RECESS

Mr. KYL. Mr. President, I ask unanimous consent the Senate stand in recess until 1 p.m. today.

There being no objection, the Senate, at 11:43 a.m., recessed until 1:02 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KYL).

EDUCATIONAL OPPORTUNITIES ACT

The PRESIDING OFFICER. The clerk will report S. 2.

The legislative clerk read as follows:

A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

The Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Educational Opportunities Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Short title; purpose; definitions.

TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

Sec. 101. Policy and purpose.
Sec. 102. Authorization of appropriations.
Sec. 103. Reservation and allocation for school improvement.

PART A—BASIC PROGRAMS

Sec. 111. State plans.
Sec. 112. Local educational agency plans.
Sec. 113. Eligible school attendance areas.
Sec. 114. Schoolwide programs.
Sec. 115. Targeted assistance schools.
Sec. 116. Pupil safety and family school choice.
Sec. 117. Assessment and local educational agency and school improvement.
Sec. 118. Assistance for school support and improvement.
Sec. 119. Parental involvement.
Sec. 120. Professional development.
Sec. 120A. Participation of children enrolled in private schools.
Sec. 120B. Early childhood education.
Sec. 120C. Allocations.
Sec. 120D. Establishment of the child centered program.

PART B—EVEN START FAMILY LITERACY PROGRAMS

Sec. 121. Even start family literacy programs.

PART C—EDUCATION OF MIGRATORY CHILDREN

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

PART D—PARENTAL ASSISTANCE

Sec. 141. Parental assistance.

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

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

TITLE II—PROFESSIONAL DEVELOPMENT FOR TEACHERS

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

TITLE III—ENRICHMENT INITIATIVES

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

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

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

TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES

Sec. 501. Educational opportunity initiatives.

PART A—TECHNOLOGY EDUCATION

Sec. 511. Technology education.

PART B—WOMEN'S EDUCATIONAL EQUITY; STAR SCHOOLS

Sec. 521. Women's educational equity.
Sec. 522. Star schools.

PART C—MAGNET SCHOOLS ASSISTANCE

Sec. 531. Magnet schools assistance.

PART D—PUBLIC CHARTER SCHOOLS

Sec. 541. Public charter schools.

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

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

PART F—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 561. Technical and conforming amendments.

TITLE VI—INNOVATIVE EDUCATION

Sec. 601. Innovative education.
Sec. 602. Technical and conforming amendment.

TITLE VII—BILINGUAL EDUCATION

Sec. 701. Purpose.
Sec. 702. Authorization of appropriations.
Sec. 703. Repeal of program development and implementation grants.
Sec. 704. Program enhancement projects.
Sec. 705. Comprehensive school and systemwide improvement grants.
Sec. 706. Repeal of systemwide improvement grants.
Sec. 707. Applications.
Sec. 708. Repeal of intensified instruction.
Sec. 709. Repeal of subgrants, priority, and coordination provisions.
Sec. 710. Evaluations.
Sec. 711. Research.
Sec. 712. Academic excellence awards.
Sec. 713. State grant program.
Sec. 714. National Clearinghouse.
Sec. 715. Instructional materials development.
Sec. 716. Training for all teachers program.
Sec. 717. Graduate fellowships.
Sec. 718. Repeal of program requirements.
Sec. 719. Program evaluations.
Sec. 720. Special rule.
Sec. 721. Repeal of finding relating to foreign language assistance.
Sec. 722. Foreign language assistance applications.
Sec. 723. Emergency immigrant education purpose.
Sec. 724. Emergency immigrant education State administrative costs.
Sec. 725. Conforming amendments.
Sec. 726. Emergency immigrant education authorization of appropriations.
Sec. 727. Coordination and reporting requirements.

TITLE VIII—IMPACT AID

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

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

Sec. 901. Programs.
Sec. 902. Conforming amendments.

TITLE X—GENERAL PROVISIONS

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

TITLE XI—AMENDMENTS TO OTHER LAWS

PART A—REPEALS

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

PART B—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

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

PART C—ALBERT EINSTEIN DISTINGUISHED EDUCATORS

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

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. SHORT TITLE; PURPOSE; DEFINITIONS.

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

(1) in the heading for section 1, by striking ''***TABLE OF CONTENTS***'' *and inserting* ''***SHORT TITLE***''*; and*

(2) by adding after section 1 the following:

"SEC. 2. PURPOSE.

''It is the purpose of this Act to support programs and activities that will improve the Nation's schools and enable all children to achieve high standards.

"SEC. 3. DEFINITIONS.

''Except as otherwise provided, in this Act:

''(1) AVERAGE DAILY ATTENDANCE.—

''(A) IN GENERAL.—Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

''(i) the aggregate number of days of attendance of all students during a school year; divided by

''(ii) the number of days school is in session during such school year.

''(B) CONVERSION.—The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

''(C) SPECIAL RULE.—If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

''(i) consider the child to be in attendance at a school of the agency making such payment; and

''(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

''(D) CHILDREN WITH DISABILITIES.—If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

''(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

''(A) without regard to the source of funds—

''(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

''(ii) any direct current expenditures by the State for the operation of such agencies; divided by

''(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

''(3) CHILD.—The term 'child' means any person within the age limits for which the State provides free public education.

''(4) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a public or private nonprofit organization of demonstrated effectiveness that—

''(A) is representative of a community or significant segments of a community; and

''(B) provides educational or related services to individuals in the community.

''(5) CONSOLIDATED LOCAL APPLICATION.—The term 'consolidated local application' means an application submitted by a local educational agency pursuant to section 6505.

''(6) CONSOLIDATED LOCAL PLAN.—The term 'consolidated local plan' means a plan submitted by a local educational agency pursuant to section 6505.

''(7) CONSOLIDATED STATE APPLICATION.—The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 6502.

''(8) CONSOLIDATED STATE PLAN.—The term 'consolidated State plan' means a plan submitted by a State educational agency pursuant to section 14302.

''(9) COUNTY.—The term 'county' means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

''(10) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

''(A) part A of title I;

''(B) part C of title I;

''(C) title II (other than section 2103 and part D);

''(D) subpart 2 of part A of title V;

''(E) part A of title IV (other than section 4114); and

''(F) title VI.

''(11) The term 'current expenditures' means expenditures for free public education—

''(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

''(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and title VI.

''(12) DEPARTMENT.—The term 'Department' means the Department of Education.

''(13) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

''(14) ELEMENTARY SCHOOL.—The term 'elementary school' means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

''(15) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

''(A) at public expense, under public supervision and direction, and without tuition charge; and

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

''(16) GIFTED AND TALENTED.—The term 'gifted and talented', when used with respect to students, children or youth, means students, children or youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

''(17) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965.

''(18) LOCAL EDUCATIONAL AGENCY.—

''(A) IN GENERAL.—The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for the State's public elementary or secondary schools.

''(B) ADMINISTRATIVE CONTROL AND DIRECTION.—The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

''(C) BIA SCHOOLS.—The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs but only to the extent that such inclusion makes such school eligible for programs for which specific eligibility is not provided to such school in another provision of law and such school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that such school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

''(19) MENTORING.—The term 'mentoring' means a program in which an adult works with a child or youth on a 1-to-1 basis, establishing a supportive relationship, providing academic assistance, and introducing the child or youth to new experiences that enhance the child or youth's ability to excel in school and become a responsible citizen.

''(20) OTHER STAFF.—The term 'other staff' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

''(21) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and for the purpose of section 1121 and any other discretionary grant program under this Act, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(22) PARENT.—The term 'parent' includes a legal guardian or other person standing in loco parentis.

''(23) PARENTAL INVOLVEMENT.—The term 'parental involvement' means the participation of parents on all levels of a school's operation, including all of the activities described in section 1118.

''(24) PUBLIC TELECOMMUNICATIONS ENTITY.—The term 'public telecommunication entity' has the same meaning given to such term in section 397 of the Communications Act of 1934.

''(25) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—

''(A) PUPIL SERVICES PERSONNEL.—The term 'pupil services personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as such term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

''(B) PUPIL SERVICES.—The term 'pupil services' means the services provided by pupil services personnel.

''(26) RESEARCH-BASED.—The term 'research-based' used with respect to an activity or a program, means an activity based on specific strategies and implementation of such strategies that, based on theory, research and evaluation, are effective in improving student achievement and performance and other program objectives.

''(27) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12.

''(28) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(29) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

''(30) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

''(31) TECHNOLOGY.—The term 'technology' means the latest state-of-the-art technology products and services, such as closed circuit television systems, educational television or radio programs and services, cable television, satellite, copper fiber optic transmission, computer hardware and software, video and audio laser and CD–ROM disks, video and audio tapes, including interactive forms of such products and services, or other technologies.''.

TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

SEC. 101. POLICY AND PURPOSE.

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

"SEC. 1001. STATEMENT OF PURPOSE.

''The purpose of this title is to enable schools to provide opportunities for children served under this title to acquire the knowledge and skills contained in the challenging State content standards and to meet the challenging State student performance standards developed for all children. This purpose should be accomplished by—

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

''(2) providing children an enriched and accelerated educational program, including the use of schoolwide programs or additional services that increase the amount and quality of instructional time so that children served under this title receive at least the classroom instruction that other children receive;

''(3) promoting schoolwide reform and ensuring access of children (from the earliest grades, including prekindergarten) to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

''(4) significantly elevating the quality of instruction by providing staff in participating schools with substantial opportunities for professional development;

''(5) coordinating services under all parts of this title with each other, with other educational services, and to the extent feasible, with other agencies providing services to youth, children, and families that are funded from other sources;

''(6) affording parents substantial and meaningful opportunities to participate in the education of their children at home and at school;

''(7) distributing resources in amounts sufficient to make a difference to local educational agencies and schools where needs are greatest;

''(8) improving and strengthening accountability, teaching, and learning by using State assessment systems designed to measure how well children served under this title are achieving challenging State student performance standards expected of all children; and

''(9) providing greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance.''.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

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

(1) in subsection (a), by striking ''$7,400,000,000 for fiscal year 1995'' and inserting ''$15,000,000,000 for fiscal year 2001'';

(2) in subsection (b), by striking ''$118,000,000 for fiscal year 1995'' and inserting ''$500,000,000 for fiscal year 2001'';

(3) in subsection (c), by striking ''$310,000,000 for fiscal year 1995'' and inserting ''$400,000,000 for fiscal year 2001'';

(4) by amending subsection (d) to read as follows:

''(d) PARENTAL ASSISTANCE.—For the purpose of carrying out part D, there are authorized to be appropriated $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.'';

(5) by amending subsection (e) to read as follows:

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

(6) in subsection (f), by striking ''1996 and each of the three'' and inserting ''2001 and each of the four'';

(7) by amending subsection (g) to read as follows:

''(g) FEDERAL ACTIVITIES.—

''(1) SECTION 1501.—For the purpose of carrying out section 1501, there are authorized to be appropriated $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

''(2) SECTION 1502.—For the purpose of carrying out section 1502 there are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.''; and

(8) by adding at the end the following:

''(h) COMPREHENSIVE SCHOOL REFORM.—For the purpose of carrying out part F, there are authorized to be appropriated $200,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.''.

SEC. 103. RESERVATION AND ALLOCATION FOR SCHOOL IMPROVEMENT.

Section 1003 (20 U.S.C. 6303) is amended to read as follows:

"SEC. 1003. RESERVATIONS AND ALLOCATIONS FOR SCHOOL IMPROVEMENT.

''(a) SECRETARY'S RESERVATION AND ALLOCATION FOR SCHOOL IMPROVEMENT FROM AMOUNTS IN EXCESS OF $8,076,000,000.—

''(1) RESERVATION.—The Secretary shall reserve 50 percent of the amount appropriated to carry out part A for fiscal year 2001 and each of the 4 succeeding fiscal years that is in excess of $8,076,000,000 to make allotments to States under paragraph (2).

''(2) ADDITIONAL STATE ALLOTMENTS FOR ASSESSMENT DEVELOPMENT, SCHOOL IMPROVEMENT, AND ACADEMIC ACHIEVEMENT AWARDS.—

''(A) ALLOTMENTS.—The Secretary shall allot to each State for a fiscal year an amount that bears the same relation to the amount reserved under paragraph (1) for the fiscal year as the amount all local educational agencies in the State received under section 1124 for the fiscal year bears to the amount all local educational agencies in all States received under section 1124 for the fiscal year, except that no State shall receive less than 0.5 percent of the amount reserved under paragraph (1) for the fiscal year.

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

''(C) PUBLIC NOTICE AND COMMENT.—Each State using funds allotted under this subsection shall—

''(i) provide the public with adequate and efficient notice of the proposed uses of the funds;

''(ii) provide the opportunity for parents, educators, and all other interested members of the community to comment regarding the proposed uses of funds; and

''(iii) provide the opportunity described in clause (ii) in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public.

''(D) DEFINITION.—For purposes of this subsection, the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(b) STATE RESERVATION AND ALLOCATION FOR SCHOOL IMPROVEMENT.—

''(1) PAYMENT FOR SCHOOL IMPROVEMENT.—

''(A) IN GENERAL.—Except as provided in paragraph (3), for fiscal year 2001 and each succeeding fiscal year each State may reserve for the proper and efficient performance of its duties under subsections (c) and (d) of section 1116, and section 1117, one-half of 1 percent of the funds made available to the State under—

''(i) part A, except that such reserved amount shall not exceed one-half of 1 percent of the funds made available to the State under part A for fiscal year 2000; and

''(ii) part C of this title, and part B of title III, for the fiscal year for which the reservation is made.

''(B) MINIMUM.—The total amount that may be reserved by each State, other than the outlying areas, under this subsection for any fiscal year, when added to amounts appropriated for such fiscal year under section 1002(f) that are allocated to the State under paragraph (2), if any, may not be less than $200,000. The total amount that may be reserved by each outlying area under this subsection for any fiscal year, when added to amounts appropriated for such fiscal year under section 1002(f) that are allocated under paragraph (2) to the outlying area, if any, may not be less than $25,000.

''(C) SPECIAL RULE.—If the amount reserved under subparagraph (A) when added to the amount made available under section 1002(f) for a State is less than $200,000 for any fiscal year, then such State may reserve such additional funds under parts A and C of this title, and part C of title III, as are necessary to make $200,000 available to such State.

''(2) ADDITIONAL STATE ALLOCATIONS FOR SCHOOL IMPROVEMENT.—From the amount appropriated under section 1002(f) for any fiscal year, each State shall be eligible to receive an amount that bears the same ratio to the amount appropriated as the amount allocated to the State under part A (other than section 1120(e)) bears to the total amount allocated to all States under part A (other than section 1120(e)).''.

PART A—BASIC PROGRAMS

SEC. 111. STATE PLANS.

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''the Goals 2000: Educate America Act,'' and inserting ''the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act,''; and

(ii) by striking ''14306'' and inserting ''6506''; and

(B) in paragraph (2), by striking ''14302'' and inserting ''6502'';

(2) in subsection (b)—

(A) in paragraph (1)—

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

''(B) The standards described in subparagraph (A) shall be the same standards that the State applies to all schools and children in the State.''; and

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

''(C) The State shall have the standards described in subparagraph (A) for elementary school and secondary school children served under this part in subjects determined by the State that include at least mathematics, and reading or language arts, and such standards shall require the same knowledge, skills, and levels of performance for all children.'';

(B) in paragraph (2), by amending subparagraph (B) to read as follows:

''(B) Adequate yearly progress shall be defined in a manner—

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

''(ii) that results in continuous and substantial academic improvement for all students, including economically disadvantaged and limited English proficient students, except that this clause shall not apply if the State demonstrates to the Secretary that the State has an insufficient number of economically disadvantaged or limited English proficient students;

''(iii) that is based primarily on the standards described in paragraph (1) and the assessments aligned to State standards described in paragraph (3), and shall include specific State determined yearly progress requirements in subjects and grades included in the State assessments; and

''(iv) that is linked to performance on the assessments carried out under this section while permitting progress to be established in part through other academic indicators, whether defined in the State plan or in a State-approved local educational agency plan, such as dropout rates.'';

(C) in paragraph (3)—

(i) in subparagraph (F)—

(I) in clause (ii), by striking ''and'' after the semicolon;

(II) in clause (iii), by inserting ''and'' after the semicolon; and

(III) by adding at the end the following:

''(iv) notwithstanding clause (iii), the assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (excluding the Commonwealth of Puerto Rico) for 3 or more consecutive years for the purpose of school accountability;''; and

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

''(H) provide individual student interpretive and descriptive reports, which shall include scores or other information on the attainment of student performance standards, such as measures of student course work over time, student attendance rates, student dropout rates, and student participation in advanced level courses;''; and

(D) in paragraph (5) by striking ''through the Office of Bilingual Education and Minority Languages Affairs'' and inserting '', but shall not mandate a specific assessment or mode of instruction'';

(3) in subsection (c)—

(A) in paragraph (1)(B)—

(i) by striking ''1119 and'' and inserting ''1119,''; and

(ii) by inserting '', and parental involvement under section 1118'' after ''1117'';

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

(C) by inserting after paragraph (4) the following:

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

''(6) the State educational agency will inform the Secretary and the public regarding how the State educational agency is reducing, if necessary, State fiscal, accounting, and other barriers to local school and school district reform, including barriers to implementing schoolwide programs;

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

(D) by amending paragraph (9) (as so redesignated) to read as follows:

''(9) the State will coordinate activities funded under this part with other Federal activities as appropriate.'';

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

(5) by inserting after subsection (c) the following:

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

''(1) be based on the most current research on effective parental involvement that fosters achievement to high standards for all children; and

''(2) be geared toward lowering barriers to greater participation in school planning, review, and improvement experienced by parents.'';

(6) in subsection (e)(1)(B) (as so redesignated), by inserting '', and who are familiar with educational standards, assessments, accountability, and other diverse educational needs of students'' before the semicolon;

(7) in subsection (h) (as so redesignated), by striking ''1998'' and inserting ''2005''; and

(8) by adding at the end the following:

''(i) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

SEC. 112. LOCAL EDUCATIONAL AGENCY PLANS.

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

(1) in subsection (a)—

(A) in paragraph (1), by striking ''the Goals'' and all that follows through ''section 14306'' and inserting ''the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and other Acts, as appropriate''; and

(B) in paragraph (2), by striking ''14304'' and inserting ''6504'';

(2) in subsection (b)—

(A) in paragraph (3), by inserting '', which strategy shall be coordinated with activities under title II if the local educational agency receives funds under title II'' before the semicolon;

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking ''programs, vocational'' and inserting ''programs and vocational''; and

(II) by striking '', and school-to-work transition programs''; and

(ii) in subparagraph (B)—

(I) by striking ''served under part C'' and all that follows through ''1994''; and

(II) by striking ''served under part D''; and

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

''(9) where appropriate, a description of how the local educational agency will use funds under this part to support early childhood education programs under section 1120B.'';

(3) by amending subsection (c) to read as follows:

''(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

''(1) inform eligible schools and parents of schoolwide project authority;

''(2) provide technical assistance and support to schoolwide programs;

''(3) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State content standards and State student performance standards;

''(4) fulfill such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(c)(5);

''(5) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;

''(6) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families, including health and social services;

''(7) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

''(8) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;

''(9) comply with the requirements of section 1119 regarding professional development;

''(10) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under part F of title VI, and if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999; and

''(11) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families.''; and

(4) in subsection (e)—

(A) in paragraph (1), by striking '', except that'' and all that follows through ''finally approved by the State educational agency''; and

(B) in paragraph (3)—

(i) by striking ''professional development''; and

(ii) by striking ''section 1119'' and inserting ''sections 1118 and 1119''.

SEC. 113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

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

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) in subparagraph (C)(iii), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(D) designate and serve a school attendance area or school that is not an eligible school attendance area under subsection (a)(2), but that was an eligible school attendance area and was served in the fiscal year preceding the fiscal year for which the determination is made, but only for 1 additional fiscal year.''.

SEC. 114. SCHOOLWIDE PROGRAMS.

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

(1) in subsection (a)—

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

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

(B) in paragraph (4)—

(i) by amending the heading to read as follows: ''EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—''; and

(ii) by adding at the end the following:

''(C) A school that chooses to use funds from such other programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the programs that were consolidated to support the schoolwide program.''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B)(vii), by striking '', if any, approved under title III of the Goals 2000: Educate America Act''; and

(ii) in subparagraph (E), by striking '', such as family literacy services'' and inserting ''(including activities described in section 1118), such as family literacy services, in-school volunteer opportunities, or parent membership on school-based leadership or management teams.''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''Improving America's Schools Act of 1994'' and inserting ''Educational Opportunities Act''; and

(II) in clause (iv), by inserting ''in a language the family can understand'' after ''results''; and

(ii) in subparagraph (C)—

(I) in clause (i)(II), by striking ''Improving America's Schools Act of 1994'' and inserting ''Educational Opportunities Act''; and

(II) in clause (v), by striking ''the School-to-Work Opportunities Act of 1994'' and inserting ''part C of title II''.

SEC. 115. TARGETED ASSISTANCE SCHOOLS.

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

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii), by striking '', *yet'' and all that follows through ''setting''; and*

(B) in paragraph (2)—

(i) in subparagraph (B), insert ''or in early childhood education services under this title,'' after ''program,''; and

(ii) in subparagraph (C)(i), by striking ''under part D (or its predecessor authority)''; and

(2) in subsection (c)(1)—

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

''(G) provide opportunities for professional development with resources provided under this part, and to the extent practicable, from other sources, for teachers, principals, administrators, paraprofessionals, pupil services personnel, and parents, who work with participating children in programs under this section or in the regular education program; and''; and

(B) in subparagraph (H), by striking '', *such as family literacy services'' and inserting ''(including activities described in section 1118), such as family literacy services, in-school volunteer opportunities, or parent membership on school-based leadership or management teams.''.*

SEC. 116. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

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

''SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

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

''(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to transfer to another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent unless allowing such transfer is prohibited—

''(A) under the provisions of a State or local law; or

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

''(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to transfer to another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

''(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

''(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

''(2) The State educational agency shall determine which schools in the State are unsafe public schools.

''(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

''(A) expulsions and suspensions of students from school;

''(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

''(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

''(D) enrolled students who are under court supervision for past criminal behavior;

''(E) possession, use, sale or distribution of illegal drugs;

''(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

''(G) possession or use of guns or other weapons;

''(H) participation in youth gangs; or

''(I) crimes against property, such as theft or vandalism.

''(c) TRANSPORTATION COSTS.—The local educational agency that serves the public school in which the violent criminal offense occurred or that serves the designated unsafe public school may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

''(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

''(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

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

SEC. 117. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

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

(1) by amending subsection (a) to read as follows:

''(a) LOCAL REVIEW.—

''(1) IN GENERAL.—Each local educational agency receiving funds under this part shall—

''(A) use the State assessments described in the State plan;

''(B) use any additional measures or indicators described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its students to meet the State's student performance standards described in the State plan; and

''(C) provide the results of the local annual review to schools so that the schools can continually refine the program of instruction to help all children served under this part in those schools meet the State's student performance standards.

''(2) LOCAL REPORTS.—(A) Following the annual review specified in paragraph (1)(B), each local educational agency receiving funds under this part shall prepare and disseminate an annual performance report regarding each school that receives funds under this part. The report, at a minimum, shall include information regarding—

''(i) each school's performance in making adequate yearly progress and whether the school has been identified for school improvement;

''(ii) the progress of each school in enabling all students served under this part to meet the State-determined levels of performance, including the progress of economically disadvantaged students and limited English proficient students, except that this clause shall not apply to a State if the State demonstrates that the State has an insufficient number of economically disadvantaged or limited English proficient students; and

''(iii) any other information the local educational agency determines appropriate (such as information on teacher quality, school safety, and drop-out rates).

''(B) The local educational agency shall publicize and disseminate the report to teachers and other staff, parents, students, and the community. Such report shall be concise and presented in a format and manner that parents can understand. The local educational agency may issue individual school performance reports directly to teachers and other staff, parents, students, and the community, or the local educational agency may publicize and disseminate the report through a widely read or distributed medium, such as posting on the Internet or distribution to the media.

''(C) Information collected and reported under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

''(D) In the case of a local educational agency for which the State report described in section 1116(d) contains data about an individual school served by the local educational agency that is equivalent to the data required by this subsection, such local educational agency shall not be required to prepare or distribute a report regarding such school under this paragraph.'';

(2) by amending subsection (c) to read as follows:

''(c) SCHOOL IMPROVEMENT.—

''(1) IN GENERAL.—(A) A local educational agency shall identify for school improvement any school served under this part that for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan in section 1111, except that in the case of a targeted assistance program under section 1115, a local educational agency may review the progress of only those students in such school who are served under this part.

''(B) The 2 year period described in clause (i) shall include any continuous period of time immediately preceding the date of enactment of the Education Opportunities Act, during which a school did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of such enactment.

''(C) Before identifying a school for school improvement under subparagraph (A), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which such identification is based. The review period shall not exceed 30 days, and at the end of the review period the local educational agency shall make a final determination as to the school improvement status of the school. If the school believes that such identification for school improvement is in error for statistical or other substantive reasons, such school may provide evidence to the local educational agency to support such belief.

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

''(i) describes the specific achievement problems to be solved;

''(ii) includes research-based strategies, supported with specific goals and objectives, that have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards;

''(iii) explains how those strategies will work to address the achievement problems identified under clause (i);

''(iv) addresses the need for high-quality staff by setting goals for ensuring that high quality professional development programs are supported with funds under this part;

''(v) addresses the professional development needs of instructional staff by committing to spend not less than 10 percent of the funds received by the school under this part during 1 fiscal year for professional development, which professional development shall increase the content knowledge of teachers and build the capacity of the teachers to align classroom instruction with challenging content standards and to bring all students to proficient or advanced levels of performance as determined by the State;

''(vi) identifies specific goals and objectives the school will undertake for making adequate

yearly progress, which goals and objectives shall be consistent with State and local standards;

''(vii) specifies the responsibilities of the school and the local educational agency, including how the local educational agency will hold the school accountable for, and assist the school in, meeting the school's obligations to provide enriched and accelerated curricula, effective instructional methods, high quality professional development, and timely and effective individual assistance, in partnership with parents; and

''(viii) includes strategies to promote effective parental involvement in the school.

''(B) The school shall submit the plan or revised plan to the local educational agency for approval within 3 months of being identified. The local educational agency shall promptly subject the plan to a review process, work with the school to revise the plan as necessary, and approve the plan within 1 month of submission. The school shall implement the plan as soon as the plan is approved.

''(3) PARENTAL NOTIFICATION.—Each school identified under paragraph (1) shall in understandable language and form, promptly notify the parents of each student enrolled in the school that the school was designated by the local educational agency as needing improvement and provide with the notification—

''(A) the reasons for such designation;

''(B) information about opportunities for parents to participate in the school improvement process; and

''(C) an explanation of the option afforded to parents, pursuant to paragraph (6), to transfer their child to another public school, including a public charter school, that is not identified for school improvement.

''(4) TECHNICAL ASSISTANCE.—(A) For each school identified for school improvement under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its plan. Such technical assistance shall include effective methods and research-based instructional strategies.

''(B) Such technical assistance shall be designed to strengthen the core academic program for the students served under this part and addresses specific elements of student performance problems, including problems, if any, in implementing the parental involvement requirements described in section 1118, the professional development requirements described in section 1119, and the responsibilities of the school and local educational agency under the school plan.

''(5) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each local educational agency shall implement a system of corrective action in accordance with the following:

''(A) After providing technical assistance under paragraph (4), the local educational agency may take corrective action at any time with respect to a school that has been identified under paragraph (1), but shall take corrective action with respect to any school that fails to make adequate yearly progress, as defined by the State, at the end of the second year following the school's identification under paragraph (1) and shall continue to provide technical assistance while instituting any corrective action.

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

''(i) Instituting and fully implementing a new curriculum that is based on State and local standards, including appropriate research-based professional development for all relevant staff that offers substantial promise of improving educational achievement for low-performing students.

''(ii) Restructuring the school, such as by—

''(I) making alternative governance arrangements (such as the creation of a public charter school); or

''(II) creating schools within schools or other small learning environments.

''(iii) Developing and implementing a joint plan between the local educational agency and the school that addresses specific elements of student performance problems and that specifies the responsibilities of the local educational agency and the school under the plan.

''(iv) Reconstituting the school staff.

''(v) Decreasing decisionmaking authority at the school level.

''(C) Consistent with State and local law, in the case of a school described in subparagraph (A), the local educational agency may take the following corrective actions:

''(i) Deferring, reducing, or withholding funds.

''(ii) Restructuring or abolishing the school.

''(D) A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action if—

''(i) the local educational agency assesses the school's performance and determines that the school is meeting the specific State-determined yearly progress requirements in subjects and grades included in the State assessments; and

''(ii) the school will meet the State's criteria for adequate yearly progress within 1 year;

''(E) The local educational agency shall publish, and disseminate to the public and to parents, in a format and, to the extent practicable, in a language that the parents can understand, any corrective action the local educational agency takes under this paragraph, through such means as the Internet, the media, and public agencies.

''(6) PUBLIC SCHOOL CHOICE.—

''(A) SCHOOLS IDENTIFIED FOR IMPROVEMENT.—

''(i) SCHOOLS IDENTIFIED ON OR BEFORE ENACTMENT.—Not later than 6 months after the date of the enactment of the Educational Opportunities Act, a local educational agency shall provide all students enrolled in a school identified (on or before such date of enactment) under paragraphs (1) and (5) with an option to transfer to any other public school within the local educational agency or any public school consistent with subparagraph (B), including a public charter school that has not been identified for school improvement, unless such option to transfer is prohibited—

''(I) under the provisions of a State or local law; or

''(II) by a local educational agency policy that is approved by a local school board.

''(ii) SCHOOLS IDENTIFIED AFTER ENACTMENT.—Not later than 6 months after the date on which a local educational agency identifies a school under paragraphs (1) and (5), the agency shall provide all students enrolled in such school with an option described in clause (i).

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

''(i) the provisions of a State or local law; or

''(ii) a local educational agency policy that is approved by a local school board.

''(C) TRANSPORTATION.—

''(i) IN GENERAL.—The local educational agency in which the schools have been identified under paragraph (1) may use funds under this part to provide transportation to students whose parents choose to transfer their child or children to a different school.

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

''(iii) MAXIMUM AMOUNT.—Notwithstanding any other provision of this paragraph, the amount of assistance provided under this part for a student who elects a transfer under this paragraph shall not exceed the per pupil expenditures for elementary school or secondary school students as provided by the local educational agency that serves the school involved in the transfer.

''(D) CONTINUE OPTION.—Once a school is no longer identified for school improvement, the local educational agency shall continue to provide public school choice as an option to students in such school for a period of not less than 2 years.

''(7) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—If a State educational agency determines that a local educational agency failed to carry out the local educational agency's responsibilities under this section, the State educational agency shall take into account such action as the State educational agency finds necessary, consistent with this section, to improve the affected schools and to ensure that the local educational agency carries out the local educational agency's responsibilities under this section.

''(8) SPECIAL RULE.—Schools that, for at least 2 of the 3 years following identification under paragraph (1), make adequate progress toward meeting the State's proficient and advanced levels of performance shall no longer need to be identified for school improvement.

''(9) WAIVERS.—The State educational agency shall review any waivers approved for a school designated for improvement or corrective action prior to the date of enactment of the Educational Opportunities Act and shall terminate any waiver approved by the State under the Educational Flexibility Partnership Act of 1999 if the State determines, after notice and an opportunity for a hearing, that the waiver is not helping such school to make yearly progress to meet the objectives and specific goals described in the school's improvement plan.''; and

(3) in subsection (d)—

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

''(1) IN GENERAL.—(A) A State educational agency shall annually review the progress of each local educational agency receiving funds under this part to determine whether schools receiving assistance under this part are making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's student performance standards.

''(B) STATE REPORTS.—Following the annual review specified in subparagraph (A), each State educational agency that receives funds under this part shall prepare and disseminate an annual performance report regarding each local educational agency that receives funds under this part.

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

''(i) local educational agency performance in making adequate yearly progress, including the number and percentage of schools that did and did not make adequate yearly progress;

''(ii) the progress of the local educational agency in enabling all students served under this part to meet the State's proficient and advanced levels of performance, including the progress of economically disadvantaged students and limited English proficient students, except that this clause shall not apply to a State if the State demonstrates that the State has an insufficient number of economically disadvantaged or limited English proficient students; and

''(iii) any other information the State determines appropriate (such as information on teacher quality, school safety, and drop-out rates).

''(D) PARENT AND PUBLIC DISSEMINATION.—The State shall publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community, the report. Such report shall be concise and presented in a format and manner that parents can

understand. The State may issue local educational agency performance reports directly to the local educational agencies, teachers and other staff, parents, students, and the community or the State may publicize and disseminate the report through a widely read or distributed medium, such as posting on the Internet or distribution to the media.''.

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

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

''(i) include specific State-determined yearly progress requirements in subjects and grades to ensure that all students will meet proficient levels of performance within 10 years;

''(ii) address the fundamental teaching and learning needs in the schools of that agency, and the specific academic problems of low-performing students including a determination of why the local educational agency's prior plan failed to bring about increased student achievement and performance;

''(iii) incorporate research-based strategies that strengthen the core academic program in the local educational agency;

''(iv) address the professional development needs of the instructional staff by committing to spend not less than 10 percent of the funds received by the school under this part during 1 fiscal year for professional development, which professional development shall increase the content knowledge of teachers and build the capacity of the teachers to align classroom instruction with challenging content standards and to bring all students to proficient or advanced levels of performance as determined by the State;

''(v) identify specific goals and objectives the local educational agency will undertake for making adequate yearly progress, which goals and objectives shall be consistent with State standards;

''(vi) identify how the local educational agency will provide written notification to parents in a format, and to the extent practicable, in a language that the parents can understand;

''(vii) specify the responsibilities of the State educational agency and the local educational agency under the plan; and

''(viii) include strategies to promote effective parental involvement in the school.'';

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

''(B) Technical assistance provided under this section by the State educational agency or an entity authorized by such agency shall be supported by effective methods and research-based instructional strategies.'';

(D) in paragraph (6)—

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

''(B)(i) Consistent with State and local law, in order to help students served under this part meet challenging State and local standards, each State educational agency shall implement a corrective action system in accordance with the following:

''(I) After providing technical assistance as described under paragraph (5), the State educational agency—

''(aa) may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (3);

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

''(cc) shall continue to provide technical assistance while implementing any corrective action.

''(II) Consistent with State and local law, in the case of a local educational agency described under subclause (I), the State educational agency shall not take less than 1 of the following corrective actions:

''(aa) Instituting and fully implementing a new curriculum that is based on State and local standards, including appropriate research-based professional development for all relevant staff that offers substantial promise of improving educational achievement for low-performing students.

''(bb) Restructuring the local educational agency.

''(cc) Developing and implementing a joint plan between the State educational agency and the local educational agency that addresses specific elements of student performance problems and that specifies the responsibilities of the State educational agency and the local educational agency under the plan.

''(dd) Reconstituting school district personnel.

''(ee) Making alternative governance arrangements.

''(III) Consistent with State and local law, in the case of a local educational agency described under subclause (I), the State educational agency may take 1 of the following corrective actions:

''(aa) Deferring, reducing, or withholding funds.

''(bb) Restructuring or abolishing the local educational agency.

''(cc) Removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for public governance and supervision of such schools.

''(dd) Appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.

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

and

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

''(C) HEARING.—Prior to implementing any corrective action, the State educational agency shall provide notice and a hearing to the affected local educational agency, if State law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action.

''(D) NOTIFICATION TO PARENTS.—The State educational agency shall publish, and disseminate to parents and the public, any corrective action the State educational agency takes under this paragraph through a widely read or distributed medium.

''(E) DELAY.—A State educational agency may delay, for a period not to exceed 1 year, implementation of corrective action if—

''(i) the State educational agency determines that the local educational agency is meeting the State-determined yearly progress requirements in subjects and grades included in the State assessments; and

''(ii) the schools within the local educational agency will meet the State's criteria for improvement within 1 year.

''(F) WAIVERS.—The State educational agency shall review any waivers approved prior to the date of enactment of the Educational Opportunities Act for a local educational agency designated for improvement or corrective action and shall terminate any waiver approved by the State under the Educational Flexibility Partnership Act of 1999 if the State determines, after notice and an opportunity for a hearing, that the waiver is not helping the local educational agency make yearly progress to meet the objectives and specific goals described in the local educational agency's improvement plan.''.

SEC. 118. ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

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

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

''(3) PRIORITIES.—In carrying out this section, a State educational agency shall—

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

''(B) second, provide support and assistance to other local educational agencies and schools identified as in need of improvement under section 1116; and

''(C) third, provide support and assistance to other local educational agencies and schools participating under this part that need support and assistance in order to achieve the purpose of this part.'';

(2) in subsection (b), by striking ''the comprehensive regional technical assistance centers under part A of title XIII and'' and inserting ''comprehensive regional technical assistance centers, and''; and

(3) in subsection (c)—

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

''(1) APPROACHES.—In order to achieve the purpose described in subsection (a), each such system shall provide technical assistance and support through such approaches as—

''(A) school support teams which are composed of individuals who are knowledgeable about research and practice on teaching and learning, particularly about strategies for improving educational results for low-achieving children and persons knowledgeable about effective parental involvement programs, including parents;

''(B) the designation and use of distinguished teachers and principals, chosen from schools served under this part that have been especially successful in improving academic achievement;

''(C) providing assistance to the local educational agency or school in the implementation of research-based comprehensive school reform models; and

''(D) a review process designed to increase the capacity of local educational agencies and schools to develop high-quality school improvement plans.'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''part which'' and all that follows through the period and inserting ''part.''; and

(ii) in subparagraph (C)—

(I) by striking ''and may'' and inserting ''(and may''; and

(II) by striking ''exemplary performance'' and inserting ''exemplary performance)''; and

(C) in paragraph (3)—

(i) in the paragraph heading, by striking ''EDUCATORS'' and inserting ''TEACHERS AND PRINCIPALS'';

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

''(A) The State may also recognize and provide financial awards to teachers or principals in a school described in paragraph (2) whose students consistently make significant gains in academic achievement.'';

(iii) in subparagraph (B), by striking ''educators'' and inserting ''teachers or principals''; and

(iv) by striking subparagraph (C).

SEC. 119. PARENTAL INVOLVEMENT.

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

(1) in subsection (a)(2)(B), by inserting ''activities to improve student achievement and student and school performance'' after ''involvement'';

(2) in subsection (b)(1)—

(A) in the first sentence, by inserting ''(in a language parents can understand)'' after ''distribute''; and

(B) in the second sentence, insert ''shall be made available to the local community and'' after ''Such policy'';

(3) in subsection (e)—

(A) in paragraph (1), by striking ''participating parents in such areas as understanding the National'' and inserting ''parents of children served by the school or local educational agency, as appropriate, in understanding America's'';

(B) in paragraph (14), by striking ''and'' after the semicolon;

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

''(15) may establish a school district wide parent advisory council to advise the school and local educational agency on all matters related to parental involvement in programs supported under this section; and''; and

(D) by adding at the end the following:

''(16) shall provide such other reasonable support for parental involvement activities under this section as parents may request, which may include emerging technologies.'';

(4) in subsection (f), by striking ''or with'' and inserting '', parents of migratory children, or parents with''; and

(5) by amending subsection (g) to read as follows:

''(g) INFORMATION FROM PARENTAL INFORMATION AND RESOURCE CENTERS.—In a State where a parental information and resource center is established to provide training, information, and support to parents and individuals who work with local parents, local educational agencies, and schools receiving assistance under this part, each school or local educational agency that receives assistance under this part and is located in the State, shall assist parents and parental organizations by informing such parents and organizations of the existence and purpose of such centers, providing such parents and organizations with a description of the services and programs provided by such centers, advising parents on how to use such centers, and helping parents to contact such centers.''.

SEC. 120. PROFESSIONAL DEVELOPMENT.

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

(1) in subsection (b)—

(A) in paragraph (1), by amending subparagraph (A) to read as follows:

''(A) support professional development activities that give teachers, principals, administrators, paraprofessionals, pupil services personnel, and parents the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards;'';

(B) by redesignating subparagraphs (B) through (E) as subparagraphs (D) through (G), respectively;

(C) by inserting after subparagraph (A) the following:

''(B) advance teacher understanding of effective instructional strategies, based on research for improving student achievement, at a minimum in reading or language arts and mathematics;

''(C) be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom, except that this subparagraph shall not apply to an activity if such activity is 1 component of a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the needs of students, and the needs of the local educational agency;'';

(D) in subparagraph (E) (as so redesignated), by striking ''title III of the Goals 2000: Educate America Act,'';

(E) in subparagraph (F) (as so redesignated), by striking ''and'' after the semicolon;

(F) in subparagraph (G) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by adding at the end the following:

''(H) to the extent appropriate, provide training for teachers in the use of technology and the applications of technology that are effectively used—

''(i) in the classroom to improve teaching and learning in the curriculum; and

''(ii) in academic content areas in which the teachers provide instruction;

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

''(J) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.''; and

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

SEC. 120A. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

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

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''that address their needs, and shall ensure that teachers and families of such children participate, on an equitable basis, in services and activities under sections 1118 and 1119'' before the period;

(B) in paragraph (3), by inserting ''and shall be provided in a timely manner'' before the period; and

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

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ''and where'' and inserting '', where, and by whom'';

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

''(D) how the services will be assessed and how the results of that assessment will be used to improve those services;'';

(iii) in subparagraph (E), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(F) how and when the local educational agency will make decisions about the delivery of services to eligible private school children, including a thorough consideration and analysis of the views of private school officials regarding the provision of contract services through potential third party providers, and if the local educational agency disagrees with the views of the private school officials on such provision of services, the local educational agency shall provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to so provide such services.''; and

(B) by adding at the end the following:

''(4) CONSULTATION.—Each local educational agency shall provide to the State educational agency, and maintain in the local educational agency's records, a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred. If a private school declines in writing to have eligible children in the private school participate in services provided under this section, the local educational agency is not required to further consult with the private school officials or to document the local educational agency's consultation with the private school officials until the private school officials request in writing such consultation. The local educational agency shall inform the private school each year of the opportunity for eligible children to participate in services provided under this section.

''(5) COMPLIANCE.—A private school official shall have the right to appeal to the State educational agency the decision of a local educational agency as to whether consultation provided for in this section was meaningful and timely, and whether due consideration was given to the views of the private school official. If the private school official wishes to appeal the decision, the basis of the claim of noncompliance with this section by the local educational agencies shall be provided to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.'';

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

(4) by inserting after subsection (b) the following:

''(c) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—

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

''(A) using the same measure of low-income used to count public school children;

''(B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable; or

''(C) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area.

''(2) COMPLAINT PROCESS.—Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section 10105.'';

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

(A) in paragraph (2), by striking ''14505 and 14506'' and inserting ''10105 and 10106'';

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

(C) by striking ''If a'' and inserting the following:

''(1) IN GENERAL.—If a''; and

(D) by adding at the end the following:

''(2) DETERMINATION.—In making the determination under paragraph (1), the Secretary shall consider 1 or more factors, including the quality, size, scope, or location of the program, or the opportunity of eligible children to participate in the program.''; and

(6) by repealing subsection (f) (as so redesignated).

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall take effect on September 30, 2003.

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

SEC. 120B. EARLY CHILDHOOD EDUCATION.

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

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

''SEC. 1120B. COORDINATION REQUIREMENTS; EARLY CHILDHOOD EDUCATION SERVICES.'';

(2) in subsection (c), by striking ''Head Start Act Amendments of 1994'' and inserting ''Head Start Amendments of 1998''; and

(3) by adding at the end the following:

''(d) EARLY CHILDHOOD SERVICES.—A local educational agency may use funds received under this part to provide preschool services—

''(1) directly to eligible preschool children in all or part of its school district;

''(2) through any school participating in the local educational agency's program under this part; or

''(3) through a contract with a local Head Start agency, an eligible entity operating an Even Start program, a State-funded preschool program, or a comparable public early childhood development program.

''(e) EARLY CHILDHOOD EDUCATION PROGRAMS.—Early childhood education programs operated with funds provided under this part may be operated and funded jointly with Even Start programs under part B of this title, Head Start programs, or State-funded preschool programs. Early childhood education programs funded under this part shall—

''(1) focus on the developmental needs of participating children, including their social, cognitive, and language-development needs, and use research-based approaches that build on competencies that lead to school success, particularly in language and literacy development and in reading;

''(2) teach children to understand and use language in order to communicate for various purposes;

''(3) enable children to develop and demonstrate an appreciation of books; and

''(4) in the case of children with limited English proficiency, enable the children to progress toward acquisition of the English language.''.

SEC. 120C. ALLOCATIONS.

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

''Subpart 2—Allocations

''SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

''(a) RESERVATION OF FUNDS.—From the amount appropriated for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

''(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

''(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (c).

''(b) ASSISTANCE TO THE OUTLYING AREAS.—

''(1) IN GENERAL.—From amounts made available under subsection (a)(1) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas.

''(2) COMPETITIVE GRANTS.—

''(A) IN GENERAL.—For fiscal years 2000 and 2001, the Secretary shall reserve $5,000,000 from the amounts made available under subsection (a)(1) to award grants, on a competitive basis, to local educational agencies in the Freely Associated States. The Secretary shall award such grants according to the recommendations of the Pacific Region Educational Laboratory which shall conduct a competition for such grants.

''(B) USES.—Except as provided in subparagraph (C), grant funds awarded under this paragraph only may be used—

''(i) for programs described in this Act, including teacher training, curriculum development, instructional materials, or general school improvement and reform; and

''(ii) to provide direct educational services.

''(C) ADMINISTRATIVE COSTS.—The Secretary may provide 5 percent of the amount made available for grants under this paragraph to the Pacific Region Educational Laboratory to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this paragraph.

''(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

''(1) IN GENERAL.—The amount reserved for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

''(A) Indian children on reservations served by elementary schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

''(B) out-of-State Indian children in elementary schools and secondary schools in local educational agencies under special contracts with the Department of the Interior.

''(2) PAYMENTS.—From the amount reserved for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1)(B). The amount of such payment may not exceed, for each such child, the greater of—

''(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

''(B) 48 percent of such expenditure in the United States.

''SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.

''(a) IN GENERAL.—For each of the fiscal years 2001 through 2005—

''(1) the amount appropriated to carry out this part that is less than or equal to the amount appropriated to carry out section 1124 for fiscal year 2000, shall be allocated in accordance with section 1124;

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

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

''(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

''(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d).

''(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as the allocations were reduced.

''(c) HOLD-HARMLESS AMOUNTS.—

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

''(A) 95 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if the number of children counted for grants under section 1124 is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, served by the local educational agency;

''(B) 90 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if such percentage is not less than 15 percent and not more than 30 percent; and

''(C) 85 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if such percentage is less than 15 percent.

''(2) SPECIAL RULES.—If sufficient funds are appropriated, the hold-harmless amounts described in paragraph (1) shall be paid to all local educational agencies that received grants under section 1124, 1124A, or 1125 for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria provided in section 1124(b), 1124A(a)(1)(A), or 1125(a), respectively, except that a local educational agency that does not meet such minimum eligibility criteria for 5 consecutive years shall no longer be eligible to receive a hold-harmless amount under this subsection.

''(3) COUNTY CALCULATION BASIS.—Any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the Secretary shall apply the hold-homeless percentages in paragraphs (1) and (2) to counties, and if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, then the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that receive funds for the fiscal year in excess of the hold-harmless amounts specified in this paragraph.

''(d) RATABLE REDUCTIONS.—

''(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

''(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts reduced.

''SEC. 1123. DEFINITIONS.

''In this subpart:

''(1) FREELY ASSOCIATED STATES.—The term 'Freely Associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(2) OUTLYING AREAS.—The term 'outlying areas' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(3) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

''SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) AMOUNT OF GRANTS.—

''(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—Except as provided in paragraph (4) and in section 1126, the grant that a local educational agency is eligible to receive under this section for a fiscal year is the amount determined by multiplying—

''(A) the number of children counted under subsection (c); and

''(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, and not more than 48 percent, of the average per-pupil expenditure in the United States.

''(2) CALCULATION OF GRANTS.—

''(A) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—The Secretary shall calculate grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies, unless the Secretary and the Secretary of Commerce determine that some or all of those data are unreliable or that their use would be otherwise inappropriate, in which case—

''(i) the Secretary and the Secretary of Commerce shall publicly disclose the reasons for their determination in detail; and

''(ii) paragraph (3) shall apply.

''(B) ALLOCATIONS TO LARGE AND SMALL LOCAL EDUCATIONAL AGENCIES.—

''(i) LARGE LOCAL EDUCATIONAL AGENCIES.—In the case of an allocation under this section to a large local educational agency, the amount of the grant under this section for the large local educational agency shall be the amount determined under paragraph (1).

''(ii) SMALL LOCAL EDUCATIONAL AGENCIES.—

''(I) IN GENERAL.—In the case of an allocation under this section to a small local educational agency the State educational agency may—

''(aa) distribute grants under this section in amounts determined by the Secretary under paragraph (1); or

''(bb) use an alternative method approved by the Secretary to distribute the portion of the State's total grants under this section that is based on those small local educational agencies.

''(II) ALTERNATIVE METHOD.—An alternative method under subclause (I)(bb) shall be based on population data that the State educational agency determines best reflect the current distribution of children in poor families among the

State's small local educational agencies that meet the minimum number of children to qualify described in subsection (b).

''(III) APPEAL.—If a small local educational agency is dissatisfied with the determination of the amount of its grant by the State educational agency under subclause (I)(bb), the small local educational agency may appeal the determination to the Secretary, who shall respond within 45 days of receiving the appeal.

''(iii) DEFINITIONS.—In this subparagraph—

''(I) the term 'large local educational agency' means a local educational agency serving a school district with a total population of 20,000 or more; and

''(II) the term 'small local educational agency' means a local educational agency serving a school district with a total population of less than 20,000.

''(3) ALLOCATIONS TO COUNTIES.—

''(A) IN GENERAL.—For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall allocate county amounts to local educational agencies, in accordance with regulations promulgated by the Secretary.

''(B) APPLICATION.—In any State in which a large number of local educational agencies overlap county boundaries, or for which the State believes the State has data that would better target funds than allocating the funds by county, the State educational agency may apply to the Secretary for authority to make the allocations under this part for a particular fiscal year directly to local educational agencies without regard to counties.

''(C) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—If the Secretary approves its application under subparagraph (B), the State educational agency shall provide the Secretary an assurance that the allocations will be made—

''(i) using precisely the same factors for determining a grant as are used under this section; or

''(ii) using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

''(D) APPEAL.—The State educational agency shall provide the Secretary an assurance that a procedure is or will be established through which local educational agencies that are dissatisfied with determinations under subparagraph (B) may appeal directly to the Secretary for a final determination.

