

117TH CONGRESS
1ST SESSION

S. 106

To allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Mr. DAINES (for himself, Mr. RUBIO, Mr. JOHNSON, Mrs. BLACKBURN, Ms. LUMMIS, Mr. SCOTT of Florida, Mr. HAGERTY, Mr. SASSE, Mr. CRUZ, and Mr. SCOTT of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Academic Partnerships
5 Lead Us to Success Act” or the “A PLUS Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are as follows:

1 (1) To give States and local communities added
2 flexibility to determine how to improve academic
3 achievement and implement education reforms.

4 (2) To reduce the administrative costs and com-
5 pliance burden of Federal education programs in
6 order to focus Federal resources on improving aca-
7 demic achievement.

8 (3) To ensure that States and communities are
9 accountable to the public for advancing the academic
10 achievement of all students, especially disadvantaged
11 children.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) **IN GENERAL.**—Except as otherwise pro-
15 vided, the terms used in this Act have the meanings
16 given the terms in section 8101 of the Elementary
17 and Secondary Education Act of 1965 (20 U.S.C.
18 7801 et seq.).

19 (2) **ACCOUNTABILITY.**—The term “account-
20 ability” means that public schools are answerable to
21 parents and other taxpayers for the use of public
22 funds and shall report student progress to parents
23 and taxpayers regularly.

24 (3) **DECLARATION OF INTENT.**—The term “dec-
25 laration of intent” means a decision by a State, as

1 determined by State Authorizing Officials or by refer-
2 erendum, to assume full management responsibility
3 for the expenditure of Federal funds for certain eli-
4 gible programs for the purpose of advancing, on a
5 more comprehensive and effective basis, the edu-
6 cational policy of such State.

7 (4) STATE.—The term “State” has the mean-
8 ing given such term in section 1122(e) of the Ele-
9 mentary and Secondary Education Act of 1965 (20
10 U.S.C. 6332(e)).

11 (5) STATE AUTHORIZING OFFICIALS.—The term
12 “State Authorizing Officials” means the State offi-
13 cials who shall authorize the submission of a dec-
14 laration of intent, and any amendments thereto, on
15 behalf of the State. Such officials shall include not
16 less than 2 of the following:

17 (A) The governor of the State.

18 (B) The highest elected education official
19 of the State, if any.

20 (C) The legislature of the State.

21 (6) STATE DESIGNATED OFFICER.—The term
22 “State Designated Officer” means the person des-
23 ignated by the State Authorizing Officials to submit
24 to the Secretary, on behalf of the State, a declara-
25 tion of intent, and any amendments thereto, and to

1 function as the point-of-contact for the State for the
2 Secretary and others relating to any responsibilities
3 arising under this Act.

4 **SEC. 4. DECLARATION OF INTENT.**

5 (a) IN GENERAL.—Each State is authorized to sub-
6 mit to the Secretary a declaration of intent permitting the
7 State to receive Federal funds on a consolidated basis to
8 manage the expenditure of such funds to advance the edu-
9 cational policy of the State.

10 (b) PROGRAMS ELIGIBLE FOR CONSOLIDATION AND
11 PERMISSIBLE USE OF FUNDS.—

12 (1) SCOPE.—A State may choose to include
13 within the scope of the State's declaration of intent
14 any program for which Congress makes funds avail-
15 able to the State if the program is for a purpose de-
16 scribed in the Elementary and Secondary Education
17 Act of 1965 (20 U.S.C. 6301). A State may not in-
18 clude any program funded pursuant to the Individ-
19 uals with Disabilities Education Act (20 U.S.C.
20 1400 et seq.).

21 (2) USES OF FUNDS.—Funds made available to
22 a State pursuant to a declaration of intent under
23 this Act shall be used for any educational purpose
24 permitted by State law of the State submitting a
25 declaration of intent.

1 (3) REMOVAL OF FISCAL AND ACCOUNTING
2 BARRIERS.—Each State educational agency that op-
3 erates under a declaration of intent under this Act
4 shall modify or eliminate State fiscal and accounting
5 barriers that prevent local educational agencies and
6 schools from easily consolidating funds from other
7 Federal, State, and local sources in order to improve
8 educational opportunities and reduce unnecessary
9 fiscal and accounting requirements.

10 (c) CONTENTS OF DECLARATION.—Each declaration
11 of intent shall contain—

12 (1) a list of eligible programs that are subject
13 to the declaration of intent;

14 (2) an assurance that the submission of the
15 declaration of intent has been authorized by the
16 State Authorizing Officials, specifying the identity of
17 the State Designated Officer;

18 (3) the duration of the declaration of intent;

19 (4) an assurance that the State will use fiscal
20 control and fund accounting procedures;

21 (5) an assurance that the State will meet the
22 requirements of applicable Federal civil rights laws
23 in carrying out the declaration of intent and in con-
24 solidating and using the funds under the declaration
25 of intent;

1 (6) an assurance that in implementing the dec-
2 laration of intent the State will seek to advance edu-
3 cational opportunities for the disadvantaged;

4 (7) a description of the plan for maintaining di-
5 rect accountability to parents and other citizens of
6 the State; and

7 (8) an assurance that in implementing the dec-
8 laration of intent, the State will seek to use Federal
9 funds to supplement, rather than supplant, State
10 education funding.

