of the Elementary and

1 Secondary Education Act of 1965 (20
2 U.S.C. 6316(b)(9));

3 (IV) supplemental educational
4 services funding under section
5 1116(b)(10) of the Elementary and
6 Secondary Education Act of 1965 (20
7 U.S.C. 6316(b)(10));

8 (V) supplemental educational
9 services under section 1116(e) of the
10 Elementary and Secondary Education
11 Act of 1965 (20 U.S.C. 6316(e));

12 (VI) private school participation
13 under section 9501 of the Elementary
14 and Secondary Education Act of 1965
15 (20 U.S.C. 7881); and

16 (VII) armed forces recruiter ac-
17 cess under section 9528 of the Ele-
18 mentary and Secondary Education
19 Act of 1965 (20 U.S.C. 7908); and

20 (ii) conducts an independent audit by
21 a third-party entity, and is certified by the
22 State, substantiating the overall condition
23 of the public school facilities and the need
24 for modernization, renovation, or repair.

1 (4) SPECIAL RULE.—Section 1122(c)(3) of the
2 Elementary and Secondary Education Act of 1965
3 (20 U.S.C. 6332(c)(3)) shall not apply to paragraph
4 (1) or (3).

5 (c) SPECIAL RULES.—

6 (1) DISTRIBUTIONS BY SECRETARY.—The Sec-
7 retary shall make and distribute the reservations
8 and allocations described in subsections (a) and (b)
9 not later than 30 days after an appropriation of
10 funds for this title is made.

11 (2) DISTRIBUTIONS BY STATES.—A State shall
12 make and distribute the allocations described in sub-
13 section (b)(3) within 30 days of receiving such funds
14 from the Secretary.

15 **SEC. 103. ALLOWABLE USES OF FUNDS.**

16 A local educational agency receiving a grant under
17 this title shall use the grant for modernization, renovation,
18 or repair of public school facilities, including, where appli-
19 cable, early learning facilities, including—

20 (1) repairing, replacing, or installing roofs, in-
21 cluding extensive, intensive or semi-intensive green
22 roofs, electrical wiring, water supply and plumbing
23 systems, sewage systems, storm water runoff sys-
24 tems, lighting systems, or components of such sys-

1 tems, building envelope, windows, ceilings, flooring,
2 or doors, including security doors;

3 (2) repairing, replacing, or installing heating,
4 ventilation, air conditioning systems, or components
5 of such systems (including insulation), including in-
6 door air quality assessments;

7 (3) bringing public schools into compliance with
8 fire, health, seismic, and safety codes, including pro-
9 fessional installation of fire/life safety alarms, in-
10 cluding modernizations, renovations, and repairs
11 that ensure that schools are prepared for emer-
12 gencies, such as improving building infrastructure to
13 accommodate security measures and installing or up-
14 grading technology to ensure that schools are able to
15 respond to emergencies such as acts of terrorism,
16 campus violence, and natural disasters;

17 (4) modifications necessary to make public
18 school facilities accessible to comply with the Ameri-
19 cans with Disabilities Act of 1990 (42 U.S.C. 12101
20 et seq.) and section 504 of the Rehabilitation Act of
21 1973 (29 U.S.C. 794);

22 (5) abatement, removal, or interim controls of
23 asbestos, polychlorinated biphenyls, mold, mildew, or
24 lead-based hazards, including lead-based paint haz-
25 ards;

1 (6) measures designed to reduce or eliminate
2 human exposure to classroom noise and environ-
3 mental noise pollution;

4 (7) modernizations, renovations, or repairs nec-
5 essary to reduce the consumption of coal, electricity,
6 land, natural gas, oil, or water;

7 (8) upgrading or installing educational tech-
8 nology infrastructure to ensure that students have
9 access to up-to-date educational technology;

10 (9) modernization, renovation, or repair of
11 science and engineering laboratory facilities, librar-
12 ies, and career and technical education facilities, in-
13 cluding those related to energy efficiency and renew-
14 able energy, and improvements to building infra-
15 structure to accommodate bicycle and pedestrian ac-
16 cess;