''(4) PUERTO RICO.—For each fiscal year, the Secretary shall determine the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

''(A) the percentage determined under the preceding sentence; and

''(B) 32 percent of the average per-pupil expenditure in the United States.

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

''(1) 10 or more; and

''(2) more than 2 percent of the total school-age population in the school district of the local educational agency.

''(c) CHILDREN TO BE COUNTED.—

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

''(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraphs (2) and (3);

''(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4); and

''(C) the number of children determined under paragraph (4) for the preceding year as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children and youth (other than such institutions operated by the United States), but not counted pursuant to chapter 1 of subpart 2 of part C of title III for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

''(2) DETERMINATION OF NUMBER OF CHILDREN.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains 2 or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

''(3) POPULATION UPDATES.—In fiscal year 2001 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretary and the Secretary of Commerce shall publicly disclose their reasons. In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

''(4) OTHER CHILDREN TO BE COUNTED.—For purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act. In making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics. The Secretary shall determine the number of children aged 5 through 17 living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year. For the purpose of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

''(5) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under paragraph (2)) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

''(d) STATE MINIMUM.—Notwithstanding section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

''(1) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

''(2) the average of—

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

''(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that fiscal year.

"SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

''(1) ELIGIBILITY.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, each local educational agency in a State that is eligible for a grant under section 1124 for any fiscal year is eligible for an additional grant under this section for that fiscal year if the number of children counted under section 1124(c) who are served by the agency exceeds—

''(i) 6,500; or

''(ii) 15 percent of the total number of children aged 5 through 17 served by the agency.

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

''(i) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

''(ii) the average of—

''(I) 0.25 percent of the sums available to carry out this section for such fiscal year; and

''(II) the greater of—

''(aa) $340,000; or

''(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that fiscal year.

''(2) DETERMINATION.—For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

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

''(B) the amount in section 1124(a)(1)(B) for all States except the Commonwealth of Puerto Rico, and the amount in section 1124(a)(3) for the Commonwealth of Puerto Rico.

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

''(4) LOCAL ALLOCATIONS.—

''(A) IN GENERAL.—Grant amounts under this section shall be calculated in the same manner as grant amounts are calculated under section 1124(a) (2) and (3).

''(B) SPECIAL RULE.—For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, a State may reserve not more than 2 percent of the amount made available to the State under this section for any fiscal year to make grants to local educational agencies that meet the criteria in paragraph (1)(A) (i) or (ii) but that are in ineligible counties.

''(b) RATABLE REDUCTION RULE.—If the sums available under subsection (a) for any fiscal year for making payments under this section are not sufficient to pay in full the total amounts which all States are eligible to receive under subsection (a) for such fiscal year, the maximum amounts that all States are eligible to receive under subsection (a) for such fiscal year shall be ratably reduced. In the case that additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

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

''(1) in accordance with paragraphs (2) and (4) of subsection (a); or

''(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.

''SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—

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

''(A) the number of children in the local educational agency counted under section 1124(c), before application of the weighted child count described in subsection (c), is at least 10; and

''(B) if the number of children counted for grants under section 1124(c), before application of the weighted child count described in subsection (c), is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

''(2) SPECIAL RULE.—For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

''(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND THE COMMONWEALTH OF PUERTO RICO.—

''(1) IN GENERAL.—The amount of the grant that a local educational agency in a State (other than the Commonwealth of Puerto Rico) is eligible to receive under this section for any fiscal year shall be the product of—

''(A) the weighted child count determined under subsection (c); and

''(B) the amount of the grant the local educational agency is eligible to receive under section 1124(a)(1).

''(2) PUERTO RICO.—For each fiscal year, the amount of the grant the Commonwealth of Puerto Rico is eligible to receive under this section shall be equal to the number of children counted under subsection (c) for the Commonwealth of Puerto Rico, multiplied by the amount determined in section 1124(a)(4) for the Commonwealth of Puerto Rico.

''(c) WEIGHTED CHILD COUNT.—

''(1) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

''(A) IN GENERAL.—For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the 2 amounts determined under subparagraphs (B) and (C).

''(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) for that county who constitute not more than 12.20 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children who constitute more than 12.20 percent, but not more than 17.70 percent, of such population, multiplied by 1.75;

''(iii) the number of such children who constitute more than 17.70 percent, but not more than 22.80 percent, of such population, multiplied by 2.5;

''(iv) the number of such children who constitute more than 22.80 percent, but not more than 29.70 percent, of such population, multiplied by 3.25; and

''(v) the number of such children who constitute more than 29.70 percent of such population, multiplied by 4.0.

''(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

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

''(ii) the number of such children between 1,918 and 5,938, inclusive, in such population, multiplied by 1.5;

''(iii) the number of such children between 5,939 and 20,199, inclusive, in such population, multiplied by 2.0;

''(iv) the number of such children between 20,200 and 77,999, inclusive, in such population, multiplied by 2.5; and

''(v) the number of such children in excess of 77,999 in such population, multiplied by 3.0.

''(D) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

''(2) WEIGHTS FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

''(A) IN GENERAL.—For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the 2 amounts determined under subparagraphs (B) and (C).

''(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 14.265 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children who constitute more than 14.265 percent, but not more than 21.553 percent, of such population, multiplied by 1.75;

''(iii) the number of such children who constitute more than 21.553 percent, but not more than 29.223 percent, of such population, multiplied by 2.5;

''(iv) the number of such children who constitute more than 29.223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and

''(v) the number of such children who constitute more than 36.538 percent of such population, multiplied by 4.0.

''(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

''(i) the number of children determined under section 1124(c) who constitute not more than 575, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(ii) the number of such children between 576 and 1,870, inclusive, in such population, multiplied by 1.5;

''(iii) the number of such children between 1,871 and 6,910, inclusive, in such population, multiplied by 2.0;

''(iv) the number of such children between 6,911 and 42,000, inclusive, in such population, multiplied by 2.5; and

''(v) the number of such children in excess of 42,000 in such population, multiplied by 3.0.

''(D) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

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

''(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted not less than the lesser of—

''(1) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

''(2) the average of—

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

''(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighted child count, multiplied by the State's total number of children described in section 1124(c), without application of a weighted child count.

''SEC. 1125A. EDUCATION FINANCE INCENTIVE PROGRAM.

''(a) GRANTS.—From funds appropriated under subsection (e) the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the purposes of this part.

''(b) DISTRIBUTION BASED UPON FISCAL EFFORT AND EQUITY.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), funds appropriated pursuant to subsection (e) shall be allotted to each State based upon the number of children aged 5 to 17, inclusive, in such State multiplied by the product of—

''(i) such State's effort factor described in paragraph (2); multiplied by

''(ii) 1.30 minus such State's equity factor described in paragraph (3).

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

''(2) EFFORT FACTOR.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the effort factor for a State shall

be determined in accordance with the succeeding sentence, except that such factor shall not be less than 0.95 nor greater than 1.05. The effort factor determined under this sentence shall be a fraction the numerator of which is the product of the 3-year average per-pupil expenditure in the State multiplied by the 3-year average per capita income in the United States and the denominator of which is the product of the 3-year average per capita income in such State multiplied by the 3-year average per-pupil expenditure in the United States.

''(B) COMMONWEALTH OF PUERTO RICO.—The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subparagraph (A) for any State.

''(3) EQUITY FACTOR.—

''(A) DETERMINATION.—

''(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

''(ii) COMPUTATION.—

''(I) IN GENERAL.—For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), (IV), and (V).

''(II) VARIATION.—In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils served by the local educational agency.

''(III) NUMBER OF PUPILS.—In determining the number of pupils under this paragraph served by each local educational agency and in each State, the Secretary shall multiply the number of children from low-income families by a factor of 1.4.

''(IV) ENROLLMENT REQUIREMENT.—In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

''(V) SEPARATE COEFFICIENTS.—The Secretary shall compute separate coefficients of variation for elementary schools, secondary schools, and unified local educational agencies and shall combine such coefficients into a single weighted average coefficient for the State by multiplying each coefficient by the total enrollments of the local educational agencies in each group, adding such products, and dividing such sum by the total enrollments of the local educational agencies in the State.

''(B) SPECIAL RULE.—The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the Educational Opportunities Act) or a State with only 1 local educational agency shall be not greater than 0.10.

''(C) REVISIONS.—The Secretary may revise each State's equity factor as necessary based on the advice of independent education finance scholars to reflect other need-based costs of local educational agencies in addition to low-income student enrollment, such as differing geographic costs, costs associated with students with disabilities, children with limited English-proficiency or other meaningful educational needs, which deserve additional support. In addition, after obtaining the advice of independent education finance scholars, the Secretary may revise each State's equity factor to incorporate other valid and accepted methods to achieve adequacy of educational opportunity that may not be reflected in a coefficient of variation method.

''(c) USE OF FUNDS.—All funds awarded to each State under this section shall be allocated to local educational agencies and schools on a basis consistent with the distribution of other funds to such agencies and schools under sections 1124, 1124A, and 1125 to carry out activities under this part.

''(d) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

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

''(3) WAIVERS.—The Secretary may waive, for 1 fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

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

"SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

''(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

''(1) IN GENERAL.—If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in section 1124(c)(1)(C), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

''(2) SPECIAL RULE.—If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

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

''(1) if 2 or more local educational agencies serve, in whole or in part, the same geographical area;

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

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

''(c) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local educational agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

"SEC. 1127. CARRYOVER AND WAIVER.

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

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

''(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

''(2) supplemental appropriations for this subpart become available.

''(c) EXCLUSION.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.''.

SEC. 120D. ESTABLISHMENT OF THE CHILD CENTERED PROGRAM.

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

"Subpart 3—Child Centered Program

"SEC. 1131. DEFINITIONS.

''In this subpart:

''(1) ELIGIBLE CHILD.—The term 'eligible child' means a child who—

''(A) is eligible to be counted under section 1124(c); or

''(B)(i) the State or participating local educational agency elects to serve under this subpart; and

''(ii) is a child eligible to be served under this part pursuant to section 1115(b).

''(2) PARTICIPATING LOCAL EDUCATIONAL AGENCY.—The term 'participating local educational agency' means a local educational agency that elects under section 1133(b) to carry out a child centered program under this subpart.

''(3) SCHOOL.—The term 'school' means an institutional day or residential school that provides elementary or secondary education, as determined under State law, except that such term does not include any school that provides education beyond grade 12.

''(4) SUPPLEMENTAL EDUCATION SERVICES.—The term 'supplemental education services' means educational services intended—

''(A) to meet the individual educational needs of eligible children; and

''(B) to enable eligible children to meet challenging State curriculum, content, and student performance standards.

''(5) TUTORIAL ASSISTANCE PROVIDERS.—The term 'tutorial assistance provider' means a public or private entity that—

''(A) has a record of effectiveness in providing tutorial assistance to school children; or

''(B) uses instructional practices based on scientific research.

"SEC. 1132. CHILD CENTERED PROGRAM FUNDING.

''(a) FUNDING.—Notwithstanding any other provision of law, not more than 10 States and not more than 20 participating local educational agencies may use the funds made available under subparts 1 and 2, and shall use the funds made available under subsection (c), to carry out a child centered program under this subpart.

''(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY ELECTION.—

''(1) IN GENERAL.—If a State does not carry out a child centered program under this subpart or does not have an application approved under section 1134 for a fiscal year, a local educational agency in the State may elect to carry out a child centered program under this subpart, and the Secretary shall provide the funds that the local educational agency (with an application approved under section 1134) is eligible to receive under subparts 1 and 2, and subsection (c), directly to the local educational agency to enable the local educational agency to carry out the child centered program.

''(2) SUBMISSION APPROVAL.—In order to be eligible to carry out a child centered program

under this subpart a participating local educational agency shall obtain from the State approval of the submission, but not the contents, of the application submitted under section 1134.

''(c) INCENTIVE GRANTS.—

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

''(2) AMOUNT.—Each State or participating local educational agency that elects to carry out a child centered program under this subpart and has an application approved under section 1134 for a fiscal year shall receive a grant in an amount that bears the same relation to the amount appropriated under paragraph (3) for the fiscal year as the amount the State or participating local educational agency received under subparts 1 and 2 for the fiscal year bears to the amount all States and participating local educational agencies carrying out a child centered program under this subpart received under subparts 1 and 2 for the fiscal year.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000,000 to carry out this subsection for fiscal year 2000 and each of the 4 succeeding fiscal years.

"SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS.

''(a) USES.—Each State or participating local educational agency with an application approved under section 1134 shall use funds made available under subparts 1 and 2, and subsection (c), to carry out a child centered program under which—

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

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

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

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

''(C) the desirability of placing priority on selected grades; and

''(3) in the case of a child centered program for eligible children at a public school, the State or the participating local educational agency makes available, not later than 3 months after the beginning of the school year, the per pupil amount determined under paragraphs (1) and (2) to the public school in which an eligible child is enrolled, which per pupil amount shall be used for supplemental education services for the eligible child that are—

''(A) subject to subparagraph (B), provided by the school directly or through the provision of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business; or

''(B) if directed by the parent of an eligible child, provided by the school or local educational agency through a school-based program or through the provision of supplemental education services with a tutorial service provider, and in the case that a parent directs that the services be provided through a tutorial assistance provider, the school or local educational agency shall ensure that the provider selected by the parent is reimbursed (not to exceed the per pupil amount) for their tutorial services following notification to the school or local educational agency by the parent that those services were provided in a satisfactory manner.

''(b) SCHOOLWIDE PROGRAMS.—

''(1) IN GENERAL.—In the case of a public school in which 50 percent of the students enrolled in the school are eligible children, the public school may use funds provided under this subpart, in combination with other Federal, State, and local funds, to carry out a schoolwide program to upgrade the entire educational program in the school.

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

''(A) incorporates—

''(i) strategies for improving achievement for all children to meet the State's proficient and advanced levels of performance described in section 1111(b);

''(ii) instruction by highly qualified staff;

''(iii) professional development for teachers and aides in content areas in which the teachers or aides provide instruction and, where appropriate, professional development for pupil services personnel, parents, and principals, and other staff to enable all children in the school to meet the State's student performance standards; and

''(iv) activities to ensure that eligible children who experience difficulty mastering any of the standards described in section 1111(b) during the course of the school year shall be provided with effective, timely additional assistance;

''(B) describes the school's use of funds provided under this subpart and from other sources to implement the activities described in subparagraph (A);

''(C) includes a list of State and local educational agency programs and other Federal programs that will be included in the schoolwide program;

''(D) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of an eligible child who participates in the assessment; and

''(E) describes how and where the school will obtain technical assistance services and a description of such services.

''(3) SPECIAL RULE.—In the case of a public school operating a schoolwide program under this subsection, the Secretary may, through publication of a notice in the Federal Register, exempt child centered programs under this section from statutory or regulatory requirements of any other noncompetitive formula grant program administered by the Secretary, or any discretionary grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act), to support the schoolwide program, if the intent and purposes of such other noncompetitive or discretionary programs are met.

''(c) PRIVATE SCHOOL CHILDREN.—A State or participating local educational agency carrying out a child centered program under this subpart shall ensure that eligible children who are enrolled in a private school receive supplemental education services in the same manner as such services are provided under section 1120.

''(d) OPEN ENROLLMENT.—

''(1) IN GENERAL.—In order to be eligible to carry out a child centered program under this subpart a State or participating local educational agency shall operate a statewide or school district wide, respectively, open enrollment program that permits parents to enroll their child in any public school in the State or school district, respectively, if space is available in the public school and the child meets the qualifications for attendance at the public school.

''(2) WAIVER.—The Secretary may waive paragraph (1) for a State or participating local educational agency if the State or agency, respectively, demonstrates that parents served by the State or agency, respectively—

''(A) have sufficient options to enroll their child in multiple public schools; or

''(B) will have sufficient options to use the per pupil amount made available under this subpart to purchase supplemental education services from multiple tutorial assistance providers or schools.

''(e) PARENT INVOLVEMENT.—

''(1) IN GENERAL.—Any public school receiving funds under this subpart shall convene an annual meeting at a convenient time. All parents of eligible children shall be invited and encouraged to attend the meeting, in order to explain to the parents the activities assisted under this subpart and the requirements of this subpart. At the meeting, the public school shall explain to parents how the school will use funds provided under this subpart to enable eligible children enrolled at the school to meet challenging State curriculum, content, and student performance standards. In addition, the public school shall inform parents of their right to choose to have supplemental education services provided under this subpart to an eligible child through a school-based program or a tutorial assistance provider.

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

"SEC. 1134. APPLICATION.

''(a) IN GENERAL.—Each State or participating local educational agency desiring to carry out a child centered program under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

''(1) a detailed description of the program to be assisted, including an assurance that—

''(A) the per pupil amount established under section 1133(a) will follow each eligible child described in that section to the school or tutorial assistance provider of the parent's choice;

''(B) funds made available under this subpart will be spent in accordance with the requirements of this subpart; and

''(C) parents have the option to select to have their child receive the supplemental education services from multiple tutorial assistance providers and schools;

''(2) an assurance that the State or participating local educational agency will publish in a widely read or distributed medium an annual report card that contains—

''(A) information regarding the academic progress of all students served by the State or participating local educational agency in meeting State standards, including students assisted under this subpart, with results disaggregated by race, family income, and limited English proficiency, if such disaggregation can be performed in a statistically sound manner; and

''(B) such other information as the State or participating local educational agency may require;

''(3) a description of how the State or participating local educational agency will make available, to parents of children participating in the child centered program, annual school report cards, with results disaggregated by race, family income, and limited English proficiency, for schools in the State or in the school district of the participating local educational agency;

''(4) in the case of an application from a participating local educational agency, an assurance that the participating local educational agency has notified the State regarding the submission of the application;

''(5) a description of specific measurable objectives for improving the student performance of students served under this subpart;

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

''(7)(A) in the case of an application from a State, an assurance that the State meets the requirements of subsections (a), (b) and (f) of section 1111 as applied to activities assisted under this subpart; and

''(B) in the case of an application from a participating local educational agency, an assurance that the State's application under section 1111 met the requirements of subsections (a), (b) and (f) of such section; and

''(8) an assurance that each local educational agency serving a school that receives funds under this subpart will meet the requirements of subsections (a) and (c) of section 1116 as applied to activities assisted under this subpart.

''SEC. 1135. ADMINISTRATIVE PROVISIONS.

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

''(b) ADMINISTRATIVE COSTS.—A State may reserve 2 percent of the funds made available to the State under this subpart, and a participating local educational agency may reserve 5 percent of the funds made available to the participating local educational agency under this subpart, to pay the costs of administrative expenses of the child centered program. The costs may include costs of providing technical assistance to schools receiving funds under this subpart, in order to increase the opportunity for all students in the schools to meet the State's content standards and student performance standards. The technical assistance may be provided directly by the State educational agency, local educational agency, or, with a local educational agency's approval, by an institution of higher education, by a private nonprofit organization, by an educational service agency, by a comprehensive regional assistance center, or by another entity with experience in helping schools improve student achievement.

''(c) REPORTS.—

''(1) ANNUAL REPORTS.—

''(A) IN GENERAL.—The State educational agency serving each State, and each participating local educational agency, carrying out a child centered program under this subpart shall submit to the Secretary an annual report, that is consistent with data provided under section 1134(a)(2)(A), regarding the performance of eligible children receiving supplemental education services under this subpart.

''(B) DATA.—Not later than 2 years after establishing a child centered program under this subpart and each year thereafter, each State or participating local educational agency shall include in the annual report data on student achievement for eligible children served under this subpart with results disaggregated by race, family income, and limited English proficiency, demonstrating the degree to which measurable progress has been made toward meeting the objectives described in section 1134(a)(5).

''(C) DATA ASSURANCES.—Each annual report shall include—

''(i) an assurance from the managers of the child centered program that data used to measure student achievement under subparagraph (B) is reliable, complete, and accurate, as determined by the State or participating local educational agency; or

''(ii) a description of a plan for improving the reliability, completeness, and accuracy of such data as determined by the State or participating local educational agency.

''(2) SECRETARY'S REPORT.—The Secretary shall make each annual report available to Congress, the public, and the Comptroller General of the United States (for purposes of the evaluation described in section 1136).

''(d) TERMINATION.—Three years after the date a State or participating local educational agency establishes a child centered program under this subpart the Secretary shall review the performance of the State or participating local educational agency in meeting the objectives described in section 1134(a)(5). The Secretary, after providing notice and an opportunity for a hearing, may terminate the authority of the State or participating local educational agency to operate a child centered program under this subpart if the State or participating local educational agency submitted data that indicated the State or participating local educational agency has not made any progress in meeting the objectives.

''(e) TREATMENT OF AMOUNTS RECEIVED.—The per pupil amount provided under this subpart for an eligible child shall not be treated as income of the eligible child or the parent of the eligible child for purposes of Federal tax laws, or for determining the eligibility for or amount of any other Federal assistance.

''SEC. 1136. EVALUATION.

''(a) ANNUAL EVALUATION.—

''(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating entity that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of child centered programs under this subpart.

''(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating entity entering into such contract to annually evaluate each child centered program under this subpart in accordance with the evaluation criteria described in subsection (b).

''(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating entity entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

''(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the child centered programs under this subpart. Such criteria shall provide for a description of—

''(1) the implementation of each child centered program under this subpart;

''(2) the effects of the programs on the level of parental participation and satisfaction with the programs; and

''(3) the effects of the programs on the educational achievement of eligible children participating in the programs.

''SEC. 1137. REPORTS.

''(a) REPORTS BY COMPTROLLER GENERAL.—

''(1) INTERIM REPORTS.—Three years after the date of enactment of this subpart the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1136(a)(2) for each child centered program assisted under this subpart. The report shall contain a copy of the annual evaluation under section 1136(a)(2) of each child centered program under this subpart.

''(2) FINAL REPORT.—The Comptroller General shall submit a final report to Congress, not later than March 1, 2006, that summarizes the findings of the annual evaluations under section 1136(a)(2).''.

''SEC. 1138. LIMITATION ON CONDITIONS; PREEMPTION.

''Nothing in this subpart shall be construed—

''(1) to authorize or permit an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or student performance standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this subpart; and

''(2) to preempt any provision of a State constitution or State statute that pertains to the expenditure of State funds in or by religious institutions.''.

PART B—EVEN START FAMILY LITERACY PROGRAMS

SEC. 121. EVEN START FAMILY LITERACY PROGRAMS.

(a) PROGRAM AUTHORIZED.—

(1) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—Section 1202(a) (20 U.S.C. 6362(a)) is amended—

(A) in paragraph (1), by inserting ''(or, if such appropriated amount exceeds $250,000,000, 6 percent of such amount)'' after ''1002(b)'';

(B) in paragraph (2), by striking ''If the amount of funds made available under this subsection exceeds $4,600,000,'' and inserting ''After the date of the enactment of the Educational Opportunities Act,''; and

(C) by adding at the end the following:

''(3) COORDINATION OF PROGRAMS FOR AMERICAN INDIANS.—The Secretary shall ensure that programs under paragraph (1)(C) are coordinated with family literacy programs operated by the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high-quality family literacy programs serving American Indians.''.

(2) RESERVATION FOR FEDERAL ACTIVITIES.—Section 1202(b) (20 U.S.C. 6362(b)) is amended to read as follows:

''(b) RESERVATION FOR FEDERAL ACTIVITIES.—

''(1) EVALUATION, TECHNICAL ASSISTANCE, PROGRAM IMPROVEMENT, AND REPLICATION ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts or the amount reserved to carry out the activities described in paragraphs (1) and (2) of subsection (a) for the fiscal year 1994, whichever is greater, for purposes of—

''(A) carrying out the evaluation required by section 1209; and

''(B) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

''(2) RESEARCH.—In the case of fiscal years 2001 through 2005, if the amounts appropriated under section 1002(b) for any of such years exceed such amounts appropriated for the preceding fiscal year, the Secretary shall reserve from such excess amount $2,000,000 or 50 percent, whichever is less, to carry out section 1211.''.

(3) RESERVATION FOR GRANTS.—Section 1202(c) (20 U.S.C. 6362(c)) is amended—

(A) in the subsection heading, by striking ''FOR GRANTS'' and inserting ''FOR STATEWIDE FAMILY LITERACY INITIATIVES''; and

(B) by striking ''From funds reserved under section 2260(b)(3), the Secretary shall'' and inserting ''From funds appropriated under section 1002(b) for any fiscal year, the Secretary may''.

(c) STATE PLAN.—Part B of title I (20 U.S.C. 6361 et seq.) is amended by inserting after section 1202 (20 U.S.C. 6362) the following:

''SEC. 1202A. STATE PLAN.

''(a) CONTENTS.—Each State that desires to receive a grant under this part shall submit a plan to the Secretary containing such budgetary and other information as the Secretary may require. Each plan shall—

''(1) include the State's indicators of program quality developed under section 1210, or if the State has not completed work on those indicators, describe the State's progress in developing the indicators;

''(2) describe how the State is using, or will use, the indicators to monitor, evaluate, and improve projects the State assists under this part, and to decide whether to continue to assist those projects;

''(3) describe how the State will help each program assisted under this part ensure the full implementation of the program elements described in section 1205, including how the State will encourage local programs to use technology, such as distance learning, to improve program access and the intensity of services, especially for isolated populations;

''(4) describe how the State will conduct competition for subgrants, including the application of the criteria described in section 1208; and

''(5) describe how the State will coordinate resources, especially among State agencies, to improve family literacy services in the State.

''(b) DURATION.—Each State plan shall—

''(1) be submitted for the first year for which this part is in effect after the date of enactment of the Educational Opportunities Act;

''(2) remain in effect for the duration of the State's participation under this part; and

''(3) be periodically reviewed and revised by the State, as necessary.''.

(d) USES OF FUNDS.—Section 1204 (20 U.S.C. 6364) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (iv), by striking ''and'' after the semicolon; and

(B) by striking clause (v) and inserting the following:

''(v) 50 percent in the fifth, sixth, seventh, and eighth such years; and

''(vi) 35 percent in any subsequent such year.''; and

(2) by adding at the end the following:

''(c) USE OF FUNDS FOR FAMILY LITERACY SERVICES.—

''(1) IN GENERAL.—A State may use a portion of funds received under this part to assist eligible entities receiving a subgrant under section 1203(b) in improving the quality of family literacy services provided under Even Start programs under this part, except that in no case may a State's use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

''(2) PRIORITY.—In carrying out paragraph (1), a State shall give priority to programs that were of low quality, as evaluated based on the indicators of program quality developed by the State under section 1210.

''(3) TECHNICAL ASSISTANCE AND TRAINING.—Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State through a grant, contract, or cooperative agreement with an entity that has experience in offering high quality training and technical assistance to family literacy providers.''.

(e) PROGRAM ELEMENTS.—Section 1205 (20 U.S.C. 6365) is amended—

(1) by amending paragraph (4) to read as follows:

''(4) provide high-quality, intensive family literacy services using instructional approaches that the best available research on reading indicates will be most effective in building adult literacy and children's language development and reading ability;'';

(2) by amending paragraph (7) to read as follows:

''(7) use methods that ensure that participating families successfully complete the program, including—

''(A) operating a year-round program, including continuing to provide some instructional services for participants during the summer months;

''(B) providing developmentally appropriate educational services for at least a 3-year age range of children;

''(C) encouraging participating families to regularly attend and remain in the program for a sufficient time to meet their program goals; and

''(D) promoting the continuity of family literacy services across critical points in the lives of children and their parents so that those individuals can retain and improve their educational outcomes;'';

(3) by amending paragraph (10) to read as follows:

''(10) provide for an independent evaluation of the program to be used for program improvement.'';

(4) by redesignating paragraphs (9) and (10) (as so amended) as paragraphs (10) and (11), respectively; and

(5) by inserting after paragraph (8) the following:

''(9) use instructional programs based on scientifically based reading research (as defined in section 2252) for children and, to the extent such research is available, for adults;''.

(f) ELIGIBLE PARTICIPANTS.—Section 1206(b) (20 U.S.C. 6366(b)) is amended by adding at the end the following:

''(3) CHILDREN 8 YEARS OF AGE OR OLDER.—If an Even Start program assisted under this part collaborates with a program under part A, and funds received under such part A program contribute to paying the cost of providing programs under this part to children 8 years of age or older, the Even Start program, notwithstanding subsection (a)(2), may permit the participation of children 8 years of age or older.''.

(g) APPLICATION.—

(1) PLAN.—Section 1207(c)(1)(F) (20 U.S.C. 6367(c)(1)(F)) is amended—

(A) by striking ''Act, the Goals 2000: Educate America Act,'' and inserting ''Act''; and

(B) by striking ''14306'' and inserting ''6506''.

(2) CONSOLIDATED APPLICATION.—Section 1207(d) (20 U.S.C. 6367(d)) is amended by striking ''14302'' and inserting ''6502''.

(h) AWARD OF SUBGRANTS.—

(1) REVIEW PANEL.—The matter preceding subparagraph (A) of section 1208(a)(3) (20 U.S.C. 6368(a)(3)) is amended—

(A) by inserting ''and one individual with expertise in family literacy programs.'' after ''education professional,''; and

(B) by striking ''and one or more of the following individuals:'' and inserting ''The review panel may include other individuals such as one or more of the following:''.

(2) CONTINUING ELIGIBILITY; FEDERAL SHARE.—Section 1208(b) (20 U.S.C. 6368(b)) is amended—

(A) by striking paragraph (3) and inserting the following:

''(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part after the first year, the State educational agency shall review the progress of each eligible entity in meeting the goals of the program referred to in section 1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210.''; and

(B) in paragraph (5)—

(i) in subparagraph (A), by striking the last sentence; and

(ii) by amending subparagraph (B) to read as follows:

''(B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 1204(b).''.

(i) INDICATORS OF PROGRAM QUALITY.—Section 1210 (20 U.S.C. 6369a) is amended—

(1) in the matter preceding paragraph (1), by striking ''Each'' and inserting ''Not later than September 30, 2000, each''; and

(2) by adding at the end the following:

''(3) With respect to a program's implementation of high-quality, intensive family literacy services, specific levels of intensity of those services and the duration of individuals' participation that are necessary to result in the outcomes described in paragraphs (1) and (2), which levels the State periodically shall review and revise as needed to achieve those outcomes.''.

(j) RESEARCH.—Section 1211 (20 U.S.C. 6369b) is amended to read as follows:

''SEC. 1211. RESEARCH.

''(a) IN GENERAL.—From amounts reserved under section 1202(b)(2), the Secretary, in consultation with the National Institute for Literacy and other appropriate organizations, may carry out, directly or through grants or contracts, research on family literacy services, including—

''(1) scientifically based research on the development of reading and literacy in young children;

''(2) the most effective ways of improving the literacy skills of adults with reading difficulties; and

''(3) how family literacy services can best provide parents with the knowledge and skills the parents need to support their children's literacy development.

''(b) DISSEMINATION.—The Secretary shall ensure the dissemination, through the National Institute for Literacy and other appropriate means, of the results of the research conducted under subsection (a).''.

PART C—EDUCATION OF MIGRATORY CHILDREN

SEC. 131. PROGRAM PURPOSE.

Section 1301 (20 U.S.C. 6391) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (7), respectively;

(2) by inserting after paragraph (1) the following:

''(2) ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State student performance and content standards;'';

(3) in paragraph (5) (as so redesignated), by striking ''and'' after the semicolon;

(4) in paragraph (6) (as so redesignated), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(7) ensure that migratory children receive full and appropriate opportunities to meet the same challenging State content and student performance standards that all children are expected to meet.''.

SEC. 132. STATE APPLICATION.

Section 1304 (20 U.S.C. 6394) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''a comprehensive'' and all that follows through ''1306;'' and inserting ''the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;'';

(B) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(C) by inserting after paragraph (1) the following:

''(2) a description of joint planning efforts that will be made with respect to programs assisted under this Act, local, State, and Federal programs, and bilingual education programs under part A of title VII;''; and

(2) in subsection (c), by amending paragraph (3) to read as follows:

''(3) in the planning and operation of programs and projects at both the State and local agency operating level there is consultation with parent advisory councils for programs of one school year in duration, and that all such programs and projects are carried out—

''(A) in a manner consistent with section 1118 unless extraordinary circumstances make implementation with such section impractical; and

''(B) in a format and language understandable to the parents;''.

SEC. 133. COMPREHENSIVE PLAN.

Section 1306(a)(1) (20 U.S.C. 6396(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking ''the Goals 2000: Educate America Act,''; and

(B) by striking ''14306'' and inserting ''6506''; and

(2) in subparagraph (B), by striking ''14302;'' and inserting ''6502, if—

''(i) the special needs of migratory children are specifically addressed in the comprehensive State plan;

''(ii) the comprehensive State plan is developed in collaboration with parents of migratory children; and

''(iii) the comprehensive State planning is not used to supplant State efforts regarding, or administrative funding for, this part;''.

SEC. 134. COORDINATION.

Section 1308 (20 U.S.C. 6398) is amended—

(1) by amending subsection (b) to read as follows:

''(b) ACCESS TO INFORMATION ON MIGRANT STUDENTS.—

''(1) NATIONAL SYSTEM.—(A) The Secretary shall establish a national system for electronically exchanging, among the States, health and educational information regarding all students served under this part. Such information shall include—

''(i) immunization records and other health information;

''(ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments required under this title;

''(iii) other academic information essential to ensuring that migrant children achieve to high standards; and

''(iv) eligibility for services under the Individuals with Disabilities Education Act.

''(B) The Secretary shall publish, not later than 120 days after the date of enactment of the Educational Opportunities Act, a notice in the Federal Register seeking public comment on the proposed data elements that each State receiving funds under this part shall be required to collect for purposes of electronic transfer of migrant student information, the requirements for immediate electronic access to such information, and the educational agencies eligible to access such information.

''(C) Such system of electronic access to migrant student information shall be operational not later than 1 year after the date of enactment of the Educational Opportunities Act.

''(D) For the purpose of carrying out this subsection in any fiscal year, the Secretary shall reserve not more than $10,000,000 of the amount appropriated to carry out this part for such year.

''(2) REPORT TO CONGRESS.—(A) Not later than April 30, 2002, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives the Secretary's findings and recommendations regarding services under this part, and shall include in this report, recommendations for the interim measures that may be taken to ensure continuity of services under this part.

''(B) The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of students or full-time equivalent students in each State if such interim measures are required.''.

(2) in subsection (c), by striking ''$6,000,000'' and inserting ''$10,000,000'';

(3) in subsection (d)(1), by striking ''$1,500,000'' and inserting ''$3,000,000''; and

(4) by adding at the end the following:

''(e) DATA COLLECTION.—The Secretary shall direct the National Center for Education Statistics to collect data on migratory children.''.

PART D—PARENTAL ASSISTANCE

SEC. 141. PARENTAL ASSISTANCE.

Part D of title I (20 U.S.C. 6421 et seq.) is amended to read as follows:

''PART D—PARENTAL ASSISTANCE

''SEC. 1401. PARENTAL INFORMATION AND RESOURCE CENTERS.

''(a) PURPOSE.—The purpose of this part is—

''(1) to provide leadership, technical assistance, and financial support to nonprofit organizations and local educational agencies to help the organizations and agencies implement successful and effective parental involvement policies, programs, and activities that lead to improvements in student performance;

''(2) to strengthen partnerships among parents (including parents of preschool age children), teachers, principals, administrators, and other school personnel in meeting the educational needs of children;

''(3) to develop and strengthen the relationship between parents and the school;

''(4) to further the developmental progress primarily of children assisted under this part; and

''(5) to coordinate activities funded under this part with parental involvement initiatives funded under section 1118 and other provisions of this Act.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants in each fiscal year to nonprofit organizations, and nonprofit organizations in consortia with local educational agencies, to establish school-linked or school-based parental information and resource centers that provide training, information, and support to—

''(A) parents of children enrolled in elementary schools and secondary schools;

''(B) individuals who work with the parents described in subparagraph (A); and

''(C) State educational agencies, local educational agencies, schools, organizations that support family-school partnerships (such as parent-teacher associations), and other organizations that carry out parent education and family involvement programs.

''(2) AWARD RULE.—In awarding grants under this part, the Secretary shall ensure that such grants are distributed in all geographic regions of the United States.

''SEC. 1402. APPLICATIONS.

''(a) GRANTS APPLICATIONS.—

''(1) IN GENERAL.—Each nonprofit organization or nonprofit organization in consortium with a local educational agency that desires a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary shall require.

''(2) CONTENTS.—Each application submitted under paragraph (1), at a minimum, shall include assurances that the organization or consortium will—

''(A)(i) be governed by a board of directors the membership of which includes parents; or

''(ii) be an organization or consortium that represents the interests of parents;

''(B) establish a special advisory committee the membership of which includes—

''(i) parents described in section 1401(b)(1)(A);

''(ii) representatives of education professionals with expertise in improving services for disadvantaged children; and

''(iii) representatives of local elementary schools and secondary schools who may include students and representatives from local youth organizations;

''(C) use at least ½ of the funds provided under this part in each fiscal year to serve areas with high concentrations of low-income families in order to serve parents who are severely educationally or economically disadvantaged;

''(D) operate a center of sufficient size, scope, and quality to ensure that the center is adequate to serve the parents in the area;

''(E) serve both urban and rural areas;

''(F) design a center that meets the unique training, information, and support needs of parents described in section 1401(b)(1)(A), particularly such parents who are educationally or economically disadvantaged;

''(G) demonstrate the capacity and expertise to conduct the effective training, information and support activities for which assistance is sought;

''(H) network with—

''(i) local educational agencies and schools;

''(ii) parents of children enrolled in elementary schools and secondary schools;

''(iii) parent training and information centers assisted under section 682 of the Individuals with Disabilities Education Act;

''(iv) clearinghouses; and

''(v) other organizations and agencies;

''(I) focus on serving parents described in section 1401(b)(1)(A) who are parents of low-income, minority, and limited English proficient, children;

''(J) use part of the funds received under this part to establish, expand, or operate Parents as Teachers programs or Home Instruction for Preschool Youngsters programs;

''(K) provide assistance to parents in such areas as understanding State and local standards and measures of student and school performance; and

''(L) work with State and local educational agencies to determine parental needs and delivery of services.

''(b) GRANT RENEWAL.—For each fiscal year after the first fiscal year an organization or consortium receives assistance under this part, the organization or consortium shall demonstrate in the application submitted for such fiscal year after the first fiscal year that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which contributions may be in cash or in kind.

''SEC. 1403. USES OF FUNDS.

''(a) IN GENERAL.—Grant funds received under this part shall be used—

''(1) to assist parents in participating effectively in their children's education and to help their children meet State and local standards, such as assisting parents—

''(A) to engage in activities that will improve student performance, including understanding the accountability systems in place within their State educational agency and local educational agency and understanding their children's educational performance in comparison to State and local standards;

''(B) to provide followup support for their children's educational achievement;

''(C) to communicate effectively with teachers, principals, counselors, administrators, and other school personnel;

''(D) to become active participants in the development, implementation, and review of school-parent compacts, parent involvement policies, and school planning and improvement;

''(E) to participate in the design and provision of assistance to students who are not making adequate educational progress;

''(F) to participate in State and local decision-making; and

''(G) to train other parents;

''(2) to obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to assist parents and school personnel who work with parents;

''(3) to help the parents learn and use the technology applied in their children's education;

''(4) to plan, implement, and fund activities for parents that coordinate the education of their children with other Federal programs that serve their children or their families; and

''(5) to provide support for State or local educational personnel if the participation of such personnel will further the activities assisted under the grant.

''(b) PERMISSIVE ACTIVITIES.—Grant funds received under this part may be used to assist schools with activities such as—

''(1) developing and implementing their plans or activities under sections 1118 and 1119; and

''(2) developing and implementing school improvement plans, including addressing problems that develop in the implementation of sections 1118 and 1119.

''(3) providing information about assessment and individual results to parents in a manner and a language the family can understand;

''(4) coordinating the efforts of Federal, State, and local parent education and family involvement initiatives; and

''(5) providing training, information, and support to—

''(A) State educational agencies;

''(B) local educational agencies and schools, especially those local educational agencies and schools that are low performing; and

''(C) organizations that support family-school partnerships.

''(c) GRANDFATHER CLAUSE.—The Secretary shall use funds made available under this part to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under title IV of the Goals 2000: Educate America Act (as such title was in effect on the day before the date of enactment of the Educational Opportunities Act) for the duration of the grant or contract award.

''SEC. 1404. TECHNICAL ASSISTANCE.

''The Secretary shall provide technical assistance, by grant or contract, for the establishment, development, and coordination of parent training, information, and support programs and parental information and resource centers.

''SEC. 1405. REPORTS.

''(a) INFORMATION.—Each organization or consortium receiving assistance under this part shall submit to the Secretary, on an annual basis, information concerning the parental information and resource centers assisted under this part, including—

''(1) the number of parents (including the number of minority and limited English proficient parents) who receive information and training;

''(2) the types and modes of training, information, and support provided under this part;

''(3) the strategies used to reach and serve parents of minority and limited English proficient children, parents with limited literacy skills, and other parents in need of the services provided under this part;

''(4) the parental involvement policies and practices used by the center and an evaluation of whether such policies and practices are effective in improving home-school communication, student achievement, student and school performance, and parental involvement in school planning, review, and improvement; and

''(5) the effectiveness of the activities that local educational agencies and schools are carrying out with regard to parental involvement and other activities assisted under this Act that lead to improved student achievement and improved student and school performance.

''(b) DISSEMINATION.—The Secretary annually shall disseminate, widely to the public and to Congress, the information that each organization or consortium submits under subsection (a) to the Secretary.

''SEC. 1406. GENERAL PROVISIONS.

''Notwithstanding any other provision of this part—

''(1) no person, including a parent who educates a child at home, a public school parent, or a private school parent, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this part; and

''(2) no program or center assisted under this part shall take any action that infringes in any manner on the right of a parent to direct the education of their children.''.

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

SEC. 151. GENERAL PROVISIONS; COMPREHENSIVE SCHOOL REFORM; ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS.

Part A of title I (20 U.S.C. 6311) is amended—

(1) by redesignating part F as part H;

(2) by redesignating sections 1601 through 1604 as sections 1901 through 1904, respectively; and

(3) by inserting after part E the following:

''PART F—COMPREHENSIVE SCHOOL REFORM

''SEC. 1601. PURPOSE.

''The purpose of this part is to provide financial incentives for schools to develop comprehensive school reforms based upon promising and effective practices and research-based programs that emphasize basic academics and parental involvement so that all children can meet challenging State content and student performance standards.

''SEC. 1602. PROGRAM AUTHORIZATION.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants to State educational agencies, from allotments under paragraph (2), to enable the State educational agencies to award subgrants to local educational agencies to carry out the purpose described in section 1601.

''(2) ALLOTMENTS.—

''(A) RESERVATIONS.—Of the amount appropriated under section 1002(h) for a fiscal year, the Secretary may reserve—

''(i) not more than 1 percent to provide assistance to schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands according to their respective needs for assistance under this part; and

''(ii) not more than 1 percent to conduct national evaluation activities described in section 1607.

''(B) IN GENERAL.—Of the amount appropriated under section 1002(h) that remains after making the reservation under subparagraph (A) for a fiscal year, the Secretary shall allot to each State for the fiscal year an amount that bears the same ratio to the remainder for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount made available under section 1124 to all States for that year.

''(C) REALLOTMENT.—If a State does not apply for funds under this section, the Secretary shall reallot such funds to other States that do not apply in proportion to the amount allotted to such other States under subparagraph (B).

''SEC. 1603. STATE APPLICATIONS.

''(a) IN GENERAL.—Each State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(b) CONTENTS.—Each such application shall describe—

''(1) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this section;

''(2) how the State educational agency will ensure that only comprehensive school reforms that are based on promising and effective practices and research-based programs receive funds under this part;

''(3) how the State educational agency will disseminate information on comprehensive school reforms that are based on promising and effective practices and research-based programs;

''(4) how the State educational agency will evaluate the implementation of such reforms and measure the extent to which the reforms have resulted in increased student academic performance; and

''(5) how the State educational agency will make available technical assistance to a local educational agency or consortia of local educational agencies in evaluating, developing, and implementing comprehensive school reform.

''SEC. 1604. STATE USE OF FUNDS.

''(a) IN GENERAL.—Except as provided in subsection (e), a State educational agency that receives a grant under this part shall use the grant funds to award subgrants, on a competitive basis, to local educational agencies or consortia of local educational agencies in the State that receive funds under part A.

''(b) SUBGRANT REQUIREMENTS.—A subgrant to a local educational agency or consortium shall be—

''(1) of sufficient size and scope to support the initial costs for the particular comprehensive school reform plan selected or designed by each school identified in the application of the local educational agency or consortium;

''(2) in an amount not less than $50,000 for each participating school; and

''(3) renewable for 2 additional 1-year periods after the initial 1-year grant is made if the school is making substantial progress in the implementation of reforms.

''(c) PRIORITY.—A State educational agency, in awarding subgrants under this part, shall give priority to local educational agencies or consortia that—

''(1) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and

''(2) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

''(d) GRANT CONSIDERATION.—In awarding subgrants under this part, the State educational agency shall take into consideration the equitable distribution of subgrants to different geographic regions within the State, including urban and rural areas, and to schools serving elementary school and secondary students.

''(e) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant under this part may reserve not more than 5 percent of the grant funds for administrative, evaluation, and technical assistance expenses.

''(f) SUPPLEMENT.—Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

''(g) REPORTING.—Each State educational agency that receives a grant under this part shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools receiving assistance under this part, the amount of the assistance, and a description of the comprehensive school reform model selected and used.

''SEC. 1605. LOCAL APPLICATIONS.

''(a) IN GENERAL.—Each local educational agency or consortium of local educational agencies desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

''(b) CONTENTS.—Each such application shall—

''(1) identify the schools, that are eligible for assistance under part A, that plan to implement a comprehensive school reform program, including the projected costs of such a program;

''(2) describe the promising and effective practices and research-based programs that such schools will implement;

''(3) describe how the local educational agency or consortium will provide technical assistance and support for the effective implementation of the promising and effective practices and research-based school reforms selected by such schools; and

''(4) describe how the local educational agency or consortium will evaluate the implementation of such reforms and measure the results achieved in improving student academic performance.

''SEC. 1606. LOCAL USE OF FUNDS.

''(a) USES OF FUNDS.—A local educational agency or consortium that receives a subgrant under this section shall provide the subgrant funds to schools, that are eligible for assistance under part A and served by the agency, to enable the schools to implement a comprehensive school reform program for—

''(1) employing innovative strategies for student learning, teaching, and school management that are based on promising and effective practices and research-based programs and have been replicated successfully in schools with diverse characteristics;

''(2) integrating a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and student performance standards and addresses needs identified through a school needs assessment;

''(3) providing high quality and continuous teacher and staff professional development;

''(4) the inclusion of measurable goals for student performance;

''(5) support for teachers, principals, administrators, and other school personnel staff;

''(6) meaningful community and parental involvement initiatives that will strengthen school improvement activities;

''(7) using high quality external technical support and assistance from an entity that has experience and expertise in schoolwide reform and improvement, which may include an institution of higher education;

''(8) evaluating school reform implementation and student performance; and

''(9) identification of other resources, including Federal, State, local, and private resources, that shall be used to coordinate services that will support and sustain the school reform effort.

''(b) SPECIAL RULE.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using the approaches identified or developed by the Secretary, but may develop the school's own comprehensive school reform programs for schoolwide change as described in subsection (a).

"SEC. 1607. NATIONAL EVALUATION AND REPORTS.

''(a) IN GENERAL.—The Secretary shall develop a plan for a national evaluation of the programs assisted under this part.

''(b) EVALUATION.—The national evaluation shall—

''(1) evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms; and

''(2) assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

''(c) REPORTS.—Prior to the completion of the national evaluation, the Secretary shall submit an interim report describing implementation activities for the Comprehensive School Reform Program, which began in 1998, to the Committee on Education and the Workforce, and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.

"PART G—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

"SEC. 1701. PURPOSE.

''The purpose of this part is to provide for school dropout prevention and reentry and to raise academic achievement levels by providing grants, to schools through State educational agencies, that—

''(1) challenge all children to attain their highest academic potential; and

''(2) ensure that all students have substantial and ongoing opportunities to do so through schoolwide programs proven effective in school dropout prevention.

"Subpart 1—Coordinated National Strategy

"SEC. 1711. NATIONAL ACTIVITIES.

''(a) IN GENERAL.—The Secretary is authorized—

''(1) to collect systematic data on the participation in the programs described in paragraph (2)(C) of individuals disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged;

''(2) to establish and to consult with an interagency working group which shall—

''(A) address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention;

''(B) describe the ways in which State and local agencies can implement effective school dropout prevention programs using funds from a variety of Federal programs, including the programs under this title and the School-to-Work Opportunities Act of 1994; and

''(C) address all Federal programs with school dropout prevention or school reentry elements or objectives, programs under title I of this Act, the School-to-Work Opportunities Act of 1994, part B of title IV of the Job Training Partnership Act, subtitle C of title I of the Workforce Investment Act of 1998, and other programs; and

''(3) carry out a national recognition program in accordance with subsection (b) that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized.

''(b) RECOGNITION PROGRAM.—

''(1) NATIONAL GUIDELINES.—The Secretary shall develop uniform national guidelines for the recognition program which shall be used to recognize schools from nominations submitted by State educational agencies.

''(2) ELIGIBLE SCHOOLS.—The Secretary may recognize under the recognition program any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

''(3) SUPPORT.—The Secretary may make monetary awards to schools recognized under the recognition program in amounts determined by the Secretary. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

"Subpart 2—National School Dropout Prevention Initiative

"SEC. 1721. PROGRAM AUTHORIZED.

''(a) ALLOTMENTS TO STATES.—

''(1) IN GENERAL.—From the sum made available under section 1732(b) for a fiscal year the Secretary shall make an allotment to each State in an amount that bears the same relation to the sum as the amount the State received under this title for the preceding fiscal year bears to the amount received by all States under this title for the preceding fiscal year.

''(2) DEFINITION OF STATE.—In this subpart, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(b) GRANTS.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools, that have school dropout rates which are in the highest ⅓ of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

''(1) professional development;

''(2) obtaining curricular materials;

''(3) release time for professional staff;

''(4) planning and research;

''(5) remedial education;

''(6) reduction in pupil-to-teacher ratios;

''(7) efforts to meet State student achievement standards;

''(8) counseling and mentoring for at-risk students; and

''(9) comprehensive school reform models.

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to subsection (d) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

''(A) in the first year that a school receives a grant payment under this subpart, in an amount that is not less than $50,000 and not more than $100,000, based on factors such as—

''(i) school size;

''(ii) costs of the model or set of prevention and reentry strategies being implemented; and

''(iii) local cost factors such as poverty rates;

''(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

''(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

''(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

''(2) INCREASES.—The Secretary shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

''(d) DURATION.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 1727(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

"SEC. 1722. STRATEGIES AND CAPACITY BUILDING.