11 (d) DURATION.—The duration of the declaration of
12 intent shall not exceed 5 years.

13 (e) REVIEW AND RECOGNITION BY THE SEC-
14 RETARY.—

15 (1) IN GENERAL.—The Secretary shall review
16 the declaration of intent received from the State
17 Designated Officer not more than 60 days after the
18 date of receipt of such declaration, and shall recog-
19 nize such declaration of intent unless the declaration
20 of intent fails to meet the requirements under sub-
21 section (c).

22 (2) RECOGNITION BY OPERATION OF LAW.—If
23 the Secretary fails to take action within the time
24 specified in paragraph (1), the declaration of intent,
25 as submitted, shall be deemed to be approved.

1 (f) AMENDMENT TO DECLARATION OF INTENT.—

2 (1) IN GENERAL.—The State Authorizing Offi-
3 cials may direct the State Designated Officer to sub-
4 mit amendments to a declaration of intent that is in
5 effect. Such amendments shall be submitted to the
6 Secretary and considered by the Secretary in accord-
7 ance with subsection (e).

8 (2) AMENDMENTS AUTHORIZED.—A declaration
9 of intent that is in effect may be amended to—

10 (A) expand the scope of such declaration of
11 intent to encompass additional eligible pro-
12 grams;

13 (B) reduce the scope of such declaration of
14 intent by excluding coverage of a Federal pro-
15 gram included in the original declaration of in-
16 tent;

17 (C) modify the duration of such declara-
18 tion of intent; or

19 (D) achieve such other modifications as the
20 State Authorizing Officials deem appropriate.

21 (3) EFFECTIVE DATE.—The amendment shall
22 specify an effective date. Such effective date shall
23 provide adequate time to assure full compliance with
24 Federal program requirements relating to an eligible
25 program that has been removed from the coverage of

1 the declaration of intent by the proposed amend-
2 ment.

3 (4) TREATMENT OF PROGRAM FUNDS WITH-
4 DRAWN FROM DECLARATION OF INTENT.—Begin-
5 ning on the effective date of an amendment executed
6 under paragraph (2)(B), each program requirement
7 of each program removed from the declaration of in-
8 tent shall apply to the State’s use of funds made
9 available under the program.

10 **SEC. 5. TRANSPARENCY FOR RESULTS OF PUBLIC EDU-**
11 **CATION.**

12 (a) IN GENERAL.—Each State operating under a
13 declaration of intent under this Act shall inform parents
14 and the general public regarding the student achievement
15 assessment system, demonstrating student progress rel-
16 ative to the State’s determination of student proficiency
17 for the purpose of public accountability to parents and
18 taxpayers.

19 (b) ACCOUNTABILITY SYSTEM.—The State shall de-
20 termine and establish an accountability system to ensure
21 accountability under this Act.

22 (c) REPORT ON STUDENT PROGRESS.—Not later
23 than 1 year after the effective date of the declaration of
24 intent, and annually thereafter, a State shall disseminate

1 widely to parents and the general public a report that de-
 2 scribes student progress. The report shall include—

3 (1) student performance data disaggregated in
 4 the same manner as data are disaggregated under
 5 section 1111(b)(2)(B)(xi) of the Elementary and
 6 Secondary Education Act of 1965 (20 U.S.C.
 7 6311(b)(2)(B)(xi)); and

8 (2) a description of how the State has used
 9 Federal funds to improve academic achievement, re-
 10 duce achievement disparities between various stu-
 11 dent groups, and improve educational opportunities
 12 for the disadvantaged.

13 **SEC. 6. ADMINISTRATIVE EXPENSES.**

14 (a) IN GENERAL.—Except as provided in subsection
 15 (b), the amount that a State with a declaration of intent
 16 may expend for administrative expenses shall be limited
 17 to 1 percent of the aggregate amount of Federal funds
 18 made available to the State through the eligible programs
 19 included within the scope of such declaration of intent.

20 (b) STATES NOT CONSOLIDATING FUNDS UNDER
 21 PART A OF TITLE I.—If the declaration of intent does
 22 not include within its scope part A of title I of the Elemen-
 23 tary and Secondary Education Act of 1965 (20 U.S.C.
 24 6311 et seq.), the amount spent by the State on adminis-
 25 trative expenses shall be limited to 3 percent of the aggre-

1 gate amount of Federal funds made available to the State
2 pursuant to such declaration of intent.

3 **SEC. 7. EQUITABLE PARTICIPATION OF PRIVATE SCHOOLS.**

4 Each State consolidating and using funds pursuant
5 to a declaration of intent under this Act shall provide for
6 the participation of private school children and teachers
7 in the activities assisted under the declaration of intent
8 in the same manner as participation is provided to private
9 school children and teachers under section 8501 of the El-
10 ementary and Secondary Education Act of 1965 (20
11 U.S.C. 7881).

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