17 (10) renewable energy generation and heating
18 systems, including solar, photovoltaic, wind, geo-
19 thermal, or biomass, including wood pellet, woody
20 biomass, waste-to-energy, and solar-thermal systems
21 or components of such systems, and energy audits;

22 (11) measures designed to reduce or eliminate
23 human exposure to airborne particles such as dust,
24 sand, and pollens;

1 (12) creating greenhouses, gardens (including
2 trees), and other facilities for environmental, sci-
3 entific, or other educational purposes, or to produce
4 energy savings;

5 (13) upgrading or installing recreational struc-
6 tures, including physical education facilities for stu-
7 dents, made from post consumer recovered materials
8 in accordance with the comprehensive procurement
9 guidelines prepared by the Administrator of the En-
10 vironmental Protection Agency under section
11 6002(e) of the Solid Waste Disposal Act (42 U.S.C.
12 6962(e));

13 (14) other modernization, renovation, or repair
14 of public school facilities to—

15 (A) improve teachers' ability to teach and
16 students' ability to learn;

17 (B) ensure the health and safety of stu-
18 dents and staff;

19 (C) make them more energy efficient; or

20 (D) reduce class size; and

21 (15) required environmental remediation related
22 to public school modernization, renovation, or repair
23 described in paragraphs (1) through (14).

1 **SEC. 104. PRIORITY PROJECTS.**

2 In selecting a project under section 103, a local edu-
3 cational agency may give priority to projects involving the
4 abatement, removal, or interim controls of asbestos, poly-
5 chlorinated biphenyls, mold, mildew, lead-based hazards,
6 including lead-based paint hazards, or a proven car-
7 cinogen.

8 **TITLE II—GENERAL PROVISIONS**

9 **SEC. 201. IMPERMISSIBLE USES OF FUNDS.**

10 No funds received under this Act may be used for—

11 (1) payment of maintenance costs;

12 (2) stadiums or other facilities primarily used
13 for athletic contests or exhibitions or other events
14 for which admission is charged to the general public;

15 (3) improvement or construction of facilities the
16 purpose of which is not the education of children, in-
17 cluding central office administration or operations or
18 logistical support facilities; or

19 (4) purchasing carbon offsets.

20 **SEC. 202. SUPPLEMENT, NOT SUPPLANT.**

21 A local educational agency receiving a grant under
22 this Act shall use such Federal funds only to supplement
23 and not supplant the amount of funds that would, in the
24 absence of such Federal funds, be available for moderniza-
25 tion, renovation, repair, and construction of public school
26 facilities.

1 **SEC. 203. PROHIBITION REGARDING STATE AID.**

2 A State shall not take into consideration payments
3 under this Act in determining the eligibility of any local
4 educational agency in that State for State aid, or the
5 amount of State aid, with respect to free public education
6 of children.

7 **SEC. 204. MAINTENANCE OF EFFORT.**

8 (a) IN GENERAL.—A local educational agency may
9 receive a grant under this Act for any fiscal year only if
10 either the combined fiscal effort per student or the aggre-
11 gate expenditures of the agency and the State involved
12 with respect to the provision of free public education by
13 the agency for the preceding fiscal year was not less than
14 90 percent of the combined fiscal effort or aggregate ex-
15 penditures for the second preceding fiscal year.

16 (b) REDUCTION IN CASE OF FAILURE TO MEET
17 MAINTENANCE OF EFFORT REQUIREMENT.—

18 (1) IN GENERAL.—The State educational agen-
19 cy shall reduce the amount of a local educational
20 agency's grant in any fiscal year in the exact propor-
21 tion by which a local educational agency fails to
22 meet the requirement of subsection (a) by falling
23 below 90 percent of both the combined fiscal effort
24 per student and aggregate expenditures (using the
25 measure most favorable to the local agency).

1 (2) SPECIAL RULE.—No such lesser amount
2 shall be used for computing the effort required
3 under subsection (a) for subsequent years.

4 (c) WAIVER.—The Secretary shall waive the require-
5 ments of this section if the Secretary determines that a
6 waiver would be equitable due to—

7 (1) exceptional or uncontrollable circumstances,
8 such as a natural disaster; or

9 (2) a precipitous decline in the financial re-
10 sources of the local educational agency.