''(a) STRATEGIES.—Each school receiving a grant under this subpart shall implement research-based, sustainable, and widely replicated, strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students. The strategies may include—

''(1) specific strategies for targeted purposes, such as effective early intervention programs designed to identify at-risk students, effective programs encompassing traditionally underserved students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students from dropping out of school, and effective programs to identify and encourage youth who have already dropped out of school to reenter school and complete their secondary education; and

''(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, creating alternative school programs, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

''(b) CAPACITY BUILDING.—

''(1) IN GENERAL.—The Secretary, through a contract with a non-Federal entity, shall conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention and reentry that address the needs of an entire school population rather than a subset of students.

''(2) NUMBER AND DURATION.—

''(A) NUMBER.—The Secretary shall award not more than 5 contracts under this subsection.

''(B) DURATION.—The Secretary shall award a contract under this section for a period of not more than 5 years.

''(c) SUPPORT FOR EXISTING REFORM NETWORKS.—

''(1) IN GENERAL.—The Secretary shall provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this subpart.

''(2) DEFINITION OF ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that, prior to the date of enactment of the Educational Opportunities Act—

''(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

''(B) developed and published a specific educational program or design for use by the schools.

''SEC. 1723. SELECTION OF SCHOOLS.

''(a) SCHOOL APPLICATION.—

''(1) IN GENERAL.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall—

''(A) contain a certification from the local educational agency serving the school that—

''(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

''(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

''(iii) the local educational agency will support the plan, including—

''(I) release time for teacher training;

''(II) efforts to coordinate activities for feeder schools; and

''(III) encouraging other schools served by the local educational agency to participate in the plan;

''(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

''(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

''(D) describe a budget and timeline for implementing the strategies;

''(E) contain evidence of coordination with existing resources;

''(F) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds;

''(G) describe how the activities to be assisted conform with research-based knowledge about school dropout prevention and reentry; and

''(H) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under section 1114.

''(b) STATE AGENCY REVIEW AND AWARD.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

''(c) ELIGIBILITY.—A school is eligible to receive a grant under this subpart if the school is—

''(1) a public school (including a public alternative school)—

''(A) that is eligible to receive assistance under part A, including a comprehensive secondary school, a vocational or technical secondary school, and a charter school; and

''(B)(i) that serves students 50 percent or more of whom are low-income individuals; or

''(ii) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

''(2) participating in a schoolwide program under section 1114 during the grant period.

''(d) COMMUNITY-BASED ORGANIZATIONS.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

''(1) the school approves the use;

''(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

''(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 107(a) of the Job Training Partnership Act, or section 122 of the Workforce Investment Act of 1998.

''(e) COORDINATION.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 and the School-to-Work Opportunities Act of 1994.

''SEC. 1724. DISSEMINATION ACTIVITIES.

''Each school that receives a grant under this subpart shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

''SEC. 1725. PROGRESS INCENTIVES.

''Notwithstanding any other provision of law, each local educational agency that receives funds under this title shall use such funding to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

''SEC. 1726. SCHOOL DROPOUT RATE CALCULATION.

''For purposes of calculating a school dropout rate under this subpart, a school shall use—

''(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

''(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

''SEC. 1727. REPORTING AND ACCOUNTABILITY.

''(a) REPORTING.—In order to receive funding under this subpart for a fiscal year after the first fiscal year a school receives funding under this subpart, the school shall provide, on an annual basis, to the Secretary a report regarding the status of the implementation of activities funded under this subpart, the outcome data for students at schools assisted under this subpart disaggregated in the same manner as information under section 1711(a) (such as dropout rates), and certification of progress from the eligible entity whose strategies the school is implementing.

''(b) ACCOUNTABILITY.—On the basis of the reports submitted under subsection (a), the Secretary shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

''SEC. 1728. STATE RESPONSIBILITIES.

''(a) UNIFORM DATA COLLECTION.—Within 1 year after the date of enactment of the Educational Opportunities Act, a State educational agency that receives funds under this part shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State disaggregated in the same manner as information under section 1711(a), according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

''(b) ATTENDANCE-NEUTRAL FUNDING POLICIES.—Within 2 years after the date of enactment of the Educational Opportunities Act, a State educational agency that receives funds under this part shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

''(1) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

''(2) specific incentives for retaining enrolled students throughout each year.

''(c) SUSPENSION AND EXPULSION POLICIES.—Within 2 years after the date of enactment of the Educational Opportunities Act, a State educational agency that receives funds under this part shall develop uniform, long-term suspension and expulsion policies for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.

''(d) REGULATIONS.—The Secretary shall promulgate regulations implementing subsections (a) through (c).

''Subpart 3—Definitions; Authorization of Appropriations

''SEC. 1731. DEFINITIONS.

''In this part:

''(1) LOW-INCOME.—The term 'low-income', used with respect to an individual, means an individual determined to be low-income in accordance with measures described in section 1113(a)(5).

''(2) SCHOOL DROPOUT.—The term 'school dropout' has the meaning given the term in section 4(17) of the School-to-Work Opportunities Act of 1994.

''SEC. 1732. AUTHORIZATION OF APPROPRIATIONS.

''(a) SUBPART 1.—There are authorized to be appropriated to carry out subpart 1, $5,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) SUBPART 2.—There are authorized to be appropriated to carry out subpart 2, $145,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

''(1) $125,000,000 shall be available to carry out section 1721; and

''(2) $20,000,000 shall be available to carry out section 1722.''.

TITLE II—PROFESSIONAL DEVELOPMENT FOR TEACHERS

SEC. 201. TEACHER QUALITY.

Title II (20 U.S.C. 6601 et seq.) is amended by striking the title heading and all that follows through part A and inserting the following:

''TITLE II—TEACHER QUALITY

''PART A—TEACHER EMPOWERMENT

''SEC. 2001. PURPOSE.

''The purpose of this part is to provide grants to States and local educational agencies, in order to assist their efforts to increase student academic achievement and student performance through such strategies as improving teacher quality.

''Subpart 1—Grants to States

''SEC. 2011. FORMULA GRANTS TO STATES.

''(a) IN GENERAL.—In the case of each State that, in accordance with section 2014, submits to the Secretary and obtains approval of an application for a fiscal year, the Secretary shall make a grant for the year to the State for the uses specified in section 2012. The grant shall consist of the allotment determined for the State under subsection (b).

''(b) DETERMINATION OF AMOUNT OF ALLOTMENT.—

''(1) RESERVATION OF FUNDS.—

''(A) IN GENERAL.—From the total amount made available to carry out this subpart for any fiscal year, the Secretary shall reserve—

''(i) ½ of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purpose of this part; and

''(ii) ½ of 1 percent for the Secretary of the Interior for programs under this part for professional development activities for teachers and other staff in schools operated or funded by the Bureau of Indian Affairs.

''(B) LIMITATION.—In reserving an amount for the purposes described in clauses (i) and (ii) of subparagraph (A) for a fiscal year, the Secretary shall not reserve more than the total amount the outlying areas and the schools operated or funded by the Bureau of Indian Affairs received under the authorities described in paragraph (2)(A)(i) for fiscal year 2000.

''(2) STATE ALLOTMENTS.—

''(A) HOLD HARMLESS.—

''(i) IN GENERAL.—Subject to subparagraph (B), from the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 2000 under—

''(I) section 2202(b) of this Act (as in effect on the day before the date of enactment of the Educational Opportunities Act); and

''(II) section 310 of the Department of Education Appropriations Act, 2000 (as enacted by section 1000(a)(4) of division B of Public Law 106–113).

''(ii) RATABLE REDUCTION.—If the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

''(B) ALLOTMENT OF ADDITIONAL FUNDS.—

''(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the total amount made available to carry out this subpart and not reserved under paragraph (1) exceeds the total amount made available to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico for fiscal year 2000 under the authorities described in subparagraph (A)(i), the Secretary shall allot to each of those States the sum of—

''(I) an amount that bears the same relationship to 50 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

''(II) an amount that bears the same relationship to 50 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

''(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than ½ of 1 percent of the total excess amount allotted under clause (i) for a fiscal year.

''(3) REALLOTMENT.—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallot such amount to the remaining States in accordance with this subsection.

"SEC. 2012. ALLOCATIONS WITHIN STATES.

''(a) USE OF FUNDS.—Each State receiving a grant under this subpart shall use the funds provided under the grant in accordance with this section to carry out activities for the improvement of teaching and learning.

''(b) REQUIRED AND AUTHORIZED EXPENDITURES.—

''(1) REQUIRED EXPENDITURES.—The Secretary may make a grant to a State under this subpart only if the State agrees to expend not less than 90 percent of the amount of the funds provided under the grant for the purpose of making subgrants to local educational agencies and eligible partnerships (as defined in section 2021(e)), in accordance with subsection (c).

''(2) AUTHORIZED EXPENDITURES.—A State that receives a grant under this subpart may expend a portion equal to not more than 10 percent of the amount of the funds provided under the grant for 1 or more of the authorized State activities described in section 2013 or to make grants to eligible partnerships to enable the partnerships to carry out subpart 2 (but not more than 5 percent of such portion may be used for planning and administration related to carrying out such purpose).

''(c) DISTRIBUTION OF SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE PARTNERSHIPS.—

''(1) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

''(A) IN GENERAL.—A State receiving a grant under this subpart shall distribute a portion equal to 95 percent of the amount described in subsection (b)(1) by allocating to each eligible local educational agency the sum of—

''(i) an amount that bears the same relationship to 25 percent of the portion as the number of individuals enrolled in public and private nonprofit elementary schools and secondary schools in the geographic area served by the agency bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State; and

''(ii) an amount that bears the same relationship to 75 percent of the portion as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

''(B) USE OF FUNDS.—The State shall make subgrants to local educational agencies from allocations made under this paragraph to enable the agencies to carry out subpart 3.

''(2) COMPETITIVE SUBGRANTS TO ELIGIBLE PARTNERSHIPS.—

''(A) COMPETITIVE PROCESS.—A State receiving a grant under this subpart shall transfer a portion equal to 5 percent of the amount described in subsection (b)(1) to the State agency for higher education, which shall distribute the portion through a competitive process.

''(B) PARTICIPANTS.—The competitive process carried out under subparagraph (A) shall be open to eligible partnerships (as defined in section 2021(e)).

''(C) USE OF FUNDS.—In distributing funds under this paragraph, the State agency for higher education shall make subgrants to the eligible partnerships to enable the partnerships to carry out subpart 2 (but not more than 5 percent of the funds made available to the eligible partnerships through the subgrants may be used for planning and administration related to carrying out such purpose).

"SEC. 2013. STATE USE OF FUNDS.

''(a) AUTHORIZED STATE ACTIVITIES.—The authorized State activities referred to in section 2012(b)(2) are the following:

''(1) Reforming teacher certification (including recertification) or licensing requirements to ensure that—

''(A) teachers have the necessary teaching skills and academic content knowledge in the academic subjects in which the teachers are assigned to teach;

''(B) the requirements are aligned with the State's challenging State content standards; and

''(C) teachers have the knowledge and skills necessary to help students meet challenging State student performance standards.

''(2) Carrying out programs that—

''(A) include support during the initial teaching experience, such as mentoring programs; and

''(B) establish, expand, or improve alternative routes to State certification of teachers for highly qualified individuals with a baccalaureate degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers.

''(3) Developing and implementing effective mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified and effective teachers and principals.

''(4) Developing or improving systems of performance measures to evaluate the effectiveness of professional development programs and activities in improving teacher quality, skills, and content knowledge, and increasing student academic achievement and student performance.

''(5) Developing or improving systems to evaluate the impact of teachers on student academic achievement and student performance.

''(6) Providing technical assistance to local educational agencies consistent with this part.

''(7) Funding projects to promote reciprocity of teacher certification or licensure between or among States, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this part may lead to the weakening of any State teaching certification or licensing requirement.

''(8) Developing or assisting local educational agencies or eligible partnerships (as defined in section 2021(e)) in the development and utilization of proven, innovative strategies to deliver intensive professional development programs and activities that are both cost-effective and easily accessible, such as through the use of technology and distance learning.

''(9) Supporting activities to encourage and support teachers seeking national board certification from the National Board for Professional Teaching Standards or other recognized entities.

''(10) Providing professional development activities involving training in advanced placement instruction.

''(b) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this section and the activities carried out under that section 202.

"SEC. 2014. APPLICATIONS BY STATES.

''(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(b) CONTENTS.—Each application submitted under this section shall include the following:

''(1) A description of how the State will ensure that a local educational agency receiving a subgrant to carry out subpart 3 will comply with the requirements of such subpart.

''(2)(A) An assurance that the State will measure the annual progress of the local educational agencies and schools in the State with respect to—

''(i) improving student academic achievement and student performance, in accordance with content standards and student performance standards established under part A of title I;

''(ii) closing academic achievement gaps, reflected in disaggregated data described in section 1111(b)(3)(I), between minority and non-minority groups and low-income and non-low-income groups; and

''(iii) improving performance on other specific indicators for professional development, such as increasing the percentage of classes in core academic subjects that are taught by highly qualified teachers.

''(B) An assurance that the State will require each local educational agency and school in the State receiving funds under this part to publicly report information on the agency's or school's annual progress, measured as described in subparagraph (A).

''(3) A description of how the State will hold the local educational agencies and schools accountable for making annual progress as described in paragraph (2), subject to part A of title I.

''(4)(A) A description of how the State will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs, including those authorized under—

''(i) titles I and IV, part A of title V, and part A of title VII; and

''(ii) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

''(B) A description of the comprehensive strategy that the State will use as part of the effort to carry out the coordination, to ensure that teachers, paraprofessionals, and principals are trained in the utilization of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in all curriculum areas and academic subjects, as appropriate.

''(5) A description of how the State will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as through the use of technology and distance learning.

''(6) A description of how the activities to be carried out by the State under this subpart will be based on a review of relevant research and an explanation of why the activities are expected to improve student performance and outcomes.

''(c) APPLICATION SUBMISSION.—A State application submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary makes a written determination, within 90 days after receiving the application, that the application is in violation of the provisions of this Act.

''Subpart 2—Subgrants to Eligible Partnerships

''SEC. 2021. PARTNERSHIP GRANTS.

''(a) IN GENERAL.—From the portion described in section 2012(c)(2)(A), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall award subgrants on a competitive basis under section 2012(c) to eligible partnerships to enable such partnerships to carry out activities described in subsection (b). The State agency for higher education shall ensure that such subgrants shall be equitably distributed by geographic area within the State, or ensure that eligible partnerships in all geographic areas within the State are served through the grants.

''(b) USE OF FUNDS.—An eligible partnership that receives funds under section 2012 shall use the funds for—

''(1) professional development activities in core academic subjects to ensure that teachers, paraprofessionals, and, if appropriate, principals have content knowledge in the academic subjects that the teachers teach; and

''(2) developing and providing assistance to local educational agencies and individuals who are teachers, paraprofessionals or principals of public and private schools served by each such agency, for sustained, high-quality professional development activities that—

''(A) ensure that the agencies and individuals are able to use State content standards, performance standards, and assessments to improve instructional practices and improve student academic achievement and student performance; and

''(B) may include intensive programs designed to prepare such individuals who will return to a school to provide such instruction to other such individuals within such school.

''(c) SPECIAL RULE.—No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under section 2012.

''(d) COORDINATION.—An eligible partnership that receives a grant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this section and the activities carried out under that section 203.

''(e) ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' means an entity that—

''(1) shall include—

''(A) a private or State institution of higher education and the division of the institution that prepares teachers;

''(B) a school of arts and sciences; and

''(C) a high need local educational agency; and

''(2) may include other local educational agencies, a public charter school, a public or private elementary school or secondary school, an educational service agency, a public or private nonprofit educational organization, other institutions of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, or a business.

''Subpart 3—Subgrants to Local Educational Agencies

''SEC. 2031. LOCAL USE OF FUNDS.

''(a) REQUIRED ACTIVITIES.—

''(1) IN GENERAL.—Each local educational agency that receives a subgrant to carry out this subpart shall use the subgrant to carry out the activities described in this subsection.

''(2) REQUIRED PROFESSIONAL DEVELOPMENT ACTIVITIES.—

''(A) MATHEMATICS AND SCIENCE.—

''(i) IN GENERAL.—Each local educational agency that receives a subgrant to carry out this subpart shall use a portion of the funds made available through the subgrant for professional development activities in mathematics and science in accordance with section 2032.

''(ii) GRANDFATHER OF OLD WAIVERS.—A waiver provided to a local educational agency under part D of title XIV prior to the date of enactment of the Educational Opportunities Act shall be deemed to be in effect until such time as the waiver otherwise would have ceased to be effective.

''(B) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Each local educational agency that receives a subgrant to carry out this subpart shall use a portion of the funds made available through the subgrant for professional development activities that give teachers, paraprofessionals, and principals the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards. Such activities shall be consistent with section 2032.

''(b) ALLOWABLE ACTIVITIES.—Each local educational agency that receives a subgrant to carry out this subpart may use the funds made available through the subgrant to carry out the following activities:

''(1) Recruiting and hiring certified or licensed teachers, including teachers certified through State and local alternative routes, in order to reduce class size, or hiring special education teachers.

''(2) Initiatives to assist in recruitment of highly qualified teachers who will be assigned teaching positions within their fields, including—

''(A) providing signing bonuses or other financial incentives, such as differential pay, for teachers to teach in academic subjects in which there exists a shortage of such teachers within a school or the area served by the local educational agency;

''(B) establishing programs that—

''(i) recruit professionals from other fields and provide such professionals with alternative routes to teacher certification; and

''(ii) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession; and

''(C) implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool of teachers, such as identifying teachers certified through alternative routes, and by implementing a system of intensive screening designed to hire the most qualified applicants.

''(3) Initiatives to promote retention of highly qualified teachers and principals, including—

''(A) programs that provide mentoring to newly hired teachers, such as mentoring from master teachers, and to newly hired principals; and

''(B) programs that provide other incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic success.

''(4) Programs and activities that are designed to improve the quality of the teacher force, and the abilities of paraprofessionals and principals, such as—

''(A) innovative professional development programs (which may be through partnerships including institutions of higher education), including programs that train teachers, paraprofessionals, and principals to utilize technology to improve teaching and learning, that are consistent with the requirements of section 2032;

''(B) development and utilization of proven, cost-effective strategies for the implementation of professional development activities, such as through the utilization of technology and distance learning;

''(C) professional development programs that provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented); and

''(D) professional development programs that provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subparagraph (C) to learn.

''(5) Activities that provide teacher opportunity payments, consistent with section 2033.

''SEC. 2032. PROFESSIONAL DEVELOPMENT FOR TEACHERS.

''(a) LIMITATION RELATING TO CURRICULUM AND ACADEMIC SUBJECTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), funds made available to carry out this subpart may be provided for a teacher, paraprofessional, or principal, and a professional development activity, only if the activity is—

''(A) directly related to the curriculum and academic subjects in which a teacher provides instruction; or

''(B) designed to enhance the ability of a teacher, paraprofessional, or principal to understand and use State standards for the academic subjects in which a teacher provides instruction.

''(2) EXCEPTION.—Paragraph (1) shall not be construed to prohibit the use of the funds for professional development activities that provide instruction described in subparagraphs (C) and (D) of section 2031(b)(4).

''(b) OTHER REQUIREMENTS.—Professional development activities provided under this subpart—

''(1) shall be tied to challenging State or local content standards and student performance standards;

''(2) shall be tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of the teachers participating in the activities;

''(3) in the case of activities for teachers, shall be of sufficient intensity and duration to have a positive and lasting impact on the performance of a teacher in the classroom (which shall not include 1-day or short-term workshops and conferences), except that this paragraph shall not apply to an activity if such activity is 1 component described in a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the students of the teacher, and the local educational agency involved; and

''(4) shall be developed with extensive participation of teachers, paraprofessionals, and principals of schools to be served under this part.

''(c) ACCOUNTABILITY AND REQUIRED PAYMENTS.—

''(1) IN GENERAL.—If, at the end of any fiscal year, a State determines that a local educational agency has failed to make progress in accordance with section 2014(b)(2) during the fiscal year, the State shall notify the local educational agency that the agency shall be subject to the requirement of paragraph (3).

''(2) TECHNICAL ASSISTANCE.—A local educational agency that receives notification pursuant to paragraph (1) may request technical assistance from the State in order to provide the opportunity for such local educational agency to make progress in accordance with section 2014(b)(2).

''(3) REQUIREMENT TO PROVIDE TEACHER OPPORTUNITY PAYMENTS.—

''(A) IN GENERAL.—A local educational agency that receives notification pursuant to paragraph (1) with respect to any 2 consecutive fiscal years shall expend under section 2033 for the succeeding fiscal year a proportion of the funds made available to the agency to carry out this subpart equal to the proportion of such funds expended by the agency for professional development activities for the second fiscal year for which the agency received the notification.

''(B) REQUESTS.—On request by a group of teachers in schools served by the local educational agency, the agency shall use a portion of the funds provided to the agency to carry out this subpart, to provide payments in accordance with section 2033.

''(4) SPECIAL RULE.—

''(A) SUBSEQUENT YEARS OF PROGRESS.—A local educational agency that receives notification from the State pursuant to paragraph (1) with respect to a fiscal year and makes progress in accordance with section 2014(b)(2) for at least the 2 subsequent years shall not be required to provide payments in accordance with section 2033 for the next subsequent year.

''(B) SUBSEQUENT YEARS WITHOUT PROGRESS.—A local educational agency that receives notification from the State pursuant to paragraph (1) with respect to a fiscal year and fails to make progress in accordance with section 2014(b)(2) for at least the 2 subsequent fiscal years shall request the technical assistance described in paragraph (2) from the State for the next subsequent year.

''(d) DEFINITION.—In this section, the term 'professional development activity' means an activity described in subsection (a)(2) or (b)(4) of section 2031.

"SEC. 2033. TEACHER OPPORTUNITY PAYMENTS.

''(a) IN GENERAL.—A local educational agency receiving funds to carry out this subpart may (or in the case of section 2032(c)(3), shall) provide payments directly to a teacher or a group of teachers seeking opportunities to participate in a professional development activity of their choice that meets the criteria set forth in subsections (a) and (b) of section 2032.

''(b) NOTICE TO TEACHERS.—Each local educational agency distributing payments under this section—

''(1) shall establish and implement a timely process through which proper notice of availability of the payments will be given to all teachers in schools served by the agency; and

''(2) shall develop a process through which teachers will be specifically recommended by principals to participate in such opportunities by virtue of—

''(A) the teachers' lack of full certification or licensing to teach the academic subjects in which the teachers teach; or

''(B) the teachers' need for additional assistance to ensure that their students make progress toward meeting challenging State content standards and student performance standards.

''(c) SELECTION OF TEACHERS.—In the event adequate funding is not available to provide payments under this section to all teachers seeking such payments, or recommended under subsection (b)(2), a local educational agency shall establish procedures for selecting teachers for the payments, which shall provide priority for those teachers recommended under subsection (b)(2).

''(d) ELIGIBLE ACTIVITY.—A teacher receiving a payment under this section shall have the choice of attending any professional development activity that meets the criteria set forth in subsections (a) and (b) of section 2032, as determined by the State involved.

"SEC. 2034. LOCAL APPLICATIONS.

''(a) IN GENERAL.—A local educational agency seeking to receive a subgrant from a State to carry out this subpart shall submit an application to the State at such time as the State shall require.

''(b) LOCAL APPLICATION CONTENTS.—The local application described in subsection (a) shall include, at a minimum, the following:

''(1) A description of how the local educational agency intends to use funds provided to carry out this subpart.

''(2) An assurance that the local educational agency will target funds to schools served by the local educational agency that—

''(A) have the lowest proportions of highly qualified teachers;

''(B) are identified for school improvement under section 1116(c); or

''(C) are identified for school improvement in accordance with other measures of school quality as determined and documented by the local educational agency.

''(3) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided through other Federal, State, and local programs, including those authorized under—

''(A) titles I and IV, part A of title V, and part A of title VII; and

''(B) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

''(4) A description of how the local educational agency will integrate funds received to carry out this subpart with funds received under part A of title V that are used for professional development to train teachers, paraprofessionals, and principals in how to use technology to improve learning and teaching.

''(5) A description of how the local educational agency has collaborated with teachers, paraprofessionals, principals, and parents in the preparation of the application.

''(6) A description of how the activities to be carried out by the local educational agency under this subpart will be based on a review of relevant research and an explanation of why the activities are expected to improve student performance and outcomes.

"Subpart 4—National Activities

"SEC. 2041. ALTERNATIVE ROUTES TO TEACHING AND PROMOTING EXCELLENCE IN TEACHING.

''(a) TEACHER EXCELLENCE ACADEMIES.—

''(1) IN GENERAL.—The Secretary may award grants on a competitive basis to eligible consortia to carry out activities described in this subsection.

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—An eligible consortium receiving funds under this subsection shall use the funds to pay the costs associated with the establishment or expansion of a teacher academy, in an elementary school or secondary school facility, that carries out—

''(i) the activities promoting alternative routes to teacher certification specified in subparagraph (B); or

''(ii) the model professional development activities specified in subparagraph (C).

''(B) PROMOTING ALTERNATIVE ROUTES TO TEACHER CERTIFICATION.—The activities promoting alternative routes to teacher certification shall, to the extent practicable, provide opportunities for highly qualified individuals with a baccalaureate degree (including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction) to enter the teaching field, through activities such as—

''(i) providing stipends, in exchange for fulfillment of a reasonable service requirement, to the highly qualified individuals, to permit the individuals to fill teaching needs in academic subjects in which there is a demonstrated shortage of teachers;

''(ii) providing for the recruitment and hiring of master teachers to mentor and train student teachers within such academies; or

''(iii) carrying out other activities that promote and strengthen alternative routes to teacher certification.

''(C) MODEL PROFESSIONAL DEVELOPMENT.—The model professional development activities shall be activities providing ongoing professional development opportunities for teachers, such as—

''(i) innovative programs and model curricula in the area of professional development, which may serve as models to be disseminated to other schools and local educational agencies; and

''(ii) the development of innovative techniques for evaluating the effectiveness of professional development programs.

''(3) GRANT FOR SPECIAL CONSORTIUM.—In making grants under this subsection, the Secretary shall award not less than 1 grant to an eligible consortium that—

''(A) includes a high need local educational agency located in a rural area; and

''(B) proposes activities that involve the extensive use of distance learning in order to provide the applicable course work to student teachers.

''(4) SPECIAL RULE.—No single participant in an eligible consortium may use more than 50 percent of the funds made available to the consortium under this subsection.

''(5) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible consortium shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(6) ELIGIBLE CONSORTIUM.—In this subsection, the term 'eligible consortium' means a consortium for a State that—

''(A) shall include—

''(i) the State agency responsible for certifying or licensing teachers;

''(ii) not less than 1 high need local educational agency;

''(iii) a school of arts and sciences; and

''(iv) an institution that prepares teachers; and

''(B) may include local educational agencies, public charter schools, public or private elementary schools or secondary schools, educational

service agencies, public or private nonprofit educational organizations, museums, or businesses.

''(b) NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.—

''(1) NATIONAL BOARD CERTIFICATION.—The Secretary may award grants to the National Board for Professional Teaching Standards to enable the Board to complete a system of national board certification. The Secretary may award grants for fiscal year 2001.

''(2) ADVANCED CERTIFICATION OR CREDENTIALING.—The Secretary may support activities to encourage and support teachers seeking advanced certification or advanced credentialing through high quality professional teacher enhancement programs designed to improve teaching and learning.

''(c) TEACHER TRAINING IN MATHEMATICS AND SCIENCE.—

''(1) IN GENERAL.—The Secretary may award grants, on a competitive basis, to eligible entities to support and promote the establishment of teacher training programs relating to the core subject areas of mathematics and science.

''(2) USE OF FUNDS.—The programs shall include teacher training with respect to the establishment of mentoring programs, model programs, or other programs, that encourage students, including young women, to pursue demanding careers and postsecondary degrees in mathematics and science, including engineering and technology.

''(3) DEVELOPMENT.—In carrying out a teacher training program under this section, the eligible entity may carry out a program jointly developed by the entity and by a business, an industry, or an institution of higher education.

''(4) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) EISENHOWER NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.—

''(1) IN GENERAL.—The Secretary may award a grant or contract, in consultation with the Director of the National Science Foundation, to an entity to continue the Eisenhower National Clearinghouse for Mathematics and Science Education (referred to in this subsection as the 'Clearinghouse').

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—The Clearinghouse may use the funds made available through the grant or contract to carry out the functions of the Clearinghouse, as of the date of enactment of the Educational Opportunities Act.

''(B) LANGUAGE ARTS; SOCIAL STUDIES.—The Clearinghouse may also use the funds to provide information and resources in the areas of language arts and social studies.

''(C) QUALITATIVE AND EVALUATIVE MATERIALS AND PROGRAMS.—The Clearinghouse may also use the funds to collect (in consultation with the Secretary, national teacher associations, professional associations, and other reviewers and developers of educational materials and programs) qualitative and evaluative materials and programs for the Clearinghouse, review the evaluation of the materials and programs, rank the effectiveness of the materials and programs on the basis of the evaluations, and distribute the results of the reviews to teachers in an easily accessible manner. Nothing in this subparagraph shall be construed to permit the Clearinghouse to directly conduct an evaluation of the qualitative and evaluative materials or programs.

''(e) TROOPS-TO-TEACHERS PROGRAM.—

''(1) PURPOSE.—The purpose of this subsection is to authorize a mechanism for the funding and administration of the Troops-to-Teachers Program established by the Troops-to-Teachers Program Act of 1999 (title XVII of the National Defense Authorization Act for Fiscal Year 2000).

''(2) TRANSFER OF FUNDS FOR ADMINISTRATION OF PROGRAM.—To the extent that funds are made available under this Act for the Troops-to-Teachers Program, the Secretary of Education shall use the funds to enter into a contract with the Defense Activity for Non-Traditional Education Support of the Department of Defense. The Defense Activity shall use the amounts made available through the contract to perform the actual administration of the Troops-to-Teachers Program, including the selection of participants in the Program under section 1704 of the Troops-to-Teachers Program Act of 1999. The Secretary of Education may retain a portion of the funds to identify local educational agencies with concentrations of children from low-income families or with teacher shortages and States with alternative certification or licensure requirements, as required by section 1702 of such Act.

"Subpart 5—Funding

"SEC. 2051. AUTHORIZATION OF APPROPRIATIONS.

''(a) FISCAL YEAR 2001.—There are authorized to be appropriated to carry out this part $2,000,000,000 for fiscal year 2001, of which $40,000,000 shall be available to carry out subpart 4.

''(b) OTHER FISCAL YEARS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2002 through 2005.

"Subpart 6—General Provisions

"SEC. 2061. DEFINITIONS.

''In this part:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' has the meaning given the term in section 201(b) of the Higher Education Act of 1965.

''(2) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' means those subjects listed under the third of the America's Education Goals.

''(3) HIGHLY QUALIFIED.—The term 'highly qualified' means—

''(A) with respect to an elementary school teacher, a teacher—

''(i) with an academic major in the arts and sciences; or

''(ii) who can demonstrate competence through a high level of performance in core academic subjects; and

''(B) with respect to a secondary school teacher, a teacher—

''(i) with an academic major in the academic subject in which the teacher teaches or in a related field;

''(ii) who can demonstrate a high level of competence through rigorous academic subject tests; or

''(iii) who can demonstrate competence through a high level of performance in relevant content areas.

''(4) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term 'high need local educational agency' has the meaning given the term in section 201(b) of the Higher Education Act of 1965.

''(5) OUT-OF-FIELD TEACHER.—The term 'out-of-field teacher' means a teacher—

''(A) teaching an academic subject for which the teacher is not highly qualified, as determined by the State involved; or

''(B) who did not receive a degree from an institution of higher education with a major or minor in the field in which the teacher teaches.

''(6) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

''(7) STATE.—The term 'State', used with respect to an individual, entity, or agency, means—

''(A) except as provided in subparagraph (B), the Governor of a State (as defined in section 3); or

''(B) in the case of a State (as so defined) for which the constitution or law of the State designates another individual, entity, or agency in the State to be responsible for elementary and secondary education programs, such individual, entity, or agency.''.

SEC. 202. LEADERSHIP EDUCATION AND DEVELOPMENT PROGRAM.

Part B of title II (20 U.S.C. 6641 et seq.) is amended to read as follows:

"PART B—LEADERSHIP EDUCATION AND DEVELOPMENT PROGRAM

"SEC. 2201. LEADERSHIP PROGRAMS.

''(a) DEFINITION.—In this section, the term 'school leader' means an elementary school or secondary school superintendent, principal, assistant principal, or teacher, or another individual in a management or leadership position with a State or region of a State whose work directly impacts teaching and learning relating to elementary or secondary education.

''(b) GRANTS.—The Secretary shall award grants to eligible entities (including State educational agencies, institutions of higher education, local educational agencies, and nonprofit educational organizations) and consortia of such entities to enable such entities or consortia to pay for the Federal share of the cost of providing professional development services for school leaders to develop or enhance the leadership skills of the school leaders. In providing the services, the entities and consortia shall work in cooperation with school leaders and other appropriate individuals.

''(c) AWARD BASIS.—The Secretary shall award a grant under this section to an eligible entity or consortium on the basis of criteria that include—

''(1) the quality of the proposed use of the grant funds;

''(2) the educational need of the State, community, or region to be served under the grant; and

''(3) the need for equitable distribution of the grants among urban and rural communities and school districts, and equitable geographic representation of regions of the United States.

''(d) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity or consortium shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that school leaders were involved in developing the application and determining the proposed use of the grant funds.

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity or consortium that receives a grant under this section shall use funds received through the grant to provide assistance for training, education, and other activities to increase the leadership and other skills of school leaders.

''(2) SPECIFIC ACTIVITIES.—In order to improve the quality of education delivered to the children in the State, community, or region in which the entity or consortium is located, the entity or consortium shall use the funds received through the grant for activities that include—

''(A) providing school leaders with effective leadership, management, and instructional skills and practices;

''(B) enhancing and developing the school management and business skills of school leaders;

''(C) improving the understanding of school leaders of the effective use of educational technology;

''(D) improving the knowledge of school leaders regarding challenging State content and performance standards;

''(E) encouraging highly qualified individuals to become school leaders and developing and enhancing the instructional, leadership, school management, parent and community involvement, mentoring, and staff evaluation skills of school leaders; and

''(F) establishing sustained and rigorous support for mentorships and for developing a network of school leaders within the State with the

goal of strengthening and improving the leadership of school leaders.

''(f) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost described in subsection (b) shall be not more than 80 percent.

''(2) NON-FEDERAL SHARE.—An entity or consortium may provide the non-Federal share of the cost in cash or in kind, fairly evaluated, including plant, equipment, or services.

''(3) WAIVERS.—The Secretary may grant waivers of paragraph (1) for entities or consortia serving low-income areas, as determined by the Secretary.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2001 and such sums as may be necessary for the 4 subsequent fiscal years.''.

SEC. 203. READING EXCELLENCE.

(a) PART HEADING.—The part heading for part C of title II (20 U.S.C. 6661 et seq.) is amended to read as follows:

"PART C—READING EXCELLENCE ACT".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 2260(a) (20 U.S.C. 6661i(a)) is amended by adding at the end the following:

''(3) FISCAL YEARS 2001 THROUGH 2004.—There are authorized to be appropriated to carry out this part $280,000,000 for fiscal year 2001 and such sums as may be necessary for the 4 subsequent fiscal years.''.

(c) SHORT TITLE.—Part C of title II (20 U.S.C. 6661 et seq.) is amended by adding at the end the following:

"SEC. 2261. SHORT TITLE.

''This part may be cited as the 'Reading Excellence Act'.''.

SEC. 204. NATIONAL WRITING PROJECT.

Part D of title II (20 U.S.C. 6671 et seq.) is amended to read as follows:

"PART D—NATIONAL WRITING PROJECT

"SEC. 2301. PURPOSE.

''The purpose of this part is—

''(1) to support and promote the expansion of the National Writing Project network of sites so that teachers in every region of the United States will have access to a National Writing Project program;

''(2) to ensure the consistent high quality of the programs through ongoing review, evaluation, and provision of technical assistance;

''(3) to support and promote the establishment of programs to disseminate information on effective practices and research findings about the teaching of writing; and

''(4) to coordinate activities assisted under this part with other activities assisted under this Act.

"SEC. 2302. NATIONAL WRITING PROJECT.

''(a) AUTHORIZATION.—The Secretary is authorized to make a grant to the National Writing Project (referred to in this section as the 'grantee'), a nonprofit educational organization that has, as the primary purpose of the organization, the improvement of the quality of student writing and learning, to support the establishment and operation of teacher training programs to improve the teaching and uses of writing for learning in the Nation's classrooms.

''(b) REQUIREMENTS OF GRANT.—The grant agreement for the grant shall provide that—

''(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (referred to individually in this section as a 'contractor') under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of establishing and operating teacher training programs concerning effective approaches and processes for the teaching of writing;

''(2) funds made available by the Secretary to the grantee under this section will be used to pay for the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

''(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

''(c) TEACHER TRAINING PROGRAMS.—In operating a teacher training program authorized in subsection (a), a contractor shall—

''(1) conduct the program during the school year and during the summer months;

''(2) train teachers who teach kindergarten, grades 1 through 12, and college;

''(3) select teachers to become members of a National Writing Project teacher network, for which each member will conduct writing workshops for other teachers in the area served by a National Writing Project site; and

''(4) encourage teachers from all disciplines to participate in such a teacher training program.

''(d) FEDERAL SHARE.—

''(1) IN GENERAL.—In this section, except as provided in paragraph (2) or (3), the term 'Federal share' means, with respect to the cost of establishing and operating teacher training programs authorized in subsection (a), 50 percent of such cost to the contractor.

''(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (e) determines, on the basis of financial need, that such waiver is necessary.

''(3) MAXIMUM.—The Federal share of the cost described in subsection (b) may not exceed $100,000 for any 1 contractor, or $200,000 for a statewide program administered by any 1 contractor in at least 5 sites throughout the State.

''(e) NATIONAL ADVISORY BOARD.—

''(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

''(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

''(A) national educational leaders;

''(B) leaders in the field of writing; and

''(C) such other individuals as the National Writing Project determines to be necessary.

''(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

''(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

''(B) review the activities and programs of the National Writing Project; and

''(C) support the continued development of the National Writing Project.

''(f) TEACHER TRAINING EVALUATION.—

''(1) IN GENERAL.—

''(A) EVALUATION.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this section in accordance with part B of title X. In conducting the evaluation, the Secretary shall determine the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs.

''(B) REPORT.—The Secretary shall submit a report containing the results of such evaluation, including the amount determined by the Secretary under subparagraph (A), to the appropriate committees of Congress.

''(2) FUNDING LIMITATION.—The Secretary shall reserve not more than $150,000 from the total amount appropriated pursuant to the authority of subsection (h) for fiscal year 2001 and the 4 subsequent fiscal years to conduct the evaluation described in paragraph (1).

''(g) APPLICATION REVIEW.—

''(1) REVIEW BOARD.—The National Writing Project shall establish and operate a National Review Board that shall consist of—

''(A) leaders in the field of research in writing; and

''(B) such other individuals as the National Writing Project determines to be necessary.

''(2) DUTIES.—The National Review Board shall—

''(A) review all applications for assistance submitted under this section; and

''(B) recommend applications for assistance submitted under this section for funding by the National Writing Project.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $15,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 subsequent fiscal years.''.

SEC. 205. GENERAL PROVISIONS.

Title II (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part G; and

(2) by repealing sections 2401 and 2402 and inserting the following:

"SEC. 2601. PROHIBITION ON MANDATORY NATIONAL CERTIFICATION OR LICENSING OF TEACHERS.

''(a) PROHIBITION ON MANDATORY TESTING, CERTIFICATION, OR LICENSING.—Notwithstanding any other provision of law, the Secretary may not use Federal funds to plan, develop, implement, or administer any mandatory national teacher test or mandatory method of certification or licensing.

''(b) PROHIBITION ON WITHHOLDING FUNDS.—The Secretary may not withhold funds from any State or local educational agency if such State or local educational agency fails to adopt a specific method of teacher certification or licensing.

"SEC. 2602. HOME SCHOOLS.

''Nothing in this title shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether a home school is treated as a private school or home school under the law of the State involved, except that the Secretary may require that funds provided to a school under this title be used for the purposes described in this title. This section shall not be construed to bar private, religious, or home schools from participating in or receiving programs or services under this title.''.

SEC. 206. NEW CENTURY PROGRAM AND DIGITAL EDUCATION CONTENT COLLABORATIVE.

Title II is amended by inserting before part G (20 U.S.C. 6701 et seq.) the following:

"PART E—THE NEW CENTURY PROGRAM FOR DISTRIBUTED TEACHER PROFESSIONAL DEVELOPMENT

"SEC. 2401. PROJECT AUTHORIZED.

''(a) PURPOSE.—It is the purpose of this part to carry out a program designed to assist elementary school and secondary school teachers in preparing all students for achieving State content standards.

''(b) GRANTS.—The Secretary may make a grant to a nonprofit telecommunications entity, or a partnership of such entities, for the purpose of carrying out a national telecommunications-based program to improve teaching in core curriculum areas to achieve the purpose described in subsection (a).

"SEC. 2402. APPLICATION.

''(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part shall submit an application to the Secretary. Each such application shall—

''(1) demonstrate that the applicant will use the public broadcasting infrastructure and school digital networks, where available, to deliver video and data in an integrated service to train teachers in the use of standards-based curricula materials and learning technologies;

''(2) provide an assurance that the project for which the assistance is being sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, national, State, or local nonprofit public telecommunications entities, and national education professional associations that have developed content standards in the relevant subject areas;

''(3) provide an assurance that a significant portion of the benefits available for elementary

schools and secondary schools from the project for which the assistance is being sought will be available to schools of local educational agencies which have a high percentage of children counted under section 1124(c); and

''(4) contain such additional assurances as the Secretary may reasonably require.

''(b) APPROVAL, NUMBER OF SITES.—In approving applications under this section, the Secretary shall ensure that the program authorized by this part is conducted at elementary school and secondary school sites in at least 15 States.

''SEC. 2403. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part, $20,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 subsequent fiscal years.

''PART F—DIGITAL EDUCATION CONTENT COLLABORATIVE

''SEC. 2501. DIGITAL EDUCATION CONTENT COLLABORATIVE.

''(a) IN GENERAL.—The Secretary may award grants to, or enter into contracts or cooperative agreements with, eligible entities described in section 2502(b) to develop, produce, and distribute educational and instructional video programming that is designed for use by kindergarten through grade 12 schools and based on State standards.

''(b) AVAILABILITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall ensure that eligible entities enter into multiyear content development collaborative arrangements with State educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies and organizations.

''SEC. 2502. EDUCATIONAL PROGRAMMING.

''(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements under this part to eligible entities to facilitate the development of educational programming that shall—

''(1) include student assessment tools to provide feedback on student performance;

''(2) include built-in teacher utilization and support components to ensure that teachers understand and can easily use the content of the programming with group instruction or for individual student use;

''(3) be created for, or adaptable to, State content standards; and

''(4) be capable of distribution through digital broadcasting and school digital networks.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under section 2501(a), an entity shall be a local public telecommunications entity as defined in section 397(12) of the Communications Act of 1934 that is able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality.

''(c) COMPETITIVE BASIS.—Grants, contracts, or cooperative agreements under this part shall be awarded on a competitive basis as determined by the Secretary.

''(d) DURATION.—Each grant, contract, or cooperative agreement under this part shall be awarded for a period of 3 years in order to allow time for the creation of a substantial body of significant content.

''SEC. 2503. APPLICATIONS.

''Each eligible entity desiring a grant, contract, or cooperative agreement under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''SEC. 2504. MATCHING REQUIREMENT.

''An eligible entity receiving a grant, contract, or cooperative agreement under this part shall contribute to the activities assisted under this part non-Federal matching funds in an amount equal to not less than 100 percent of the amount of the grant, contract, or cooperative agreement. Non-Federal funds may include funds provided from a non-Federal source for the transition to digital broadcasting, as well as in-kind contributions.

''SEC. 2505. ADMINISTRATIVE COSTS.

''With respect to the implementation of this part, entities receiving a grant, contract, or cooperative agreement under this part may use not more than 5 percent of the amounts received under the grant, contract, or cooperative agreement for the normal and customary expenses of administering the grant.

''SEC. 2506. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part, $25,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 subsequent fiscal years.''.

SEC. 207. CONFORMING AMENDMENTS.

(a) ED-FLEX PROGRAMS.—Section 4(b)(2) of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b(b)(2)) is amended by striking ''Part B of title II'' and inserting ''Subparts 1, 2, and 3 of part A of title II''.

(b) WAIVER AUTHORITY OF SECRETARY OF EDUCATION.—Section 502(b)(2) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6212(b)(2)) is amended by striking ''part A of title II'' and inserting ''subpart 4 of part A of title II''.

TITLE III—ENRICHMENT INITIATIVES

SEC. 301. ENRICHMENT INITIATIVES.

Title III (20 U.S.C. 6801 et seq.) is amended to read as follows:

''TITLE III—ENRICHMENT INITIATIVES

''PART A—21ST CENTURY COMMUNITY LEARNING CENTERS

''SEC. 3101. SHORT TITLE.

''This part may be cited as the ''21st Century Community Learning Centers Act''.

''SEC. 3102. PURPOSE.

It is the purpose of this part—

''(1) to provide local public schools with the opportunity to serve as centers for the delivery of education and human resources for all members of communities;

''(2) to enable public schools, primarily in rural and inner city communities, to collaborate with other public and nonprofit agencies and organizations, local businesses, educational entities (such as vocational and adult education programs, school-to-work programs, community colleges, and universities), recreational, cultural, and other community and human service entities, to meet the needs of, and expand the opportunities available to, the residents of the communities served by such schools;

''(3) to use school facilities, equipment, and resources so that communities can promote a more efficient use of public education facilities, especially in rural and inner city areas where limited financial resources have enhanced the necessity for local public schools to become social service centers;

''(4) to enable schools to become centers of lifelong learning; and

''(5) to enable schools to provide educational opportunities for individuals of all ages.

''SEC. 3103. PROGRAM AUTHORIZATION.

''(a) GRANTS BY THE SECRETARY.—The Secretary is authorized, in accordance with the provisions of this part, to award grants to rural and inner-city public elementary or secondary schools, or consortia of such schools, to enable such schools or consortia to plan, implement, or to expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner-city community.

''(b) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Secretary shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

''(c) GRANT PERIOD.—The Secretary shall award grants under this part for a period not to exceed 3 years.

''(d) AMOUNT.—The Secretary shall not award a grant under this part in any fiscal year in an amount less than $35,000.

''SEC. 3104. APPLICATION REQUIRED.

''(a) APPLICATION.—To be eligible to receive a grant under this part, an elementary or secondary school or consortium shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably prescribe. Each such application shall include—

''(1) a comprehensive local plan that enables the school or consortium to serve as a center for the delivery of education and human resources for members of a community;

''(2) an evaluation of the needs, available resources, and goals and objectives for the proposed project in order to determine which activities will be undertaken to address such needs; and

''(3) a description of the proposed project, including—

''(A) a description of the mechanism that will be used to disseminate information in a manner that is understandable and accessible to the community;

''(B) identification of Federal, State, and local programs to be merged or coordinated so that public resources may be maximized;

''(C) a description of the collaborative efforts to be undertaken by community-based organizations, related public agencies, businesses, or other appropriate organizations;

''(D) a description of how the school or consortium will serve as a delivery center for existing and new services, especially for interactive telecommunication used for education and professional training; and

''(E) an assurance that the school or consortium will establish a facility utilization policy that specifically states—

''(i) the rules and regulations applicable to building and equipment use; and

''(ii) supervision guidelines.

''(b) PRIORITY.—The Secretary shall give priority to applications describing projects that offer a broad selection of services which address the needs of the community.

''SEC. 3105. USES OF FUNDS.

''Grants awarded under this part may be used to plan, implement, or expand community learning centers which include not less than four of the following activities:

''(1) Literacy education programs.

''(2) Senior citizen programs.

''(3) Children's day care services.

''(4) Integrated education, health, social service, recreational, or cultural programs.

''(5) Summer and weekend school programs in conjunction with recreation programs.

''(6) Nutrition and health programs.

''(7) Expanded library service hours to serve community needs.

''(8) Telecommunications and technology education programs for individuals of all ages.

''(9) Parenting skills education programs.

''(10) Support and training for child day care providers.

''(11) Employment counseling, training, and placement.

''(12) Services for individuals who leave school before graduating from secondary school, regardless of the age of such individual.

''(13) Services for individuals with disabilities.

''SEC. 3106. DEFINITION.

''For the purpose of this part, the term 'community learning center' means an entity within a public elementary or secondary school building that—

''(1) provides educational, recreational, health, and social service programs for residents of all ages within a local community; and

''(2) is operated by a local educational agency in conjunction with local governmental agencies, businesses, vocational education programs,

institutions of higher education, community colleges, and cultural, recreational, and other community and human service entities.

"SEC. 3107. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $500,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

"PART B—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK STUDENTS

"Subpart 1—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or at Risk of Dropping Out

"SEC. 3321. PURPOSE; PROGRAM AUTHORIZED.

''(a) PURPOSE.—It is the purpose of this subpart—

''(1) to improve educational services for children in local and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children in the State are expected to meet;

''(2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and

''(3) to prevent at-risk youth from dropping out of school and to provide dropouts and youth returning from institutions with a support system to ensure their continued education.

''(b) PROGRAM AUTHORIZED.—In order to carry out the purpose of this subpart the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected or delinquent children and youth at risk of dropping out of school before graduation.

"SEC. 3322. PAYMENTS FOR PROGRAMS UNDER THIS SUBPART.

''(a) AGENCY SUBGRANTS.—Based on the allocation amount computed under section 3332, the Secretary shall allocate to each State educational agency amounts necessary to make subgrants to State agencies under chapter 1.

''(b) LOCAL SUBGRANTS.—Each State shall retain, for purposes of carrying out chapter 2, funds generated throughout the State under part A of title I based on youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

"Chapter 1—State Agency Programs

"SEC. 3331. ELIGIBILITY.

''A State agency is eligible for assistance under this chapter if such State agency is responsible for providing free public education for children—

''(1) in institutions for neglected or delinquent children and youth;

''(2) attending community day programs for neglected or delinquent children and youth; or

''(3) in adult correctional institutions.

"SEC. 3332. ALLOCATION OF FUNDS.

''(a) SUBGRANTS TO STATE AGENCIES.—

''(1) IN GENERAL.—Each State agency described in section 3331 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this subpart, for each fiscal year, an amount equal to the product of—

''(A) the number of neglected or delinquent children and youth described in section 3331 who—

''(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

''(ii) are enrolled for at least 20 hours per week—

''(I) in education programs in institutions for neglected or delinquent children and youth; or

''(II) in community day programs for neglected or delinquent children and youth; and

''(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

''(2) SPECIAL RULE.—The number of neglected or delinquent children and youth determined under paragraph (1) shall—

''(A) be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children and youth on a specific date set by the Secretary; and

''(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

''(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this subpart shall be equal to—

''(1) the number of children and youth counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico; multiplied by

''(2) the product of—

''(A) the percentage that the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

''(B) 32 percent of the average per-pupil expenditure in the United States.

''(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

"SEC. 3333. STATE REALLOCATION OF FUNDS.

''If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this subpart for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this subpart, in such amounts as the State educational agency shall determine.

"SEC. 3334. STATE PLAN AND STATE AGENCY APPLICATIONS.

''(a) STATE PLAN.—

''(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this subpart shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children and youth and, where applicable, children and youth at risk of dropping out of school, that is integrated with other programs under this Act, or other Acts, as appropriate, consistent with section 6506.

''(2) CONTENTS.—Each such State plan shall—

''(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

''(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

''(C) contain assurances that the State educational agency will—

''(i) ensure that programs assisted under this subpart will be carried out in accordance with the State plan described in this subsection;

''(ii) carry out the evaluation requirements of section 3351;

''(iii) ensure that the State agencies receiving subgrants under this chapter comply with all applicable statutory and regulatory requirements; and

''(iv) provide such other information as the Secretary may reasonably require.

''(3) DURATION OF THE PLAN.—Each State plan shall—

''(A) remain in effect for the duration of the State's participation under this subpart; and

''(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this subpart.

''(b) SECRETARIAL APPROVAL; PEER REVIEW.—

''(1) IN GENERAL.—The Secretary shall approve each State plan that meets the requirements of this subpart.

''(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

''(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this chapter shall submit an application to the State educational agency that—

''(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess the educational needs of the children to be served;

''(2) provides assurances that in making services available to youth in adult correctional institutions, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

''(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

''(4) describes how the program will meet the goals and objectives of the State plan;

''(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 3336 are of high quality;

''(6) describes how the agency will carry out the evaluation requirements of section 10201 and how the results of the most recent evaluation are used to plan and improve the program;

''(7) includes data showing that the agency has maintained the fiscal effort required of a local educational agency, in accordance with section 10101;

''(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of the Workforce Investment Act of 1998, vocational education programs, State and local dropout prevention programs, and special education programs;

''(9) describes how appropriate professional development will be provided to teachers and other staff;

''(10) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;

''(11) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating children and youth;

''(12) provides assurances that the agency will assist in locating alternative programs through which students can continue their education if students are not returning to school after leaving the correctional facility;

''(13) provides assurances that the agency will work with parents to secure parents' assistance in improving the educational achievement of their children and preventing their children's further involvement in delinquent activities;

''(14) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if the youth—

''(A) is identified as in need of special education services while the youth is in the facility; and

''(B) intends to return to the local school;

''(15) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of the youth has been completed or provide the youth with the

skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or its recognized equivalent if the youth does not intend to return to school;

''(16) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

''(17) describes any additional services provided to children and youth, such as career counseling, and assistance in securing student loans and grants; and

''(18) provides assurances that the program under this chapter will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable programs, if applicable.

''SEC. 3335. USE OF FUNDS.

''(a) USES.—

''(1) IN GENERAL.—A State agency shall use funds received under this chapter only for programs and projects that—

''(A) are consistent with the State plan under section 3334(a); and

''(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, further education, or employment.

''(2) PROGRAMS AND PROJECTS.—Such programs and projects—

''(A) may include the acquisition of equipment;

''(B) shall be designed to support educational services that—

''(i) except for institution-wide projects under section 3336, are provided to children and youth identified by the State agency as failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards;

''(ii) supplement and improve the quality of the educational services provided to such children and youth by the State agency; and

''(iii) afford such children and youth an opportunity to learn to such challenging State standards;

''(C) shall be carried out in a manner consistent with section 1120A and part F of title I; and

''(D) may include the costs of meeting the evaluation requirements of section 10201.

''(b) SUPPLEMENT, NOT SUPPLANT.—A program under this chapter that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1120A without regard to the subject areas in which instruction is given during those hours.

''SEC. 3336. INSTITUTION-WIDE PROJECTS.

''A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this subpart to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

''(1) provides for a comprehensive assessment of the educational needs of all youth in the institution or program serving juveniles;

''(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a two-year period;

''(3) describes the steps the State agency has taken, or will take, to provide all youth under age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that the youths will complete secondary school, attain a secondary diploma or its recognized equivalent, or find employment after leaving the institution;

''(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for students;

''(5) specifically describes how such funds will be used;

''(6) describes the measures and procedures that will be used to assess student progress;

''(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

''(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

''SEC. 3337. THREE-YEAR PROGRAMS OR PROJECTS.

''If a State agency operates a program or project under this chapter in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this subpart for a period of not more than three years.

''SEC. 3338. TRANSITION SERVICES.

''(a) TRANSITION SERVICES.—Each State agency shall reserve not more than 10 percent of the amount such agency receives under this chapter for any fiscal year to support projects that facilitate the transition of children and youth from State-operated institutions to local educational agencies.

''(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

''(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide transitional educational services, which may include pupil services and mentoring, to neglected and delinquent children and youth in schools other than State-operated institutions.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

''Chapter 2—Local Agency Programs

''SEC. 3341. PURPOSE.

''The purpose of this chapter is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities to—

''(1) carry out high quality education programs to prepare youth for secondary school completion, training, and employment, or further education;

''(2) provide activities to facilitate the transition of such youth from the correctional program to further education or employment; and

''(3) operate dropout prevention programs in local schools for youth at risk of dropping out of school and youth returning from correctional facilities.

''SEC. 3342. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

''(a) LOCAL SUBGRANTS.—With funds made available under section 3322(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of youth residing in locally operated (including county operated) correctional facilities for youth (including facilities involved in community day programs).

''(b) SPECIAL RULE.—A local educational agency which includes a correctional facility that operates a school is not required to operate a dropout prevention program if more than 30 percent of the youth attending such facility will reside outside the boundaries of the local educational agency upon leaving such facility.

''(c) NOTIFICATION.—A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this chapter.

''SEC. 3343. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

''Eligible local educational agencies desiring assistance under this chapter shall submit an application to the State educational agency, containing such information as the State educational agency may require. Each such application shall include—

''(1) a description of the program to be assisted;

''(2) a description of formal agreements between—

''(A) the local educational agency; and

''(B) correctional facilities and alternative school programs serving youth involved with the juvenile justice system to operate programs for delinquent youth;

''(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent youth to ensure that such youth are participating in an education program comparable to one operating in the local school such youth would attend;

''(4) as appropriate, a description of the dropout prevention program operated by participating schools and the types of services such schools will provide to at-risk youth in participating schools and youth returning from correctional facilities;

''(5) as appropriate, a description of the youth expected to be served by the dropout prevention program and how the school will coordinate existing educational programs to meet unique education needs;

''(6) as appropriate, a description of how schools will coordinate with existing social and health services to meet the needs of students at risk of dropping out of school and other participating students, including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility;

''(7) as appropriate, a description of any partnerships with local businesses to develop training and mentoring services for participating students;

''(8) as appropriate, a description of how the program will involve parents in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

''(9) a description of how the program under this chapter will be coordinated with other Federal, State, and local programs, such as programs under title I of the Workforce Investment Act of 1998 and vocational education programs serving at-risk youth;

''(10) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

''(11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of youth returning from correctional facilities;

''(12) a description of efforts participating schools will make to ensure correctional facilities working with youth are aware of a child's existing individualized education program; and

''(13) as appropriate, a description of the steps participating schools will take to find alternative placements for youth interested in continuing their education but unable to participate in a regular public school program.

''SEC. 3344. USES OF FUNDS.

''Funds provided to local educational agencies under this chapter may be used, where appropriate, for—

''(1) dropout prevention programs which serve youth at educational risk, including pregnant and parenting teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrant youth, immigrant youth, students with limited-English proficiency and gang members;

''(2) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care and drug and alcohol counseling, will improve the likelihood such individuals will complete their education; and

''(3) programs to meet the unique education needs of youth at risk of dropping out of school, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.

''SEC. 3345. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.

''Each correctional facility having an agreement with a local educational agency under section 3343(2) to provide services to youth under this chapter shall—

''(1) where feasible, ensure educational programs in juvenile facilities are coordinated with the student's home school, particularly with respect to special education students with an individualized education program;

''(2) notify the local school of a youth if the youth is identified as in need of special education services while in the facility;

''(3) where feasible, provide transition assistance to help the youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

''(4) provide support programs which encourage youth who have dropped out of school to reenter school once their term has been completed or provide such youth with the skills necessary for such youth to gain employment or seek a secondary school diploma or its recognized equivalent;

''(5) work to ensure such facilities are staffed with teachers and other qualified staff who are trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such children and students;

''(6) ensure educational programs in correctional facilities are related to assisting students to meet high educational standards;

''(7) use, to the extent possible, technology to assist in coordinating educational programs between the juvenile facility and the community school;

''(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

''(9) coordinate funds received under this program with other local, State, and Federal funds available to provide services to participating youth, such as funds made available under title I of the Workforce Investment Act of 1998, and vocational education funds;

''(10) coordinate programs operated under this chapter with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable; and

''(11) if appropriate, work with local businesses to develop training and mentoring programs for participating youth.

''SEC. 3346. ACCOUNTABILITY.

''The State educational agency may—

''(1) reduce or terminate funding for projects under this chapter if a local educational agency does not show progress in reducing dropout rates for male students and for female students over a 3-year period; and

''(2) require juvenile facilities to demonstrate, after receiving assistance under this chapter for 3 years, that there has been an increase in the number of youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after such youth are released.

''Chapter 3—General Provisions

''SEC. 3351. PROGRAM EVALUATIONS.

''(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under chapter 1 or 2 shall evaluate the program, disaggregating data on participation by sex, and if feasible, by race, ethnicity, and age, not less than once every three years to determine the program's impact on the ability of participants to—

''(1) maintain and improve educational achievement;

''(2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;

''(3) make the transition to a regular program or other education program operated by a local educational agency; and

''(4) complete secondary school (or secondary school equivalency requirements) and obtain employment after leaving the institution.

''(b) EVALUATION MEASURES.—In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

''(c) EVALUATION RESULTS.—Each State agency and local educational agency shall—

''(1) submit evaluation results to the State educational agency; and

''(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

''SEC. 3352. DEFINITIONS.

''In this subpart:

''(1) ADULT CORRECTIONAL INSTITUTION.—The term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

''(2) AT-RISK YOUTH.—The term 'at-risk youth' means school aged youth who are at risk of academic failure, have drug or alcohol problems, are pregnant or are parents, have come into contact with the juvenile justice system in the past, are at least one year behind the expected grade level for the age of the youth, have limited-English proficiency, are gang members, have dropped out of school in the past, or have high absenteeism rates at school.

''(3) COMMUNITY DAY PROGRAM.—The term 'community day program' means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.

''(4) INSTITUTION FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH.—The term 'institution for neglected or delinquent children and youth' means—

''(A) a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians; or

''(B) a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

''SEC. 3353. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $42,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

''PART C—GIFTED AND TALENTED CHILDREN

''SEC. 3401. SHORT TITLE.

''This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act'.

''SEC. 3402. STATEMENT OF PURPOSE.

''(a) PURPOSE.—The purpose of this part is—

''(1) to provide grants to State educational agencies and local public schools for the support of programs, classes, and other services designed to meet the needs of the Nation's gifted and talented students in elementary schools and secondary schools;

''(2) to encourage the development of rich and challenging curricula for all students through the appropriate application and adaptation of materials and instructional methods developed under this part; and

''(3) to supplement and make more effective the expenditure of State and local funds for the education of gifted and talented students.

''SEC. 3403. CONSTRUCTION.

''Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational setting where appropriate.

''SEC. 3404. AUTHORIZATION OF APPROPRIATIONS; TRIGGER.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $155,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) TRIGGER.—Notwithstanding any other provision of this part, if the amount appropriated under subsection (a) for a fiscal year is less than $50,000,000, then the Secretary shall use such amount to carry out part B of title X (as such part was in effect on the day before the date of enactment of the Educational Opportunities Act).

''SEC. 3405. ALLOTMENT TO STATES.

''(a) RESERVATION.—From the funds appropriated under section 3404(a) for any fiscal year, the Secretary shall reserve not more than 1 percent for payments to the outlying areas to be allotted to the outlying areas in accordance with their respective needs for assistance under this part.

''(b) ALLOTMENT.—From the funds appropriated under section 3404(a) that are not reserved under subsection (a), the Secretary shall allot to each State an amount that bears the same relation to the funds as the school-age population of the State bears to the school-age population of all States, except that no State shall receive an allotment that is less than 0.50 percent of the funds.

''(c) GRANDFATHER CLAUSE.—If the amount appropriated under section 3404(a) for a fiscal year is $50,000,000 or more, then the Secretary shall use such amount to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under part B of title X (as such part was in effect on the day before the date of enactment of the Educational Opportunities Act) for the duration of the grant or contract award.

''SEC. 3406. STATE APPLICATIONS.

''(a) APPLICATION REQUIREMENTS.—Any State that desires to receive assistance under this part shall submit to the Secretary an application that—

''(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

''(2) contains an assurance of the State educational agency's ability to provide matching funds for the activities to be assisted under this part in an amount equal to not less than 20 percent of the grant funds to be received, provided in cash or in-kind;

''(3) provides for a biennial submission of data regarding the use of funds under this part, the types of services furnished under this part, and how the services impacted the individuals assisted under this part;

''(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with all State educational agency fiscal audit and program evaluation responsibilities under this Act);

''(5) contains an assurance that there is compliance with the requirements of this part; and

''(6) provides for timely public notice and public dissemination of the data submitted pursuant to paragraph (3).

''(b) DURATION AND AMENDMENTS.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years.

"SEC. 3407. STATE USES OF FUNDS.

''(a) IN GENERAL.—A State educational agency shall not use more than 10 percent of the funds made available under this part for—

''(1) establishment and implementation of a peer review process for grant applications under this part;

''(2) supervision of the awarding of funds to local educational agencies or consortia thereof to support gifted and talented students from all economic, ethnic, and racial backgrounds, including such students of limited English proficiency and such students with disabilities;

''(3) planning, supervision, and processing of funds made available under this section;

''(4) monitoring, evaluation, and dissemination of programs and activities assisted under this part, including the submission of an annual report to the Secretary that describes the number of students served and the education activities assisted under the grant;

''(5) providing technical assistance under this part; and

''(6) supplementing, but not supplanting, the amount of State and local funds expended for the education of, and related services provided for, the education of gifted and talented students.

''(b) PARENTAL SUPPORT.—A State educational agency shall not use more than 2 percent of the funds made available under this part for providing information, education, and support to parents of gifted and talented children to enhance the parents' ability to participate in decisions regarding their children's educational programs.

"SEC. 3408. DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.

''(a) GRANT COMPETITION.—A State educational agency shall use not less than 88 percent of the funds made available under this part to award grants, on a competitive basis, to local educational agencies or consortia thereof to support programs, classes, and other services designed to meet the needs of gifted and talented students.

''(b) SIZE OF GRANT.—A State educational agency shall award a grant under this part for any fiscal year in an amount sufficient to meet the needs of the students to be served under the grant.

"SEC. 3409. LOCAL APPLICATION REQUIREMENTS.

''(a) APPLICATION.—To be eligible to receive a grant under this part the local educational agency or consortium shall submit an application to the State educational agency.

''(b) CONTENTS.—Each such application shall include—

''(1) an assurance that the funds received under this part will be used to identify and support gifted and talented students, including gifted and talented students from all economic, ethnic, and racial backgrounds, including such students of limited English proficiency, and such students with disabilities;

''(2) a description of how the local educational agency or consortium will meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students.

"SEC. 3410. LOCAL USES OF FUNDS.

''Grants awarded under this part shall be used by local educational agencies or consortia to carry out 1 or more of the following activities to benefit gifted and talented students:

''(1) PROFESSIONAL DEVELOPMENT PROGRAMS.—Developing and implementing programs to address State and local needs for inservice training activities for general educators, specialists in gifted and talented education, administrators, school counselors, or other school personnel.

''(2) IDENTIFICATION OF STUDENTS.—Delivery of services to gifted and talented students who may not be identified and served through traditional assessment methods, including economically disadvantaged individuals, individuals of limited English proficiency, and individuals with disabilities.

''(3) MODEL PROJECTS.—Supporting and implementing innovative strategies such as cooperative learning, service learning, peer tutoring, independent study, and adapted curriculum used by schools or consortia.

''(4) EMERGING TECHNOLOGIES.—Assisting schools or consortia of schools, that do not have the resources to otherwise provide gifted and talented courses, to provide the courses through new and emerging technologies, including distance learning curriculum packages, except that funds under this part shall not be used for the purchase or upgrading of technological hardware.

"SEC. 3411. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.

''In awarding grants under this part the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private, nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such children.

"SEC. 3412. ESTABLISHMENT OF NATIONAL CENTER.

''(a) PURPOSE.—The purposes of a National Center for Research and Development in the Education of Gifted and Talented Children and Youth are—

''(1) to develop, disseminate, and evaluate model projects and activities for serving gifted and talented students;

''(2) to conduct research regarding innovative methods for identifying and educating gifted and talented students; and

''(3) to provide technical assistance programs that will further the education of gifted and talented students, including how gifted and talented programs, where appropriate, may be adapted for use by all students.

''(b) CENTER ESTABLISHED.—The Secretary shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with 1 or more institutions of higher education, State educational agencies, or a consortia of such institutions and agencies.

''(c) DIRECTOR.—The National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, and State educational agencies or local educational agencies.

''(d) GRANDFATHER CLAUSE.—If the amount appropriated under section 3404(a) for a fiscal year is $50,000,000 or more, then the Secretary shall use such amount to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under section 10204(c) (as such section was in effect on the day before the date of enactment of the Educational Opportunities Act) for the duration of the grant or contract award.

''(e) FUNDING.—The Secretary may use not more than 30 percent of the funds made available under section 3404(a) for any fiscal year to carry out this section.

"PART D—ARTS IN EDUCATION

"Subpart 1—Arts Education

"SEC. 3511. SUPPORT FOR ARTS EDUCATION.

''(a) PURPOSES.—The purposes of this subpart are to—

''(1) support systemic education reform by strengthening arts education as an integral part of the elementary school and secondary school curriculum;

''(2) help ensure that all students have the opportunity to learn to challenging State content standards and challenging State student performance standards in the arts;

''(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the America's Education Goals;

''(4) support model partnership programs between schools and nonprofit cultural organizations designed to contribute to overall achievement for students and complement curriculum-based arts instruction in the classroom; and

''(5) support projects and programs in the performing arts through arrangements with the John F. Kennedy Center for the Performing Arts, and support model projects and programs that assure the participation in the arts and education programs for individuals with disabilities through VSA Arts.

''(b) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this subpart, the Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with—

''(1) State educational agencies;

''(2) local educational agencies;

''(3) institutions of higher education;

''(4) museums and other cultural institutions; and

''(5) other public and private agencies, institutions, and organizations.

''(c) AUTHORIZED ACTIVITIES.—Funds under this subpart may be used for—

''(1) the development and dissemination of model arts education programs or model arts education assessments based on high standards;

''(2) the development and implementation of curriculum frameworks for arts education;

''(3) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

''(4) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art;

''(5) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

''(6) supporting model projects and programs by VSA Arts that assure the participation in mainstream settings in arts and education programs of individuals with disabilities; and

''(7) supporting collaborative projects between schools, and nonprofit cultural organizations with expertise in music, dance, literature, theater and the visual arts, for model school arts programs.

''(d) COORDINATION.—

''(1) IN GENERAL.—A recipient of funds under this subpart, to the extent possible, shall coordinate projects assisted under this subpart with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

''(2) SPECIAL RULE.—In carrying out this subpart, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art.

''(e) AUTHORIZATION.—

''(1) IN GENERAL.—For the purpose of carrying out this subpart, there are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(2) SPECIAL RULE.—If the amount appropriated under paragraph (1) for any fiscal year is $10,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (5) and (6) of subsection (c).

"Subpart 2—Cultural Partnerships for At-Risk Youth

"SEC. 3521. PURPOSE.

''The purpose of this subpart is to award grants to eligible entities to improve the educational performance and potential of at-risk youth by providing comprehensive and coordinated educational and cultural services.

"SEC. 3522. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to award grants to eligible entities to pay the Federal share of the costs of the activities described in section 3523.

''(b) SPECIAL REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall award grants under this subpart only to eligible entities carrying out programs designed to—

''(A) promote and enhance educational and cultural activities;

''(B) provide multiyear services to at-risk youth and to integrate community cultural resources into in-school and after-school educational programs;

''(C) provide integration of community cultural resources into the regular curriculum and school day;

''(D) focus school and cultural resources in the community on coordinated cultural services to address the needs of at-risk youth;

''(E) provide effective cultural programs to facilitate the transition from preschool programs to elementary school programs, including programs under the Head Start Act and part C of the Individuals with Disabilities Education Act;

''(F) facilitate school-to-work transition from secondary schools and alternative schools to job training, higher education and employment through educational programs and activities that utilize school resources;

''(G) increase parental and community involvement in the educational, social, and cultural development of at-risk youth; or

''(H)(i) develop programs and strategies that provide high-quality coordinated educational and cultural services; and

''(ii) provide a model to replicate such services in other schools and communities.

''(2) PARTNERSHIP.—An interagency partnership comprised of the Secretary, the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts, and the Director of the Institute of Museum and Library Services, or their designees, shall establish criteria and procedures for awarding grants, including the establishment of panels to review the applications, and shall administer the grants program authorized by this section. The Secretary shall publish such criteria and procedures in the Federal Register.

''(3) COORDINATION.—Grants may only be awarded under this subpart to eligible entities that agree to coordinate activities carried out under other Federal, State, and local grants, received by the members of the partnership for purposes and target populations described in this subpart, into an integrated service delivery system located at a school, cultural, or other community-based site accessible to and utilized by at-risk youth.

''(4) ELIGIBLE ENTITIES.—For purposes of this subpart, the term 'eligible entity' means a partnership between or among—

''(A)(i) one or more local educational agencies; or

''(ii) one or more individual schools that are eligible to participate in a schoolwide program under section 1114; and

''(B) at least 1 institution of higher education, museum, local arts agency, or nonprofit cultural organization or institution with expertise in music, dance, theater, creative writing, or visual arts, that is accessible to individuals within the school district of such local educational agency or school, and that has a history of providing quality services to the community, which may include—

''(i) nonprofit institutions of higher education, museums, libraries, performing, presenting and exhibiting arts organizations, literary arts organizations, State and local arts organizations, cultural institutions, and zoological and botanical organizations; or

''(ii) private for-profit entities with a history of training youth in the arts.

''(5) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subpart the Secretary, to the extent feasible, shall ensure an equitable geographic distribution of the grants.

''(6) DURATION.—Grants made under this subpart may be renewable for a maximum of 5 years if the Secretary determines that the eligible recipient has made satisfactory progress toward the achievement of the program objectives described in the application.

''(7) MODELS.—The Secretary, in consultation with the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts, and the Director of the Institute of Museum and Library Services, or their designees, shall submit successful models developed under this subpart to the National Diffusion Network for review.

''(c) TARGET POPULATION.—To be eligible for a grant under this subpart an eligible entity shall support activities under this part that serve—

''(1) students enrolled in schools participating in a schoolwide program under section 1114 and the families of such students to the extent practicable;

''(2) out-of-school at-risk youth; or

''(3) a combination of in-school and out-of-school at-risk youth.

"SEC. 3523. AUTHORIZED ACTIVITIES.

''(a) IN GENERAL.—Grants awarded under this subpart may be used—

''(1) to develop, acquire, implement, and expand school-based coordinated educational and cultural programs to strengthen the educational performance and potential of in-school or out-of-school at-risk youth through grants, cooperative agreements or contracts, or through the provision of services;

''(2) to provide at-risk youth with integrated cultural activities designed to improve academic achievement and the transition of such students to all levels of education from prekindergarten to secondary school and beyond;

''(3) to work with school personnel on staff development activities that—

(A) encourage the integration of arts into the curriculum; and

(B) to the greatest extent practicable, are tied to challenging State content standards and challenging State student performance standards;

''(4) for cultural programs that encourage the active participation of parents in the education of their children; and

''(5) for assistance that allows local artists to work with at-risk youth in schools.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

''(A) describe the cultural entity or entities that will participate in the partnership;

''(B) describe the target population to be served;

''(C) describe the services to be provided;

''(D) describe a plan for evaluating the success of the program;

''(E) in the case of each local educational agency or school participating in the partnership, describe how the activities assisted under this subpart will be perpetuated beyond the duration of the grant;

''(F) describe the manner in which the eligible entity will improve the educational achievement or potential of at-risk youth through more effective coordination of cultural services in the community;

''(G) describe the overall and operational goals of the program;

''(H) describe the nature and location of all planned sites where services will be delivered and a description of services which will be provided at each site; and

''(I) describe training that will be provided to individuals who are not trained to work with youth, and how teachers will be involved.

"SEC. 3524. PAYMENTS; AMOUNTS OF AWARD; COST SHARE; LIMITATIONS.

''(a) PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall pay to each eligible recipient having an application approved under section 3523(b) the Federal share of the cost of the activities described in the application.

''(2) SPECIAL RULE.—

''(A) IN GENERAL.—Grants awarded under this subpart shall be of sufficient size, scope, and quality to be effective.

''(B) NONDUPLICATION.—The Secretary shall award grants under this subpart so as to ensure nonduplication of services provided by grant recipients and services provided by—

''(i) the National Endowment for the Humanities;

''(ii) the National Endowment for the Arts; and

''(iii) the Institute of Museum and Library Services.

''(b) COST SHARE.—

''(1) FEDERAL SHARE.—The Federal share of the cost of activities assisted under a grant under this subpart shall be 80 percent of the cost of carrying out the activities.

''(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities assisted under a grant under this subpart shall be 20 percent of the cost of carrying out the activities, and may be provided in cash or in kind, fairly evaluated, including the provision of equipment, services, or facilities.

''(c) LIMITATIONS.—

''(1) SUPPLEMENT AND NOT SUPPLANT.—Grant funds awarded under this part shall be used to supplement not supplant the amount of funds made available from non-Federal sources, for the activities assisted under this subpart, in amounts that exceed the amounts expended for such activities in the year preceding the year for which the grant is awarded.

''(2) EVALUATION; REPLICATION; ADMINISTRATIVE COSTS.—

''(A) SECRETARY.—The Secretary may reserve not more than 5 percent of the grant funds received under this subpart in each fiscal year for the costs of evaluation and replication of programs funded under this subpart.

''(B) ELIGIBLE RECIPIENTS.—Each eligible recipient may reserve not more than 5 percent of any grant funds received under this subpart in each fiscal year for the costs of administration, including review and evaluation of each program assisted under this subpart.

"SEC. 3525. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart, $45,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART E—ADVANCED PLACEMENT PROGRAMS

"SEC. 3601. SHORT TITLE.

''This part may be cited as the 'Access to High Standards Act'.

"SEC. 3602. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) far too many students are not being provided sufficient academic preparation in secondary school, which results in limited employment opportunities, college dropout rates of over 25 percent for the first year of college, and remediation for almost one-third of incoming college freshmen;

''(2) there is a growing consensus that raising academic standards, establishing high academic expectations, and showing concrete results are at the core of improving public education;

''(3) modeling academic standards on the well-known program of advanced placement courses is an approach that many education leaders and almost half of all States have endorsed;

''(4) advanced placement programs already are providing 30 different college-level courses, serving almost 60 percent of all secondary schools, reaching over 1,000,000 students (of whom 80 percent attend public schools, 55 percent are females, and 30 percent are minorities), and providing test scores that are accepted for college credit at over 3,000 colleges and universities, every university in Germany, France, and Austria, and most institutions in Canada and the United Kingdom;

''(5) 24 States are now funding programs to increase participation in advanced placement programs, including 19 States that provide funds for advanced placement teacher professional development, 3 States that require that all public secondary schools offer advanced placement courses, 10 States that pay the fees for advanced placement tests for some or all students, and 4 States that require that their public universities grant uniform academic credit for scores of 3 or better on advanced placement tests; and

''(6) the State programs described in paragraph (5) have shown the responsiveness of schools and students to such programs, raised the academic standards for both students participating in such programs and other children taught by teachers who are involved in advanced placement courses, and shown tremendous success in increasing enrollment, achievement, and minority participation in advanced placement programs.

''(b) PURPOSES.—The purposes of this part are—

''(1) to encourage more of the 600,000 students who take advanced placement courses but do not take advanced placement exams each year to demonstrate their achievements through taking the exams;

''(2) to build on the many benefits of advanced placement programs for students, which benefits may include the acquisition of skills that are important to many employers, Scholastic Aptitude Tests (SAT) scores that are 100 points above the national averages, and the achievement of better grades in secondary school and in college than the grades of students who have not participated in the programs;

''(3) to support State and local efforts to raise academic standards through advanced placement programs, and thus further increase the number of students who participate and succeed in advanced placement programs;

''(4) to increase the availability and broaden the range of schools that have advanced placement programs, which programs are still often distributed unevenly among regions, States, and even secondary schools within the same school district, while also increasing and diversifying student participation in the programs;

''(5) to build on the State programs described in subsection (a)(5) and demonstrate that larger and more diverse groups of students can participate and succeed in advanced placement programs;

''(6) to provide greater access to advanced placement courses for low-income and other disadvantaged students;

''(7) to provide access to advanced placement courses for secondary school juniors at schools that do not offer advanced placement programs, increase the rate of secondary school juniors and seniors who participate in advanced placement courses to 25 percent of the secondary school student population, and increase the numbers of students who receive advanced placement test scores for which college academic credit is awarded; and

''(8) to increase the participation of low-income individuals in taking advanced placement tests through the payment or partial payment of the costs of the advanced placement test fees.

''SEC. 3603. FUNDING DISTRIBUTION RULE.

''From amounts appropriated under section 3608 for a fiscal year, the Secretary shall give first priority to funding activities under section 3606, and shall distribute any remaining funds not so applied according to the following ratio:

''(1) Seventy percent of the remaining funds shall be available to carry out section 3604.

''(2) Thirty percent of the remaining funds shall be available to carry out section 3605.

''SEC. 3604. ADVANCED PLACEMENT PROGRAM GRANTS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts appropriated under section 3608 and made available under section 3603(1) for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (c).

''(2) DURATION AND PAYMENTS.—

''(A) DURATION.—The Secretary shall award a grant under this section for a period of 3 years.

''(B) PAYMENTS.—The Secretary shall make grant payments under this section on an annual basis.

''(3) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a State educational agency, or a local educational agency, in the State.

''(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to eligible entities submitting applications under subsection (d) that demonstrate—

''(1) a pervasive need for access to advanced placement incentive programs;

''(2) the involvement of business and community organizations in the activities to be assisted;

''(3) the availability of matching funds from State or local sources to pay for the cost of activities to be assisted;

''(4) a focus on developing or expanding advanced placement programs and participation in the core academic areas of English, mathematics, and science; and

''(5)(A) in the case of an eligible entity that is a State educational agency, the State educational agency carries out programs in the State that target—

''(i) local educational agencies serving schools with a high concentration of low-income students; or

''(ii) schools with a high concentration of low-income students; or

''(B) in the case of an eligible entity that is a local educational agency, the local educational agency serves schools with a high concentration of low-income students.

''(c) AUTHORIZED ACTIVITIES.—An eligible entity may use grant funds under this section to expand access for low-income individuals to advanced placement incentive programs that involve—

''(1) teacher training;

''(2) preadvanced placement course development;

''(3) curriculum coordination and articulation between grade levels that prepare students for advanced placement courses;

''(4) curriculum development;

''(5) books and supplies; and

''(6) any other activity directly related to expanding access to and participation in advanced placement incentive programs particularly for low-income individuals.

''(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(e) DATA COLLECTION AND REPORTING.—

''(1) DATA COLLECTION.—Each eligible entity receiving a grant under this section shall annually report to the Secretary—

''(A) the number of students taking advanced placement courses who are served by the eligible entity;

''(B) the number of advanced placement tests taken by students served by the eligible entity;

''(C) the scores on the advanced placement tests; and

''(D) demographic information regarding individuals taking the advanced placement courses and tests disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

''(2) REPORT.—The Secretary shall annually compile the information received from each eligible entity under paragraph (1) and report to Congress regarding the information.

''SEC. 3605. ON-LINE ADVANCED PLACEMENT COURSES.

''(a) GRANTS AUTHORIZED.—From amounts appropriated under section 3608 and made available under section 3603(2) for a fiscal year, the Secretary shall award grants to State educational agencies to enable such agencies to award grants to local educational agencies to provide students with on-line advanced placement courses.

''(b) STATE EDUCATIONAL AGENCY APPLICATIONS.—

''(1) APPLICATION REQUIRED.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) AWARD BASIS.—The Secretary shall award grants under this section on a competitive basis.

''(c) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant award under subsection (b) shall award grants to local educational agencies within the State to carry out activities described in subsection (e). In awarding grants under this subsection, the State educational agency shall give priority to local educational agencies that—

''(1) serve high concentrations of low-income students;

''(2) serve rural areas; and

''(3) the State educational agency determines would not have access to on-line advanced placement courses without assistance provided under this section.

''(d) CONTRACTS.—A local educational agency that receives a grant under this section may enter into a contract with a nonprofit or for-profit organization to provide the on-line advanced placement courses, including contracting for necessary support services.

''(e) USES.—Grant funds provided under this section may be used to purchase the on-line curriculum, to train teachers with respect to the use of on-line curriculum, or to purchase course materials.

''SEC. 3606. ADVANCED PLACEMENT INCENTIVE PROGRAM.

''(a) GRANTS AUTHORIZED.—From amounts appropriated under section 3608 and made available under section 3603 for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under subsection (c) to enable the State educational agencies to reimburse low-income individuals to cover part or all of the costs of advanced placement test fees, if the low-income individuals—

''(1) are enrolled in an advanced placement class; and

''(2) plan to take an advanced placement test.

''(b) AWARD BASIS.—In determining the amount of the grant awarded to each State educational agency under this section for a fiscal

year, the Secretary shall consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all the States.

''(c) INFORMATION DISSEMINATION.—A State educational agency shall disseminate information regarding the availability of advanced placement test fee payments under this section to eligible individuals through secondary school teachers and guidance counselors.

''(d) APPLICATIONS.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. At a minimum, each State educational agency application shall—

''(1) describe the advanced placement test fees the State educational agency will pay on behalf of low-income individuals in the State from grant funds made available under this section;

''(2) provide an assurance that any grant funds received under this section, other than funds used in accordance with subsection (e), shall be used only to pay for advanced placement test fees; and

''(3) contain such information as the Secretary may require to demonstrate that the State will ensure that a student is eligible for payments under this section, including documentation required under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.).

''(e) ADDITIONAL USES OF FUNDS.—If each eligible low-income individual in a State pays not more than a nominal fee to take an advanced placement test in a core subject, then a State educational agency may use grant funds made available under this section that remain after advanced placement test fees have been paid on behalf of all eligible low-income individuals in the State, for activities directly related to increasing—

''(1) the enrollment of low-income individuals in advanced placement courses;

''(2) the participation of low-income individuals in advanced placement courses; and

''(3) the availability of advanced placement courses in schools serving high-poverty areas.

''(f) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall supplement, and not supplant, other non-federal funds that are available to assist low-income individuals in paying for the cost of advanced placement test fees.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

''(h) REPORT.—Each State educational agency annually shall report to the Secretary information regarding—

''(1) the number of low-income individuals in the State who received assistance under this section; and

''(2) any activities carried out pursuant to subsection (e).

''(i) DEFINITIONS.—In this section:

''(1) ADVANCED PLACEMENT TEST.—The term 'advanced placement test' includes only an advanced placement test approved by the Secretary for the purposes of this section.

''(2) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given the term in section 402A(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(g)(2)).

"SEC. 3607. DEFINITIONS.

''In this part:

''(1) ADVANCED PLACEMENT INCENTIVE PROGRAM.—The term 'advanced placement incentive program' means a program that provides advanced placement activities and services to low-income individuals.

''(2) ADVANCED PLACEMENT TEST.—The term 'advanced placement test' means an advanced placement test administered by the College Board or approved by the Secretary.

''(3) HIGH CONCENTRATION OF LOW-INCOME STUDENTS.—The term 'high concentration of low-income students', used with respect to a State educational agency, local educational agency or school, means an agency or school, as the case may be, that serves a student population 40 percent or more of whom are from families with incomes below the poverty level, as determined in the same manner as the determination is made under section 1124(c)(2).

''(4) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means, other than for purposes of section 3606, a low-income individual (as defined in section 402A(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(g)(2)) who is academically prepared to take successfully an advanced placement test as determined by a school teacher or advanced placement coordinator taking into consideration factors such as enrollment and performance in an advanced placement course or superior academic ability.

''(5) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(6) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"SEC. 3608. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 302. DISSEMINATION OF ADVANCED PLACEMENT INFORMATION.

Each institution of higher education receiving Federal funds for research or for programs assisted under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.)—

(1) shall distribute to secondary school counselors or advanced placement coordinators in the State information with respect to the amount and type of academic credit provided to students at the institution of higher education for advanced placement test scores; and

(2) shall standardize, not later than 4 years after the date of enactment of this Act, the form and manner in which the information described in subparagraph (1) is disseminated by the various departments, offices, or other divisions of the institution of higher education.

SEC. 303. TECHNICAL AND CONFORMING AMENDMENTS.

Section 4 of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b) is amended—

(1) in subsection (b)(3), by striking ''Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act)'' and inserting ''Subpart 2 of part A of title V of the Elementary and Secondary Education Act of 1965 (other than section 5136 of such Act)''; and

(2) in subsection (d)(4), by striking ''subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act)'' and inserting ''subpart 2 of part A of title V of the Elementary and Secondary Education Act of 1965 (other than section 5136 of such Act)''.

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

SEC. 401. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

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

"PART A—STATE GRANTS

"SEC. 4001. SHORT TITLE.

''This part may be cited as the 'Safe and Drug-Free Schools and Communities Act of 1994'.

"SEC. 4002. FINDINGS.

''Congress makes the following findings:

''(1) Every student should attend a school in a drug- and violence-free learning environment.

''(2) The widespread illegal use of alcohol and drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to such students' physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

''(3) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety, youth development, positive school outcomes, and to reduce the demand for and illegal use of alcohol, tobacco and drugs throughout the Nation. Schools, local organizations, parents, students, and communities throughout the Nation have a special responsibility to work together to combat the continuing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

''(4) Drug and violence prevention programs are most effective when implemented within a research-based, drug and violence prevention framework of proven effectiveness.

''(5) Research clearly shows that community contexts contribute to substance abuse and violence.

''(6) Substance abuse and violence are intricately related and must be dealt with in a holistic manner.

''(7) Research has documented that parental behavior and environment directly influence a child's inclination to use alcohol, tobacco or drugs.

"SEC. 4003. PURPOSE.

''The purpose of this part is to support programs that prevent violence in and around schools and prevent the illegal use of alcohol, tobacco, and drugs, involve parents, and are coordinated with related Federal, State, school, and community efforts and resources, through the provision of Federal assistance to—

''(1) States for grants to local educational agencies and educational service agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools for the development and implementation of policies that set clear and appropriate standards regarding the illegal use of alcohol, tobacco and drugs, and for violent behavior (including intermediate and junior high schools);

''(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention including community mobilization, early intervention, rehabilitation referral, and education;

''(3) States for development, training, technical assistance, and coordination activities; and

''(4) public and private nonprofit organizations to provide technical assistance, conduct training, demonstrations, and evaluation, and to provide supplementary services and community mobilization activities for the prevention of drug use and violence among students and youth.

"SEC. 4004. FUNDING.

''There are authorized to be appropriated—

''(1) $700,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years, for State grants under subpart 1;

''(2) $150,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years, for national programs under subpart 2; and

''(3) $75,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years, for the National Coordinator Initiative under section 4122.

"Subpart 1—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

"SEC. 4111. RESERVATIONS AND ALLOTMENTS.

''(a) RESERVATIONS.—From the amount made available under section 4004(1) to carry out this subpart for each fiscal year, the Secretary—

''(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs;

''(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

''(3) may reserve not more than $2,000,000 for the national impact evaluation required by section 4117(a); and

''(4) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 4118.

''(b) STATE ALLOTMENTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

''(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

''(B) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

''(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

''(3) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under paragraph (1).

''(4) DEFINITIONS.—In this subsection:

''(A) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(B) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' includes educational service agencies and consortia of such agencies.

''(c) LIMITATION.—Amounts appropriated under section 4004(2) for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 4004(1) for the fiscal year involved are at least 10 percent greater that the amounts appropriated under such section 4004(1) for the previous fiscal year.

"SEC. 4112. STATE APPLICATIONS.

''(a) IN GENERAL.—In order to receive an allotment under section 4111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

''(1) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer to provide safe, orderly, and drug-free schools and communities;

''(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities and the prevalence of risk or protective factors, buffers or assets or other research-based variables in the school and community;

''(3) contains assurances that the sections of the application concerning the funds provided to the chief executive officer and the State educational agency were developed together, with each such officer or State representative, in consultation and coordination with appropriate State officials and others, including the chief State school officer, the chief executive officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

''(4) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4117(a);

''(5) contains assurances that the State education agency and the Governor will develop their respective applications in consultation with an advisory council that includes, to the extent practicable, representatives from school districts, businesses, parents, youth, teachers, administrators, pupil services personnel, private schools, appropriate State agencies, community-based organization, the medical profession, law enforcement, the faith-based community and other groups with interest and expertise in alcohol, tobacco, drug, and violence prevention;

''(6) contains assurances that the State education agency and the Governor involve the representatives described in paragraph (5), on an ongoing basis, to review program evaluations and other relevant material and make recommendations to the State education agency and the Governor on how to improve their respective alcohol, tobacco, drug, and violence prevention programs;

''(7) contains a list of the State's results-based performance measures for drug and violence prevention, that shall—

''(A) be focused on student behavior and attitudes and be derived from the needs assessment;

''(B) include targets and due dates for the attainment of such performance measures; and

''(C) include a description of the procedures that the State will use to inform local educational agencies of such performance measures for assessing and publicly reporting progress toward meeting such measures or revising them as needed; and

''(8) includes any other information the Secretary may require.

''(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4113(a) by the State educational agency that includes—

''(1) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4116

''(2) a description of how the State educational agency will use funds under section 4113(b), including how the agency will receive input from parents regarding the use of such funds;

''(3) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies; and

''(4) a description of the procedures the State educational agency will use to review applications from and allocate funding to local educational agencies under section 4115 and how such review will receive input from parents.

''(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4114(a) by the chief executive officer that includes, with respect to each activity to be carried out by the State—

''(1) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

''(2) a description of how funds reserved under section 4114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

''(3) a description of how the chief executive officer will award funds under section 4114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds;

''(4) a description of the special outreach activities that will be carried out to maximize the participation of community-based nonprofit organizations of demonstrated effectiveness which provide services in low-income communities;

''(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning and community mobilization activities; and

''(6) a specific description of how input from parents will be sought regarding the use of funds under section 4114(a).

''(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

''(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 2000 a 1-year interim application and plan for the use of funds under this subpart that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 2000 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.

"SEC. 4113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

''(a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 4111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

''(b) STATE LEVEL PROGRAMS.—

''(1) IN GENERAL.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

''(A) voluntary training and technical assistance concerning drug and violence prevention for local educational agencies and educational service agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

''(B) the development, identification, dissemination, and evaluation of the most readily available, accurate, and up-to-date drug and violence prevention curriculum materials (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

''(C) making available to local educational agencies cost effective research-based programs for youth violence and drug abuse prevention;

''(D) demonstration projects in drug and violence prevention, including service-learning projects;

''(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

''(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart; and

''(G) the evaluation of activities carried out within the State under this part.

''(2) SPECIAL RULE.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

''(c) STATE ADMINISTRATION.—

''(1) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

''(2) UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM.—In carrying out its responsibilities under this part, a State shall implement a uniform management information and reporting system that includes information on the types of curricula, programs and services provided by the State, Governor, local education agencies, and other recipients of funds under this title.

''(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

''(1) IN GENERAL.—A State educational agency shall distribute not less than 91 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

''(2) DISTRIBUTION.—A State educational agency shall distribute amounts under paragraph (1) in accordance with any one of the following subparagraphs:

''(A) ENROLLMENT AND COMBINATION APPROACH.—Of the amount distributed under paragraph (1), a State educational agency shall distribute

''(i) at least 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

''(ii) not to exceed 30 percent of any amounts remaining after amounts are distributed under clause (i)—

''(I) to each local educational agency in an amount determined appropriate by the State education agency; or

''(II) to local educational agencies that the State education agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this subpart.

''(B) COMPETITIVE AND NEED APPROACH.—Of the amount distributed under paragraph (1), a State educational agency shall distribute

''(i) not to exceed 70 percent of such amount to local educational agencies that the State agency determines, through a competitive process, have the greatest need for funds to carry out drug and violence prevention programs based on criteria established by the State agency and authorized under this subpart; and

''(ii) at least 30 percent of any amounts remaining after amounts are distributed under clause (i) to local education agencies that the State agency determines have a need for additional funds to carry out the program authorized under this subpart.

''(3) CONSIDERATION OF OBJECTIVE DATA.—For purposes of paragraph (2), in determining which local educational agencies have the greatest need for funds, the State educational agency shall consider objective data which may include—

''(A) high or increasing rates of alcohol or drug use among youth;

''(B) high or increasing rates of victimization of youth by violence and crime;

''(C) high or increasing rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

''(D) the extent of illegal gang activity;

''(E) high or increasing incidence of violence associated with prejudice and intolerance;

''(F) high or increasing rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

''(G) high or increasing rates of referrals of youths to juvenile court;

''(H) high or increasing rates of expulsions and suspensions of students from schools;

''(I) high or increasing rates of reported cases of child abuse and domestic violence; and

''(J) high or increasing rates of drug related emergencies or deaths.

''(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 4115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of its other local educational agencies.

''(f) RETURN OF FUNDS TO STATE EDUCATIONAL AGENCY; REALLOCATION.—

''(1) RETURN.—Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency or educational service agency under this title receives its allocation under this title—

''(A) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

''(B) the State educational agency shall reallocate any such amount to local educational agencies or educational service agencies that have plans for using such amount for programs or activities on a timely basis.

''(2) REALLOCATION.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

''(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

''(B) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

''SEC. 4114. GOVERNOR'S PROGRAMS.

''(a) USE OF FUNDS.—

''(1) IN GENERAL.—An amount equal to 20 percent of the total amount allocated to a State under section 4111(b)(1) for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

''(2) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the 20 percent described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section. The chief executive officer of a State may use amounts under this paragraph to award grants to State, county, or local law enforcement agencies, including district attorneys, in consultation with local education agencies or community-based agencies, for the purposes of carrying out drug abuse and violence prevention activities.

''(b) STATE PLAN.—Amounts shall be used under this section in accordance with a State plan submitted by the chief executive office of the State. Such State plan shall contain—

''(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend schools in the State (including private school students who participate in the States's drug and violence prevention programs) that is based on ongoing local assessment or evaluation activities;

''(2) an analysis, based on data reasonably available at the time, of the prevalence of risk or protective factors, buffers or assets or other research-based variables in schools and communities in the State;

''(3) a description of the research-based strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

''(A) a specification of the objectively measurable goals, objectives, and activities for the program;

''(B) a specification for how risk factors, if any, which have been identified will be targeted through research-based programs; and

''(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through research-based programs;

''(4) a specification for the method or methods by which measurements of program goals will be achieved; and

''(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program.

''(c) PROGRAMS AUTHORIZED.—

''(1) IN GENERAL.—A chief executive officer shall use funds made available under subsection (a)(1) directly for grants to or contracts with parent groups, schools, community action and job training agencies, community-based organizations, community anti-drug coalitions, law enforcement education partnerships, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (d) for—

''(A) children and youth who are not normally served by State or local educational agencies; or

''(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

''(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

''(d) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (c) shall be used to carry out the comprehensive State plan as required under section 4112(a)(1) through programs and activities such as—

''(1) disseminating information about drug and violence prevention;

''(2) the voluntary training of parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, health education (as it relates to drug and violence prevention), early intervention, pupil services, or rehabilitation referral;

''(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, service-learning, mentoring, and other appropriate services;

''(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

''(5) activities to protect students traveling to and from school;

''(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

''(7) activities that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

''(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

''(9) developing and implementing strategies to prevent illegal gang activity;

''(10) coordinating and conducting school and community-wide violence and safety and drug abuse assessments and surveys;

''(11) service-learning projects that encourage drug- and violence-free lifestyles;

''(12) evaluating programs and activities assisted under this section;

''(13) developing and implementing community mobilization activities to undertake environmental change strategies related to substance abuse and violence; and

''(14) partnerships between local law enforcement agencies, including district attorneys, and local education agencies or community-based agencies.

''SEC. 4115. LOCAL APPLICATIONS.

''(a) APPLICATION REQUIRED.—

''(1) IN GENERAL.—In order to be eligible to receive a distribution under section 4113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

''(2) DEVELOPMENT.—

''(A) CONSULTATION.—A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

''(B) DUTIES OF ADVISORY COUNCIL.—In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under subparagraph (A) shall, on an ongoing basis—

''(i) disseminate information about research-based drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

''(ii) advise the local educational agency regarding how best to coordinate such agency's activities under this subpart with other related programs, projects, and activities;

''(iii) ensure that a mechanism is in place to enable local educational agencies to have access to up-to-date information concerning the agencies that administer related programs, projects, and activities and any changes in the law that alter the duties of the local educational agencies with respect to activities conducted under this subpart; and

''(iv) review program evaluations and other relevant material and make recommendations on an active and ongoing basis to the local educational agency on how to improve such agency's drug and violence prevention programs.