11 **SEC. 205. SPECIAL RULE ON CONTRACTING.**

12 Each local educational agency receiving a grant under
13 this Act shall ensure that, if the agency carries out mod-
14 ernization, renovation, repair, or construction through a
15 contract, the process for any such contract ensures the
16 maximum number of qualified bidders, including local,
17 small, minority, and women- and veteran-owned busi-
18 nesses, through full and open competition.

19 **SEC. 206. USE OF AMERICAN IRON, STEEL, AND MANUFAC-**
20 **TURED GOODS.**

21 (a) IN GENERAL.—None of the funds appropriated
22 or otherwise made available by this Act may be used for
23 a project for the modernization, renovation, repair or con-
24 struction of a public school facility unless all of the iron,

1 steel, and manufactured goods used in the project are pro-
2 duced in the United States.

3 (b) EXCEPTIONS.—Subsection (a) shall not apply in
4 any case or category of cases in which the Secretary finds
5 that—

6 (1) applying subsection (a) would be incon-
7 sistent with the public interest;

8 (2) iron, steel, and the relevant manufactured
9 goods are not produced in the United States in suffi-
10 cient and reasonably available quantities and of a
11 satisfactory quality; or

12 (3) inclusion of iron, steel, and manufactured
13 goods produced in the United States will increase
14 the cost of the overall project by more than 25 per-
15 cent.

16 (c) PUBLICATION OF JUSTIFICATION.—If the Sec-
17 retary determines that it is necessary to waive the applica-
18 tion of subsection (a) based on a finding under subsection
19 (b), the Secretary shall publish in the Federal Register
20 a detailed written justification of the determination.

21 (d) CONSTRUCTION.—This section shall be applied in
22 a manner consistent with United States obligations under
23 international agreements.

1 **SEC. 207. LABOR STANDARDS.**

2 The grant programs under this Act are applicable
3 programs (as that term is defined in section 400 of the
4 General Education Provisions Act (20 U.S.C. 1221)) sub-
5 ject to section 439 of such Act (20 U.S.C. 1232b).

6 **SEC. 208. CHARTER SCHOOLS.**

7 (a) IN GENERAL.—A local educational agency receiv-
8 ing an allocation under this Act shall reserve an amount
9 of that allocation for charter schools within its jurisdiction
10 for modernization, renovation, repair, and construction of
11 charter school facilities.

12 (b) DETERMINATION OF RESERVED AMOUNT.—The
13 amount to be reserved by a local educational agency under
14 subsection (a) shall be determined based on the combined
15 percentage of students eligible under part A of title I of
16 the Elementary and Secondary Education Act of 1965 (20
17 U.S.C. 6311 et seq.) in the schools of the agency who—

18 (1) are enrolled in charter schools; and

19 (2) the local educational agency, in consultation
20 with the authorized public chartering agency, ex-
21 pects to be enrolled, during the year with respect to
22 which the reservation is made, in charter schools
23 that are scheduled to commence operation during
24 such year.

25 (c) SCHOOL SHARE.—Individual charter schools shall
26 receive a share of the amount reserved under subsection

1 (a) based on the need of each school for modernization,
2 renovation, repair, or construction, as determined by the
3 local educational agency in consultation with charter
4 school administrators.

5 (d) EXCESS FUNDS.—After the consultation de-
6 scribed in subsection (c), if the local educational agency
7 determines that the amount of funds reserved under sub-
8 section (a) exceeds the modernization, renovation, repair,
9 and construction needs of charter schools within the local
10 educational agency’s jurisdiction, the agency may use the
11 excess funds for other public school facility modernization,
12 renovation, repair, or construction consistent with this Act
13 and is not required to carry over such funds to the fol-
14 lowing fiscal year for use for charter schools.

15 **SEC. 209. GREEN SCHOOLS.**

16 (a) IN GENERAL.—In a given fiscal year, a local edu-
17 cational agency shall use not less than the applicable per-
18 centage (described in subsection (b)) of funds received
19 under this Act for public school modernization, renovation,
20 repairs, or construction that are certified, verified, or con-
21 sistent with any applicable provisions of—

- 22 (1) the LEED Green Building Rating System;
- 23 (2) Energy Star;
- 24 (3) the CHPS Criteria;
- 25 (4) Green Globes; or

1 (5) an equivalent program adopted by the State
2 or another jurisdiction with authority over the local
3 educational agency, which shall include a verifiable
4 method to demonstrate compliance with such pro-
5 gram.