''(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

''(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

''(2) an analysis, based on data reasonably available at the time, of the prevalence of risk or protective factors, buffers or assets or other research-based variables in the school and community;

''(3) a description of the research-based strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

''(A) a specification of the objectively measurable goals, objectives, and activities for the program, which shall include—

''(i) reductions in the use of alcohol, tobacco, and illicit drugs and violence by youth;

''(ii) specific reductions in the prevalence of identified risk factors;

''(iii) specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; or

''(iv) other research-based goals, objectives, and activities that are identified as part of the application that are not otherwise covered under clauses (i) through (iii);

''(B) a specification for how risk factors, if any, which have been identified will be targeted through research-based programs; and

''(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through research-based programs;

''(4) a specification for the method or methods by which measurements of program goals will be achieved;

''(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program;

''(6) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes—

''(A) appropriate and effective discipline policies that prohibit disorderly conduct, the possession of firearms and other weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

''(B) security procedures at school and while students are on the way to and from school;

''(C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments; and

''(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

''(7) such other information and assurances as the State educational agency may reasonably require.

''(c) REVIEW OF APPLICATION.—

''(1) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

''(2) CONSIDERATIONS.—

''(A) IN GENERAL.—In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(6) and the extent to which the proposed plan provides a thorough assessment of the substance abuse and violence problem, uses objective data and the knowledge of a wide range of community members, develops measurable goals and objectives, and implements research-based programs that have been shown to be effective and meet identified needs.

''(B) DISAPPROVAL.—A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

''SEC. 4116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

''(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this subpart to adopt and carry out a comprehensive drug and violence prevention program which shall—

''(1) be designed, for all students and school employees, to—

''(A) prevent the use, possession, and distribution of tobacco, alcohol, and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by school employees;

''(B) prevent violence and promote school safety; and

''(C) create a disciplined environment conducive to learning;

''(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this subpart;

''(3) implement activities which shall only include—

''(A) a thorough assessment of the substance abuse violence problem, using objective data and the knowledge of a wide range of community members;

''(B) the development of measurable goals and objectives;

''(C) the implementation of research-based programs that have been shown to be effective and meet identified goals; and

''(D) an evaluation of program activities; and

''(4) implement prevention programming activities within the context of a research-based prevention framework.

''(b) USE OF FUNDS.—A comprehensive, age-appropriate, developmentally-, and research-based drug and violence prevention program carried out under this subpart may include—

''(1) drug or violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs or violence, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

''(2) programs of drug or violence prevention, health education (as it relates to drug and violence prevention), early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

''(A) the dissemination of information about drug or violence prevention;

''(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and

''(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and drug use, such as—

''(i) family counseling; and

''(ii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

''(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence, or otherwise decrease the prevalence of risk factors or increase the prevalence of protective factors, buffers, or assets in the community;

''(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

''(A) the dissemination of information about school safety and discipline;

''(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

''(C) the implementation of strategies, such as conflict resolution and peer mediation, student outreach efforts against violence, anti-crime youth councils (which work with school and community-based organizations to discuss and develop crime prevention strategies), and the use

of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse; and

''(D) the development and implementation of character education programs, as a component of a comprehensive drug or violence prevention program, that are tailored by communities, parents and schools; and

''(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities and drug use;

''(5) supporting 'safe zones of passage' for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

''(6) the acquisition or hiring of school security equipment, technologies, personnel, or services such as—

''(A) metal detectors;

''(B) electronic locks;

''(C) surveillance cameras; and

''(D) other drug and violence prevention-related equipment and technologies;

''(7) professional development for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

''(8) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

''(9) other research-based prevention programming that is—

''(A) effective in reducing the prevalence of alcohol, tobacco or drug use, and violence in youth;

''(B) effective in reducing the prevalence of risk factors predictive of increased alcohol, tobacco or drug use, and violence; or

''(C) effective in increasing the prevalence of protective factors, buffers, and assets predictive of decreased alcohol, tobacco or drug use and violence among youth;

''(10) the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives;

''(11) community involvement activities including community mobilization;

''(12) voluntary parental involvement and training;

''(13) the evaluation of any of the activities authorized under this subsection;

''(14) the provision of mental health counseling (by qualified counselors) to students for drug or violence related problems;

''(15) consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and

''(16) the conduct of a nationwide background check of each local educational agency employee (regardless of when hired) and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee's or prospective employee's fitness—

''(A) to have responsibility for the safety or well-being of children;

''(B) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or

''(C) to otherwise be employed at all by the local educational agency.

''(c) LIMITATIONS.—

''(1) IN GENERAL.—Not more than 20 percent of the funds made available to a local educational agency under this subpart may be used to carry out the activities described in paragraphs (5) and (6) of subsection (b).

''(2) SPECIAL RULE.—A local educational agency shall only be able to use funds received under this subpart for activities described in paragraphs (5) and (6) of subsection (b) if funding for such activities is not received from other Federal agencies.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of funds under this part by any local educational agency or school for the establishment or implementation of a school uniform policy so long as such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State's needs assessment and other research-based information.

"SEC. 4117. EVALUATION AND REPORTING.

''(a) IMPACT EVALUATION.—

''(1) BIENNIAL EVALUATION.—The Secretary, in consultation with the National Advisory Committee, shall conduct an independent biennial evaluation of the impact of programs assisted under this subpart and of other recent and new initiatives to combat violence in schools. The evaluation shall report on—

''(A) whether funded community and local education agency programs—

''(i) provided a thorough assessment of the substance abuse and violence problem;

''(ii) used objective data and the knowledge of a wide range of community members;

''(iii) developed measurable goals and objectives; and

''(iv) implemented research-based programs that have been shown to be effective and meet identified needs;

''(v) conducted periodic program evaluations to assess progress made towards achieving program goals and objectives and whether they used evaluations to improve program goals, objectives and activities;

''(B) whether funded community and local education agency programs have been designed and implemented in a manner that specifically targets, if relevant to the program—

''(i) research-based variables that are predictive of drug use or violence;

''(ii) risk factors that are predictive of an increased likelihood that young people will use drugs, alcohol or tobacco or engage in violence or drop out of school; or

''(iii) protective factors, buffers, or assets that are known to protect children and youth from exposure to risk, either by reducing the exposure to risk factors or by changing the way the young person responds to risk, and to increase the likelihood of positive youth development;

''(C) whether funded community and local education agency programs have appreciably reduced the level of drug, alcohol and tobacco use and school violence and the presence of firearms at schools; and

''(D) whether funded community and local educational agency programs have conducted effective parent involvement and voluntary training programs.

''(2) DATA COLLECTION.—The National Center for Education Statistics shall collect data to determine the incidence and prevalence of social disapproval of drug use and violence in elementary and secondary schools in the States.

''(3) BIENNIAL REPORT.—Not later than January 1, 2002, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted under paragraph (1) together with the data collected under paragraph (2) and data available from other sources on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use in elementary and secondary schools in the States. The Secretary shall include data submitted by the States pursuant to subsection (b)(2)(B).

''(b) STATE REPORT.—

''(1) IN GENERAL.—By December 1, 2001, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

''(A) on the implementation and outcomes of State programs under section 4114 and section 4113(b) and local educational agency programs under section 4113(d), as well as an assessment of their effectiveness;

''(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 4112; and

''(C) on the State's efforts to inform parents of, and include parents in, violence and drug prevention efforts.

''(2) SPECIAL RULE.—The report required by this subsection shall be—

''(A) in the form specified by the Secretary;

''(B) based on the State's ongoing evaluation activities, and shall include data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities; and

''(C) made readily available to the public.

''(c) LOCAL EDUCATIONAL AGENCY REPORT.—

''(1) IN GENERAL.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information that the State requires to complete the State report required by subsection (b), including a description of how parents were informed of, and participated in, violence and drug prevention efforts.

''(2) AVAILABILITY.—Information under paragraph (1) shall be made readily available to the public.

''(3) PROVISION OF DOCUMENTATION.—Not later than January 1 of each year that a State is required to report under subsection (b), the Secretary shall provide to the State education agency all of the necessary documentation required for compliance with this section.

"SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.

''(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 4111(a)(4) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Native Hawaiians.

''(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term 'Native Hawaiian' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

"Subpart 2—National Programs

"SEC. 4121. FEDERAL ACTIVITIES.

''(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels from preschool through the post-secondary level. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

''(1) the development and demonstration of innovative strategies for the voluntary training of school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

''(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

''(3) the provision of information on drug abuse education and prevention to the Secretary

of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act;

''(4) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary schoolchildren;

''(5) program evaluations in accordance with section 10201 that address issues not addressed under section 4117(a);

''(6) direct services to schools and school systems afflicted with especially severe drug and violence problems or to support crisis situations and appropriate response efforts;

''(7) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

''(8) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

''(9) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include conflict resolution, peer mediation, the teaching of law and legal concepts, and other activities designed to stop violence;

''(10) the implementation of innovative activities, such as community service and service-learning projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility;

''(11) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking;

''(12) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes; and

''(13) other activities that meet unmet national needs related to the purposes of this title.

''(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"SEC. 4122. NATIONAL COORDINATOR PROGRAM.

''(a) IN GENERAL.—From amounts available to carry out this section under section 4004(3), the Secretary shall provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local education agencies for the hiring of drug prevention and school safety program coordinators.

''(b) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used by local education agencies to recruit, hire, and train individuals to serve as drug prevention and school safety program coordinators in schools with significant drug and school safety problems. Such coordinators shall be responsible for developing, conducting, and analyzing assessments of drug and crime problems at their schools, and administering the safe and drug free grant program at such schools.

"SEC. 4123. SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is hereby established an advisory committee to be known as the 'Safe and Drug Free Schools and Communities Advisory Committee' (referred to in this section as the 'Advisory Committee') to—

''(A) consult with the Secretary under subsection (b);

''(B) coordinate Federal school- and community-based substance abuse and violence prevention programs and reduce duplicative research or services;

''(C) develop core data sets and evaluation protocols for safe and drug free school- and community-based programs;

''(D) provide technical assistance and training for safe and drug free school- and community-based programs;

''(E) provide for the diffusion of research-based safe and drug free school- and community-based programs; and

''(F) review other regulations and standards developed under this title.

''(2) COMPOSITION.—The Advisory Committee shall be composed of representatives from—

''(A) the Department of Education,

''(B) the Centers for Disease Control and Prevention;

''(C) the National Institute on Drug Abuse;

''(D) the National Institute on Alcoholism and Alcohol Abuse;

''(E) the Center for Substance Abuse Prevention;

''(F) the Center for Mental Health Services;

''(G) the Office of Juvenile Justice and Delinquency Prevention;

''(H) the Office of National Drug Control Policy; and

''(I) State and local governments, including education agencies.

''(3) CONSULTATION.—In carrying out its duties under this section, the Advisory Committee shall annually consult with interested State and local coordinators of school- and community-based substance abuse and violence prevention programs and other interested groups.

''(b) PROGRAMS.—

''(1) IN GENERAL.—From amounts made available under section 4004(2) to carry out this subpart, the Secretary, in consultation with the Advisory Committee, shall carry out research-based programs to strengthen the accountability and effectiveness of the State, Governor's, and national programs under this title.

''(2) GRANTS, CONTRACTS OR COOPERATIVE AGREEMENTS.—The Secretary shall carry out paragraph (1) directly or through grants, contracts, or cooperative agreements with public and nonprofit private organizations and individuals or through agreements with other Federal agencies.

''(3) COORDINATION.—The Secretary shall coordinate programs under this section with other appropriate Federal activities.

''(4) ACTIVITIES.—Activities that may be carried out under programs funded under this section may include—

''(A) the provision of technical assistance and training, in collaboration with other Federal agencies utilizing their expertise and national and regional training systems, for Governors, State education agencies and local education agencies to support high quality, effective programs that—

''(i) provide a thorough assessment of the substance abuse and violence problem;

''(ii) utilize objective data and the knowledge of a wide range of community members;

''(iii) develop measurable goals and objectives; and

''(iv) implement research-based activities that have been shown to be effective and that meet identified needs;

''(B) the provision of technical assistance and training to foster program accountability;

''(C) the diffusion and dissemination of best practices and programs;

''(D) the development of core data sets and evaluation tools;

''(E) program evaluations;

''(F) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the Clearinghouse for Alcohol and Drug Abuse Information established under section 501(d)(16) of the Public Health Service Act; and

''(G) other activities that meet unmet needs related to the purposes of this title and that are undertaken in consultation with the Advisory Committee.

"SEC. 4124. HATE CRIME PREVENTION.

''(a) GRANT AUTHORIZATION.—From funds made available to carry out this subpart under section 4004(2) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

''(b) USE OF FUNDS.—

''(1) PROGRAM DEVELOPMENT.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

''(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

''(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

''(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

''(D) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

''(2) IN GENERAL.—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the office may reasonably require.

''(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

''(A) a request for funds for the purposes described in this section;

''(B) a description of the schools and communities to be served by the grants; and

''(C) assurances that Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds.

''(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

''(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

''(B) a description of the program to be developed or augmented by such Federal and matching funds;

''(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

''(D) proper and efficient administration of such program; and

''(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

''(c) AWARD OF GRANTS.—

''(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

''(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

''(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

''(d) REPORTS.—The Secretary shall submit to the Congress a report every two years which shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.

"Subpart 3—General Provisions

"SEC. 4131. DEFINITIONS.

''In this part:

''(1) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a

private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

''(2) DRUG AND VIOLENCE PREVENTION.—The term 'drug and violence prevention' means—

''(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids;

''(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco by children and youth eligible for services under this title; and

''(C) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

''(3) HATE CRIME.—The term 'hate crime' means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

''(4) NONPROFIT.—The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

''(5) OBJECTIVELY MEASURABLE GOALS.—The term 'objectively measurable goals' means prevention programming goals defined through use of quantitative epidemiological data measuring the prevalence of alcohol, tobacco, and other drug use, violence, and the prevalence of risk and protective factors predictive of these behaviors, collected through a variety of methods and sources known to provide high quality data.

''(6) PROTECTIVE FACTOR, BUFFER, OR ASSET.—The terms 'protective factor', 'buffer', and 'asset' mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illicit drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

''(7) RISK FACTOR.—The term 'risk factor' means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illicit drug use, as well as violent behavior, by youth in the school and community.

''(8) SCHOOL-AGED POPULATION.—The term 'school-aged population' means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

''(9) SCHOOL PERSONNEL.—The term 'school personnel' includes teachers, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

"SEC. 4132. MATERIALS.

''(a) 'ILLEGAL AND HARMFUL' MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is illegal and harmful.

''(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

"SEC. 4133. PROHIBITED USES OF FUNDS.

''No funds under this part may be used for—

''(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

''(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or drugs.

"SEC. 4134. QUALITY RATING.

''(a) IN GENERAL.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency, is authorized and encouraged—

''(1) to establish a standard of quality for drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools in the State in accordance with subsection (b); and

''(2) to identify and designate, upon application by a public elementary school or secondary school, any such school that achieves such standard as a quality program school.

''(b) CRITERIA.—The standard referred to in subsection (a) shall address, at a minimum—

''(1) a comparison of the rate of illegal use of drugs, alcohol, and tobacco by students enrolled in the school for a period of time to be determined by the chief executive officer of the State;

''(2) the rate of suspensions or expulsions of students enrolled in the school for drug, alcohol, or tobacco-related offenses;

''(3) the effectiveness of the drug, alcohol, or tobacco prevention program as proven by research;

''(4) the involvement of parents and community members in the design of the drug, alcohol, and tobacco prevention program; and

''(5) the extent of review of existing community drug, alcohol, and tobacco prevention programs before implementation of the public school program.

''(c) REQUEST FOR QUALITY PROGRAM SCHOOL DESIGNATION.—A school that wishes to receive a quality program school designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

''(d) PUBLIC NOTIFICATION.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public school in the State that has received a quality program school designation in accordance with this section.''.

SEC. 402. GUN-FREE REQUIREMENTS.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

"PART B—GUN POSSESSION

"SEC. 4201. GUN-FREE REQUIREMENTS.

''(a) SHORT TITLE.—This part may be cited as the ''Gun-Free Schools Act of 1994''.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—Each State receiving Federal funds under this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis.

''(2) CONSTRUCTION.—Nothing in this part shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

''(3) DEFINITION.—For the purpose of this section, the term 'weapon' means a firearm as such term is defined in section 921(a) of title 18, United States Code.

''(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

''(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

''(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

''(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

''(A) the name of the school concerned;

''(B) the number of students expelled from such school; and

''(C) the type of weapons concerned.

''(e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

"SEC. 4202. POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.

''(a) IN GENERAL.—No funds shall be made available under this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

''(b) DEFINITIONS.—For the purpose of this section, the terms 'firearm' and 'school' have the meanings given the terms in section 921(a) of title 18, United States Code.''.

SEC. 403. SCHOOL SAFETY AND VIOLENCE PREVENTION.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

"PART C—SCHOOL SAFETY AND VIOLENCE PREVENTION

"SEC. 4301. SCHOOL SAFETY AND VIOLENCE PREVENTION.

''Notwithstanding any other provision of this title and title VI, funds made available under such titles may be used for—

''(1) training, including in-service training, for school personnel (including custodians and bus drivers), with respect to—

''(A) identification of potential threats, such as illegal weapons and explosive devices;

''(B) crisis preparedness and intervention procedures; and

''(C) emergency response;

''(2) training for parents, teachers, school personnel and other interested members of the community regarding the identification and responses to early warning signs of troubled and violent youth;

''(3) innovative research-based delinquency and violence prevention programs, including—

''(A) school anti-violence programs; and

''(B) mentoring programs;

''(4) comprehensive school security assessments;

''(5) purchase of school security equipment and technologies, such as—

''(A) metal detectors;

''(B) electronic locks; and

''(C) surveillance cameras;

''(6) collaborative efforts with community-based organizations, including faith-based organizations, statewide consortia, and law enforcement agencies, that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school aged children;

''(7) providing assistance to States, local educational agencies, or schools to establish school uniform policies;

''(8) school resource officers, including community policing officers; and

''(9) other innovative, local responses that are consistent with reducing incidents of school violence and improving the educational atmosphere of the classroom.

''SEC. 4302. SCHOOL UNIFORMS.

''(a) CONSTRUCTION.—Nothing in this Act shall be construed to prohibit any State, local educational agency, or school from establishing a school uniform policy.

''(b) FUNDING.—Notwithstanding any other provision of law, funds provided under this titles and title VI may be used for establishing a school uniform policy.

''SEC. 4303. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

''(a) NONAPPLICATION OF PROVISIONS.—The provisions of this section shall not apply to any suspension or expulsion disciplinary records transferred from a private, parochial, or other nonpublic school, person, institution, or other entity, that provides education below the college level.

''(b) DISCIPLINARY RECORDS.—Not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of suspension and expulsion disciplinary records by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, full-time or part-time, in the school.

''SEC. 4304. DISCLAIMER ON MATERIALS PRODUCED, PROCURED OR DISTRIBUTED FROM FUNDING AUTHORIZED BY THIS ACT.

''(a) REQUIREMENTS.—All materials produced, procured, or distributed, in whole or in part, as a result of Federal funding authorized under this Act for expenditure by Federal, State or local governmental recipients or other non-governmental entities shall have printed thereon—

''(1) the following statement: 'This material has been printed, procured or distributed, in whole or in part, at the expense of the Federal Government. Any person who objects to the accuracy of the material, to the completeness of the material, or to the representations made within the material, including objections related to this material's characterization of religious beliefs, are encouraged to direct their comments to the office of the United States Secretary of Education.'; and

''(2) the complete address of an office designated by the Secretary to receive comments from members of the public.

''(b) DESIGNATION OF OFFICE.—The office designated by the Secretary under subsection (a)(2) to receive comments shall, every 6 months, prepare an accurate summary of all comments received by the office. Such summary shall include details about the number of comments received and the specific nature of the concerns raised within the comments, and shall be submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, the Majority and Minority Leaders of the Senate, and the Speaker of the House of Representatives and the Minority Leader of the House of Representatives. Such comments shall be retained by the office and shall be made available to any member of the general public upon request.''.

SEC. 404. BACKGROUND CHECKS.

Section 5(9) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(9)) is amended—

(1) in subparagraph (A)(i), by inserting ''(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)'' before the semicolon; and

(2) in subparagraph (B)(i), by inserting ''(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)'' before the semicolon.

SEC. 405. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial that is placed on the campus of a public school in order to honor the memory of any person slain on that campus a part of which includes religious symbols, motifs, or sayings does not violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fees and costs, notwithstanding any other provision of law, and

(2) the Attorney General of the United States is authorized to provide legal assistance to the school district or other governmental entity that is defending the legality of such memorial service.

SEC. 406. ENVIRONMENTAL TOBACCO SMOKE.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

''PART D—ENVIRONMENTAL TOBACCO SMOKE

''SEC. 4401. SHORT TITLE.

''This part may be cited as the 'Pro-Children Act of 2000'.

''SEC. 4402. DEFINITIONS.

''As used in this part:

''(1) CHILDREN.—The term 'children' means individuals who have not attained the age of 18.

''(2) CHILDREN'S SERVICES.—The term 'children's services' means the provision on a routine or regular basis of health, day care, education, or library services—

''(A) that are funded, after the date of the enactment of the Educational Opportunities Act, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

''(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act); or

''(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

''(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

''(3) INDOOR FACILITY.—The term 'indoor facility' means a building that is enclosed.

''(4) PERSON.—The term 'person' means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''SEC. 4403. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

''(a) PROHIBITION.—After the date of the enactment of the Educational Opportunities Act, no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

''(b) ADDITIONAL PROHIBITION.—

''(1) IN GENERAL.—After the date of the enactment of the Educational Opportunities Act, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood development (Head Start) services.

''(2) EXCEPTION.—Paragraph (1) shall not apply to—

''(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

''(B) any private residence.

''(c) FEDERAL AGENCIES.—

''(1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of the enactment of the Educational Opportunities Act, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

''(2) HEALTH OR DAY CARE OR EARLY CHILDHOOD DEVELOPMENT SERVICES.—

''(A) IN GENERAL.—After the date of the enactment of the Educational Opportunities Act, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to—

''(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

''(ii) any private residence.

''(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

''(d) NOTICE.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of the enactment of the Educational Opportunities Act, whichever occurs first.

''(e) CIVIL PENALTIES.—

''(1) IN GENERAL.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed the amount of Federal funds received by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term 'person', as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

''(2) ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or

an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

''(3) CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

''(A) the nature, circumstances, extent, and gravity of the violation;

''(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

''(C) such other matters as justice may require.

''(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

''(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

''(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

"SEC. 4404. PREEMPTION.

''Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.''.

TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES

SEC. 501. EDUCATIONAL OPPORTUNITY INITIATIVES.

The heading for title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

"TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES".

PART A—TECHNOLOGY EDUCATION

SEC. 511. TECHNOLOGY EDUCATION.

Part A of title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

"PART A—TECHNOLOGY EDUCATION

"SEC. 5111. STATEMENT OF PURPOSE.

''To help all students develop technical and higher-order thinking skills and to achieve challenging State academic content and performance standards, as well as America's Education Goals, it is the purpose of this part to—

''(1) help provide all classrooms with access to educational technology through support for the acquisition of advanced multimedia computers, Internet connections, and other technologies;

''(2) help ensure access to, and the effective use of, educational technology in all classrooms through the provision of sustained and intensive, high quality professional development that improves the ability of teachers and principals to integrate educational technology effectively into the classroom by actively engaging students, teachers, paraprofessionals, media specialists, principals and superintendents in the use of technology;

''(3) help improve the capability of teachers and other appropriate school personnel to design and construct new learning experiences using technology, and actively engage students in the design and construction;

''(4) support efforts by State Educational Agencies and local educational agencies to create learning environments designed to prepare students to achieve challenging State academic content and performance standard through the use of research based teaching practices and advanced technologies;

''(5) support the provision of technical assistance to State educational agencies, local educational agencies, and communities to help such agencies and communities use technology-based resources and information systems to support school reform and meet the needs of students, teachers and other school personnel;

''(6) support partnerships among business and industry and the education community to realize more rapidly the potential of digital communication to expand the scope of, and opportunities for learning;

''(7) support evaluation and research on the effective use of technology in preparing all students to achieve challenging State academic content and performance standards, and the impact of technology on teaching and learning;

''(8) encourage collaborative relationships among the State agency for higher education, the State library administrative agency, the State telecommunications agency, and the State educational agency, in the area of technology support to strengthen the system of education to ensure that technology is accessible to, and usable by, all students;

''(9) assist every student in crossing the digital divide by ensuring that every child is computer literate by the time the child finishes 8th grade, regardless of the child's race, ethnicity, gender, income, geography, or disability; and

''(10) support the development and use of education technology to enhance and facilitate meaningful parental involvement to improve student learning.

"SEC. 5112. DEFINITIONS.

''In this title:

''(1) ADULT EDUCATION.—The term 'adult education' has the same meaning given such term by section 203 of the Adult Education and Family Literacy Act.

''(2) ALL STUDENTS.—The term 'all students' means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited English proficiency, students who have dropped out of school, and academically talented students.

''(3) INFORMATION INFRASTRUCTURE.—The term 'information infrastructure' means a network of communication systems designed to exchange information among all citizens and residents of the United States.

''(4) INSTRUCTIONAL PROGRAMMING.—The term 'instructional programming' means the full range of audio and video data, text, graphics, or additional state-of-the-art communications, including multimedia based resources distributed through interactive, command and control, or passive methods for the purpose of education and instruction.

''(5) INTEROPERABLE AND INTEROPERABILITY.—The terms 'interoperable' and 'interoperability' mean the ability to exchange easily data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students and other users.

''(6) OFFICE.—The term 'Office' means the Office of Educational Technology.

''(7) PUBLIC TELECOMMUNICATIONS ENTITY.—The term 'public telecommunications entity' has the same meaning given to such term by section 397(12) of the Communications Act of 1934.

''(8) REGIONAL EDUCATIONAL LABORATORY.—The term 'regional educational laboratory' means a regional educational laboratory supported under section 941(h) of the Educational, Research, Development, Dissemination, and Improvement Act of 1994.

''(9) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' includes the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau of Indian Affairs in accordance with this part.

''(10) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term 'State library administrative agency' has the same meaning given to such term in section 3 of the Library Services and Technology Act.

''(11) TECHNOLOGY.—The term 'technology' means state-of-the-art technology products and services, such as closed circuit television systems, educational television and radio programs and services, cable television, satellite, copper and fiber optic transmission, computer hardware and software, video and audio laser and CD-ROM discs, video and audio tapes, web-based learning resources including online classes, interactive tutorials, and interactive tools and virtual environments for problem solving, handheld devices, wireless technologies, voice recognition systems, and high quality digital video, distance learning networks, visualization, modeling and simulation software and learning focused digital libraries and information retrieval systems.

"SEC. 5113. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $815,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out subparts 1, 2, and 3, of which—

''(1) with respect to subparts 1 and 3—

''(A) $5,000,000 shall be available to carry out subpart 1 (National Programs for Technology in Education) for fiscal year 2001;

''(B) $10,000,000 shall be available to carry out subpart 3 (Regional Technical Support and Professional Development) for fiscal year 2001; and

''(C) for each of fiscal years 2002 through 2005, not to exceed 2.5 percent of the total amount appropriated under this subsection for each such fiscal year shall be available to carry out such subparts; and

''(2) of any funds remaining for a fiscal year after amounts are made available under paragraph (1)—

''(A) except as provided in subsection (b), 70 percent of such funds shall be available for carrying out section 5132; and

''(B) 30 percent of such funds shall be available for carrying out national activities including section 5136.

''(b) SPECIAL RULE.—The amount made available under subsection (a)(2)(A) for a fiscal year shall in no case be less than the amount made available to carry out section 5132 in fiscal year 2000.

''SEC. 5114. LIMITATION ON COSTS.

''Not more than 5 percent of the funds under this part that are made available to a recipient of funds under this part for any fiscal year may be used by such recipient for administrative costs or technical assistance.

''Subpart 1—National Programs for Technology in Education

''SEC. 5121. NATIONAL LONG-RANGE TECHNOLOGY PLAN.

''(a) IN GENERAL.—The Secretary shall update, publish, and broadly disseminate not later than 12 months after the date of the enactment of this title, and update when the Secretary determines appropriate, the national long-range plan that supports the overall national technology policy and carries out the purposes of this part.

''(b) PLAN REQUIREMENTS.—The Secretary shall—

''(1) update the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers including teachers, principals and superintendents, experts in technology and the applications of technology to education, representatives of distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Act, and providers of technology services and products;

''(2) transmit such plan to the President and to the appropriate committees of the Congress; and

''(3) publish such plan in a form that is readily accessible to the public.

''(c) CONTENTS OF THE PLAN.—The updated national long-range plan shall describe the Secretary's activities to promote the purposes of this title, including—

''(1) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve challenging State content standards and State student performance standards, especially through programs administered by the Department;

''(2) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Institute for Literacy, the National Aeronautics and Space Administration, the National Science Foundation, the Bureau of Indian Affairs, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

''(A) to promote the use of technology in education, training, and lifelong learning, including plans for the educational uses of a national information infrastructure; and

''(B) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

''(3) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

''(4) how the Secretary will promote—

''(A) higher achievement of all students through the integration of technology into the curriculum;

''(B) increased access to the benefits of technology for teaching and learning for schools with a high number or percentage of children from low-income families;

''(C) the use of technology to assist in the implementation of State systemic reform strategies;

''(D) the application of technological advances to use in education;

''(E) increased access to high quality adult and family education services through the use of technology for instruction and professional development;

''(F) increased opportunities for the professional development of teachers and other school leaders in the use of new technologies;

''(G) increasing the use of educational technology to provide professional development opportunities for teachers and school leaders; and

''(H) increased parental involvement in schools through the use of technology;

''(5) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;

''(6) how the Secretary will promote the exchange of information among States, local educational agencies, schools, consortia, and other entities concerning the effective use of technology in education;

''(7) how the Secretary will promote the full integration of technology into learning, including the creation of new instructional opportunities through access to challenging courses and information that would otherwise not have been available, and independent learning opportunities for students through technology;

''(8) how the Secretary will encourage the creation of opportunities for teachers to develop through the use of technology, their own networks and resources for sustained and intensive, high quality professional development;

''(9) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 5123 to promote the purposes of this part; and

''(10) the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

''SEC. 5122. FEDERAL LEADERSHIP.

''(a) PROGRAM AUTHORIZED.—In order to provide Federal leadership in promoting the use of technology in education, the Secretary, in consultation with the National Science Foundation, the Department of Commerce, the White House Office of Science and Technology, and other appropriate Federal agencies, may carry out activities designed to achieve the purposes of this part directly or by awarding grants or contracts competitively and pursuant to a peer review process to, or entering into contracts with, State educational agencies, local educational agencies, institutions of higher education, or other public and private nonprofit or for-profit agencies and organizations.

''(b) ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State.

''(2) OTHER FEDERAL AGENCIES.—For the purpose of carrying out coordinated or joint activities consistent with the purposes of this part, the Secretary may accept funds from, and transfer funds to, other Federal agencies.

''(c) USES OF FUNDS.—The Secretary shall use funds made available to carry out this section for activities designed to carry out the purpose of this part, to include 1 or more of the following activities—

''(1) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators, including principals and superintendents, regarding the uses of technology for education, including professional development;

''(2) providing development grants to technical assistance providers, to enable such providers to improve substantially the services such providers offer to educators, including principals and superintendents, on the educational uses of technology, including professional development;

''(3) consulting with representatives of industry, elementary and secondary education, higher education, adult and family education, and appropriate experts in technology and educational applications of technology in carrying out activities under this subpart;

''(4) research on, and the development of, applications for education of the most advanced and newly emerging technologies, including high quality video, voice recognition devices, modeling and simulation software (particularly web-based software and intelligent tutoring), hand held devices, and wireless technologies, which research shall be coordinated, when appropriate, with the Office of Educational Research and Improvement, and other Federal agencies;

''(5) the development, demonstration, and evaluation of the educational aspects of high performance computing and communications technologies and of the national information infrastructure, in providing professional development for teachers, school librarians, school media specialists, other educators, and other appropriate school personnel; enriching academic curricula for elementary and secondary schools; facilitating communications among schools, local educational agencies, libraries, parents, and local communities and in other such areas as the Secretary deems appropriate;

''(6) the development, demonstration, and evaluation of applications of technology and innovative tools in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;

''(7) increasing and improving opportunities for professional development for teachers, principals, superintendents and pupil service personnel through technology;

''(8) the evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve America's Education Goals, State content standards and State student performance standards;

''(9) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

''(10) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

''(11) research on, and the evaluation of, the effectiveness and benefits of technology in education by making available such research and the results of such evaluation in a national repository as providing for its use for sustained and intensive high quality professional development;

''(12) a biennial assessment of, and report to the public regarding, the availability of uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State, tribal, and local governments may rely for decisionmaking about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to the extent possible, existing information and resources;

''(13) conferences on, and dissemination of information regarding, the uses of technology in education;

''(14) the development of model strategies to promote gender equity concerning access to, and the use of, technology in the classroom;

''(15) encouraging collaboration between the Department and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate;

''(16) the development of model programs, mentoring, or other programs that may include partnerships with a business, an industry, or an institution of higher education, that encourages students, including young women, to pursue demanding careers and higher education degrees in mathematics, science, engineering and technology;

''(17) the conduct of long-term controlled studies on the effectiveness of the use of educational technology and the conduct of evaluations and applied reach studies that examine how students learn using technology and the characteristics of classrooms and other educational settings that use education technology effectively;

''(18) the development, demonstration, and evaluation of model technology programs designed to improve parental involvement; and

''(19) such other activities as the Secretary determines will meet the purposes of this subpart.

''(d) NON-FEDERAL SHARE.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may require any recipient of a grant or contract under this section to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

''(2) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this section after the first year such recipient receives funds under such grant or contract.

''(3) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this section.

"Subpart 2—State and Local Programs for School Technology Resources

"SEC. 5131. ALLOTMENT AND REALLOTMENT.

''(a) ALLOTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State educational agency shall be eligible to receive a grant under this subpart for a fiscal year in an amount which bears the same relationship to the amount made available under section 5113(a)(3)(A) for such year as the amount such State received under part A of title I for such year bears to the amount received for such year under such part by all States.

''(2) MINIMUM.—No State educational agency shall be eligible to receive a grant under paragraph (1) in any fiscal year in an amount which is less than one-half of 1 percent of the amount made available under section 5113(a)(3)(A) for such year.

''(3) OUTLYING AREAS.—The Secretary shall reserve an amount equal to one-half of 1 percent of the amount made available to carry out section 5132 for each fiscal year to provide grants to outlying areas in amounts that are based on the relative needs of such areas as determined by the Secretary in accordance with the purposes of section 5132.

''(b) REALLOTMENT OF UNUSED FUNDS.—

''(1) IN GENERAL.—The amount of any State educational agency's allotment under subsection (a) for any fiscal year which the State educational agency determines will not be required for such fiscal year to carry out this subpart shall be available for reallotment from time to time, on such dates during such year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to such State educational agencies under subsection (a) for such year.

''(2) OTHER REALLOTMENTS.—The total of reductions under paragraph (1) shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a subpart of such agencies allotment under subsection (a) for such year.

"SEC. 5132. TECHNOLOGY LITERACY FUND.

''(a) GRANTS TO STATES.—

''(1) IN GENERAL.—From amounts made available under section 5131, the Secretary, through the Office of Educational Technology, shall award grants to State educational agencies having applications approved under section 5133.

''(2) USE OF GRANTS.—

''(A) IN GENERAL.—Each State educational agency receiving a grant under paragraph (1) shall use such grant funds to award grants, on a competitive basis, to local educational agencies to enable such local educational agencies to carry out the activities described in section 5134.

''(B) SIZE, SCOPE AND DURATION.—In awarding grants under subparagraph (A), each State educational agency shall ensure that each such grant is of sufficient duration, and of sufficient size, scope, and quality, to carry out the purposes of this part effectively.

''(b) TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under paragraph (1) shall—

''(1) identify the local educational agencies served by the State educational agency that—

''(A) have the highest number or percentage of children in poverty; and

''(B) demonstrate to such State educational agency the greatest need for technical assistance in developing the application under section 5133; and

''(2) offer such technical assistance to such local educational agencies.

"SEC. 5133. STATE APPLICATION.

''To receive funds under this subpart, each State educational agency shall submit a statewide educational technology plan which may include plans submitted under statewide technology plans which meet the requirements of this section. Such application shall be submitted to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall contain a systemic statewide plan that—

''(1) outlines long-term strategies for financing technology education in the State and describes how business, industry, and other public and private agencies, including libraries, library literacy programs, and institutions of higher education, can participate in the implementation, ongoing planning, and support of the plan;

''(2) meets such other criteria as the Secretary may establish in order to enable such agency to provide assistance to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology, in order to enable such local educational agencies, for the benefit of school sites served by such local educational agencies, to carry out activities such as—

''(A) purchasing quality technology resources;

''(B) installing various linkages necessary to acquire connectivity;

''(C) integrating technology into the curriculum in order to improve student learning and achievement;

''(D) providing teachers, library media personnel, principals and superintendents with training or access to training;

''(E) providing administrative and technical support and services that improve student learning through enriched technology-enhanced resources, including library media resources;

''(F) promoting in individual schools the sharing, distribution, and application of educational technologies with demonstrated effectiveness;

''(G) assisting schools in promoting parent involvement;

''(H) assisting the community in providing literacy-related services;

''(I) establishing partnerships with private or public educational providers or other entities to serve the needs of children in poverty; and

''(J) providing assurances that financial assistance provided under this part shall supplement, not supplant, State and local funds;

''(3) the State educational agency's specific goals for using advanced technologies to improve student achievement and student performance to challenging State academic content and performance standards by—

''(A) using web-based resources and telecommunications networks to provide challenging content and improve classroom instruction;

''(B) using research-based teaching practices and models of effective uses of advanced technology to promote basic skills in core academic areas and higher-order thinking skills in all students; and

''(C) promoting sustained and intensive high-quality professional development that increases teacher capacity to enable students to learn challenging State content and performance standards and develop higher-order thinking skills through the integration of technology into instruction; and

''(4) the State educational agency's strategy for disseminating information.

"SEC. 5134. LOCAL USES OF FUNDS.

''Each local educational agency, to the extent possible, shall use the funds made available under section 5132(a)(2) for—

''(1) adapting or expanding existing and new applications of technology to enable teachers to help students to achieve to challenging State academic content and student performance standards through the use of research-based teaching practices and advanced technologies;

''(2) funding projects of sufficient size and scope to improve student learning and, as appropriate, support professional development, and provide administrative support;

''(3) acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students and school library media personnel in the classroom or in school library media centers, in order to improve student learning by supporting the instructional program offered by such agency to ensure that students in schools will have meaningful access on a regular basis to such linkages, resources and services;

''(4) providing sustained and intensive, high-quality professional development in the integration of advanced technologies into curriculum and in using those technologies to create new learning environments, including training in the use of technology to access data and resources to develop curricula and instructional materials that are aligned to the challenging State academic content standards in core academic subjects;

''(5) acquiring connectivity with wide area networks for purposes of accessing information and educational programming sources, particularly with institutions of higher education and public libraries;

''(6) providing educational services for adults and families;

''(7) carrying out programs that prepare prospective teachers to use advanced technology to foster learning environments conducive to preparing all students to achieve challenging State and local content and student performance standards through the use of a variety of models including school-based professional development;

''(8) supporting in-school and school-community collaboration to make more effective and efficient use of existing investments in technology;

''(9) utilizing technology to develop or expand efforts to connect schools and teachers with parents to promote meaningful parental involvement and foster increased communication about curriculum, assignments and assessments;

''(10) providing support to help parents understand the technology being applied in their children's education so that parents will be able to reinforce their children's learning;

''(11) using web-based learning resources, including those that provide access to challenging courses; and

''(12) providing education technology for advanced placement instruction.

"SEC. 5135. LOCAL APPLICATIONS.

''Each local educational agency desiring assistance from a State educational agency under section 5132(a)(2) shall submit an application, consistent with the objectives of the systemic statewide plan, to the State educational agency at such time, in such manner and accompanied by such information as the State educational agency may reasonably require. Such application, at a minimum, shall—

''(1) include a strategic, long-range (3- to 5-year), plan that includes—

''(A) a description of the type of technologies to be acquired, including specific provisions for interoperability among components of such technologies and, to the extent practicable, with existing technologies;

''(B) an explanation of how the acquired technologies will be integrated into the curriculum to help the local educational agency enhance teaching, training, and student achievement;

''(C) an explanation of how programs will be developed in collaboration with existing adult literacy services providers to maximize the use of such technologies;

''(D)(i) a description of how the local educational agency will ensure ongoing, sustained professional development for teachers, principals, superintendents, appropriate school personnel, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center;

''(ii) a list of the source or sources of ongoing training and technical assistance available to schools, teachers, principals, superintendents, other appropriate school personnel and library media personnel served by the local educational agency, such as State technology offices, intermediate educational support units, regional educational laboratories or institutions of higher education; and

''(iii) a description of how parents will be informed of the use of technologies so that the parents will be able to reinforce at home the instruction their children receive at school;

''(E) a description of the supporting resources, such as services, software and print resources, which will be acquired to ensure successful and effective use of technologies acquired under this section;

''(F) the projected timetable for implementing such plan in schools;

''(G) the projected cost of technologies to be acquired and related expenses needed to implement such plan; and

''(H) a description of how the local educational agency will coordinate the technology provided pursuant to this subpart with other grant funds available for technology from other Federal, State and local sources;

''(2) describe how the local educational agency will involve parents, public libraries, business leaders and community leaders in the development of such plan;

''(3) describe how the acquired instructionally based technologies will help the local educational agency—

''(A) promote equity in education in order to support State content standards and State student performance standards that may be developed;

''(B) provide access for teachers, other appropriate school personnel, parents and students to the best teaching practices and curriculum resources through technology; and

''(C) improve parental involvement in schools;

''(4) describe a process for the ongoing evaluation of how technologies acquired under this section—

''(A) will be integrated into the school curriculum; and

''(B) will affect student achievement and progress toward meeting America's Education Goals and any challenging State content standards and State student performance standards that may be developed;

''(5) describe how the consortia will develop or redesign teacher preparation programs to enable prospective teachers to use technology effectively in their classroom, if applicable to the consortia; and

''(6) describe how the local educational agency will effectively use technology to promote parental involvement and increase communication with parents.

''(d) FORMATION OF CONSORTIA.—A local educational agency for any fiscal year may apply for financial assistance as part of a consortium with other local educational agencies, institutions of higher education, intermediate educational units, libraries, or other educational entities appropriate to provide local programs. The State educational agency may assist in the formation of consortia among local educational agencies, providers of educational services for adults and families, institutions of higher education, intermediate educational units, libraries, or other appropriate educational entities to provide services for the teachers and students in a local educational agency at the request of such local educational agency.

''(e) COORDINATION OF APPLICATION REQUIREMENTS.—If a local educational agency submitting an application for assistance under this section has developed a comprehensive education improvement plan, in conjunction with requirements under this Act, the State educational agency may approve such plan, or a component of such plan, notwithstanding the requirements of subsection (d) if the State educational agency determines that such approval would further the purposes of this subpart.

"SEC. 5136. NATIONAL TECHNOLOGY INNOVATION GRANTS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts made available under section 5113(a)(3)(B) for any fiscal year the Secretary is authorized to award grants, on a competitive basis, to consortia having applications approved under subsection (d), which consortia shall include at least 1 local educational agency with a high percentage or number of children living below the poverty line and may include other local educational agencies, State educational agencies, institutions of higher education, businesses, academic content experts, software designers, museums, libraries, or other appropriate entities.

''(2) DURATION.—Grants under this section shall be awarded for a period of 5 years.

''(3) CONTINUATION GRANTS.—The Secretary may award continuation grants under this section, where applicable, to entities receiving grants under the Preparing Tomorrows Teachers to Use Technology Program.

''(b) USE OF GRANTS.—Grants awarded under subsection (a) shall be used for activities described in section 5134.

''(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to consortia which demonstrate in the application submitted under subsection (d) that—

''(1) the project for which assistance is sought is designed to serve areas with a high number or percentage of disadvantaged students or the greatest need for educational technology;

''(2) the project will directly benefit students by, for example, integrating the acquired technologies into curriculum to help the local educational agency enhance teaching, training, and student achievement;

''(3) the project will ensure ongoing, sustained professional development for teachers, principals, superintendents, other appropriate school personnel, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center including the preservice education of prospective teachers in the use of educational technology if 1 of the members of the consortia is an institution of higher education that prepares teachers for their initial entry into teaching;

''(4) the project will ensure successful, effective, and sustainable use of technologies acquired under this subsection;

''(5) members of the consortia or other appropriate entities will contribute substantial financial and other resources to achieve the goals of the project;

''(6) the project will enhance parental involvement by providing parents the information needed to more fully participate in their child's learning; and

''(7) the project will use education technology for advanced placement instruction.

''(d) APPLICATION.—

''(1) IN GENERAL.—Each consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) FISCAL AGENTS.—Any member of a consortium may serve as the fiscal agent of the consortium for purposes of this subpart, so long as the lead local educational agency agrees to permit such member to serve as the fiscal agent.

"SEC. 5137. FEDERAL ADMINISTRATION.

''(a) EVALUATION PROCEDURES.—The Secretary shall develop procedures for State and local evaluations of the programs under this subpart.

''(b) SPECIFIC EVALUATIONS.—The Secretary shall submit to the Congress by not later than 3 years after the date of enactment of this title an evaluation of State and local outcomes of the technology literacy challenge funds program and of the technology innovations challenge grant program.

''(c) EVALUATION SUMMARY.—The Secretary shall submit to the Congress by not later than 2 years after the date of enactment of this title a summary of the State evaluations of programs under this subpart in accordance with the provisions of section 10201.

"Subpart 3—Regional Technical Support and Professional Development

"SEC. 5141. REGIONAL TECHNICAL SUPPORT AND PROFESSIONAL DEVELOPMENT.

''(a) GRANTS AUTHORIZED.—

''(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall make grants in accordance with the provisions of this section, to regional entities such as the Eisenhower Mathematics and Science Regional Consortia, the regional education laboratories, the comprehensive regional assistance centers, or such other regional entities as may be designated or established by the Secretary. In awarding grants under this section, the Secretary shall ensure that each geographic region of the United States shall be served by such a consortium.

''(2) REQUIREMENTS.—Each consortium receiving a grant under this section shall—

''(A) be composed of State educational agencies, institutions of higher education, nonprofit organizations, or a combination thereof;

''(B) in cooperation with State and local educational agencies, develop a regional program that addresses professional development, technical assistance, and information resource dissemination, with special emphasis on meeting the documented needs of educators and learners in the region; and

''(C) foster regional cooperation and resource and coursework sharing.

''(b) FUNCTIONS.—

''(1) TECHNICAL ASSISTANCE.—Each consortium receiving a grant under this section shall, to the extent practicable—

''(A) collaborate with State educational agencies and local educational agencies requesting collaboration, particularly in the development of strategies for assisting those schools with the highest numbers or percentages of disadvantaged students with little or no access to technology in the classroom;

''(B) provide information, in coordination with information available from the Secretary, to State educational agencies, local educational agencies, schools and adult education programs, on the types and features of various educational

technology equipment and software available, evaluate and make recommendations on equipment and software that support America's Education Goals and are suited for a school's particular needs, and compile and share information regarding creative and effective applications of technology in the classroom and school library media centers in order to support the purposes of this part;

''(C) collaborate with such State educational agencies, local educational agencies, or schools requesting to participate in the tailoring of software programs and other supporting materials to meet challenging State content standards or challenging State student performance standards that may be developed; and

''(D) provide technical assistance to facilitate use of the electronic dissemination networks by State and local educational agencies and schools throughout the region.

''(2) PROFESSIONAL DEVELOPMENT.—Each consortium receiving a grant under this section shall, to the extent practicable—

''(A) develop and implement, in collaboration with State educational agencies and institutions of higher education, technology-specific, ongoing professional development, such as—

''(i) intensive school year and summer workshops that use teachers, school librarians, and school library personnel to train other teachers, school librarians, and other school library media personnel; and

''(ii) distance professional development, including—

''(I) interactive training tele-courses using researchers, educators, and telecommunications personnel who have experience in developing, implementing, or operating educational and instructional technology as a learning tool;

''(II) onsite courses teaching teachers to use educational and instructional technology and to develop their own instructional materials for effectively incorporating technology and programming in their own classrooms;

''(III) methods for successful integration of instructional technology into the curriculum in order to improve student learning and achievement;

''(IV) video conferences and seminars which offer professional development through peer interaction with experts as well as other teachers using technologies in their classrooms; and

''(V) mobile education technology and training resources;

''(B) develop training resources that—

''(i) are relevant to the needs of the region and schools within the region;

''(ii) are relevant to the needs of adult literacy staff and volunteers, including onsite courses on how to—

''(I) use instructional technology; and

''(II) develop instructional materials for adult learning; and

''(iii) are aligned with the needs of teachers and administrators in the region;

''(C) establish a repository of professional development and technical assistance resources;

''(D) identify and link technical assistance providers to State and local educational agencies, as needed;

''(E) ensure that training, professional development, and technical assistance meet the needs of educators, parents, and students served by the region;

''(F) assist colleges and universities within the region to develop and implement preservice training programs for students enrolled in teacher education programs; and

''(G) assist local educational agencies and schools in working with community members and parents to develop support from communities and parents for educational technology programs and projects.

''(3) INFORMATION AND RESOURCE DISSEMINATION.—Each consortium receiving a grant under this section shall, to the extent practicable—

''(A) assist State and local educational agencies in the identification and procurement of financial, technological and human resources needed to implement technology plans;

''(B) provide outreach and, at the request of a State or local educational agency, work with such agency to assist in the development and validation of instructionally based technology education resources; and

''(C) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region as such interests pertain to the application of technology in teaching, learning, instructional management, dissemination, collection and distribution of educational statistics, and the transfer of student information.

''(4) COORDINATION.—Each consortium receiving a grant under this section shall work collaboratively, and coordinate the services the consortium provides, with appropriate regional and other entities assisted in whole or in part by the Department.

''(c) REPORTS ON CURRENT GRANTEES.—Not later than 3 months after the date of enactment of this title, entities receiving grants under section 3141 of this Act (as such section existed 1 day prior to the date of enactment of this title) shall prepare and submit to the Secretary a report concerning activities undertaken with amounts received under such grants.''.

PART B—WOMEN'S EDUCATIONAL EQUITY; STAR SCHOOLS

SEC. 521. WOMEN'S EDUCATIONAL EQUITY.

(a) AMENDMENTS.—Part B of title V (20 U.S.C. 7231 et seq.) is amended—

(1) by amending section 5201 (20 U.S.C. 7231) to read as follows:

''SEC. 5201. SHORT TITLE.

''This part may be cited as the 'Women's Educational Equity Act of 1999'.'';

(2) in section 5202(3) (20 U.S.C. 7232(3))—

(A) strike ''sex,'' and insert ''sex and''; and

(B) by inserting ''socioeconomic status,'' after ''disability,'';

(3) in section 5203(b) (20 U.S.C. 7233(b))—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''years, to'' and inserting ''years'';

(ii) in subparagraph (A), by striking ''provide grants''; and

(iii) in subparagraph (B), by striking ''provide funds''; and

(B) in paragraph (2)(A)—

(i) in clause (v), by striking ''and on race'' and inserting ''and race'';

(ii) in clause (xiii)(I), by striking ''institution'' and inserting ''institutional'';

(iii) in clause (xiii)(II)—

(I) by striking ''of equity'' and inserting ''of gender equity''; and

(II) by striking ''education;'' and inserting ''education,''; and

(iv) in clause (xiii)(III), by striking the period and inserting ''for women and girls; and''; and

(C) in paragraph (2)(B)(viii), by striking ''and unemployed'' and inserting ''women, unemployed'';

(4) in section 5204 (20 U.S.C. 7234)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

''Each entity desiring assistance under this part shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall—'';

(B) in paragraph (2), by striking ''the National Education Goals'' and inserting ''America's Education Goals'';

(C) by striking paragraph (4); and

(D) by redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively;

(5) in section 5205 (20 U.S.C. 7235)—

(A) in subsection (a)—

(i) by striking ''CRITERIA AND PRIORITIES.—'' and all that follows through ''The'' in paragraph (1) and inserting the following: ''CRITERIA AND PRIORITIES.—The''; and

(ii) in paragraph (2)—

(I) by redesignating such paragraph as subsection (b), and realigning the margin accordingly; and

(II) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively, and realigning the margins accordingly;

(B) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(C) in subsection (c) (as so redesignated)—

(i) in the matter preceding paragraph (1), by striking ''special consideration'' and inserting ''priority''; and

(ii) by amending paragraph (3)(E) to read as follows:

''(E) address the educational needs of women and girls who suffer multiple forms of discrimination on the basis of sex and on race, ethnic origin, limited English proficiency, disability, socioeconomic status, or age.''; and

(D) in subsection (e)(1) (as so redesignated), by striking ''by the Office'' and inserting ''by such Office'';

(6) in section 5206 (20 U.S.C. 7236), by striking ''1999'' and inserting ''2004'';

(7) in section 5207 (20 U.S.C. 7237), by striking subsection (a) and inserting the following:

''(a) EVALUATION AND DISSEMINATION.—The Secretary shall—

''(1) evaluate in accordance with section 10201, materials and programs developed under this part;

''(2) disseminate materials and programs developed under this part; and

''(3) report to the Congress regarding such evaluation materials and programs not later than January 1, 2004.''; and

(8) in section 5208 (20 U.S.C. 7238)—

(A) by striking ''1995'' and inserting ''2001''; and

(B) by striking '', of which'' and all that follows through ''section 5203(b)(1)''.

(b) TRANSFER AND REDESIGNATION.—Part B of title V (20 U.S.C. 7201 et seq.), as amended by subsection (a), is transferred so as to appear after part D of title V (as transferred by section 541(b)) and redesignated as part E.

(c) REDESIGNATION OF SECTIONS.—Sections 5201 through 5208 (20 U.S.C. 7231-7238) are redesignated as section 5501 through 5508, respectively.

(d) CONFORMING AMENDMENTS.—Part E of title V (as so redesignated) is amended—

(1) in section 5504 (as so redesignated), by striking ''5203(b)(1)'' each place that such appears and inserting ''5503(b)(1)'';

(2) in section 5505(a) (as so redesignated), by striking ''5203(b)'' and inserting ''5503(b)''; and

(3) in section 5508 (as so redesignated), by striking ''5203(b)(1)'' and inserting ''5503(b)(1)''.

SEC. 522. STAR SCHOOLS.

Title V (20 U.S.C. 7231 et seq.) is amended by inserting after part A (as amended by section 511) the following:

''PART B—STAR SCHOOLS PROGRAM

''SEC. 5201. SHORT TITLE.

''This part may be cited as the 'Star Schools Act'.

''SEC. 5202. PURPOSE.

''It is the purpose of this part to encourage improved instruction in mathematics, science, and foreign languages and challenging and advanced courses as well as other subjects, such as literacy skills and vocational education, and to serve underserved populations, including the disadvantaged, illiterate, limited-English proficient, and individuals with disabilities, through a star schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships to—

''(1) develop, construct, acquire, maintain and operate telecommunications facilities and equipment;

''(2) develop and acquire educational and instructional programming; and

''(3) obtain technical assistance for the use of such facilities and instructional programming.

"SEC. 5203. GRANTS AUTHORIZED.

''(a) AUTHORITY.—The Secretary, through the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this part, to eligible entities to pay the Federal share of the cost of—

''(1) the development, construction, acquisition, maintenance and operation of telecommunications facilities and equipment;

''(2) the development and acquisition of interactive instructional programming;

''(3) the development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, effective skill transfer, and ongoing, in-class instruction;

''(4) the establishment of web-based resources or teleconferencing facilities and resources for making interactive training available to teachers;

''(5) obtaining technical assistance; and

''(6) the coordination of the design and connectivity of broadband and other telecommunications networks to reach the greatest number of schools.

''(b) DURATION.—

''(1) IN GENERAL.—The Secretary shall award grants pursuant to subsection (a) for a period of 5 years.

''(2) RENEWAL.—Grants awarded pursuant to subsection (a) may be renewed for 1 additional 3-year period.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

''(2) AVAILABILITY.—Funds appropriated pursuant to the authority of subsection (a) shall remain available until expended.

''(d) LIMITATIONS.—

''(1) IN GENERAL.—A grant under this section shall not exceed—

''(A) five years in duration; and

''(B) $10,000,000 in any 1 fiscal year.

''(2) INSTRUCTIONAL PROGRAMMING.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for the cost of instructional programming.

''(3) SPECIAL RULE.—Not less than 50 percent of the funds available in any fiscal year under this part shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under part A of title I.

''(e) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of projects funded under this section shall not exceed—

''(A) 75 percent for the first and second years for which an eligible telecommunications partnership receives a grant under this part;

''(B) 60 percent for the third and fourth such years; and

''(C) 50 percent for the fifth such year.

''(2) REDUCTION OR WAIVER.—The Secretary may reduce or waive the requirement of the non-Federal share under paragraph (1) upon a showing of financial hardship.

''(f) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Secretary is authorized to accept funds from other Federal departments or agencies to carry out the purposes of this section, including funds for the purchase of equipment.

''(g) COORDINATION.—The Department, the National Science Foundation, the Department of Agriculture, the Department of Commerce, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this part with the activities of such department or agency relating to a telecommunications network for educational purposes.

''(h) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—Each entity receiving funds under this part is encouraged to provide—

''(1) closed captioning of the verbal content of such program, where appropriate, to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies; and

''(2) descriptive video of the visual content of such program, as appropriate.

''(i) ADVANCED PLACEMENT INSTRUCTION.—Each eligible entity receiving funds under this part is encouraged to deliver advanced placement instruction to underserved communities.

"SEC. 5204. ELIGIBLE ENTITIES.

''(a) ELIGIBLE ENTITIES.—

''(1) REQUIRED PARTICIPATION.—The Secretary may make a grant under section 5203 to any eligible entity, if at least 1 local educational agency is participating in the proposed project.

''(2) ELIGIBLE ENTITY.—For the purpose of this part, the term 'eligible entity' may include—

''(A) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I; or

''(B) a partnership that will provide telecommunications services and which includes 3 or more of the following entities, at least 1 of which shall be an agency described in clause (i) or (ii):

''(i) a local educational agency that serves a significant number of elementary and secondary schools that are eligible for assistance under part A of title I, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(2);

''(ii) a State educational agency;

''(iii) adult and family education programs;

''(iv) an institution of higher education or a State higher education agency;

''(v) a teacher training center or academy that—

''(I) provides teacher pre-service and in-service training; and

''(II) receives Federal financial assistance or has been approved by a State agency;

''(vi)(I) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through the Internet, satellite, cable, telephone, or computer; or

''(II) a public broadcasting entity with such experience; or

''(vii) a public or private elementary or secondary school.

''(b) SPECIAL RULE.—An eligible entity receiving assistance under this part shall be organized on a statewide or multistate basis.

"SEC. 5205. APPLICATIONS.

''(a) APPLICATIONS REQUIRED.—Each eligible entity which desires to receive a grant under section 5203 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(b) STAR SCHOOL AWARD APPLICATIONS.—Each application submitted pursuant to subsection (a) shall—

''(1) describe how the proposed project will assist in achieving America's Education Goals, how such project will assist all students to have an opportunity to learn to challenging State and local standards, how such project will assist State and local educational reform efforts, and how such project will contribute to creating a high quality system of lifelong learning;

''(2) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

''(A) the design, development, construction, acquisition, maintenance and operation of State or multistate educational telecommunications networks and technology resource centers;

''(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

''(C) reception facilities and equipment;

''(D) satellite time and other transmissions;

''(E) production facilities and equipment;

''(F) other Internet education portals and telecommunications equipment capable of serving a wide geographic area;

''(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and

''(H) the development of educational and related programming for use on a telecommunications network;

''(3) in the case of an application for assistance for instructional programming, describe the types of programming which will be developed to enhance instruction and training and provide assurances that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level;

''(4) describe how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines;

''(5) describe the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

''(6) describe the manner in which historically underserved students (such as students from low-income families, limited English proficient students, students with disabilities, or students who have low literacy skills) and their families, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this part;

''(7) describe how existing telecommunications equipment, facilities, and services, where available, will be used;

''(8) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

''(9) provide assurances that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools or local educational agencies that have a high number or percentage of children eligible to be counted under part A of title I;

''(10) provide assurances that the applicant will use the funds provided under this part to supplement and not supplant funds otherwise available for the purposes of this part;

''(11) if any member of the consortia receives assistance under subpart 3 of part A, describe how funds received under this part will be coordinated with funds received for educational technology in the classroom under such section;

''(12) describe the activities or services for which assistance is sought, such as—

''(A) providing facilities, equipment, training services, and technical assistance;

''(B) making programs accessible to students with disabilities through mechanisms such as closed captioning and descriptive video services;

''(C) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;

''(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;

''(E) providing teacher and student support services including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

''(F) incorporating community resources such as libraries and museums into instructional programs;

''(G) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff, and adult and family educators;

''(H) providing programs for adults to maximize the use of telecommunications facilities and equipment;

''(I) providing teacher training on proposed or established voluntary national content standards in mathematics and science and other disciplines as such standards are developed; and

''(J) providing parent education programs during and after the regular school day which reinforce a student's course of study and actively involve parents in the learning process;

''(13) describe how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires;

''(14) provide an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I;

''(15) provide an assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this part; and

''(16) include such additional assurances as the Secretary may reasonably require.

''(c) PRIORITIES.—The Secretary, in approving applications for grants authorized under section 5203, shall give priority to applications describing projects that—

''(1) propose high-quality plans to assist in achieving 1 or more of America's Education Goals, will provide instruction consistent with State content standards, or will otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform;

''(2) will provide services to programs serving adults, especially parents, with low levels of literacy;

''(3) will serve schools with significant numbers of children counted for the purposes of part A of title I;

''(4) ensure that the eligible entity will—

''(A) serve the broadest range of institutions, programs providing instruction outside of the school setting, programs serving adults, especially parents, with low levels of literacy, institutions of higher education, teacher training centers, research institutes, and private industry;

''(B) have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development;

''(C) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

''(D) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum;

''(E) provide instruction for students, teachers, and parents;

''(F) serve a multistate area; and

''(G) give priority to the provision of equipment and linkages to isolated areas; and

''(5) involve a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) participating in the eligible entity and donating equipment or in-kind services for telecommunications linkages.

''(d) GEOGRAPHIC DISTRIBUTION.—In approving applications for grants authorized under section 5203, the Secretary shall, to the extent feasible, ensure an equitable geographic distribution of services provided under this part.

''SEC. 5206. DEFINITIONS.

''In this part:

''(1) EDUCATIONAL INSTITUTION.—The term 'educational institution' means an institution of higher education, a local educational agency, or a State educational agency.

''(2) INSTRUCTIONAL PROGRAMMING.—The term 'instructional programming' means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on either analog or digital format and are presented by means of telecommunications devices.

''(3) TERM PUBLIC BROADCASTING ENTITY.—The term 'public broadcasting entity' has the same meaning given such term in section 397 of the Communications Act of 1934.

''SEC. 5207. ADMINISTRATIVE PROVISIONS.

''(a) CONTINUING ELIGIBILITY.—

''(1) IN GENERAL.—In order to be eligible to receive a grant under section 5203 for a second 3-year grant period an eligible entity shall demonstrate in the application submitted pursuant to section 5205 that such partnership shall—

''(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this part for the previous 5-year grant period; and

''(B) use all grant funds received under this part for the second 3-year grant period to provide expanded services by—

''(i) increasing the number of students, schools or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

''(ii) providing new courses of instruction; and

''(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are individuals with disabilities, are illiterate, or lack secondary school diplomas or their recognized equivalent.

''(2) SPECIAL RULE.—Grant funds received pursuant to paragraph (1) shall be used to supplement and not supplant services provided by the grant recipient under this part in the previous fiscal year.

''(b) FEDERAL ACTIVITIES.—The Secretary may assist grant recipients under section 5203 in acquiring satellite time and other transmissions technologies, where appropriate, as economically as possible.

''SEC. 5208. OTHER ASSISTANCE.

''(a) SPECIAL STATEWIDE NETWORK.—

''(1) IN GENERAL.—The Secretary, through the Office of Educational Technology, may provide assistance to a statewide fiber optics telecommunications network under this subsection if such network—

''(A) provides 2-way full motion interactive video and voice communications via Internet, cable and other technologies;

''(B) links together public colleges and universities and schools throughout the State; and

''(C) includes such additional assurances as the Secretary may reasonably require.

''(2) STATE CONTRIBUTION.—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

''(b) SPECIAL LOCAL NETWORK.—

''(1) IN GENERAL.—The Secretary may provide assistance, on a competitive basis, to a local educational agency or consortium thereof to enable such agency or consortium to establish a high technology demonstration program.

''(2) PROGRAM REQUIREMENTS.—A high technology demonstration program assisted under paragraph (1) shall—

''(A) include 2-way full motion interactive video, data and voice communications;

''(B) link together elementary and secondary schools, colleges, and universities;

''(C) provide parent participation and family programs;

''(D) include a staff development program; and

''(E) have a significant contribution and participation from business and industry.

''(3) SPECIAL RULE.—Each high technology demonstration program assisted under paragraph (1) shall be of sufficient size and scope to have an effect on meeting America's Education Goals.

''(4) MATCHING REQUIREMENT.—A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

''(c) TELECOMMUNICATIONS PROGRAMS FOR CONTINUING EDUCATION.—

''(1) AUTHORITY.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable such partnerships to develop and operate 1 or more programs which provide on-line access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its recognized equivalent. The program authorized by this section shall be designed to advance adult literacy, secondary school completion and the acquisition of specified competency by the end of the 12th grade.

''(2) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary. Each such application shall—

''(A) demonstrate that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, voice and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its recognized equivalent;

''(B) assure that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used;

''(C) incorporate, to the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded projects and programs;

''(D) assure that the applicant has the technological and substantive experience to carry out the program; and

''(E) contain such additional assurances as the Secretary may reasonably require.''.

PART C—MAGNET SCHOOLS ASSISTANCE

SEC. 531. MAGNET SCHOOLS ASSISTANCE.

Part C of title V (20 U.S.C. 7261 et seq.) is amended to read as follows:

''PART C—MAGNET SCHOOLS ASSISTANCE

''SEC. 5301. FINDINGS AND STATEMENT OF PURPOSE.

''(a) FINDINGS.—Congress makes the following findings:

''(1) Magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation of our Nation's schools.

''(2) It is in the national interest to continue the Federal Government's support of school districts that are implementing court-ordered desegregation plans and school districts that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds.

''(3) Desegregation can help ensure that all students have equitable access to high-quality education that will prepare them to function

well in a technologically oriented and highly competitive society comprised of people from many different racial and ethnic backgrounds.

''(4) It is in the national interest to desegregate and diversify those schools in our Nation that are racially, economically, linguistically, or ethnically segregated. Such segregation exists between minority and non-minority students as well as among students of different minority groups.

''(b) STATEMENT OF PURPOSE.—The purpose of this part is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

''(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students which shall assist in the efforts of the United States to achieve voluntary desegregation in public schools;

''(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State and local content standards and challenging State and local student performance standards;

''(3) the development and design of innovative educational methods and practices;

''(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational, technological and career skills of students attending such schools;

''(5) improving the capacity of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding is terminated; and

''(6) ensuring that all students enrolled in the magnet school program have equitable access to high quality education that will enable the students to succeed academically and continue with post secondary education or productive employment.

"SEC. 5302. PROGRAM AUTHORIZED.

''The Secretary, in accordance with this part, is authorized to make grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are—

''(1) part of an approved desegregation plan; and

''(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 5303. DEFINITION.

''For the purpose of this part, the term 'magnet school' means a public elementary school or secondary school or a public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 5304. ELIGIBILITY.

''A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this part to carry out the purposes of this part if such agency or consortium—

''(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or

''(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 5305. APPLICATIONS AND REQUIREMENTS.

''(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

''(b) INFORMATION AND ASSURANCES.—Each such application shall include—

''(1) a description of—

''(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

''(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

''(C) how an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this part cannot be continued without the use of funds under this part;

''(D) how funds under this part will be used to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate, in accordance with the provisions of section 6506; and

''(E) the criteria to be used in selecting students to attend the proposed magnet school project; and

''(2) assurances that the applicant will—

''(A) use funds under this part for the purposes specified in section 5301(b);

''(B) employ State certified or licensed teachers in the courses of instruction assisted under this part to teach or supervise others who are teaching the subject matter of the courses of instruction;

''(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

''(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

''(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

''(iii) designing or operating extracurricular activities for students;

''(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

''(E) give students residing in the local attendance area of the proposed magnet school project equitable consideration for placement in the project, consistent with desegregation guidelines and the capacity of the project to accommodate these students.

''(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"SEC. 5306. PRIORITY.

''In approving applications under this part, the Secretary shall give priority to applicants that—

''(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

''(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects;

''(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination;

''(4) propose to implement innovative educational approaches that are consistent with the State and local content and student performance standards; and

''(5) propose activities, which may include professional development, that will build local capacity to operate the magnet school program once Federal assistance has terminated.

"SEC. 5307. USE OF FUNDS.

''(a) IN GENERAL.—Grant funds made available under this part may be used by an eligible local educational agency or consortium of such agencies—

''(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

''(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

''(3) for the payment, or subsidization of the compensation, of elementary school and secondary school teachers who are certified or licensed by the State, and instructional staff where applicable, who are necessary for the conduct of programs in magnet schools;

''(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

''(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

''(B) further the purposes of this part;

''(5) to include professional development, which professional development shall build the agency's or consortium's capacity to operate the magnet school once Federal assistance has terminated;

''(6) to enable the local educational agency or consortium to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and

''(7) to enable the local educational agency or consortium to have flexibility in designing magnet schools for students at all grades.

''(b) SPECIAL RULE.—Grant funds under this part may be used in accordance with paragraphs (2) and (3) of subsection (a) only if the activities described in such paragraphs are directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological and career skills.

"SEC. 5308. PROHIBITION.

Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

"SEC. 5309. LIMITATIONS.

''(a) DURATION OF AWARDS.—A grant under this part shall be awarded for a period that shall not exceed three fiscal years.

''(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning (professional development shall not be considered as planning for purposes of this subsection) not more than 50 percent of the funds received under this part for the first year of the project, 25 percent of such funds for the second such year, and 15 percent of such funds for the third such year.

''(c) AMOUNT.—No local educational agency or consortium awarded a grant under this part shall receive more than $4,000,000 under this part in any one fiscal year.

''(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than June 1 of the applicable fiscal year.

"SEC. 5310. INNOVATIVE PROGRAMS.

''(a) IN GENERAL.—From amounts reserved under subsection (d) for each fiscal year, the

Secretary shall award grants to local educational agencies or consortia of such agencies described in section 5304 to enable such agencies or consortia to conduct innovative programs that—

''(1) involve innovative strategies other than magnet schools, such as neighborhood or community model schools, to support desegregation of schools and to reduce achievement gaps;

''(2) assist in achieving systemic reforms and providing all students the opportunity to meet challenging State and local content standards and challenging State and local student performance standards; and

''(3) include innovative educational methods and practices that—

''(A) are organized around a special emphasis, theme, or concept; and

''(B) involve extensive parent and community involvement.

''(b) APPLICABILITY.—Sections 5301(b), 5302, 5305, 5306, and 5307, shall not apply to grants awarded under subsection (a).

''(c) APPLICATIONS.—Each local educational agency or consortia of such agencies desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

''(d) INNOVATIVE PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds appropriated under section 5312(a) for each fiscal year to award grants under this section.

"SEC. 5311. EVALUATIONS.

''(a) RESERVATION.—The Secretary may reserve not more than two percent of the funds appropriated under section 5312(a) for any fiscal year to carry out evaluations of projects assisted under this part and to provide technical assistance for grant recipients under this part.

''(b) CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—

''(1) how and the extent to which magnet school programs lead to educational quality and improvement;

''(2) the extent to which magnet school programs enhance student access to quality education;

''(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students;

''(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs; and

''(5) the extent to which magnet school programs continue once grant assistance under this part is terminated.

''(c) DISSEMINATION.—The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

"SEC. 5312. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

''(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated $125,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority to using such amounts in excess of $75,000,000 to award grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.''.

PART D—PUBLIC CHARTER SCHOOLS

SEC. 541. PUBLIC CHARTER SCHOOLS.

(a) REAUTHORIZATION.—Part C of title X (20 U.S.C. 8061 et seq.) is amended—

(1) in section 10301 (20 U.S.C. 8061)—

(A) by striking subsection (a); and

(B) by striking ''(b) PURPOSE.—''; and

(2) in section 10311 (20 U.S.C. 8067), by striking ''$100,000,000 for fiscal year 1999'' and inserting ''$175,000,000 for fiscal year 2001''.

(b) TRANSFER, REDESIGNATION, CONFORMING AMENDMENTS.—Part C of title X (20 U.S.C. 8061 et seq.) is amended—

(1) by transferring such part so as to appear after part C of title V;

(2) by redesignating such part as part D;

(3) by redesignating sections 10301 through 10311 as sections 5401 through 5411, respectively;

(4) in section 5402 (as so redesignated)—

(A) in subsections (a) and (b), by striking ''10303'' each place that such appears and inserting ''5403'';

(B) in subsection (c)(1)(C), by striking ''10304'' and inserting ''5404''; and

(C) in subsection (e)(1), by striking ''10311'' each place that such appears and inserting ''5411'';

(5) in section 5403 (as so redesignated)—

(A) in subsections (b)(3)(M) and (c), by striking ''10302'' each place that such appears and inserting ''5402''; and

(B) in subsection (d)(2)(B), by striking ''10304'' and inserting ''5404'';

(6) in section 5404 (as so redesignated)—

(A) in the matter preceding paragraph (1) of subsections (a) and (b), by striking ''10303'' each place that such appears and inserting ''5403'';

(B) in subsections (a)(7) and (b)(7), by striking ''10302'' each place that such appears and inserting ''5402''; and

(C) in the matter preceding paragraph (1) of subsection (e), by striking ''10310'' and inserting ''5410''; and

(7) in section 5405(a)(4)(B) (as so redesignated), by striking ''10303'' and inserting ''5403''.

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

SEC. 551. CIVIC EDUCATION; FIE; ELLENDER FELLOWSHIPS; READY-TO-LEARN TELEVISION; INEXPENSIVE BOOK DISTRIBUTION.

Title V (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

"PART F—CIVIC EDUCATION

"SEC. 5601. SHORT TITLE.

''This part may be cited as the 'Education for Democracy Act'.

"SEC. 5602. THE STUDY OF THE DECLARATION OF INDEPENDENCE, UNITED STATES CONSTITUTION, AND THE FEDERALIST PAPERS.

''It is the sense of Congress that—

''(1) State and local governments and local educational agencies are encouraged to dedicate at least 1 day of learning to the study and understanding of the significance of the Declaration of Independence, the United States Constitution, and the Federalist Papers; and

''(2) State and local governments and local educational agencies are encouraged to include a requirement that, before receiving a certificate or diploma of graduation from secondary school, students be tested on their competency in understanding the Declaration of Independence, the United States Constitution, and the Federalist Papers.

"SEC. 5603. PURPOSE.

''It is the purpose of this part—

''(1) to improve the quality of civics and government education, and to enhance the attainment of the third and sixth America's Education Goals, by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights;

''(2) to foster civic competence and responsibility; and

''(3) to improve the quality of civic education and economic education through cooperative civic education and economic education exchange programs with other democratic nations.

"SEC. 5604. GENERAL AUTHORITY.

''The Secretary is authorized to award grants to or enter into contracts with the Center for Civic Education, the National Council on Economic Education, or other nonprofit educational organizations to carry out this part.

"SEC. 5605. WE THE PEOPLE PROGRAM.

''(a) THE CITIZEN AND THE CONSTITUTION.—

''(1) EDUCATION ACTIVITIES.—The Secretary shall award a grant or enter into a contract for the Citizen and the Constitution program that—

''(A) shall continue and expand the educational activities of the 'We the People . . . The Citizen and the Constitution' program administered by the Center for Civic Education; and

''(B) shall enhance student attainment of challenging content standards in civics and government.

''(2) PROGRAM CONTENT.—The education program authorized by this section shall provide—

''(A) a course of instruction on the basic principles of our Nation's constitutional democracy and the history of the Constitution of the United States and the Bill of Rights;

''(B) at the request of a participating school, school and community simulated congressional hearings following the course of study;

''(C) an annual national competition of simulated congressional hearings for secondary school students who wish to participate in such a program;

''(D) advanced training of teachers about the Constitution of the United States and the political system the United States created;

''(E) materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

''(F) civic education materials and services such as service learning to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

''(3) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be made available to public and private elementary schools and secondary schools, including Bureau funded schools, in the 435 congressional districts, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(b) PROJECT CITIZEN.—

''(1) EDUCATIONAL ACTIVITIES.—The Secretary shall award a grant or enter into a contract for the Project Citizen program that—

''(A) shall continue and expand the educational activities of the 'We the People . . . Project Citizen' program administered by the Center for Civic Education; and

''(B) shall enhance student attainment of challenging content standards in civics and government.

''(2) PROGRAM CONTENT.—The education program authorized by this subsection shall provide—

''(A) a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution of the United States;

''(B) optional school and community simulated State legislative hearings;

''(C) an annual national showcase or competition;

''(D) advanced training of teachers on the roles of State and local governments in the Federal system established by the Constitution;

''(E) materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

''(F) civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

''(3) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be made available to public and private

middle schools, including Bureau funded schools, in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(c) DEFINITION OF BUREAU FUNDED SCHOOL.—In this section the term 'Bureau funded school' has the meaning given the term in section 1146 of the Education Amendments of 1978.

"SEC. 5606. CIVIC EDUCATION AND ECONOMIC EDUCATION EXCHANGE PROGRAMS.

''(a) COOPERATIVE EDUCATION EXCHANGE PROGRAMS.—The Secretary, in consultation with the Secretary of State, shall carry out Cooperative Education Exchange programs in accordance with this section.

''(b) PURPOSE.—The purpose of the programs provided under this section shall be to—

''(1) make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education, and economics education, developed in the United States;

''(2) assist eligible countries in the adaptation, implementation, and institutionalization of such programs;

''(3) create and implement civics and government education, and economic education, programs for United States students that draw upon the experiences of the participating eligible countries;

''(4) provide a means for the exchange of ideas and experiences in civics and government education and economic education, among political, educational, governmental, and private sector leaders of participating eligible countries; and

''(5) provide support for—

''(A) research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

''(B) effective participation in and the preservation and improvement of an efficient market economy.

''(c) AVOIDANCE OF DUPLICATION.—The Secretary shall consult with the Secretary of State to ensure that activities under this section are not duplicative of other efforts in the eligible countries and that partner institutions in the eligible countries are creditable.

''(d) ACTIVITIES.—The Cooperative Education Exchange programs shall—

''(1) provide eligible countries with—

''(A) seminars on the basic principles of United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

''(B) visits to school systems, institutions of higher education, and nonprofit organizations conducting exemplary programs in civics and government education, and economic education, in the United States;

''(C) translations and adaptations regarding United States civic and government education, and economic education, curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas;

''(D) research and evaluation assistance to determine—

''(i) the effects of the Cooperative Education Exchange programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

''(ii) effective participation in and the preservation and improvement of an efficient market economy;

''(2) provide United States participants with—

''(A) seminars on the histories, economies, and systems of government of eligible countries;

''(B) visits to school systems, institutions of higher education, and organizations conducting exemplary programs in civics and government education, and economic education, located in eligible countries;

''(C) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government, and economy of such countries that are useful in United States classrooms;

''(D) opportunities to provide onsite demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

''(E) research and evaluation assistance to determine—

''(i) the effects of the Cooperative Education Exchange programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

''(ii) effective participation in and improvement of an efficient market economy; and

''(3) assist participants from eligible countries and the United States to participate in international conferences on civics and government education, and economic education, for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

''(e) PARTICIPANTS.—The primary participants in the Cooperative Education Exchange programs assisted under this section shall be educational leaders in the areas of civics and government education, and economic education, including curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, and government and private sector leaders from the United States and eligible countries.

''(f) DEFINITION.—For the purpose of this section, the term 'eligible country' means a country with a democratic form of government that—

''(1) is a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, or one of the independent states of the former Soviet Union as defined in section 3 of the FREEDOM Support Act (22 U.S.C. 5801); and

''(2) may include the Republic of Ireland, the province of Northern Ireland in the United Kingdom, and any developing country as defined in section 209(d) of the Education for the Deaf Act.

"SEC. 5607. AUTHORIZATION OF APPROPRIATIONS.

''(a) SECTION 5605.—There are authorized to be appropriated to carry out section 5605, $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) SECTION 5606.—There are authorized to be appropriated to carry out section 5606, $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART G—FUND FOR THE IMPROVEMENT OF EDUCATION

"SEC. 5701. FUND FOR THE IMPROVEMENT OF EDUCATION.

''(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of elementary and secondary education. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

''(b) USES OF FUNDS.—Funds under this section may be used for—

''(1) programs under section 5702;

''(2) programs under section 5703;

''(3) programs under section 5704;

''(4) programs under section 5705;

''(5) programs under section 5706;

''(6) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; and

''(7) the development and evaluation of model strategies for professional development for teachers and administrators.

''(c) AWARDS.—

''(1) IN GENERAL.—The Secretary may make awards under this section on the basis of competitions announced by the Secretary.

''(2) SPECIAL RULE.—The Secretary shall ensure that programs, projects, and activities supported under this section are designed so that the effectiveness of such programs, projects, and activities is readily ascertainable.

''(3) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for assistance under this section and may use funds appropriated under subsection (d) for the cost of such peer review.

''(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 5702. PARTNERSHIPS IN CHARACTER EDUCATION PROGRAM.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities for the design and implementation of character education programs that incorporate the elements of character described in subsection (d), as well as other character elements identified by the eligible entities.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State educational agency in partnership with 1 or more local educational agencies;

''(B) a State educational agency in partnership with—

''(i) 1 or more local educational agencies; and

''(ii) 1 or more nonprofit organizations or entities, including institutions of higher education;

''(C) a local educational agency or consortium of local educational agencies; or

''(D) a local educational agency in partnership with another nonprofit organization or entity, including institutions of higher education.

''(3) DURATION.—Each grant under this section shall be awarded for a period not to exceed 3 years, of which the eligible entity shall not use more than 1 year for planning and program design.

''(b) APPLICATIONS.—

''(1) REQUIREMENT.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(2) CONTENTS OF APPLICATION.—Each application submitted under this section shall include—

''(A) a description of any partnerships or collaborative efforts among the organizations and entities of the eligible entity;

''(B) a description of the goals and objectives of the program proposed by the eligible entity;

''(C) a description of activities that will be pursued and how those activities will contribute to meeting the goals and objectives described in subparagraph (B), including—

''(i) how parents, students, and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program and how the eligible entity will work with the larger community to increase the reach and promise of the program;

''(ii) curriculum and instructional practices that will be used or developed;

''(iii) methods of teacher training and parent education that will be used or developed; and

''(iv) how the program will be linked to other efforts in the schools to improve student performance;

''(D) in the case of an eligible entity that is a State educational agency—

''(i) a description of how the State educational agency will provide technical and professional assistance to its local educational

agency partners in the development and implementation of character education programs; and

''(ii) a description of how the State educational agency will assist other interested local educational agencies that are not members of the original partnership in designing and establishing character education programs;

''(E) a description of how the eligible entity will evaluate the success of its program—

''(i) based on the goals and objectives described in subparagraph (B); and

''(ii) in cooperation with the national evaluation conducted pursuant to subsection (c)(2)(B)(iii);

''(F) an assurance that the eligible entity annually will provide to the Secretary such information as may be required to determine the effectiveness of the program; and

''(G) any other information that the Secretary may require.

''(c) EVALUATION AND PROGRAM DEVELOPMENT.—

''(1) EVALUATION AND REPORTING.—

''(A) STATE AND LOCAL REPORTING AND EVALUATION.—Each eligible entity receiving a grant under this section shall submit to the Secretary a comprehensive evaluation of the program assisted under this section, including the impact on students, teachers, administrators, parents, and others—

''(i) by the second year of the program; and

''(ii) not later than 1 year after completion of the grant period.

''(B) CONTRACTS FOR EVALUATION.—Each eligible entity receiving a grant under this section may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for purposes of evaluating its program and measuring the success of the program toward fostering in students the elements of character described in subsection (d).

''(2) NATIONAL RESEARCH, DISSEMINATION, AND EVALUATION.—

''(A) IN GENERAL.—The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, tribal organizations, or other public or private agencies or organizations to carry out research, development, dissemination, technical assistance, and evaluation activities that support or inform State and local character education programs. The Secretary shall reserve not more than 5 percent of the funds made available under this section to carry out this paragraph.

''(B) USES.—Funds made available under subparagraph (A) may be used—

''(i) to conduct research and development activities that focus on matters such as—

''(I) the effectiveness of instructional models for all students;

''(II) materials and curricula that can be used by programs in character education;

''(III) models of professional development in character education; and

''(IV) the development of measures of effectiveness for character education programs which may include the factors described in paragraph (3);

''(ii) to provide technical assistance to State and local programs, particularly on matters of program evaluation;

''(iii) to conduct a national evaluation of State and local programs receiving funding under this section; and

''(iv) to compile and disseminate, through various approaches (such as a national clearinghouse)—

''(I) information on model character education programs;

''(II) character education materials and curricula;

''(III) research findings in the area of character education and character development; and

''(IV) any other information that will be useful to character education program participants, educators, parents, administrators, and others nationwide.

''(C) PRIORITY.—In carrying out national activities under this paragraph related to development, dissemination, and technical assistance, the Secretary shall seek to enter into partnerships with national, nonprofit character education organizations with expertise and successful experience in implementing local character education programs that have had an effective impact on schools, students, including students with disabilities, and teachers.

''(3) FACTORS.—Factors which may be considered in evaluating the success of programs funded under this section may include—

''(A) discipline issues;

''(B) student performance;

''(C) participation in extracurricular activities;

''(D) parental and community involvement;

''(E) faculty and administration involvement;

''(F) student and staff morale; and

''(G) overall improvements in school climate for all students.

''(d) ELEMENTS OF CHARACTER.—

''(1) IN GENERAL.—Each eligible entity desiring funding under this section shall develop character education programs that incorporate the following elements of character:

''(A) Caring.

''(B) Civic virtue and citizenship.

''(C) Justice and fairness.

''(D) Respect.

''(E) Responsibility.

''(F) Trustworthiness.

''(G) Any other elements deemed appropriate by the members of the eligible entity.

''(2) ADDITIONAL ELEMENTS OF CHARACTER.—An eligible entity participating under this section may, after consultation with schools and communities served by the eligible entity, define additional elements of character that the eligible entity determines to be important to the schools and communities served by the eligible entity.

''(e) USE OF FUNDS BY STATE EDUCATIONAL AGENCY RECIPIENTS.—Of the total funds received in any fiscal year under this section by an eligible entity that is a State educational agency—

''(1) not more than 10 percent of such funds may be used for administrative purposes; and

''(2) the remainder of such funds may be used for—

''(A) collaborative initiatives with and between local educational agencies and schools;

''(B) the preparation or purchase of materials, and teacher training;

''(C) grants to local educational agencies or schools; and

''(D) technical assistance and evaluation.

''(f) SELECTION OF GRANTEES.—

''(1) CRITERIA.—The Secretary shall select, through peer review, eligible entities to receive grants under this section on the basis of the quality of the applications submitted under subsection (b), taking into consideration such factors as—

''(A) the quality of the activities proposed to be conducted;

''(B) the extent to which the program fosters in students the elements of character described in subsection (d) and the potential for improved student performance;

''(C) the extent and ongoing nature of parental, student, and community involvement;

''(D) the quality of the plan for measuring and assessing success; and

''(E) the likelihood that the goals of the program will be realistically achieved.

''(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section—

''(A) serve different areas of the Nation, including urban, suburban, and rural areas; and

''(B) serve schools that serve minorities, Native Americans, students of limited-English proficiency, disadvantaged students, and students with disabilities.

''(g) PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.—Grantees under this section shall provide, to the extent feasible and appropriate, for the participation of students and teachers in private elementary and secondary schools in programs and activities under this section.

"SEC. 5703. PROMOTING SCHOLAR-ATHLETE COMPETITIONS.

''(a) IN GENERAL.—The Secretary is authorized to award a grant to a nonprofit organization to reimburse such organization for the costs of conducting scholar-athlete games.

''(b) PRIORITY.—In awarding the grant under subsection (a), the Secretary shall give priority to a nonprofit organization that—

''(1) is described in section 501(c)(3) of, and exempt from taxation under section 501(a) of, the Internal Revenue Code of 1986, and is affiliated with a university capable of hosting a large educational, cultural, and athletic event that will serve as a national model;

''(2) has the capability and experience in administering federally funded scholar-athlete games;

''(3) has the ability to provide matching funds, on a dollar-for-dollar basis, from foundations and the private sector for the purpose of conducting a scholar-athlete program;

''(4) has the organizational structure and capability to administer a model scholar-athlete program; and

''(5) has the organizational structure and expertise to replicate the scholar-athlete program in various venues throughout the United States internationally.

"SEC. 5704. ELEMENTARY SCHOOL COUNSELING DEMONSTRATION.

''(a) COUNSELING DEMONSTRATION.—

''(1) IN GENERAL.—The Secretary may award grants under this section to establish or expand elementary school counseling programs.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

''(A) demonstrate the greatest need for new or additional counseling services among the children in the elementary schools served by the applicant;

''(B) propose the most promising and innovative approaches for initiating or expanding elementary school counseling; and

''(C) show the greatest potential for replication and dissemination.

''(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

''(4) DURATION.—A grant under this section shall be awarded for a period not to exceed 3 years.

''(5) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each application for a grant under this section shall—

''(A) describe the elementary school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

''(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

''(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

''(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

''(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of elementary school counselors, school psychologists, and school social workers;

''(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

''(G) describe how any diverse cultural populations, if applicable, would be served through the program;

''(H) assure that the funds made available under this section for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

''(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Grant funds under this section shall be used to initiate or expand elementary school counseling programs that comply with the requirements in paragraph (2).

''(2) PROGRAM REQUIREMENTS.—Each program assisted under this section shall—

''(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

''(B) use a developmental, preventive approach to counseling;

''(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

''(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

''(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, academic and career planning, or to improve social functioning;

''(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

''(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

''(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

''(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration; and

''(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section.

''(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 10201.

''(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

''(5) LIMIT ON ADMINISTRATION.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

''(d) DEFINITIONS.—For purposes of this section:

''(1) SCHOOL COUNSELOR.—The term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

''(A) possesses State licensure or certification granted by an independent professional regulatory authority;

''(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

''(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent.

''(2) SCHOOL PSYCHOLOGIST.—The term 'school psychologist' means an individual who—

''(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

''(B) possesses State licensure or certification in school psychology in the State in which the individual works; or

''(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board.

''(3) SCHOOL SOCIAL WORKER.—The term 'school social worker' means an individual who—

''(A)(i) holds a master's degree in social work from a program accredited by the Council on Social Work Education; and

''(ii) is licensed or certified by the State in which services are provided; or

''(B) in the absence of such State licensure or certification, possesses national certification as a school social work specialist granted by an independent professional organization.

''(4) SUPERVISOR.—The term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

"SEC. 5705. SMALLER LEARNING COMMUNITIES.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary may award grants to eligible entities to support the development of smaller learning communities.

''(2) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means—

''(A) a local educational agency;

''(B) an elementary or secondary school;

''(C) a Bureau funded school; or

''(D) any of the entities described in subparagraph (A), (B), or (C) in partnership with other public agencies or private nonprofit organizations.

''(b) APPLICATIONS.—A eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

''(1) strategies and methods the applicant will use to create the smaller learning community;

''(2) curriculum and instructional practices, including any particular themes or emphases, to be used in the learning environment;

''(3) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the smaller learning community;

''(4) the process to be used for involving students, parents and other stakeholders in the development and implementation of the smaller learning community;

''(5) any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community;

''(6) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this section;

''(7) the goals and objectives of the activities assisted under this section, including a description of how such activities will better enable all students to reach challenging State content standards and State student performance standards;

''(8) the methods by which the applicant will assess progress in meeting such goals and objectives;

''(9) if the smaller learning community exists as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the rest of the school;

''(10) a description of the administrative and managerial relationship between the applicant and the smaller learning community, including how such applicant will demonstrate a commitment to the continuity of the smaller learning community, including the continuity of student and teacher assignment to a particular learning community;

''(11) how the applicant will coordinate or use funds provided under this section with other funds provided under this Act or other Federal laws;

''(12) grade levels or ages of students who will participate in the smaller learning community; and

''(13) the method of placing students in the smaller learning community, such that students are not placed according to ability, performance or any other measure, so that students are placed at random or by their own choice, not pursuant to testing or other judgments.

''(c) AUTHORIZED ACTIVITIES.—Funds under this section may be used—

''(1) to study the feasibility of creating the smaller learning community as well as effective and innovative organizational and instructional strategies that will be used in the smaller learning community;

''(2) to research, develop and implement strategies for creating the smaller learning community, as well as effective and innovative changes in curriculum and instruction, geared to high State content standards and State student performance standards;

''(3) to provide professional development for school staff in innovative teaching methods that challenge and engage students and will be used in the smaller learning community; and

''(4) to develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities, as facilitators of activities that enable teachers to participate in professional development activities, as well as to provide links between students and their community.

''(d) EVALUATION AND REPORT.—A recipient of a grant under this section shall provide the Secretary with an annual report that contains a description of—

''(1) the specific uses of grants funds received under this section; and

''(2) evidence of the impact of the grant on student performance and school safety.

"SEC. 5706. NATIONAL STUDENT AND PARENT MOCK ELECTION.

''(a) IN GENERAL.—The Secretary is authorized to award grants to national nonprofit, nonpartisan organizations that work to promote

voter participation in American elections to enable such organizations to carry out voter education activities for students and their parents. Such activities shall—

''(1) be limited to simulated national elections that permit participation by students and parents from all 50 States in the United States and territories, including Department of Defense Dependent schools and other international locales where United States citizens are based; and

''(2) consist of—

''(A) school forums and local cable call-in shows on the national issues to be voted upon in an ''issue forum'';

''(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

''(C) quiz team competitions, mock press conferences and speechwriting competitions;

''(D) weekly meetings to follow the course of the campaign; or

''(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

''(b) REQUIREMENTS.—Each organization receiving a grant under this section shall—

''(1) present awards to outstanding student and parent mock election projects; and

''(2) record all votes at least 5 days prior to the date of the general election.

"PART H—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

"SEC. 5801. PURPOSE.

''It is the purpose of this part to provide fellowships to students of limited economic means, recent immigrants, students of migrant parents, the teachers who work with such students, and older Americans, so that such students, teachers, and older Americans may participate in the programs supported by the Close Up Foundation in the name of Allen J. Ellender, a Senator from Louisiana and the President pro tempore of the Senate, whose distinguished career in public service was characterized by extraordinary energy and real concern for young people.

"Subpart 1—Program for Middle and Secondary School Students

"SEC. 5811. ESTABLISHMENT.

''(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among middle and secondary school students.

''(b) USE OF FUNDS.—Grants under this subpart shall be used only to provide financial assistance to economically disadvantaged students who participate in the programs described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be known as Allen J. Ellender fellowships.

"SEC. 5812. APPLICATIONS.

''(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

''(1) that fellowship grants are made to economically disadvantaged middle and secondary school students;

''(2) that every effort will be made to ensure the participation of students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including student with disabilities, ethnic minority students, and gifted and talented students; and

''(3) the proper disbursement of the funds received under this subpart.

"Subpart 2—Program for Middle and Secondary School Teachers

"SEC. 5821. ESTABLISHMENT.

''(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of teaching skills enhancement for middle and secondary school teachers.

''(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to teachers who participate in the programs described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 5822. APPLICATIONS.

''(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

''(1) that fellowship grants are made only to teachers who have worked with at least one student from such teacher's school who participates in the programs described in section 5811(a);

''(2) that not more than one teacher in each school participating in the programs described in section 5811(a) may receive a fellowship in any fiscal year; and

''(3) the proper disbursement of the funds received under this subpart.

"Subpart 3—Programs for Recent Immigrants, Students of Migrant Parents and Older Americans

"SEC. 5831. ESTABLISHMENT.

''(a) GENERAL AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged older Americans, recent immigrants and students of migrant parents.

''(2) DEFINITION.—For the purpose of this subpart, the term 'older American' means an individual who has attained 55 years of age.

''(b) USE OF FUNDS.—Grants under this subpart shall be used for financial assistance to economically disadvantaged older Americans, recent immigrants and students of migrant parents who participate in the programs described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 5832. APPLICATIONS.

''(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(b) CONTENTS OF APPLICATION.—Except such application shall contain provisions to assure—

''(1) that fellowship grants are made to economically disadvantaged older Americans, recent immigrants and students of migrant parents;

''(2) that every effort will be made to ensure the participation of older Americans, recent immigrants and students of migrant parents from rural and small town areas, as well as from urban areas, and that in awarding fellowships, special consideration will be given to the participation of older Americans, recent immigrants and students of migrant parents with special needs, including individuals with disabilities, ethnic minorities, and gifted and talented students;

''(3) that activities permitted by subsection (a) are fully described; and

''(4) the proper disbursement of the funds received under this subpart.

"Subpart 4—General Provisions

"SEC. 5841. ADMINISTRATIVE PROVISIONS.

''(a) GENERAL RULE.—Payments under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

''(b) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this part.

"SEC. 5842. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out subparts 1, 2, and 3, $1,500,000 for fiscal year 2001 and such sums as may be necessary of each of the 4 succeeding fiscal years.

(b) SPECIAL RULE.—Of the funds appropriated pursuant to subsection (a), not more than 30 percent may be used for teachers associated with students participating in the programs described in section 5811(a).

"PART I—READY-TO-LEARN TELEVISION

"SEC. 5901. READY-TO-LEARN.

''(a) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible entities described in section 5902(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of America's Education Goals.

''(b) AVAILABILITY.—In making such grants, contracts, or cooperative agreements under subsection (a), the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, their parents, childcare workers, and Head Start providers to increase the effective use of such programming.

"SEC. 5902. EDUCATIONAL PROGRAMMING.

''(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements under section 5901 to eligible entities to—

''(1) facilitate the development directly, or through contracts with producers of children and family educational television programming, of—

''(A) educational programming for preschool and elementary school children; and

''(B) accompanying support materials and services that promote the effective use of such programming;

''(2) facilitate the development of programming and digital content especially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet, containing Ready to Learn-based children's programming and resources for parents and caregivers; and

''(3) enable eligible entities to contract with entities (such as public telecommunications entities and those funded under the Star Schools Act) so that programs developed under this section are disseminated and distributed—

''(A) to the widest possible audience appropriate to be served by the programming; and

''(B) by the most appropriate distribution technologies.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall be—

''(1) a public telecommunications entity that is able to demonstrate a capacity for the development and national distribution of educational

and instructional television programming of high quality for preschool and elementary school children; and

''(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

''(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

''SEC. 5903. DUTIES OF SECRETARY.

''In carrying out this part, the Secretary may—

''(1) award grants, contracts, or cooperative agreements to eligible entities described in section 5902(b), local public television stations, or such public television stations that are part of a consortium with 1 or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

''(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

''(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

''(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness; and

''(D) developing and disseminating training materials, including—

''(i) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

''(ii) support materials to promote the effective use of materials developed under subparagraph (B) among parents, Head Start providers, in-home and center-based daycare providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children;

''(2) establish within the Department a clearinghouse to compile and provide information, referrals, and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

''(3) coordinate activities assisted under this part with the Secretary of Health and Human Services in order to—

''(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

''(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including programs under the Head Start Act and Even Start, and State training activities funded under the Child Care and Development Block Grant Act of 1990, regarding the availability and utilization of materials developed under paragraph (1)(D) to enhance parent and child care provider skills in early childhood development and education.

''SEC. 5904. APPLICATIONS.

''Each entity desiring a grant, contract, or cooperative agreement under section 5901 or 5903 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''SEC. 5905. REPORTS AND EVALUATION.

''(a) ANNUAL REPORT TO THE SECRETARY.—An eligible entity receiving funds under a grant, contract or cooperative agreement under section 5901 shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under such grant, contract or cooperative agreement, including—

''(1) the programming that has been developed directly or indirectly by the eligible entity, and the target population of the programs developed;

''(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

''(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

''(4) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for the development, distribution and broadcast of educational and instructional programming.

''(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report that shall include—

''(1) a summary of activities assisted under section 5902(a); and

''(2) a description of the training materials made available under section 5903(1)(D), the manner in which outreach has been conducted to inform parents and childcare providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

''SEC. 5906. ADMINISTRATIVE COSTS.

''With respect to the implementation of section 5902, eligible entities receiving a grant, contract, or cooperative agreement from the Secretary may use not more than 5 percent of the amounts received under such grant, contract, or cooperative agreement for the normal and customary expenses of administering the grant, contract, or cooperative agreement.

''SEC. 5907. DEFINITION.

''For the purposes of this part, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

''SEC. 5908. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) FUNDING RULE.—Not less than 60 percent of the amounts appropriated under subsection (a) for each fiscal year shall be used to carry out section 5902.