6 (b) **APPLICABLE PERCENTAGES.**—The applicable
7 percentage described in subsection (a) is—

8 (1) in fiscal year 2012, 50 percent;

9 (2) in fiscal year 2013, 60 percent;

10 (3) in fiscal year 2014, 70 percent;

11 (4) in fiscal year 2015, 80 percent;

12 (5) in fiscal year 2016, 90 percent; and

13 (6) in fiscal year 2017, 100 percent.

14 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
15 tion shall be construed to prohibit a local educational
16 agency from using sustainable, domestic hardwood lumber
17 as ascertained through the forest inventory and analysis
18 program of the Forest Service of the Department of Agri-
19 culture under the Forest and Rangeland Renewable Re-
20 sources Research Act of 1978 (16 U.S.C. 1641 et seq.)
21 for public school modernization, renovation, repairs, or
22 construction.

23 (d) **TECHNICAL ASSISTANCE.**—The Secretary, in
24 consultation with the Secretary of Energy and the Admin-
25 istrator of the Environmental Protection Agency, shall

1 provide outreach and technical assistance to States and
2 local educational agencies concerning the best practices in
3 school modernization, renovation, repair, and construc-
4 tion, including those related to student academic achieve-
5 ment, student and staff health, energy efficiency, and envi-
6 ronmental protection.

7 **SEC. 210. REPORTING.**

8 (a) **REPORTS BY LOCAL EDUCATIONAL AGENCIES.—**
9 Local educational agencies receiving a grant under this
10 Act shall annually compile a report describing the projects
11 for which such funds were used, including—

12 (1) the number of public schools in the agency,
13 including the number of charter schools, and for
14 each, in the aggregate, the number of students from
15 low-income families;

16 (2) the total amount of funds received by the
17 local educational agency under this Act and the
18 amount of such funds expended, including the
19 amount expended for modernization, renovation, re-
20 pair, or construction of charter schools;

21 (3) the number of public schools in the agency
22 with a metro-centric locale code of 41, 42, or 43 as
23 determined by the National Center for Education
24 Statistics and the percentage of funds received by

1 the agency under title I or title II of this Act that
2 were used for projects at such schools;

3 (4) the number of public schools in the agency
4 that are eligible for schoolwide programs under sec-
5 tion 1114 of the Elementary and Secondary Edu-
6 cation Act of 1965 (20 U.S.C. 6314) and the per-
7 centage of funds received by the agency under title
8 I or title II of this Act that were used for projects
9 at such schools;

10 (5) for each project—

11 (A) the cost;

12 (B) the standard described in section
13 209(a) with which the use of the funds com-
14 plied or, if the use of funds did not comply with
15 a standard described in section 209(a), the rea-
16 son such funds were not able to be used in com-
17 pliance with such standards and the agency's
18 efforts to use such funds in an environmentally
19 sound manner;

20 (C) if flooring was installed, whether—

21 (i) it was low- or no-VOC (Volatile
22 Organic Compounds) flooring;

23 (ii) it was made from sustainable and
24 renewable materials; and

1 (iii) use of flooring described in clause

2 (i) or (ii) was cost-effective; and

3 (D) any demonstrable or expected benefits

4 as a result of the project (such as energy sav-

5 ings, improved indoor environmental quality,

6 student and staff health (including with ref-

7 erence to reducing the incidence and effects of

8 asthma and other respiratory illnesses), im-

9 proved climate for teaching and learning, etc.);

10 and

11 (6) the total number and amount of contracts

12 awarded, and the number and amount of contracts

13 awarded to local, small, minority, women, and vet-

14 eran-owned businesses.

15 (b) AVAILABILITY OF REPORTS.—A local educational

16 agency shall—

17 (1) submit the report described in subsection

18 (a) to the State educational agency, which shall com-

19 pile such information and report it annually to the

20 Secretary; and

21 (2) make the report described in subsection (a)

22 publicly available, including on the agency's website.