''PART J—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

''SEC. 5951. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

''(a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading is Fundamental (RIF) (hereafter in this section referred to as 'the contractor') to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

''(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

''(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations, or with public agencies, under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift, to the extent feasible, or loan, to children from birth through secondary school age, including those in family literacy programs;

''(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

''(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—

''(A) low-income children, particularly in high-poverty areas;

''(B) children at risk of school failure;

''(C) children with disabilities;

''(D) foster children;

''(E) homeless children;

''(F) migrant children;

''(G) children without access to libraries;

''(H) institutionalized or incarcerated children; and

''(I) children whose parents are institutionalized or incarcerated;

''(4) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

''(5) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

''(6) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

''(c) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

''(d) DEFINITION OF 'FEDERAL SHARE'.—For the purpose of this section, the term 'Federal share' means, with respect to the cost to a subcontractor of purchasing books to be paid under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.''.

PART F—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 561. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GENERAL EDUCATION PROVISIONS ACT.—Section 441(a) of the General Education Provisions Act (20 U.S.C. 1232d(a)) is amended by striking ''shall submit (subject'' and all that follows through ''to the Secretary'' and inserting ''shall submit to the Secretary''.

(b) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—Section 502(b)(3) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6212(b)(3)) is amended by striking ''part A of title V'' and inserting ''part C of title V''.

(c) TITLE 31, UNITED STATES CODE.—Section 6703 of title 31, United States Code is amended by striking paragraph (1).

TITLE VI—INNOVATIVE EDUCATION

SEC. 601. INNOVATIVE EDUCATION.

Title VI (20 U.S.C. 7301 et seq.) is amended to read as follows:

"TITLE VI—INNOVATIVE EDUCATION

"PART A—INNOVATIVE EDUCATION PROGRAM STRATEGIES

"SEC. 6101. PURPOSE; STATE AND LOCAL RESPONSIBILITY.

''(a) PURPOSE.—The purpose of this part is—

''(1) to support local education reform efforts that are consistent with and support statewide education reform efforts;

''(2) to support State and local efforts to accomplish America's Education Goals;

''(3) to provide funding to enable State and local educational agencies to implement promising educational reform strategies;

''(4) to provide a continuing source of innovation and educational improvement, including support for library services and instructional and media materials; and

''(5) to develop and implement education programs to improve school, student, and teacher performance, including professional development activities and class size reduction programs.

''(b) STATE AND LOCAL RESPONSIBILITY.—The basic responsibility for the administration of funds made available under this part is within the State educational agencies, but it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this part will be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because such agencies and individuals have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own school districts.

"SEC. 6102. AUTHORIZATION OF APPROPRIATIONS; DURATION OF ASSISTANCE.

''(a) AUTHORIZATION.—To carry out the purposes of this part, there are authorized to be appropriated $850,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

''(b) DURATION OF ASSISTANCE.—During the period beginning October 1, 2001, and ending September 30, 2006, the Secretary shall, in accordance with the provisions of this part, make payments to State educational agencies for the purpose of this part.

"SEC. 6103. DEFINITION OF EFFECTIVE SCHOOLS PROGRAM.

''In this part the term 'effective schools program' means a school-based program that—

''(1) may encompass preschool through secondary school levels; and

''(2) has the objectives of—

''(A) promoting school-level planning, instructional improvement, and staff development for all personnel;

''(B) increasing the academic performance levels of all children and particularly educationally disadvantaged children; and

''(C) achieving as an ongoing condition in the school the following factors identified through effective schools research:

''(i) Strong and effective administrative and instructional leadership.

''(ii) A safe and orderly school environment that enables teachers and students to focus on academic performance.

''(iii) Continuous assessment of students and initiatives to evaluate instructional techniques.

"Subpart 1—State and Local Programs

"SEC. 6111. ALLOTMENT TO STATES.

''(a) RESERVATIONS.—From the sums appropriated to carry out this part in any fiscal year, the Secretary shall reserve not more than one percent for payments to outlying areas to be allotted in accordance with their respective needs.

''(b) ALLOTMENT.—From the remainder of such sums, the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to one-half of one percent of such remainder.

''(c) DEFINITIONS.—In this subpart:

''(1) SCHOOL-AGE POPULATION.—The term 'school-age population' means the population aged 5 through 17.

''(2) STATE.—The term 'State' includes the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 6112. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

''(a) FORMULA.—From the sums made available each year to carry out this part, the State educational agency shall distribute not less than 85 percent to local educational agencies within such State according to the relative enrollments in public and private elementary schools and secondary schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies serving the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

''(1) children living in areas with high concentrations of low-income families;

''(2) children from low-income families; and

''(3) children living in sparsely populated areas.

''(b) CALCULATION OF ENROLLMENTS.—

''(1) IN GENERAL.—The calculation of relative enrollments under subsection (a) shall be on the basis of the total of—

''(A) the number of children enrolled in public schools; and

''(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this part, for the fiscal year preceding the fiscal year for which the determination is made.

''(2) CONSTRUCTION.—Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this part.

''(3) ADJUSTMENTS.—

''(A) IN GENERAL.—Relative enrollments under subsection (a) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per pupil allocations only to local educational agencies which serve the greatest numbers or percentages of—

''(i) children living in areas with high concentrations of low-income families;

''(ii) children from low-income families; or

''(iii) children living in sparsely populated areas.

''(B) CRITERIA.—The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under subparagraph (A) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

''(c) PAYMENT OF ALLOCATIONS.—

''(1) DISTRIBUTION.—From the funds paid to a State educational agency pursuant to section 6111 for a fiscal year, a State educational agency shall distribute to each eligible local educational agency which has submitted an application as required in section 6133 the amount of such local educational agency's allocation as determined under subsection (a).

''(2) ADDITIONAL FUNDS.—

''(A) IN GENERAL.—Additional funds resulting from higher per pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a), may, at the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described in subsection (a) and enrolled in such schools within the local educational agency.

''(B) REQUIREMENT.—In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

''(C) CONSTRUCTION.—The provisions of subparagraphs (A) and (B) may not be construed to require any school to limit the use of such additional funds to the provision of services to specific students or categories of students.

"Subpart 2—State Programs

"SEC. 6121. STATE USES OF FUNDS.

''(a) AUTHORIZED ACTIVITIES.—A State educational agency may use funds made available for State use under this part only for—

''(1) State administration of programs under this part including—

''(A) supervision of the allocation of funds to local educational agencies;

''(B) planning, supervision, and processing of State funds; and

''(C) monitoring and evaluation of programs and activities under this part;

''(2) support for planning, designing, and initial implementation of charter schools as described in part D of title V;

''(3) support for designing and implementation of high-quality yearly student assessments;

''(4) support for implementation of State and local standards; and

''(5) technical assistance and direct grants to local educational agencies and statewide education reform activities including effective schools programs which assist local educational agencies to provide targeted assistance.

''(b) LIMITATIONS AND REQUIREMENTS.—Not more than 15 percent of funds available for State programs under this part in any fiscal year may be used for State administration under subsection (a)(1).

"SEC. 6122. STATE APPLICATIONS.

''(a) APPLICATION REQUIREMENTS.—Any State which desires to receive assistance under this part shall submit to the Secretary an application which—

''(1) designates the State educational agency as the State agency responsible for administration and supervision of programs assisted under this part;

''(2) provides for a biennial submission of data on the use of funds, the types of services furnished, and the students served under this part;

''(3) sets forth the allocation of such funds required to implement section 6142;

''(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this section);

''(5) provides assurances that, apart from technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised and will not exercise any influence in the decisionmaking processes of local educational agencies as to the expenditure made pursuant to an application under section 6133;

''(6) contains assurances that there is compliance with the specific requirements of this part; and

''(7) provides for timely public notice and public dissemination of the information provided pursuant to paragraph (2).

''(b) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be for a period not to exceed three years, and may be amended annually as may be necessary to reflect changes without filing a new application.

''(c) AUDIT RULE.—A local educational agency that receives less than an average of $10,000 under this part for 3 fiscal years shall not be audited more frequently than once every 5 years.

"Subpart 3—Local Innovative Education Programs

"SEC. 6131. TARGETED USE OF FUNDS.

''(a) GENERAL RULE.—Funds made available to local educational agencies under section 6112 shall be used for innovative assistance described in subsection (b).

''(b) INNOVATIVE ASSISTANCE.—

''(1) IN GENERAL.—The innovative assistance programs referred to in subsection (a) include—

''(A) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, and other curricular materials that—

''(B) programs to improve teaching and learning, including professional development activities, that are consistent with comprehensive State and local systemic education reform efforts;

''(C) activities that encourage and expand improvements throughout the local educational agency that are designed to advance student performance;

''(D) initiatives to generate, maintain, and strengthen parental and community involvement, including initiatives creating activities for school-age children and activities to meet the educational needs of children aged birth through 5;

''(E) programs to recruit, hire, and train certified teachers (including teachers certified through State and local alternative routes) in order to reduce class size;

''(F) programs to improve the academic performance of educationally disadvantaged elementary school and secondary school students, including activities to prevent students from dropping out of school;

''(G) programs and activities that expand learning opportunities through best practice models designed to improve classroom learning and teaching;

''(H) programs to combat both student and parental illiteracy;

''(I) technology activities related to the implementation of school-based reform efforts, including professional development to assist teachers and other school personnel (including school library media personnel) regarding how to effectively use technology in the classrooms and the school library media centers involved;

''(J) school improvement programs or activities under section 1116 or 1117;

''(K) programs to provide for the educational needs of gifted and talented children;

''(L) programs to provide same gender schools and classrooms, if equal educational opportunities are made available to students of both sexes, consistent with the Constitution of the United States of America;

''(M) service learning activities; and

''(N) school safety programs.

''(2) REQUIREMENTS.—The innovative assistance programs referred to in subsection (a) shall be—

''(A) tied to promoting high academic standards;

''(B) used to improve student performance; and

''(C) part of an overall education reform strategy.

"SEC. 6132. ADMINISTRATIVE AUTHORITY.

''In order to conduct the activities authorized by this part, each State or local educational agency may use funds made available under this part to make grants to and to enter into contracts with local educational agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.

"SEC. 6133. LOCAL APPLICATIONS.

''(a) CONTENTS OF APPLICATION.—A local educational agency or consortium of such agencies may receive an allocation of funds under this part for any year for which an application is submitted to the State educational agency and such application is certified to meet the requirements of this section. The State educational agency shall certify any such application if such application—

''(1)(A) sets forth the planned allocation of funds among innovative assistance programs described in section 6131 and describes the programs, projects, and activities designed to carry out such innovative assistance which the local educational agency intends to support, together with the reasons for the selection of such programs, projects, and activities; and

''(B) sets forth the allocation of such funds required to implement section 6142;

''(2) describes how assistance under this part will contribute to meeting America's Education Goals and improving student achievement or improving the quality of education for students;

''(3) provides assurances of compliance with the provisions of this part, including the participation of children enrolled in private, nonprofit schools in accordance with section 6142;

''(4) agrees to keep such records, and provide such information to the State educational agency as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State educational agency under this part; and

''(5) provides in the allocation of funds for the assistance authorized by this part, and in the design, planning, and implementation of such programs, for systematic consultation with parents of children attending elementary schools and secondary schools in the area served by the local educational agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this part (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.

''(b) PERIOD OF APPLICATION.—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed three fiscal years, may provide for the allocation of funds to programs for a period of three years, and may be amended annually as may be necessary to reflect changes without filing a new application.

''(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—Subject to the limitations and requirements of this part, a local educational agency shall have complete discretion in determining how funds under this subpart shall be divided among the areas of targeted assistance. In exercising such discretion, a local educational agency shall ensure that expenditures under this subpart carry out the purposes of this part and are used to meet the educational needs within the schools of such local educational agency.

"Subpart 4—General Administrative Provisions

"SEC. 6141. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

''(a) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this part for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

''(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of the allocation of funds under this part in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

''(3) WAIVERS.—The Secretary may waive, for one fiscal year only, the requirements of this section if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

''(b) FEDERAL FUNDS SUPPLEMENTARY.—A State or local educational agency may use and allocate funds received under this part only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this part, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

"SEC. 6142. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

''(a) PARTICIPATION ON EQUITABLE BASIS.—

''(1) IN GENERAL.—To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this part or which serves the area in which a program or project assisted under this part is located who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State educational agency from funds made available for State use, such agency, after consultation with appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair, minor remodeling, or construction of public facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this part.

''(2) OTHER PROVISIONS FOR SERVICES.—If no program or project is carried out under paragraph (1) in the school district of a local educational agency, the State educational agency shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in such district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this part.

''(3) APPLICATION OF REQUIREMENTS.—The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this part by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.

''(b) EQUAL EXPENDITURES.—Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this part for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this part are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or

grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

''(c) FUNDS.—

''(1) ADMINISTRATION OF FUNDS AND PROPERTY.—The control of funds provided under this part, and title to materials, equipment, and property repaired, remodeled, or constructed with such funds, shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property.

''(2) PROVISION OF SERVICES.—The provision of services pursuant to this part shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this part shall not be commingled with State or local funds.

''(d) STATE PROHIBITION WAIVER.—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary schools and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

''(e) WAIVER AND PROVISION OF SERVICES.—

''(1) FAILURE TO COMPLY.—If the Secretary determines that a State or a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary schools and secondary schools as required by this section, the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

''(2) WITHHOLDING OF ALLOCATION.—Pending final resolution of any investigation or complaint that could result in a determination under this subsection or subsection (d), the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

''(f) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

''(g) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State under this part.

''(h) REVIEW.—

''(1) WRITTEN OBJECTIONS.—The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

''(2) COURT ACTION.—If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

''(3) REMAND TO SECRETARY.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

''(4) COURT REVIEW.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

''(i) PRIOR DETERMINATION.—Any bypass determination by the Secretary under chapter 2 of part I of this Act (as such chapter was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall, to the extent consistent with the purposes of this part, apply to programs under this part.

"SEC. 6143. FEDERAL ADMINISTRATION.

''(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to State and local educational agencies under this part.

''(b) RULEMAKING.—The Secretary shall issue regulations under this part to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this part.

''(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this part shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

"PART B—RURAL EDUCATION INITIATIVE

"SEC. 6203. SHORT TITLE.

''This part may be cited as the 'Rural Education Achievement Program'.

"SEC. 6202. PURPOSE.

''It is the purpose of this part to address the unique needs of rural school districts that frequently—

''(1) lack the personnel and resources needed to compete for Federal competitive grants; and

''(2) receive formula allocations in amounts too small to be effective in meeting their intended purposes.

"SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part—

''(1) $125,000,000 for fiscal year 2001, of which $62,500,000 shall be made available to carry out subpart 1; and

''(2) such sums as may be necessary for each of the 5 succeeding fiscal years.

"Subpart 1—Small, Rural School Achievement Program

"SEC. 6211. FORMULA GRANT PROGRAM AUTHORIZED.

''(a) ALTERNATIVE USES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding, that the agency is eligible to receive from the State educational agency for a fiscal year, to carry out innovative assistance activities described in section 6131(b).

''(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1) not later than a date that is established by the State educational agency for the notification.

''(b) ELIGIBILITY.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

''(1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

''(2) all of the schools served by the local educational agency are designated with a School Locale Code of 7, as determined by the Secretary of Education.

''(c) APPLICABLE FUNDING.—In this section, the term 'applicable funding' means funds provided under each of titles II, IV, and VI.

''(d) DISBURSAL.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time that the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

''(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other Federal, State, or local education funds.

''(f) SPECIAL RULE.—References in Federal law to funds for the provisions of law set forth in subsection (c) may be considered to be references to funds for this section.

''(g) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services pursuant to State law or a written agreement from entering into similar arrangements for the use or the coordination of the use of the funds made available under this section.

"SEC. 6212. COMPETITIVE GRANT PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to carry out innovative assistance activities described in section 6131(b).

''(b) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this section if—

''(1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

''(2) all of the schools served by the local educational agency are designated with a School Locale Code of 7, as determined by the Secretary of Education.

''(c) AMOUNT.—

''(1) IN GENERAL.—The Secretary shall award a grant to a local educational agency under this section for a fiscal year in an amount equal to the amount determined under paragraph (2) for the fiscal year minus the total amount received under the provisions of law described under section 6211(c) for the fiscal year.

''(2) DETERMINATION.—The amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students that are in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the amount may not exceed $60,000.

''(3) CENSUS DETERMINATION.—

''(A) IN GENERAL.—Each local educational agency desiring a grant under this section shall conduct a census not later than December 1 of each year to determine the number of kindergarten through grade 12 students in average

daily attendance at the schools served by the local educational agency.

''(B) SUBMISSION.—Each local educational agency shall submit the number described in subparagraph (A) to the Secretary not later than March 1 of each year.

''(4) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under paragraph (3) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received under this section if the agency had submitted accurate information under paragraph (3).

''(d) DISBURSAL.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that year.

''(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other Federal, State, or local education funds.

''(f) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services pursuant to State law or a written agreement from entering into similar arrangements for the use or the coordination of the use of the funds made available under this section.

"SEC. 6213. ACCOUNTABILITY.

''(a) ACADEMIC ACHIEVEMENT.—

''(1) IN GENERAL.—Each local educational agency that uses or receives funds under section 6211 or 6212 for a fiscal year shall—

''(A) administer an assessment that is used statewide and is consistent with the assessment described in section 1111(b), to assess the academic achievement of students in the schools served by the local educational agency; or

''(B) in the case of a local educational agency for which there is no statewide assessment described in subparagraph (A), administer a test, that is selected by the local educational agency, to assess the academic achievement of students in the schools served by the local educational agency.

''(2) SPECIAL RULE.—Each local educational agency that uses or receives funds under section 6211 or 6212 shall use the same assessment or test described in paragraph (1) for each year of participation in the program carried out under such section.

''(b) STATE EDUCATIONAL AGENCY DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency that receives funding under the provisions of law described in section 6211(c) shall—

''(1) after the fifth year that a local educational agency in the State participates in a program authorized under section 6211 or 6212 and on the basis of the results of the assessments or tests described in subsection (a), determine whether the students served by the local educational agency participating in the program performed better on the assessments or tests after the fifth year of the participation than the students performed on the assessments or tests after the first year of the participation;

''(2) permit only the local educational agencies that participated in the program and served students that performed better on the assessments or tests, as described in paragraph (1), to continue to participate in the program for an additional period of 5 years; and

''(3) prohibit the local educational agencies that participated in the program and served students that did not perform better on the assessments or tests, as described in paragraph (1), from participating in the program, for a period of 5 years from the date of the determination.

"SEC. 6214. RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.

''(a) IN GENERAL.—If the amount appropriated for any fiscal year and made available for grants under this subpart is insufficient to pay the full amount for which all agencies are eligible under this subpart, the Secretary shall ratably reduce each such amount.

''(b) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subsection (a) shall be increased on the same basis as such payments were reduced.

"Subpart 2—Low-Income and Rural School Program

"SEC. 6221. DEFINITIONS.

''In this subpart:

''(1) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(2) SPECIALLY QUALIFIED AGENCY.—The term 'specially qualified agency' means an eligible local educational agency, located in a State that does not participate in a program carried out under this subpart for a fiscal year, which may apply directly to the Secretary for a grant for such year in accordance with section 6222(b).

"SEC. 6222. PROGRAM AUTHORIZED.

''(a) GRANTS TO STATES.—

''(1) IN GENERAL.—From the sum appropriated under section 6203 for a fiscal year and made available to carry out this subpart, the Secretary shall award grants, from allotments made under paragraph (2), to State educational agencies that have applications approved under section 6224 to enable the State educational agencies to award grants to eligible local educational agencies for innovative assistance activities described in section 6131(b).

''(2) ALLOTMENT.—From the sum appropriated under section 6203 for a fiscal year and made available to carry out this subpart, the Secretary shall allot to each State educational agency an amount that bears the same ratio to the sum as the number of students in average daily attendance at the schools served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students at the schools served by eligible local educational agencies in all States for that fiscal year.

''(b) DIRECT GRANTS TO SPECIALLY QUALIFIED AGENCIES.—

''(1) NONPARTICIPATING STATE.—If a State educational agency elects not to participate in the program carried out under this subpart or does not have an application approved under section 6224, a specially qualified agency in such State desiring a grant under this subpart shall apply directly to the Secretary under section 6224 to receive a grant under this subpart.

''(2) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under subsection (a)(2) directly to specially qualified agencies in the State.

''(c) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant under this subpart may not use more than 5 percent of the amount of the grant for State administrative costs.

"SEC. 6223. STATE DISTRIBUTION OF FUNDS.

''(a) IN GENERAL.—A State educational agency that receives a grant under this subpart may use the funds made available through the grant to award grants to eligible local educational agencies to enable the local educational agencies to carry out innovative assistance activities described in section 6131(b).

''(b) LOCAL AWARDS.—

''(1) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this subpart if—

''(A) 20 percent or more of the children age 5 through 17 that are served by the local educational agency are from families with incomes below the poverty line; and

''(B) all of the schools served by the agency are located in a community with a Rural-Urban Continuum Code of 6, 7, 8, or 9, as determined by the Secretary of Agriculture.

''(c) AWARD BASIS.—The State educational agency shall award the grants to eligible local educational agencies—

''(1) on a competitive basis; or

''(2) according to a formula based on the number of students in average daily attendance at schools served by the eligible local educational agencies.

"SEC. 6224. APPLICATIONS.

''(a) IN GENERAL.—Each State educational agency and specially qualified agency desiring to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(b) CONTENTS.—At a minimum, such application shall include information on specific measurable goals and objectives to be achieved through the activities carried out through the grant, which may include specific educational goals and objectives relating to—

''(1) increased student academic achievement;

''(2) decreased student dropout rates; or

''(3) such other factors as the State educational agency or specially qualified agency may choose to measure.

"SEC. 6225. ACCOUNTABILITY.

''(a) STATE REPORTS.—Each State educational agency that receives a grant under this subpart shall prepare and submit to the Secretary an annual report. The report shall describe—

''(1) the method the State educational agency used to award grants to eligible local educational agencies under this subpart;

''(2) how the local educational agencies used the funds provided under this subpart; and

''(3) the degree to which the State made progress toward meeting the goals and objectives described in the application submitted under section 6224.

''(b) SPECIALLY QUALIFIED AGENCY REPORT.—Each specially qualified agency that receives a grant under this subpart shall prepare and submit to the Secretary an annual report. The report shall describe—

''(1) how such agency used the funds provided under this subpart; and

''(2) the degree to which the agency made progress toward meeting the goals and objectives described in the application submitted under section 6224.

''(c) ACADEMIC ACHIEVEMENT.—

''(1) IN GENERAL.—Each local educational agency that receives a grant under this subpart for a fiscal year shall—

''(A) administer an assessment that is used statewide and is consistent with the assessment described in section 1111(b), to assess the academic achievement of students in the schools served by the local educational agency; or

''(B) in the case of a local educational agency for which there is no statewide assessment described in subparagraph (A), administer a test, that is selected by the local educational agency, to assess the academic achievement of students in the schools served by the local educational agency.

''(2) SPECIAL RULE.—Each local educational agency that receives a grant under this subpart shall use the same assessment or test described in paragraph (1) for each year of participation in the program carried out under this subpart.

''(d) STATE EDUCATIONAL AGENCY DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency that receives a grant under this subpart shall—

''(1) after the fifth year that a local educational agency in the State participates in the program authorized under this subpart and on

the basis of the results of the assessments or tests described in subsection (c), determine whether the students served by the local educational agency participating in the program performed better on the assessments or tests after the fifth year of the participation than the students performed on the assessments or tests after the first year of the participation;

''(2) permit only the local educational agencies that participated in the program and served students that performed better on the assessments or tests, as described in paragraph (1), to continue to participate in the program for an additional period of 5 years; and

''(3) prohibit the local educational agencies that participated in the program and served students that did not perform better on the assessments or tests, as described in paragraph (1), from participating in the program for a period of 5 years from the date of the determination.

"SEC. 6226. SUPPLEMENT NOT SUPPLANT.

''Funds made available under this subpart shall be used to supplement and not supplant any other Federal, State, or local education funds.

"SEC. 6227. SPECIAL RULE.

''No local educational agency may concurrently participate in activities carried out under subpart 1 and activities carried out under this subpart.

"PART C—EDUCATION FLEXIBILITY PARTNERSHIPS

"SEC. 6301. SHORT TITLE.

''This part may be cited as the 'Education Flexibility Partnership Act of 2000'.

"SEC. 6302. DEFINITIONS.

''In this part:

''(1) ELIGIBLE SCHOOL ATTENDANCE AREA; SCHOOL ATTENDANCE AREA.—The terms 'eligible school attendance area' and 'school attendance area' have the meanings given the terms in section 1113(a)(2).

''(2) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

"SEC. 6303. EDUCATION FLEXIBILITY PARTNERSHIP.

''(a) EDUCATIONAL FLEXIBILITY PROGRAM.—

''(1) PROGRAM AUTHORIZED.—

''(A) IN GENERAL.—The Secretary may carry out an educational flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to one or more programs described in subsection (b), other than requirements described in subsection (c), for any local educational agency or school within the State.

''(B) DESIGNATION.—Each eligible State participating in the program described in subparagraph (A) shall be known as an 'Ed-Flex Partnership State'.

''(2) ELIGIBLE STATE.—For the purpose of this section the term 'eligible State' means a State that—

''(A) has—

''(i) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b), and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a)(3); or

''(ii)(I) developed and implemented the content standards described in clause (i);

''(II) developed and implemented interim assessments; and

''(III) made substantial progress (as determined by the Secretary) toward developing and implementing the performance standards and final aligned assessments described in clause (i), and toward having local educational agencies in the State produce the profiles described in clause (i);

''(B) holds local educational agencies and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4), and for engaging in technical assistance and corrective actions consistent with section 1116, for the local educational agencies and schools that do not make adequate yearly progress as described in section 1111(b)(2); and

''(C) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

''(3) STATE APPLICATION.—

''(A) IN GENERAL.—Each State educational agency desiring to participate in the educational flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

''(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

''(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

''(II) State statutory or regulatory requirements relating to education;

''(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

''(iii) a description of clear educational objectives the State intends to meet under the educational flexibility plan;

''(iv) a description of how the educational flexibility plan is consistent with and will assist in implementing the State comprehensive reform plan or, if a State does not have a comprehensive reform plan, a description of how the educational flexibility plan is coordinated with activities described in section 1111(b);

''(v) a description of how the State educational agency will evaluate, consistent with the requirements of title I, the performance of students in the schools and local educational agencies affected by the waivers; and

''(vi) a description of how the State educational agency will meet the requirements of paragraph (8).

''(B) APPROVAL AND CONSIDERATIONS.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within the State in carrying out comprehensive educational reform, after considering—

''(i) the eligibility of the State as described in paragraph (2);

''(ii) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

''(iii) the ability of the educational flexibility plan to ensure accountability for the activities and goals described in such plan;

''(iv) the degree to which the State's objectives described in subparagraph (A)(iii)—

''(I) are clear and have the ability to be assessed; and

''(II) take into account the performance of local educational agencies or schools, and students, particularly those affected by waivers;

''(v) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

''(vi) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

''(4) LOCAL APPLICATION.—

''(A) IN GENERAL.—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

''(i) indicate each Federal program affected and each statutory or regulatory requirement that will be waived;

''(ii) describe the purposes and overall expected results of waiving each such requirement;

''(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver, and for the students served by the local educational agency or school who are affected by the waiver;

''(iv) explain why the waiver will assist the local educational agency or school in reaching such goals; and

''(v) in the case of an application from a local educational agency, describe how the local educational agency will meet the requirements of paragraph (8).

''(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (3)(A).

''(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

''(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively;

''(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in reaching its educational goals, particularly goals with respect to school and student performance; and

''(iii) the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program for which a waiver is granted will continue to be met.

''(D) TERMINATION.—The State educational agency shall annually review the performance of any local educational agency or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate any waiver granted to the local educational agency or school if the State educational agency determines, after notice and an opportunity for a hearing, that the local educational agency or school's performance with respect to meeting the accountability requirement described in paragraph (2)(C) and the goals described in paragraph (4)(A)(iii)—

''(i) has been inadequate to justify continuation of such waiver; or

''(ii) has decreased for two consecutive years, unless the State educational agency determines that the decrease in performance was justified due to exceptional or uncontrollable circumstances.

''(5) OVERSIGHT AND REPORTING.—

''(A) OVERSIGHT.—Each State educational agency participating in the educational flexibility program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section.

''(B) STATE REPORTS.—

''(i) ANNUAL REPORTS.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight and the impact of the waivers on school and student performance.

''(ii) PERFORMANCE DATA.—Not later than 2 years after the date a State is designated an Ed-

Flex Partnership State, each such State shall include, as part of the State's annual report submitted under clause (i), data demonstrating the degree to which progress has been made toward meeting the State's educational objectives. The data, when applicable, shall include—

''(I) information on the total number of waivers granted for Federal and State statutory and regulatory requirements under this section, including the number of waivers granted for each type of waiver;

''(II) information describing the effect of the waivers on the implementation of State and local educational reforms pertaining to school and student performance;

''(III) information describing the relationship of the waivers to the performance of schools and students affected by the waivers; and

''(IV) an assurance from State program managers that the data reported under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data as defined by the State.

''(C) SECRETARY'S REPORTS.—The Secretary, not later than 2 years after the date of enactment of the Education Flexibility Partnership Act of 1999 and annually thereafter, shall—

''(i) make each State report submitted under subparagraph (B) available to Congress and the public; and

''(ii) submit to Congress a report that summarizes the State reports and describes the effects that the educational flexibility program under this section had on the implementation of State and local educational reforms and on the performance of students affected by the waivers.

''(6) DURATION OF FEDERAL WAIVERS.—

''(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers—

''(i) has been effective in enabling such State or affected local educational agencies or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(C); and

''(ii) has improved student performance.

''(B) PERFORMANCE REVIEW.—Three years after the date a State is designated an Ed-Flex Partnership State, the Secretary shall review the performance of the State educational agency in granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and an opportunity for a hearing, that such agency's performance (including performance with respect to meeting the objectives described in paragraph (3)(A)(iii)) has been inadequate to justify continuation of such authority.

''(C) RENEWAL.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if the State educational agency—

''(i) has made progress toward achieving the objectives described in the application submitted pursuant to paragraph (3)(A)(iii); and

''(ii) demonstrates in the request that local educational agencies or schools affected by the waiver authority or waivers have made progress toward achieving the desired results described in the application submitted pursuant to paragraph (4)(A)(iii).

''(7) AUTHORITY TO ISSUE WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized to carry out the educational flexibility program under this section for each of the fiscal years 1999 through 2004.

''(8) PUBLIC NOTICE AND COMMENT.—Each State educational agency seeking waiver authority under this section and each local educational agency seeking a waiver under this section—

''(A) shall provide the public with adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, including a description of any improved student performance that is expected to result from the waiver authority or waiver;

''(B) shall provide the opportunity for parents, educators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;

''(C) shall provide the opportunity described in subparagraph (B) in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public; and

''(D) shall submit the comments received with the agency's application to the Secretary or the State educational agency, as appropriate.

''(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements for programs carried out under the following provisions:

''(1) Title I (other than subsections (a) and (c) of section 1116).

''(2) Subparts 1, 2, and 3 of part A of title II.

''(3) Subpart 2 of part A of title V (other than section 5136).

''(4) Part A of title IV.

''(5) Part A of title VI.

''(6) Part C of title VII.

''(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

''(c) WAIVERS NOT AUTHORIZED.—The Secretary and the State educational agency may not waive under subsection (a)(1)(A) any statutory or regulatory requirement—

''(1) relating to—

''(A) maintenance of effort;

''(B) comparability of services;

''(C) equitable participation of students and professional staff in private schools;

''(D) parental participation and involvement;

''(E) distribution of funds to States or to local educational agencies;

''(F) serving eligible school attendance areas in rank order under section 1113(a)(3);

''(G) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections (a) and (b);

''(H) use of Federal funds to supplement, not supplant, non-Federal funds; and

''(I) applicable civil rights requirements; and

''(2) unless the underlying purposes of the statutory requirements of the program for which a waiver is granted continue to be met to the satisfaction of the Secretary.

''(d) TREATMENT OF EXISTING ED-FLEX PARTNERSHIP STATES.—

''(1) IN GENERAL.—Except as provided in paragraphs (3) and (4), this section shall not apply to a State educational agency that has been granted waiver authority under the provisions of law described in paragraph (2) (as such provisions were in effect on the day before the date of enactment of the Educational Opportunities Act) for the duration of the waiver authority.

''(2) APPLICABLE PROVISIONS.—The provisions of law referred to in paragraph (1) are as follows:

''(A) Section 311(e) of the Goals 2000: Educate America Act (as such section was in effect on the day before the date of enactment of the Educational Opportunities Act).

''(B) The proviso referring to such section 311(e) under the heading 'EDUCATION REFORM' in the Department of Education Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–229).

''(3) SPECIAL RULE.—If a State educational agency granted waiver authority pursuant to the provisions of law described in subparagraph (A) or (B) of paragraph (2) applies to the Secretary for waiver authority under this section—

''(A) the Secretary shall review the progress of the State educational agency in achieving the objectives set forth in the application submitted pursuant to section 311(e) of the Goals 2000: Educate America Act (as such section was in effect on the day before the date of enactment of the Educational Opportunities Act); and

''(B) the Secretary shall administer the waiver authority granted under this section in accordance with the requirements of this section.

''(4) TECHNOLOGY.—In the case of a State educational agency granted waiver authority under the provisions of law described in subparagraph (A) or (B) of paragraph (2), the Secretary shall permit a State educational agency to expand, on or after the date of the enactment of the Educational Opportunities Act, the waiver authority to include programs under subpart 2 of part A of title V (other than section 5136).

''(e) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties (including educators, parents, students, and advocacy and civil rights organizations), and the public.

"PART D—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

"SEC. 6401. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

''(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

''(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to such agency for State administration under one or more of the programs specified under paragraph (2) if such State educational agency can demonstrate that the majority of such agency's resources come from non-Federal sources.

''(2) APPLICABILITY.—This section applies to programs under title I, those covered programs described in subparagraphs (C), (D), (E), and (F) of section 3(10).

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

''(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under the programs included in the consolidation under subsection (a), such as—

''(A) the coordination of such programs with other Federal and non-Federal programs;

''(B) the establishment and operation of peer-review mechanisms under this Act;

''(C) the coordinated administration of such programs;

''(D) the dissemination of information regarding model programs and practices; and

''(E) technical assistance under programs specified in subsection (a)(2).

''(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

''(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

''(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to such agency under this section for administration, such agency may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

''(f) CONSOLIDATION OF FUNDS FOR STANDARDS AND ASSESSMENT DEVELOPMENT.—In order to develop challenging State standards and assessments, a State educational agency may consolidate the amounts made available to such agency for such purposes under title I of this Act.

''SEC. 6402. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

''A State educational agency that also serves as a local educational agency, in such agency's applications or plans under this Act, shall describe how such agency will eliminate duplication in the conduct of administrative functions.

''SEC. 6403. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

''(a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, established in each covered program, of the total amount available to the local educational agency under such covered programs.

''(b) STATE PROCEDURES.—Not later than one year after the date of enactment of the Educational Opportunities Act, a State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may be used for administration on a consolidated basis.

''(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

''(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use such consolidated funds for the administration of covered programs and for the uses described in section 6401(b)(2).

''(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual covered program, to account for costs relating to the administration of covered programs included in the consolidation.

''SEC. 6404. ADMINISTRATIVE FUNDS EVALUATION.

''(a) FEDERAL FUNDS EVALUATION.—

''(1) IN GENERAL.—The Secretary shall conduct an evaluation of the use of funds under this Act for the administration, by State and local educational agencies, of all covered programs, including the percentage of grant funds used for such purpose in all covered programs. The evaluation shall examine—

''(A) the methods employed by schools, local educational agencies, and State educational agencies to reduce administrative expenses and maximize the use of funds for activities directly affecting student learning; and

''(B) the steps which may be taken to assist schools, local educational agencies, and State educational agencies to account for and reduce administrative expenses.

''(2) STATE DATA.—Beginning in fiscal year 2001 and each succeeding fiscal year thereafter, each State educational agency which receives funds under title I shall submit to the Secretary a report on the use of title I funds for the State administration of activities assisted under title I. Such report shall include the proportion of State administrative funds provided under section 1603 that are expended for—

''(A) basic program operation and compliance monitoring;

''(B) statewide program services such as development of standards and assessments, curriculum development, and program evaluation; and

''(C) technical assistance and other direct support to local educational agencies and schools.

''(3) FEDERAL FUNDS EVALUATION REPORT.—The Secretary shall complete the evaluation conducted under this section not later than July 1, 2004, and shall submit to the President and the appropriate committees of Congress a report regarding such evaluation within 30 days of the completion of such evaluation.

''SEC. 6405. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

''(a) GENERAL AUTHORITY.—

''(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title IX, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

''(2) AGREEMENT.—

''(A) IN GENERAL.—The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

''(B) REQUIREMENTS.—The agreement shall—

''(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve America's Education Goals, and performance measures to assess program effectiveness, including measurable goals and objectives; and

''(ii) be developed in consultation with Indian tribes.

''(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for such department's costs related to the administration of the funds transferred under this section.

''SEC. 6406. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.

''(a) UNNEEDED PROGRAM FUNDS.—With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program (other than part A of title I) are not needed for the purpose of that covered program, may use such funds, not to exceed five percent of the total amount of such local educational agency's funds under that covered program, for the purpose of another covered program.

''(b) COORDINATION OF SERVICES.—A local educational agency, individual school, or consortium of schools may use a total of not more than five percent of the funds such agency, school, or consortium, respectively, receives under this part for the establishment and implementation of a coordinated services project.

''PART E—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

''SEC. 6501. PURPOSE.

''It is the purpose of this part to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under this Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds.

''SEC. 6502. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

''(a) GENERAL AUTHORITY.—

''(1) SIMPLIFICATION.—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

''(A) each of the covered programs in which the State participates; and

''(B) the additional programs described in paragraph (2).

''(2) ADDITIONAL PROGRAMS.—A State educational agency may also include in its consolidated State plan or consolidated State application—

''(A) the Even Start program under part B of title I;

''(B) the Prevention and Intervention Programs for Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out under part D of title I;

''(C) programs under Public Law 103–239; and

''(D) such other programs as the Secretary may designate.

''(3) CONSOLIDATED APPLICATIONS AND PLANS.—A State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated State plan or consolidated State application under this section applies.

''(b) COLLABORATION.—

''(1) IN GENERAL.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

''(2) CONTENTS.—Through the collaborative process described in subsection (b)(1), the Secretary shall establish, for each program under this Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

''(3) NECESSARY MATERIALS.—The Secretary shall require only descriptions, information, assurances, and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

''SEC. 6503. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

''(a) ASSURANCES.—A State educational agency that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 6502, shall have on file with the Secretary a single set of assurances, applicable to each program for which such plan or application is submitted, that provides that—

''(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

''(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an Indian tribe if the law authorizing the program provides for assistance to such entities; and

''(B) the public agency, nonprofit private agency, institution, or organization, or Indian

tribe will administer such funds and property to the extent required by the authorizing law;

''(3) the State will adopt and use proper methods of administering each such program, including—

''(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

''(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

''(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

''(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

''(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

''(6) the State will—

''(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

''(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

''(7) before the plan or application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the plan or application and has considered such comment.

''(b) GEPA PROVISION.—Section 441 of the General Education Provisions Act shall not apply to this part.

"SEC. 6504. ADDITIONAL COORDINATION.

''(a) ADDITIONAL COORDINATION.—In order to explore ways for State educational agencies to reduce administrative burdens and promote the coordination of the education services of this Act with other health and social service programs administered by such agencies, the Secretary is directed to seek agreements with other Federal agencies (including the Departments of Health and Human Services, Justice, Labor and Agriculture) for the purpose of establishing procedures and criteria under which a State educational agency would submit a consolidated State plan or consolidated State application that meets the requirements of the covered programs.

''(b) REPORT.—The Secretary shall report to the relevant committees of Congress not later than 6 months after the date of enactment of the Educational Opportunities Act.

"SEC. 6505. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

''(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under such programs on a consolidated basis.

''(b) REQUIRED CONSOLIDATED PLANS OR APPLICATIONS.—A State educational agency that has submitted and had approved a consolidated State plan or application under section 6502 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or consolidated State application to submit consolidated local plans or applications under such programs.

''(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

''(d) NECESSARY MATERIALS.—The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

"SEC. 6506. OTHER GENERAL ASSURANCES.

''(a) ASSURANCES.—Any applicant other than a State educational agency that submits a plan or application under this Act, whether separately or pursuant to section 6504, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

''(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

''(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to such entities; and

''(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

''(3) the applicant will adopt and use proper methods of administering each such program, including—

''(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

''(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

''(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary or other Federal officials;

''(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

''(6) the applicant will—

''(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

''(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

''(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

''(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act shall not apply to this part.

"SEC. 6507. RELATIONSHIP OF STATE AND LOCAL PLANS TO OTHER PLANS.

''(a) STATE PLANS.—Each State plan submitted under the following programs shall be integrated with each other and the State's improvement plan, if any, either approved or being developed, under Public Law 103–239, and the Carl D. Perkins Vocational and Technical Education Act of 1998:

''(1) Part A of title I (helping disadvantaged children meet high standards).

''(2) Part C of title I (education of migratory children).

''(3) Title II (professional development).

''(4) Title IV (safe and drug-free schools).

''(5) Part A of title VI (innovative education program strategies).

''(6) Subpart 4 of part A of title IX (Indian education).

''(b) LOCAL PLANS.—

''(1) IN GENERAL.—Each local educational agency plan submitted under the following programs shall be integrated with each other:

''(A) Part A of title I (helping disadvantaged children meet high standards).

''(B) Title II (professional development).

''(C) Title IV (safe and drug-free schools).

''(D) Part A of title VI (innovative education program strategies).

''(E) Subpart 1 of part A of title VII (bilingual education).

''(F) Part C of title VII (emergency immigrant education).

''(G) Subpart 4 of part A of title IX (Indian education).

''(2) PLAN OF OPERATION.—Each plan of operation included in an application submitted by an eligible entity under part B of title I (Even Start) shall be consistent with, and promote the goals of the State plan under section 1111 and the local educational agency plan under section 1112.

"PART F—WAIVERS

"SEC. 6601. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

''(a) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school through a local educational agency, that—

''(1) receives funds under a program authorized by this Act; and

''(2) requests a waiver under subsection (b).

''(b) REQUEST FOR WAIVER.—

''(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe which desires a waiver shall submit a waiver request to the Secretary that—

''(A) identifies the Federal programs affected by such requested waiver;

''(B) describes which Federal requirements are to be waived and how the waiving of such requirements will—

''(i) increase the quality of instruction for students; or

''(ii) improve the academic performance of students;

''(C) if applicable, describes which similar State and local requirements will be waived and how the waiving of such requirements will assist the local educational agencies, Indian tribes or schools, as appropriate, to achieve the objectives described in clauses (i) and (ii) of subparagraph (B);

''(D) describes specific, measurable educational improvement goals and expected outcomes for all affected students;

''(E) describes the methods to be used to measure progress in meeting such goals and outcomes; and

''(F) describes how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

''(2) ADDITIONAL INFORMATION.—Such requests—

''(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

''(B) shall be developed and submitted—

''(i)(I) by local educational agencies (on behalf of such agencies and schools) to State educational agencies; and

''(II) by State educational agencies (on behalf of, and based upon the requests of, local educational agencies) to the Secretary; or

''(ii) by Indian tribes (on behalf of schools operated by such tribes) to the Secretary.

''(3) GENERAL REQUIREMENTS.—

''(A) STATE EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a State educational agency acting in its own behalf, the State educational agency shall—

''(i) provide all interested local educational agencies in the State with notice and a reasonable opportunity to comment on the request;

''(ii) submit the comments to the Secretary; and

''(iii) provide notice and information to the public regarding the waiver request in the manner that the applying agency customarily provides similar notices and information to the public.

''(B) LOCAL EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

''(i) such request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of such State educational agency; and

''(ii) notice and information regarding the waiver request shall be provided to the public by the agency requesting the waiver in the manner that such agency customarily provides similar notices and information to the public.

''(c) RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

''(1) the allocation or distribution of funds to States, local educational agencies, or other recipients of funds under this Act;

''(2) maintenance of effort;

''(3) comparability of services;

''(4) use of Federal funds to supplement, not supplant, non-Federal funds;

''(5) equitable participation of private school students and teachers;

''(6) parental participation and involvement;

''(7) applicable civil rights requirements;

''(8) the requirement for a charter school under part D of title V;

''(9) the prohibitions regarding—

''(A) State aid in section 10102; or

''(B) use of funds for religious worship or instruction in section 10107; or

''(10) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections (a) and (b).

''(d) DURATION AND EXTENSION OF WAIVER.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the duration of a waiver approved by the Secretary under this section may be for a period not to exceed three years.

''(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the Secretary determines that—

''(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which the waiver was requested and the waiver has contributed to improved student performance; and

''(B) such extension is in the public interest.

''(e) REPORTS.—

''(1) LOCAL WAIVER.—A local educational agency that receives a waiver under this section shall at the end of the second year for which a waiver is received under this section, and each subsequent year, submit a report to the State educational agency that—

''(A) describes the uses of such waiver by such agency or by schools;

''(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers are requested; and

''(C) evaluates the progress of such agency and of schools in improving the quality of instruction or the academic performance of students.

''(2) STATE WAIVER.—A State educational agency that receives reports required under paragraph (1) shall annually submit a report to the Secretary that is based on such reports and contains such information as the Secretary may require.

''(3) INDIAN TRIBE WAIVER.—An Indian tribe that receives a waiver under this section shall annually submit a report to the Secretary that—

''(A) describes the uses of such waiver by schools operated by such tribe; and

''(B) evaluates the progress of such schools in improving the quality of instruction or the academic performance of students.

''(4) REPORT TO CONGRESS.—Beginning in fiscal year 2001 and each subsequent year, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

''(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

''(B) describing whether such waivers—

''(i) increased the quality of instruction to students; or

''(ii) improved the academic performance of students.

''(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if the waiver is no longer necessary to achieve its original purposes.

''(g) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

"PART G—EDUCATION PERFORMANCE PARTNERSHIPS

"SEC. 6701. SHORT TITLE.

''This part may be cited as the 'Education Performance Partnerships Act'.

"SEC. 6702. PURPOSE.

The purpose of this part is to create options for States and communities—

''(1) to improve the academic achievement of all students, and to focus the resources of the Federal Government on such achievement;

''(2) to give States and communities maximum flexibility in determining how to boost academic achievement and implement education reforms;

''(3) to hold States and communities accountable for boosting the academic achievement of all students, especially disadvantaged children;

''(4) to narrow achievement gaps between the lowest and highest performing groups of students so that no child is left behind;

''(5) to give States and local school districts maximum flexibility to determine how to educate students in return for standards of accountability that exceed the requirements of existing Federal law.

"SEC. 6703. PERFORMANCE PARTNERSHIP AGREEMENTS.

''(a) AGREEMENT AUTHORIZED.—A State may, at the option of the State, execute a performance partnership agreement with the Secretary under which the provisions of law described in section 6704(a) shall not apply to such State except as otherwise provided in this part.

''(b) DETERMINATION OF STATE PARTICIPATION.—The Governor of a State, in consultation with the individual or body responsible for the education programs of the State under State law, shall determine whether the State shall participate in a performance partnership agreement.

''(c) APPROVAL OF PERFORMANCE PARTNERSHIP AGREEMENT.—

''(1) IN GENERAL.—A performance partnership agreement submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary provides a written notification, within 60 days after receiving the performance partnership agreement, that identifies areas of the agreement that do not comply with the provisions of this part but that are subject to negotiation under paragraph (2).

''(2) NEGOTIATIONS.—

''(A) IN GENERAL.—Not later than 4 months after the date on which a notification is provided to a State under paragraph (1), the Secretary shall complete negotiations with the State concerning the areas of noncompliance identified in the notification.

''(B) PEER REVIEW.—If the Secretary and the State do not complete negotiations within the 4-month period described in subparagraph (A), the proposed performance partnership agreement involved shall be subject to peer review, except that such 4-month period may be extended for an additional 30 days if the Secretary and the State agree to such a continuance.

''(3) RESUBMISSION.—A State may resubmit a performance partnership agreement at any time after such agreement is rejected by the Secretary. If the Secretary rejects a performance partnership agreement, a State shall have the opportunity to request peer review of the rejection.

''(4) PEER REVIEW.—

''(A) ESTABLISHMENT OF COMMITTEE.—The Secretary shall establish a peer review committee to conduct a review of a performance partnership agreement as provided for under paragraph (2)(B) or (3).

''(B) REVIEWERS.—The committee shall be composed of 7 members, of which—

''(i) 2 members shall be appointed by the State submitting the agreement;

''(ii) 2 members shall be appointed by the Secretary; and

''(iii) 3 members shall be appointed by the National Academy of Sciences.

''(C) RESPONSIBILITIES.—The committee shall review the agreement and, at the discretion of the committee, conduct a site visit.

''(D) RECOMMENDATIONS.—The committee shall make advisory recommendations to the Secretary and the State regarding the agreement, not later than 60 days after receiving the agreement.

''(E) DECISION.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than 30 days after receiving the recommendations, the Secretary shall decide whether to approve the agreement.

''(ii) CONTINUED NEGOTIATIONS.—Negotiations on the agreement may continue for as long as the Secretary and the State agree.

''(d) TERMS OF PERFORMANCE PARTNERSHIP.—Each performance partnership agreement executed pursuant to this part shall meet the following requirements:

''(1) TERM.—The agreement shall contain a statement that the term of the performance partnership agreement may be not more than 5 years.

''(2) APPLICATION OF PROGRAM REQUIREMENTS.—The agreement shall state that no program requirements of any program included in the performance partnership agreement shall apply to activities carried out with the program funds, except as otherwise provided in this part.

''(3) LIST.—The agreement shall include a list, provided by the State, of the programs that the State wishes to include in the performance partnership agreement.

''(4) USE OF FUNDS TO IMPROVE STUDENT ACHIEVEMENT.—The agreement shall contain a 5-year plan describing how the State intends to combine and use the funds from programs included in the performance partnership agreement to advance the education priorities of the State, improve student achievement, and narrow achievement gaps between groups of students.

''(5) OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT.—The agreement shall include information that demonstrates that the State has, as provided for under the laws of the State, provided parents, teachers, and local educational agencies with notice and an opportunity to comment on a proposed performance partnership agreement prior to the submission of such agreement to the Secretary.