23 (c) REPORTS BY SECRETARY.—Not later than De-

24 cember 31 of each fiscal year, the Secretary shall submit

25 to the Committee on Education and Labor of the House

1 of Representatives and the Committee on Health, Edu-
2 cation, Labor, and Pensions of the Senate, and make
3 available on the Department of Education’s website, a re-
4 port on grants made under this Act, including the infor-
5 mation described in subsection (b)(1), the types of mod-
6 ernization, renovation, repair, and construction funded,
7 and the number of students impacted, including the num-
8 ber of students counted under section 1113(a)(5) of the
9 Elementary and Secondary Education Act of 1965 (20
10 U.S.C. 6313(a)(5)).

11 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) TITLE I.—To carry out title I, there are author-
13 ized to be appropriated \$6,400,000,000 for fiscal year
14 2012 and such sums as may be necessary for each of fiscal
15 years 2013 through 2017.

16 (b) TITLE II.—To carry out title II, there are author-
17 ized to be appropriated \$100,000,000 for each of fiscal
18 years 2012 through 2017.

19 (c) PROHIBITION ON EARMARKS.—None of the funds
20 appropriated under this section may be used for a Con-
21 gressional earmark as defined in clause 9(d) of rule XXI
22 of the Rules of the House of Representatives.

23 **SEC. 212. SPECIAL RULES.**

24 Notwithstanding any other provision of this Act, none
25 of the funds authorized by this Act may be—

1 (1) used to employ workers in violation of sec-
2 tion 274A of the Immigration and Nationality Act
3 (8 U.S.C. 1324a); or

4 (2) distributed to a local educational agency
5 that does not have a policy that requires a criminal
6 background check on all employees of the agency.

7 **SEC. 213. YOUTHBUILD PROGRAMS.**

8 The Secretary of Education, in consultation with the
9 Secretary of Labor, shall work with recipients of funds
10 under this Act to promote appropriate opportunities for
11 participants in a YouthBuild program (as defined in sec-
12 tion 173A of the Workforce Investment Act of 1998 (29
13 U.S.C. 2918a)) to gain employment experience on mod-
14 ernization, renovation, repair, and construction projects
15 funded under this Act.

16 **SEC. 214. EVALUATION.**

17 (a) EVALUATION.—

18 (1) IN GENERAL.—The Secretary shall enter
19 into an agreement with the Institute of Educational
20 Sciences of the Department of Education to evaluate
21 the impact of projects funded under this Act on stu-
22 dent academic achievement, including a comparison
23 of students attending public schools receiving fund-
24 ing under this Act with students attending public
25 schools that are not receiving such funding.

1 (2) RESEARCH DESIGN; DISSEMINATION.—The
2 Secretary, through a grant, contract, or cooperative
3 agreement, shall—

4 (A) ensure that the evaluation described in
5 paragraph (1) is conducted using the strongest
6 possible research design for determining the ef-
7 fectiveness of the projects funded under this
8 Act; and

9 (B) disseminate information on the impact
10 of the projects in increasing the academic
11 achievement of students.

12 (b) REPORT.—Not later than 1 year after the final
13 year for which a grant is made under this Act, the Sec-
14 retary shall submit to the Committee on Appropriations,
15 and the Committee on Education and Labor, of the House
16 of Representatives, and the Committee on Appropriations,
17 and the Committee on Health, Education, Labor, and
18 Pensions, of the Senate, a report on the results of the eval-
19 uation described in subsection (a).

20 (c) PUBLIC AVAILABILITY.—Following the submis-
21 sion of the report under subsection (b), all reports and
22 underlying data gathered pursuant to this section shall be
23 made available, in a timely manner, to the public upon
24 request.

1 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to permit the disclosure of any per-
3 sonally identifiable information regarding a student, ex-
4 cept to the parents of the student.

5 (e) LIMIT ON AMOUNT EXPENDED.—The amount ex-
6 pended by the Secretary to carry out this section for a
7 fiscal year shall not exceed 0.5 percent of the total amount
8 appropriated to carry out this Act for such fiscal year.

9 **SEC. 215. ADVISORY COUNCIL ON GREEN, HIGH-PER-**
10 **FORMING SCHOOLS.**

11 (a) ESTABLISHMENT OF ADVISORY COUNCIL.—The
12 Secretary shall establish an advisory council to be known
13 as the “Advisory Council on Green, High-Performing
14 Schools” (in this section referred to as the “Advisory
15 Council”) which shall be composed of—

16 (1) appropriate officials from the Department
17 of Education;

18 (2) representatives of the academic, architec-
19 tural, business, education, engineering, environ-
20 mental, labor and scientific communities; and

21 (3) such other representatives as the Secretary
22 deems appropriate.

23 (b) DUTIES OF ADVISORY COUNCIL.—

1 (1) ADVISORY DUTIES.—The Advisory Council
2 shall advise the Secretary on the impact of green,
3 high-performing schools, on—

4 (A) teaching and learning;

5 (B) health;

6 (C) energy costs;

7 (D) environmental impact; and

8 (E) other areas that the Secretary and the
9 Advisory Council deem appropriate.

10 (2) OTHER DUTIES.—The Advisory Council
11 shall assist the Secretary in—

12 (A) making recommendations on Federal
13 policies to increase the number of green, high-
14 performing schools;

15 (B) identifying Federal policies that are
16 barriers to helping States and local educational
17 agencies make schools green and high-per-
18 forming;

19 (C) providing technical assistance and out-
20 reach to States and local educational agencies
21 under section 209(e); and

22 (D) providing the Secretary such other as-
23 sistance as the Secretary deems appropriate.

24 (c) CONSULTATION.—In carrying out its duties under
25 subsection (b), the Advisory Council shall consult with the

1 Chair of the Council on Environmental Quality and the
2 heads of appropriate Federal agencies, including the Sec-
3 retary of Commerce, the Secretary of Energy, the Sec-
4 retary of Health and Human Services, the Secretary of
5 Labor, the Administrator of the Environmental Protection
6 Agency, and the Administrator of the General Services
7 Administration (through the Office of Federal High-Per-
8 formance Green Buildings).

9 **SEC. 216. JOB CORPS.**

10 The Secretary of Education, in consultation with the
11 Secretary of Labor, shall work with recipients of funds
12 under this Act to promote appropriate opportunities for
13 individuals enrolled in the Job Corps program carried out
14 under subtitle C of title I of the Workforce Investment
15 Act of 1998 (29 U.S.C. 2881 et seq.) to gain employment
16 experience on modernization, renovation, repair, and con-
17 struction projects funded under this Act.

18 **SEC. 217. JUNIOR AND COMMUNITY COLLEGE STUDENTS.**

19 The Secretary of Education, in consultation with the
20 Secretary of Labor, shall work with recipients of funds
21 under this Act to promote appropriate opportunities for
22 individuals enrolled in a junior or community college (as
23 defined in section 312(f) of the Higher Education Act of
24 1965 (20 U.S.C. 1088(f))) certificate or degree program
25 relating to projects described in section 209(a) to gain em-

1 ployment experience working on such projects funded
2 under this Act.

3 **SEC. 218. GAO STUDY.**

4 Not later than 1 year after the date of the enactment
5 of this Act, the Comptroller General of the United States
6 shall conduct a study to determine, and report to the Con-
7 gress on, the extent and types of projects in keeping with
8 the uses of funds authorized under this Act being under-
9 taken in schools around the United States, the geographic
10 distribution of green, high-performing schools in the
11 United States, including by urban, suburban, and rural
12 areas, and the relative access to such schools of the demo-
13 graphic groups described in section 1111(b)(2)(C)(v) of
14 the Elementary and Secondary Education Act of 1965 (20
15 U.S.C 6311(b)(2)(C)(v)).

16 **SEC. 219. EDUCATION REGARDING PROJECTS.**

17 A local educational agency receiving funds under this
18 Act may encourage schools at which projects are under-
19 taken with such funds to educate students about the
20 project, including, as appropriate, the functioning of the
21 project and its environmental, energy, sustainability, and
22 other benefits.

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