''(6) ACCOUNTABILITY SYSTEM REQUIREMENTS.—If the State includes any program under part A of title I in the performance partnership agreement the State shall include a certification that—

''(A)(i) the State has developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b); or

''(ii) the State has developed and implemented a system to measure the degree of change from 1 school year to the next in student performance on such aligned assessments;

''(B) the State has established a system under which assessment information obtained through an assessment or measurement described in subparagraph (A) is disaggregated by race, ethnicity, English proficiency status, and socioeconomic status for the State, each local educational agency, and each school, except that such disaggregation shall not be required in cases in which—

''(i) the number of students in any group that would result would be insufficient to yield statistically reliable information; or

''(ii) the disaggregated information would reveal the identity of an individual student;

''(C) the State has established specific, measurable, student performance objectives for determining adequate yearly progress (referred to in this part as 'performance objectives'), including—

''(i) a definition of performance considered to be adequate and inadequate by the State on the assessment or measurement instruments described in subparagraph (A) (and (B)), for all students; and

''(ii) the objective of improving the performance of all student groups and narrowing gaps in achievement between the lowest and highest performing students; and

''(D) the State has developed and implemented a statewide system for holding local educational agencies and schools in the State accountable for student performance on the performance objectives that includes—

''(i) a procedure for identifying local educational agencies and schools in need of improvement;

''(ii) a procedure for assisting and building capacity in local educational agencies and schools identified as needing improvement, to improve teaching and learning; and

''(iii) a procedure for implementing corrective actions if the provision of assistance and capacity building described in clause (ii) is not effective.

''(7) PERFORMANCE GOALS.—

''(A) STUDENT ACHIEVEMENT DATA.—Each State shall establish, and include in the agreement, student performance goals for the 5-year term of the agreement that, at a minimum—

''(i) establish a single high standard of performance for all students;

''(ii) take into account the progress of students from every local educational agency and school in the State participating in a program subject to the performance partnership agreement;

''(iii) measure changes in the percentages of students at selected grade levels meeting specified proficiency levels of achievement (established by the State) in each year of the performance partnership agreement, compared to such percentages in the baseline year (as described in subparagraph (C));

''(iv) set annual goals for improving the performance of each group specified in paragraph (6)(B) and for narrowing gaps in performance between the highest and lowest performing students in accordance with section 6710(b); and

''(v) require all students served by a local educational agency or school in the State participating in a program subject to the performance partnership agreement to make substantial gains in achievement.

''(B) ADDITIONAL PERFORMANCE INDICATORS.—A State may identify in the performance partnership agreement any additional performance indicator such as graduation, dropout, or attendance rates.

''(C) BASELINE PERFORMANCE DATA.—To determine the percentages of students at selected grade levels meeting specified proficiency levels of achievement for the baseline year, the State shall use the most recent achievement data available on the date on which the State and the Secretary execute the performance partnership agreement.

''(D) CONSISTENCY OF PERFORMANCE MEASURES.—A State shall maintain, at a minimum, the same challenging State student performance standards, and consistent aligned assessments or measures, as specified in the performance partnership agreement involved, throughout the term of the agreement.

''(8) ANNUAL REPORT.—The agreement shall include an assurance that not later than 2 years after the date of the execution of the performance partnership agreement, and annually thereafter, the State shall disseminate widely to the general public, submit to the Secretary, distribute to print and broadcast media, and post on the Internet, a report that includes—

''(A) student performance data obtained through an assessment or measurement conducted under paragraph (6)(A), disaggregated as provided in paragraph (6)(B); and

''(B) a detailed description of how the State has used Federal funds to improve student performance and reduce achievement gaps to meet the terms of the performance partnership agreement.

''(9) COMPLIANCE.—The agreement shall include an assurance that the State educational agency was in compliance with the requirements of this Act as such Act was in effect on the date of enactment of this part.

''(10) ALIGNMENT WITH REFORM PLAN.—The agreement shall contain an assurance that the plan described in paragraph (4) is aligned with the State's reform plan for elementary and secondary education.

''(11) FISCAL RESPONSIBILITIES.—The agreement shall include an assurance that the State will use fiscal control and fund accounting procedures that will ensure proper disbursements of, and accounting for, Federal funds provided to the State under this part.

''(12) IMPLEMENTATION SCHEDULE.—The agreement shall include a schedule for implementation of the plan described in paragraph (4) that aligns the plan with the school calendar for elementary schools and secondary schools in the State.

''(13) TIMELINE FOR REPORTING STUDENT PERFORMANCE DATA.—The agreement shall contain a timeline for reporting student performance data obtained through an assessment or measurement conducted under paragraph (6)(A), based on the State's assessment schedule.

''(e) AMENDMENT TO PERFORMANCE PARTNERSHIP AGREEMENT.—

''(1) IN GENERAL.—The State may modify the terms of the performance partnership agreement—

''(A) by submitting to the Secretary, and obtaining the approval of the Secretary on, an amendment described in paragraph (2); or

''(B) by providing notice to the Secretary of the State's intent to make an amendment described in paragraph (3).

''(2) AMENDMENTS REQUIRING APPROVAL OF SECRETARY.—

''(A) WITHDRAWAL OF PROGRAMS.—A State may submit to the Secretary an amendment that withdraws a program described in section 6704(a) from the performance partnership agreement. If the Secretary approves the amendment, the requirements of applicable law shall apply for the program withdrawn.

''(B) INCLUSION OF PROGRAMS.—A State may submit to the Secretary an amendment that includes an additional program described in section 6704(a) in the performance partnership agreement.

''(C) INCLUSION OF PERFORMANCE OBJECTIVES.—A State may submit to the Secretary an amendment that includes in the agreement an additional performance objective for which local educational agencies and schools in the State will be held accountable.

''(3) AMENDMENTS NOT REQUIRING APPROVAL OF SECRETARY.—A State, in the discretion of the State, may amend the performance partnership agreement to modify any term of the agreement other than a term described in paragraph (2) or subsection (d)(7)(D).

"SEC. 6704. TREATMENT OF ELIGIBLE PROGRAMS UNDER AGREEMENTS.

''(a) ELIGIBLE PROGRAMS.—The programs that may be included in a performance partnership agreement under this part are the programs authorized under the following provisions of law:

''(1) Part A of title I.

''(2) Part B of title I.

''(3) Part C of title I.

''(4) Section 1502.

''(5) Subparts 1, 2, and 3 of part A of title II.

''(6) Part B of title III.

''(7) Section 5132.

''(8) Title VI.

''(9) Part C of title VII.

''(10) Any other provision of this Act that is not in effect on the date of enactment of the Educational Opportunities Act under which the Secretary provides grants to States on the basis of a formula.

''(11) Section 310 of the Department of Education Appropriations Act, 2000.

''(12) Title III of the Goals 2000: Educate America Act.

''(13) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act.

''(b) EXCLUDED PROVISIONS.—Each State entering into a performance partnership agreement under this part shall comply with any statutory or regulatory requirement applicable to a program described in subsection (a) relating to—

''(1) maintenance of effort;

''(2) comparability of services;

''(3) equitable participation of students and professional staff of private schools;

''(4) parental participation and involvement;

''(5) in the case of a program carried out under part A of title I, the serving of eligible school attendance areas in rank order under section 1113(a)(3);

''(6) in the case of a program carried out under part A of title I, the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that a State may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I of such Act if the percentage of children from low-income families (within the meaning of section 6303(c)(1)(G)) in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school served by the local educational agency that meets the requirements of such subsections (a) and (b);

''(7) use of Federal funds to supplement, not supplant, non-Federal funds; and

''(8) applicable civil rights requirements.

''(c) COMBINATION OF FUNDS UNDER AGREEMENT.—A State that includes programs described in subsection (a) in a partnership performance agreement may combine funds from any or all of the programs without regard to the program requirements of the programs, except—

''(1) as otherwise provided in this part; and

''(2) that formulas for the program for the allotment of Federal funds to States shall remain in effect except as otherwise provided in Federal law.

''(d) USES OF FUNDS UNDER AGREEMENT.—Funds made available to a State under this part shall be used for educational purposes, including—

''(1) carrying out activities focused on improved student learning;

''(2) providing new books;

''(3) providing additional technology;

''(4) promoting high standards and conducting assessments;

''(5) conducting teacher hiring and making improvements in the quality of teaching;

''(6) reducing class sizes;

''(7) operating alternative schools;

''(8) constructing schools;

''(9) supporting special education;

''(10) operating charter schools;

''(11) promoting character education;

''(12) conducting dropout prevention activities; and

''(13) providing tutoring and remedial help for struggling students.

''SEC. 6705. LOCAL PARTICIPATION IN AGREEMENTS.

''(a) NONPARTICIPATING STATE.—

''(1) IN GENERAL.—If a State chooses not to submit a performance partnership agreement under this part, any local educational agency in such State is eligible, at the option of the agency, to submit to the Secretary a performance partnership agreement in accordance with this section.

''(2) AGREEMENT.—The terms of a performance partnership agreement between an eligible local educational agency described in this subsection and the Secretary shall specify the programs to be included in the performance partnership agreement, as agreed upon by the State and the agency, from the list specified in section 6704(a).

''(b) STATE APPROVAL.—In submitting a performance partnership agreement to the Secretary, the eligible local educational agency shall provide written documentation from the State in which such agency is located that the State has no objection to the local educational agency's proposal for a performance partnership agreement.

''(c) APPLICATION.—

''(1) IN GENERAL.—Except as provided in this section, and to the extent practicable, the requirements of this part shall apply to an eligible local educational agency that submits a performance partnership agreement in the same manner and to the same extent as the requirements apply to a State that submits such an agreement.

''(2) EXCEPTIONS.—Sections 6706 (other than section 6706(b)) and 6707 (other than section 6707(d)) shall not apply to the eligible local educational agency.

''SEC. 6706. WITHIN STATE DISTRIBUTION OF FUNDS.

''(a) IN GENERAL.—A State that enters into a performance partnership agreement with respect to programs shall distribute the funds from the programs to local educational agencies within the State on the basis of the constitutional and statutory requirements of the State.

''(b) TARGETING FOR PROGRAMS UNDER PART A OF TITLE I.—If a State includes programs carried out under part A of title I in the performance partnership agreement, sections 1113, 1124, 1124A, 1125, 1125A, 1126, and 1127 shall apply under the agreement, except as provided for under part C.

''SEC. 6707. STATE ADMINISTRATIVE EXPENDITURES.

''(a) PART A PROGRAM IN AGREEMENT.—A State that includes programs carried out under title I in the State's performance partnership agreement may use not more than 1 percent of the total amount of funds allotted to such State under such programs (as part of the performance partnership agreement) for administrative purposes.

''(b) OTHER PROGRAMS IN AGREEMENT.—

''(1) IN GENERAL.—With respect to programs included in the performance partnership agreement of the State other than programs carried out under title I, the State may use for administrative purposes, from the total amount of funds allotted to such State under such non-title I programs (as part of the performance partnership agreement)—

''(A) for the first school year for which the agreement is in effect, not more than the total amount provided for administration under the programs for the preceding school year;

''(B) for the second such school year, not more than 5 percent, plus 75 percent of the covered reduction, of the total amount of funds allotted;

''(C) for the third such school year, not more than 5 percent, plus 50 percent of the covered reduction, of the total amount of funds allotted;

''(D) for the fourth such school year, not more than 5 percent, plus 25 percent of the covered reduction, of the total amount of funds allotted; and

''(E) for the fifth such school year, not more than 5 percent of the total amount of funds allotted.

''(2) EXCEPTION.—Notwithstanding paragraph (1), a State may use not more than 7 percent of the total amount of funds allotted to such State under such non-title I programs (as part of the performance partnership agreement) for administrative and nonadministrative expenses associated with statewide or districtwide initiatives directly affecting classroom learning.

''(3) DEFINITION.—In this subsection, the term 'covered reduction' means the amount obtained by subtracting—

''(A) 5 percent of the total amount of funds allotted to the State under the programs included in the agreement; from

''(B) the total amount described in paragraph (1)(A).

''(c) RENEWAL OF AGREEMENT.—Upon the renewal of the performance partnership agreement of a State for a subsequent term, the State may use not more than 5 percent of the total amount of funds allotted to such State under the programs included in the performance partnership agreement for administrative purposes.

''(d) LOCAL EDUCATIONAL AGENCY.—A local educational agency submitting a performance partnership agreement under this part may use not more than 5 percent of the total amount of funds allotted to such agency under the programs included in the performance partnership agreement for administrative purposes.

''SEC. 6708. PERFORMANCE REVIEW.

''(a) RECOMMENDATIONS FOR IMPROVEMENT.—

''(1) REVIEW.—At the end of the third year for which a performance partnership agreement is in effect for a State, the Secretary shall prepare a written performance review of the activities carried out under the agreement.

''(2) RECOMMENDATIONS.—

''(A) IN GENERAL.—If the Secretary determines, in the performance review that—

''(i) the State has failed to carry out the requirements of the agreement;

''(ii) the State has failed to implement the State accountability system described in section 6703(d)(6)(D); or

''(iii) the State has failed to make adequate progress in improving student performance, as measured through performance objectives,

the Secretary shall include in the review written recommendations to the State for improvement.

''(B) SIGNIFICANT DECLINE IN ACHIEVEMENT.—If the Secretary determines, in the performance review, that student achievement with respect to the performance objectives of the State has significantly declined, the Secretary shall, after notice and an opportunity for a hearing, terminate the agreement. Such agreement shall not be terminated if the State demonstrates to the Secretary that the decline in student achievement was justified based on exceptional circumstances or circumstances beyond the control of the State.

''(b) WITHHOLDING OF FUNDS OR TERMINATION OF AGREEMENT.—

''(1) REVIEW.—If the Secretary makes a determination described in subsection (a)(2) in the performance review for a State, not later than 1 year after the date of the determination the Secretary shall prepare a second written performance review for the State of the activities described in subsection (a)(1).

''(2) ACTION.—If the Secretary makes a determination described in subsection (a)(2) in the second performance review for a State, the Secretary may take 1 or more of the following actions:

''(A) Withhold a percentage of State administrative funds for programs included in the performance partnership agreement.

''(B) Terminate the performance partnership agreement.

''SEC. 6709. RENEWAL OF PERFORMANCE PARTNERSHIP AGREEMENT.

''(a) NOTIFICATION.—A State that wishes to renew a performance partnership agreement shall notify the Secretary not later than 6 months before the end of the 5-year term of the agreement.

''(b) RENEWAL REQUIREMENTS.—The Secretary shall renew the agreement for an additional 5-year term, if—

''(1) at the end of the 5-year term described in subsection (a), or as soon after the term as is practicable, the State submits the data required under the agreement; and

''(2) the Secretary determines, on the basis of the data, that the State that has made substantial progress toward meeting the performance goals described in section 6703(d)(7) during the 5-year term.

''SEC. 6710. CLOSING THE ACHIEVEMENT GAP BONUS AWARDS.

''(a) IN GENERAL.—The Secretary shall provide bonus awards to eligible States (without regard to whether the States participate in a performance partnership agreement) to reward such States for making significant progress in eliminating achievement gaps by raising the achievement levels of the lowest performing student groups.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible to receive a bonus award under subsection (a), a State shall—

''(A) use National Assessment of Educational Progress tests for the 4th and 8th grade levels or another non-State auditing device to measure (with a statistically significant sample of students) student academic progress for purposes of determining the progress made by the State in narrowing the achievement gap between the highest and lowest performing students in the State; and

''(B) exceed the national average for reducing the achievement gap between the lowest performing students and the highest performing students in at least 3 of the 4 measured categories (math and English at both the 4th and 8th grade levels).

''(2) DETERMINATION OF REDUCTION.—If, at the end of the fifth academic year that begins after performance partnerships are entered into under this part, the Secretary determines that the achievement gap between the lowest performing students and the highest performing students in a State has decreased (as determined under subsection (c)(2)) by a percentage that exceeds the national average for such reduction (as determined under subsection (c)(1)), the Secretary shall award the State the amount described in subsection (e).

''(c) DETERMINING THE REDUCTION IN ACHIEVEMENT GAP.—

''(1) NATIONAL AVERAGE.—

''(A) IN GENERAL.—For purposes of determining the national average reduction in the achievement gap between the lowest performing students and the highest performing students, the Secretary shall compare the baseline and final levels of achievement (as determined under subparagraphs (B) and (C)) of—

''(i) all those students eligible for free and reduced-price lunches under the Richard B. Russell National School Lunch Act in the States described in such subparagraphs; and

''(ii) all other students not described in subparagraph (A) in the States described in such subparagraphs;

in each of the 4 measured categories described in subsection (b)(1)(B).

''(B) BASELINE LEVEL.—For purposes of subparagraph (A), the baseline level of achievement shall be based on the results of the National Assessment of Educational Progress tests of 4th and 8th grade students in both math and reading during the 2001-2002 academic year for all

States administering such tests, or the results on another non-State auditing device during the academic year.

''(C) FINAL LEVEL.—For purposes of subparagraph (A), the final level of achievement shall be based on the results of the National Assessment of Educational Progress tests of 4th and 8th grade students in both math and reading for all States administering such tests during the fifth academic year in which performance partnerships are entered into under this part, or the results of another non-State auditing device during the calendar year.

''(2) STATE REDUCTIONS.—

''(A) IN GENERAL.—For purposes of determining the State reduction in the achievement gap between the lowest performing students and the highest performing students, the Secretary shall compare the baseline and final levels of achievement (as determined under subparagraphs (B) and (C)) of—

''(i) those students in the State who are eligible for free and reduced-price lunches under the Richard B. Russell National School Lunch Act; and

''(ii) other students in the State not described in subparagraph (A);

in each of the 4 measured categories described in subsection (b)(1)(B).

''(B) BASELINE LEVEL.—For purposes of subparagraph (A), the baseline level of achievement shall be based on the results of the National Assessment of Educational Progress tests of 4th and 8th grade students in both math and reading during the 2001-2002 academic year for the State, or the results on another non-State auditing device during the academic year.

''(C) FINAL LEVEL.—For purposes of subparagraph (A), the final level of achievement shall be based on the results of the National Assessment of Educational Progress tests of 4th and 8th grade students in both math and reading for the State during the fifth academic year in which performance partnerships are entered into under this part, or the results on another non-State auditing device during the academic year.

''(3) LIMITATION.—A reduction in the achievement gap between the lowest performing students and the highest performing students that results from a reduction in the achievement levels of the highest performing students shall not be considered a reduction for purposes of this subsection.

''(d) REVIEW.—The Secretary shall review the improvement that the State has made in closing the achievement gap, as measured on State assessments.

''(e) AMOUNT OF AWARD.—

''(1) IN GENERAL.—The amount described in this subsection with respect to a State described in subsection (b)(2) shall be an amount that bears the same relationship to the amount appropriated under subsection (f) as the number of eligible individuals in the State bears to the total number of eligible individuals in all such States.

''(2) ELIGIBLE INDIVIDUALS.—In paragraph (1), the term 'eligible individuals' means individuals who are at least 5 years of age, but less than 17 years of age, and whose family income is below the poverty line applicable to a family of the size.

''(3) POVERTY LINE.—In paragraph (2), the term 'poverty line' has the meaning given such term in section 673(2) of the Community Services Block Grant Act, including any revision required by such section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There shall be appropriated $2,500,000,000 for the fifth full fiscal year for which performance partnership agreements are entered into under this part to carry out this section.

"SEC. 6711. PERFORMANCE REPORT.

''Not later than 60 days after the Secretary receives an annual State report described in section 6703(d)(8), the Secretary shall make the report available to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

"PART H—ACADEMIC ACHIEVEMENT FOR ALL DEMONSTRATION

"SEC. 6801. SHORT TITLE.

''This part may be cited as the 'Academic Achievement for All Demonstration Act (Straight A's Act)'.

"SEC. 6802. PURPOSE.

''The purpose of this part is to create options for States and communities—

''(1) to improve the academic achievement of all students, and to focus the resources of the Federal Government upon such achievement;

''(2) to improve teacher quality and subject matter mastery, especially in mathematics, reading, and science;

''(3) to empower parents and schools to effectively address the needs of their children and students;

''(4) to give States and communities maximum freedom in determining how to boost academic achievement and implement education reforms;

''(5) to eliminate Federal barriers to implementing effective State and local education programs;

''(6) to hold States and communities accountable for boosting the academic achievement of all students, especially disadvantaged children; and

''(7) to narrow achievement gaps between the lowest and highest performing groups of students so that no child is left behind.

"SEC. 6803. PERFORMANCE AGREEMENT.

''(a) PROGRAM AUTHORIZED.—Not more than 15 States may, at their option, execute a performance agreement with the Secretary under which the provisions of law described in section 6804(a) shall not apply to such State except as otherwise provided in this part. The Secretary shall execute performance partnership agreements with the first 15 States that submit approvable performance agreements under this section.

''(b) LOCAL INPUT.—States shall provide parents, teachers, and local schools and school districts notice and opportunity to comment on any proposed performance agreement prior to submission to the Secretary as provided under general State law notice and comment provisions.

''(c) APPROVAL OF PERFORMANCE AGREEMENT.—A performance agreement submitted to the Secretary under this section shall be considered as approved by the Secretary within 60 days after receipt of the performance agreement unless the Secretary provides a written determination to the State that the performance agreement fails to satisfy the requirements of this part before the expiration of the 60-day period.

''(d) TERMS OF PERFORMANCE AGREEMENT.—Each performance agreement executed pursuant to this part shall include the following provisions:

''(1) TERM.—A statement that the term of the performance agreement shall be 5 years.

''(2) APPLICATION OF PROGRAM REQUIREMENTS.—A statement that no program requirements of any program included by the State in the performance agreement shall apply, except as otherwise provided in this part.

''(3) LIST.—A list provided by the State of the programs that the State wishes to include in the performance agreement.

''(4) USE OF FUNDS TO IMPROVE STUDENT ACHIEVEMENT.—A 5-year plan describing how the State intends to combine and use the funds from programs included in the performance agreement to advance the education priorities of the State, improve student achievement, and narrow achievement gaps between students.

''(5) ACCOUNTABILITY REQUIREMENTS.—If a State includes any part of title I in its performance agreement, the State shall include a certification that the State has done the following:

''(A)(i) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b); or

''(ii) developed and implemented a system to measure the degree of change from one school year to the next in student performance;

''(B) developed and is implementing a statewide accountability system that has been or is reasonably expected to be effective in substantially increasing the numbers and percentages of all students who meet the State's proficient and advanced levels of performance;

''(C) established a system under which assessment information may be disaggregated within each State, local educational agency, and school by each major racial and ethnic group, gender, English proficiency status, migrant status, and by economically disadvantaged students as compared to students who are not economically disadvantaged (except that such disaggregation shall not be required in cases in which the number of students in any such group is insufficient to yield statistically reliable information or will reveal the identity of an individual student);

''(D) established specific, measurable, numerical performance objectives for student achievement, including a definition of performance considered to be proficient by the State on the academic assessment instruments described under subparagraph (A);

''(E) developed and implemented a statewide system for holding its local educational agencies and schools accountable for student performance that includes—

''(i) a procedure for identifying local educational agencies and schools in need of improvement, using the assessments described under subparagraph (A);

''(ii) assisting and building capacity in local educational agencies and schools identified as in need of improvement to improve teaching and learning; and

''(iii) implementing corrective actions after not more than 3 years if the assistance and capacity building under clause (ii) is not effective.

''(6) PERFORMANCE GOALS.—

''(A) STUDENT ACADEMIC ACHIEVEMENT.—Each State that includes part A of title I in its performance agreement shall establish annual student performance goals for the 5-year term of the performance agreement that, at a minimum—

''(i) establish a single high standard of performance for all students;

''(ii) take into account the progress of students from every local educational agency and school in the State;

''(iii) are based primarily on the State's challenging content and student performance standards and assessments described under paragraph (5);

''(iv) include specific annual improvement goals in each subject and grade included in the State assessment system, which shall include, at a minimum, reading or language arts and mathematics;

''(v) compares the proportions of students at levels of performance (as defined by the State) with the proportions of students at the levels in the same grade in the previous school year;

''(vi) includes annual numerical goals for improving the performance of each group specified in paragraph (5)(C) and narrowing gaps in performance between the highest and lowest performing students in accordance with section 6810(b); and

''(vii) requires all students in the State to make substantial gains in achievement.

''(B) ADDITIONAL INDICATORS OF PERFORMANCE.—A State may identify in the performance agreement any additional indicators of performance such as graduation, dropout, or attendance rates.

''(C) CONSISTENCY OF PERFORMANCE MEASURES.—A State shall maintain, at a minimum,

the same level of challenging State student performance standards and assessments throughout the term of the performance agreement.

''(7) FISCAL RESPONSIBILITIES.—An assurance that the State will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State under this part.

''(8) CIVIL RIGHTS.—An assurance that the State will meet the requirements of applicable Federal civil rights laws.

''(9) PRIVATE SCHOOL PARTICIPATION.—

''(A) EQUITABLE PARTICIPATION.—An assurance that the State will provide for the equitable participation of students and professional staff in private schools.

''(B) APPLICATION OF BYPASS.—An assurance that sections 10104, 10105, and 10106 shall apply to all services and assistance provided under this part in the same manner as such sections apply to services and assistance provided in accordance with section 10103 of such Act.

''(10) STATE FINANCIAL PARTICIPATION.—An assurance that the State will not reduce the level of spending of State funds for elementary and secondary education during the term of the performance agreement.

''(11) ANNUAL REPORTS.—An assurance that not later than 1 year after the execution of the performance agreement, and annually thereafter, each State shall disseminate widely to parents and the general public, submit to the Secretary, distribute to print and broadcast media, and post on the Internet, a report that includes—

''(A) student academic performance data, disaggregated as provided in paragraph (5)(C); and

''(B) a detailed description of how the State has used Federal funds to improve student academic performance and reduce achievement gaps to meet the terms of the performance agreement.

''(e) SPECIAL RULES.—If a State does not include part A of title I in its performance agreement, the State shall—

''(1) certify that the State developed a system to measure the academic performance of all students; and

''(2) establish challenging academic performance goals for such other programs in accordance with paragraph (6)(A) of subsection (d), except that clause (vi) of such paragraph shall not apply to such performance agreement.

''(f) AMENDMENT TO PERFORMANCE AGREEMENT.—A State may submit an amendment to the performance agreement to the Secretary under the following circumstances:

''(1) REDUCE SCOPE OF PERFORMANCE AGREEMENT.—Not later than 1 year after the execution of the performance agreement, a State may amend the performance agreement through a request to withdraw a program from such agreement. If the Secretary approves the amendment, the requirements of existing law shall apply for any program withdrawn from the performance agreement.

''(2) EXPAND SCOPE OF PERFORMANCE AGREEMENT.—Not later than 1 year after the execution of the performance agreement, a State may amend its performance agreement to include additional programs and performance indicators for which the State will be held accountable.

''(3) APPROVAL OF AMENDMENT.—An amendment submitted to the Secretary under this subsection shall be considered as approved by the Secretary within 60 days after receipt of the amendment unless the Secretary provides a written determination to the State that the performance agreement if amended by the amendment will fail to satisfy the requirements of this part, before the expiration of the 60-day period.

''(g) DUAL PARTICIPATION PROHIBITED.—A State or local educational agency shall not enter into an agreement under both this part and part G. A local educational agency shall not enter into an agreement under this part or part G if the State in which the local educational agency is located has entered into an agreement under part G or this part, respectively.

''SEC. 6804. ELIGIBLE PROGRAMS.

''(a) ELIGIBLE PROGRAMS.—The provisions of law referred to in section 6803(a) except as otherwise provided in subsection (b), are as follows:

''(1) Part A of title I.

''(2) Part B of title I.

''(3) Part C of title I.

''(4) Subparts 1, 2, and 3 of part A of title II.

''(5) Part B of title III.

''(6) Section 5132.

''(7) Title VI.

''(8) Part C of title VII.

''(9) Section 307 of the Department of Education Appropriation Act of 1999.

''(10) Comprehensive school reform programs as authorized under section 1502 and described on pages 96–99 of the Joint Explanatory Statement of the Committee of Conference included in House Report 105–390 (Conference Report on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998).

''(11) Sections 115 and 116, and parts B and C of title I of the Carl D. Perkins Vocational Technical Education Act.

''(12) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act.

''(b) ALLOCATIONS TO STATES.—A State may choose to consolidate funds from any or all of the programs described in subsection (a) without regard to the program requirements of the provisions referred to in such subsection, except that the proportion of funds made available for national programs and allocations to each State for State and local use, under such provisions, shall remain in effect unless otherwise provided.

''(c) USES OF FUNDS.—Funds made available under this part to a State shall be used for any elementary and secondary educational purposes permitted by State law of the participating State.

''SEC. 6805. WITHIN-STATE DISTRIBUTION OF FUNDS.

''(a) IN GENERAL.—The distribution of funds from programs included in a performance agreement from a State to a local educational agency within the State shall be determined by the Governor of the State and the State legislature. In a State in which the constitution or State law designates another individual, entity, or agency to be responsible for education, the allocation of funds from programs included in the performance agreement from a State to a local educational agency within the State shall be determined by that individual, entity, or agency, in consultation with the Governor and State Legislature. Nothing in this section shall be construed to supersede or modify any provision of a State constitution or State law.

''(b) LOCAL INPUT.—States shall provide parents, teachers, and local schools and school districts notice and opportunity to comment on the proposed allocation of funds as provided under general State law notice and comment provisions.

''(c) LOCAL HOLD HARMLESS OF PART A TITLE 1 FUNDS.—

''(1) IN GENERAL.—In the case of a State that includes part A of title I in the performance agreement, the agreement shall provide an assurance that each local educational agency shall receive under the performance agreement an amount equal to or greater than the amount such agency received under part A of title I in the fiscal year preceding the fiscal year in which the performance agreement is executed.

''(2) PROPORTIONATE REDUCTION.—If the amount made available to the State from the Secretary for a fiscal year is insufficient to pay to each local educational agency the amount made available under part A of title I to such agency for the preceding fiscal year, the State shall reduce the amount each local educational agency receives by a uniform percentage.

''SEC. 6806. LOCAL PARTICIPATION.

''(a) NONPARTICIPATING STATE.—

''(1) IN GENERAL.—If a State chooses not to submit a performance agreement under this part, any local educational agency in such State is eligible, at the local educational agency's option, to submit to the Secretary a performance agreement in accordance with this section.

''(2) AGREEMENT.—The terms of a performance agreement between an eligible local educational agency and the Secretary shall specify the programs to be included in the performance agreement, as agreed upon by the State and the agency, from the list under section 6804(a).

''(b) STATE APPROVAL.—When submitting a performance agreement to the Secretary, an eligible local educational agency described in subsection (a) shall provide written documentation from the State in which such agency is located that the State has no objection to the agency's proposal for a performance agreement.

''(c) APPLICATION.—

''(1) IN GENERAL.—Except as provided in this section, and to the extent applicable, the requirements of this part shall apply to an eligible local educational agency that submits a performance agreement in the same manner as the requirements apply to a State.

''(2) EXCEPTIONS.—The following provisions shall not apply to an eligible local educational agency:

''(A) WITHIN STATE DISTRIBUTION FORMULA NOT APPLICABLE.—The distribution of funds under section 6805 shall not apply.

''(B) STATE SET ASIDE SHALL NOT APPLY.—The State set aside for administrative funds under section 6807 shall not apply.

''SEC. 6807. LIMITATIONS ON STATE AND LOCAL EDUCATIONAL AGENCY ADMINISTRATIVE EXPENDITURES.

''(a) IN GENERAL.—Except as otherwise provided under subsection (b), a State that includes part A of title I in the performance agreement may use not more than 1 percent of such total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes.

''(b) EXCEPTION.—A State that does not include part A of title I in the performance agreement may use not more than 3 percent of the total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes.

''(c) LOCAL EDUCATIONAL AGENCY.—A local educational agency participating in this part under a performance agreement under section 6806 may not use for administrative purposes more than 4 percent of the total amount of funds allocated to such agency under the programs included in the performance agreement.

''SEC. 6808. PERFORMANCE REVIEW AND PENALTIES.

''(a) MID-TERM PERFORMANCE REVIEW.—If, during the 5-year term of the performance agreement, student achievement significantly declines for three consecutive years in the academic performance categories established in the performance agreement, the Secretary may, after notice and opportunity for a hearing, terminate the agreement

''(b) FAILURE TO MEET TERMS.—If at the end of the 5-year term of the performance agreement a State has not substantially met the performance goals submitted in the performance agreement, the Secretary shall, after notice and an opportunity for a hearing, terminate the performance agreement and the State shall be required to comply with the program requirements, in effect at the time of termination, for each program included in the performance agreement.

''(c) PENALTY FOR FAILURE TO IMPROVE STUDENT PERFORMANCE.—If a State has made no progress toward achieving its performance goals by the end of the term of the agreement, the Secretary may reduce funds for State administrative costs for each program included in the performance agreement by not more than 50 percent for each year of the 2-year period following the end of the term of the performance agreement.

"SEC. 6809. RENEWAL OF PERFORMANCE AGREEMENT.

"(a) NOTIFICATION.—A State that wishes to renew its performance agreement shall notify the Secretary of its renewal request not less than 6 months prior to the end of the term of the performance agreement.

"(b) RENEWAL REQUIREMENTS.—A State that has met or has substantially met its performance goals submitted in the performance agreement at the end of the 5-year term may reapply to the Secretary to renew its performance agreement for an additional 5-year period. Upon the completion of the 5-year term of the performance agreement or as soon thereafter as the State submits data required under the agreement, the Secretary shall renew, for an additional 5-year term, the performance agreement of any State that has met or has substantially met its performance goals.

"SEC. 6810. ACHIEVEMENT GAP REDUCTION REWARDS.

"(a) CLOSING THE GAP REWARD FUND.—

"(1) IN GENERAL.—To reward States that make significant progress in eliminating achievement gaps by raising the achievement levels of the lowest performing students, the Secretary shall set aside sufficient funds from the Fund for the Improvement of Education under part G of title V to grant a reward to States that meet the conditions set forth in subsection (b) by the end of their 5-year performance agreement.

"(2) REWARD AMOUNT.—The amount of the reward referred to in paragraph (1) shall be not less than 5 percent of funds allocated to the State during the first year of the performance agreement for programs included in the agreement.

"(b) CONDITIONS OF PERFORMANCE REWARD.—Subject to paragraph (3), a State is eligible to receive a reward under this section as follows:

"(1) A State is eligible for such an award if the State reduces by not less than 25 percent, over the 5-year term of the performance agreement, the difference between the percentage of highest and lowest performing groups of students described in section 6803(d)(5)(C) that meet the State's proficient level of performance.

"(2) A State is eligible for such an award if a State increases the proportion of two or more groups of students under section 6803(d)(5)(C) that meet State proficiency standards by 25 percent.

"(3) A State shall receive such an award if the following requirements are met:

"(A) CONTENT AREAS.—The reduction in the achievement gap or improvement in achievement shall include not less than two content areas, one of which shall be mathematics or reading.

"(B) GRADES TESTED.—The reduction in the achievement gap or improvement in achievement shall occur in at least two grade levels.

"(c) RULE OF CONSTRUCTION.—Student achievement gaps shall not be considered to have been reduced in circumstances where the average academic performance of the highest performing quintile of students has decreased.

"SEC. 6811. STRAIGHT A's PERFORMANCE REPORT.

"The Secretary shall make the annual State reports described in section 6803(d)(11) available to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate not later than 60 days after the Secretary receives the report.

"SEC. 6812. APPLICABILITY OF TITLE X.

"To the extent that provisions of title X are inconsistent with this part, this part shall be construed as superseding such provisions.

"SEC. 6813. APPLICABILITY OF GENERAL EDUCATION PROVISIONS ACT.

"To the extent that the provisions of the General Education Provisions Act are inconsistent with this part, this part shall be construed as superseding such provisions, except where relating to civil rights, withholding of funds and enforcement authority, and family educational and privacy rights.

"SEC. 6814. APPLICABILITY TO HOME SCHOOLS.

"Nothing in this part shall be construed to affect home schools whether or not a home school is treated as a private school or home school under State law.

"SEC. 6815. GENERAL PROVISIONS REGARDING NONRECIPIENT, NONPUBLIC SCHOOLS.

"Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

"SEC. 6816. DEFINITIONS.

"For the purpose of this part:

"(1) ALL STUDENTS.—The term 'all students' means all students attending public schools or charter schools that are participating in the State's accountability and assessment system.

"(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa.".

"SEC. 6817. EFFECTIVE DATE.

"This part shall take effect with respect to funds appropriated for the fiscal year beginning October 1, 2000.".

SEC. 602. TECHNICAL AND CONFORMING AMENDMENT.

Section 4(b)(5) of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b(b)(5)) is amended by striking "Title VI" and inserting "Part A of title VI".

TITLE VII—BILINGUAL EDUCATION

SEC. 701. PURPOSE.

Section 7102 (20 U.S.C. 7402) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 7102. PURPOSE.";

(2) by striking subsections (a) and (b); and

(3) in subsection (c)—

(A) by striking "(c) PURPOSE.—The" and inserting "The";

(B) in the matter preceding paragraph (1), by striking "to educate limited English proficient children and youth to" and inserting "to help ensure that limited English proficient students master English and";

(C) by striking paragraph (1) and inserting the following:

"(1) promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving limited English proficient students;"; and

(D) in paragraph (2), by inserting "fully" before "developing".

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

Section 7103(a) (20 U.S.C. 7403(a)) is amended by striking "$215,000,000 for the fiscal year 1995" and inserting "$300,000,000 for fiscal year 2001".

SEC. 703. REPEAL OF PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.

(a) IN GENERAL.—Section 7112 (20 U.S.C. 7422) is repealed.

(b) CONFORMING AMENDMENT.—Section 7111 (20 U.S.C. 7421) is amended, in the matter preceding paragraph (1), by striking "7112, 7113, 7114, and 7115" and inserting "7113 and 7114".

SEC. 704. PROGRAM ENHANCEMENT PROJECTS.

(a) PURPOSE.—Section 7113 (20 U.S.C. 7423) is amended by striking subsection (a) and inserting the following:

"(a) PURPOSE.—The purpose of this section is to—

"(1) provide grants to eligible entities to provide innovative, locally designed, high quality instruction to children and youth of limited English proficiency;

"(2) help children and youth develop proficiency in the English language by expanding or strengthening instructional programs; and

"(3) help children and youth attain the standards established under section 1111(b).".

(b) PROGRAM AUTHORIZED.—Section 7113(b) (20 U.S.C. 7423(b)) is amended—

(1) in paragraph (1)(B), by striking "two" and inserting "3"; and

(2) by striking paragraph (2) and inserting the following:

"(2) AUTHORIZED ACTIVITIES.—(A) Grants awarded under this section shall be used for—

"(i) developing, implementing, expanding, or enhancing comprehensive preschool, elementary, or secondary education programs for limited English proficient children and youth, that are—

"(I) aligned with State and local content and student performance standards, and local school reform efforts; and

"(II) coordinated with related services for children and youth;

"(ii) providing high quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient students; and

"(iii) annually assessing the English proficiency of all limited English proficient students served by activities carried out under this section.

"(B) Grants awarded under this section may be used for—

"(i) implementing programs to upgrade the reading and other academic skills of limited English proficient students;

"(ii) developing accountability systems to monitor the academic progress of limited English proficient and formerly limited English proficient students;

"(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(iv) improving the instructional programs for limited English proficient students by identifying, acquiring, and applying effective curricula, instructional materials (including materials provided through technology), and assessments that are all aligned with State and local standards;

"(v) providing intensified instruction, including tutorials and academic or career counseling, for children and youth who are limited English proficient;

"(vi) adapting best practice models for meeting the needs of limited English proficient students;

"(vii) assisting limited English proficient students with disabilities;

"(viii) implementing applied learning activities such as service learning to enhance and support comprehensive elementary and secondary bilingual education programs; and

"(ix) carrying out such other activities, consistent with the purpose of this part, as the Secretary may approve.".

(c) PRIORITY.—Section 7113 (20 U.S.C. 7423) is amended by adding at the end the following:

"(d) PRIORITY.—In awarding grants under this section, the Secretary may give priority to an entity that—

"(1) serves a school district—

"(A) that has a total district enrollment that is less than 10,000 students; or

"(B) with a large percentage or number of limited English proficient students; and

"(2) has limited or no experience in serving limited English proficient students.".

SEC. 705. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT GRANTS.

Section 7114 (20 U.S.C. 7424) is amended to read as follows:

"SEC. 7114. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT GRANTS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to provide financial assistance to schools and local educational agencies for implementing

bilingual education programs, in coordination with programs carried out under title I, for children and youth of limited English proficiency;

''(2) to assist limited English proficient students to meet the standards established under section 1111(b); and

''(3) to improve, reform, and upgrade relevant instructional programs and operations, in schools and local educational agencies, that serve significant percentages of students with limited English proficiency or significant numbers of such students.

''(b) AUTHORIZED ACTIVITIES.—

''(1) AUTHORITY.—The Secretary may award grants to eligible entities having applications approved under section 7116 to enable such entities to carry out activities described in paragraphs (2) and (3).

''(2) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

''(A) improving instructional programs for limited English proficient students by acquiring and upgrading curriculum and related instructional materials;

''(B) aligning the activities carried out under this section with State and local school reform efforts;

''(C) providing training, aligned with State and local standards, to school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient students;

''(D) developing and implementing plans, coordinated with plans for programs carried out under title II of the Higher Education Act of 1965 (where applicable), and title II of this Act (where applicable), to recruit teachers trained to serve limited English proficient students;

''(E) implementing culturally and linguistically appropriate family education programs, or parent outreach and training activities, that are designed to assist parents to become active participants in the education of their children;

''(F) coordinating the activities carried out under this section with other programs, such as programs carried out under title I;

''(G) providing services to meet the full range of the educational needs of limited English proficient students;

''(H) annually assessing the English proficiency of all limited English proficient students served by the activities carried out under this section; and

''(I) developing or improving accountability systems to monitor the academic progress of limited English proficient students.

''(3) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

''(A) implementing programs to upgrade reading and other academic skills of limited English proficient students;

''(B) developing and using educational technology to improve learning, assessments, and accountability to meet the needs of limited English proficient students;

''(C) implementing research-based programs to meet the needs of limited English proficient students;

''(D) providing tutorials and academic or career counseling for limited English proficient children and youth;

''(E) developing and implementing State and local content and student performance standards for learning English as a second language, as well as for learning other languages;

''(F) developing and implementing programs for limited English proficient students to meet the needs of changing populations of such students;

''(G) implementing policies to ensure that limited English proficient students have access to other education programs (other than programs designed to address limited English proficiency), such as gifted and talented, vocational education, and special education programs;

''(H) implementing programs to meet the needs of limited English proficient students with disabilities;

''(I) developing and implementing programs to help all students become proficient in more than 1 language; and

''(J) providing such other activities related to the purpose of this part as the Secretary may approve.

''(4) SPECIAL RULE.—A recipient of a grant under this section, before carrying out activities under this section, shall plan, train personnel, develop curricula, and acquire or develop materials, but shall not use funds made available under this section for planning purposes for more than 90 days. The recipient shall commence carrying out activities under this section not later than 90 days after the date of receipt of the grant.

''(c) AVAILABILITY OF APPROPRIATIONS.—

''(1) RESERVATION OF FUNDS FOR CONTINUED PAYMENTS.—

''(A) COVERED GRANT.—In this paragraph, the term 'covered grant' means a grant—

''(i) that was awarded under this section, or section 7115, prior to the date of enactment of the Educational Opportunities Act; and

''(ii) for which the grant period has not ended.

''(B) RESERVATION.—For any fiscal year that is part of the grant period of a covered grant, the Secretary shall reserve funds for the payments described in subparagraph (C) from the amount appropriated for the fiscal year under section 7103 and made available for carrying out this section.

''(C) PAYMENTS.—The Secretary shall continue to make grant payments to each entity that received a covered grant, for the duration of the grant period of the grant, to carry out activities in accordance with the appropriate section described in subparagraph (A)(i).

''(2) AVAILABILITY.—Of the amount appropriated for a fiscal year under section 7103 that is made available for carrying out this section, and that remains after the Secretary reserves funds for payments under paragraph (1)—

''(A) not less than ⅓ of the remainder shall be used to award grants for activities carried out within an entire school district; and

''(B) not less than ⅔ of the remainder shall be used to award grants for activities carried out within individual schools.

''(d) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means—

(1) 1 or more local educational agencies; or

(2) 1 or more local educational agencies, in collaboration with an institution of higher education, community-based organization, local educational agency, or State educational agency.''.

SEC. 706. REPEAL OF SYSTEMWIDE IMPROVEMENT GRANTS.

Section 7115 (20 U.S.C. 7425) is repealed.

SEC. 707. APPLICATIONS.

(a) STATE REVIEW AND COMMENTS.—Section 7116(b) (20 U.S.C. 7426(b)) is amended—

(1) in paragraph (1), by striking ''such'' and inserting ''the written comments of the agency on the''; and

(2) in paragraph (2)(B)—

(A) in the matter preceding clause (i), by striking ''how the eligible entity'';

(B) by striking clause (i) and inserting the following:

''(i) how the activities to be carried out under the grant will further the academic achievement and English proficiency of limited English proficient students served under the grant; and''; and

(C) by striking clause (ii) and inserting the following:

''(ii) how the grant application is consistent with the State plan required under section 1111.''.

(b) REQUIRED DOCUMENTATION.—Section 7116(f) (20 U.S.C. 7426(f)) is amended to read as follows:

''(f) REQUIRED DOCUMENTATION.—Such application shall include documentation that—

''(1) the applicant has the qualified personnel required to develop, administer, and implement the program proposed in the application; and

''(2) the leadership personnel of each school participating in the program have been involved in the development and planning of the program in the school.''.

(c) CONTENTS.—Section 7116(g) (20 U.S.C. 7426(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''including data'' and all that follows and inserting the following: ''including—

''(i) data on the number of limited English proficient students in the school or school district to be served;

''(ii) the characteristics of such students, including—

''(I) the native languages of the students;

''(II) the proficiency of the students in English and their native language;

''(III) achievement data (current as of the date of submission of the application) for the limited English proficient students in—

''(aa) reading or language arts (in English and in the native language, if applicable); and

''(bb) mathematics;

''(IV) a comparison of that data for the students with that data for the English proficient peers of the students; and

''(V) the previous schooling experiences of the students;

''(iii) the professional development needs of the instructional personnel who will provide services for the limited English proficient students under the proposed program; and

''(iv) how the services provided through the grant would supplement the basic services provided to limited English proficient students.'';

(B) in subparagraph (B)—

(i) in clause (ii)—

(I) by striking '', the Goals 2000: Educate America Act''; and

(II) by striking ''section 14306'' and inserting ''section 6506'';

(ii) by redesignating clauses (ii) through (v) as clauses (iii) through (vi), respectively; and

(iii) by inserting after clause (i) the following:

''(ii) will ensure that the services provided through the program will supplement the basic services the applicant provides to limited English proficient students;''; and

(C) in subparagraph (E), by striking ''program'' and all that follows and inserting the following: ''program who, individually or in combination, are proficient in—

''(i) English, including written, as well as oral, communication skills; and

''(ii) the native language of the majority of the students that the teachers teach, if instruction in the program is in the native language as well as English.''; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking ''or 7115''.

(d) PRIORITIES AND SPECIAL RULES.—Section 7116(i) (20 U.S.C. 7426(i)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) PRIORITY.—In approving applications for grants for programs under this subpart, the Secretary shall give priority to an applicant who—

''(A) experiences a dramatic increase in the number or percentage of limited English proficient students enrolled in the applicant's programs and has limited or no experience in serving limited English proficient students;

''(B) is a local educational agency that serves a school district that has a total district enrollment that is less than 10,000 students;

''(C) demonstrates that the applicant has a proven record of success in helping limited English proficient children and youth learn English and meet high academic standards;

''(D) proposes programs that provide for the development of bilingual proficiency both in English and another language for all participating students; or

''(E) serves a school district with a large percentage or number of limited English proficient students.'';

(2) by striking paragraphs (2) and (3); and

(3) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

SEC. 708. REPEAL OF INTENSIFIED INSTRUCTION.

Section 7117 (20 U.S.C. 7427) is repealed.

SEC. 709. REPEAL OF SUBGRANTS, PRIORITY, AND COORDINATION PROVISIONS.

Sections 7119 through 7121 (20 U.S.C. 7429–7431) are repealed.

SEC. 710. EVALUATIONS.

Section 7123 (20 U.S.C. 7433) is amended to read as follows:

"SEC. 7123. EVALUATIONS.

''(a) EVALUATION.—Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report concerning the evaluation, in the form prescribed by the Secretary.

''(b) USE OF EVALUATION.—Such evaluation shall be used by the grant recipient—

''(1) for program improvement;

''(2) to further define the program's goals and objectives; and

''(3) to determine program effectiveness.

''(c) EVALUATION REPORT COMPONENTS.—In preparing the evaluation reports, the recipient shall—

''(1) use the data provided in the application submitted by the recipient under section 7116 as baseline data against which to report academic achievement and gains in English proficiency for students in the program;

''(2) disaggregate the results of the evaluation by gender, language groups, and whether the students have disabilities;

''(3) include data on the progress of the recipient in achieving the objectives of the program, including data demonstrating the extent to which students served by the program are meeting the State's student performance standards, and including data comparing limited English proficient students with English proficient students with regard to school retention and academic achievement in—

''(A) reading and language arts;

''(B) English proficiency;

''(C) mathematics; and

''(D) the native language of the students if the program develops native language proficiency;

''(4) include information on the extent that professional development activities carried out through the program have resulted in improved classroom practices and improved student performance;

''(5) include a description of how the activities carried out through the program are coordinated and integrated with the other Federal, State, or local programs serving limited English proficient children and youth; and

''(6) include such other information as the Secretary may require.''.

SEC. 711. RESEARCH.

Section 7132(c)(1) (20 U.S.C. 7452(c)(1)) is amended by striking ''under subpart 1 or 2'' and inserting ''under subpart 1 or 3 or this subpart''.

SEC. 712. ACADEMIC EXCELLENCE AWARDS.

Section 7133 (20 U.S.C. 7453) is amended to read as follows:

"SEC. 7133. ACADEMIC EXCELLENCE AWARDS.

''(a) AUTHORITY.—The Secretary may make grants to State educational agencies to assist the agencies in recognizing local educational agencies and other public and nonprofit entities whose programs have—

''(1) demonstrated significant progress in assisting limited English proficient students to learn English according to age appropriate and developmentally appropriate standards; and

''(2) demonstrated significant progress in assisting limited English proficient children and youth to meet, according to age appropriate and developmentally appropriate standards, the same challenging State content standards as all children and youth are expected to meet.

''(b) APPLICATIONS.—A State educational agency desiring a grant under this section shall include an application for such grant in the application submitted by the agency under section 7134(e).''.

SEC. 713. STATE GRANT PROGRAM.

(a) GRANT AMOUNT.—Section 7134(b) (20 U.S.C. 7454(b)) is amended by striking ''$100,000'' and inserting ''$200,000''.

(b) USE OF FUNDS.—Section 7134(c) (20 U.S.C. 7454(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''for programs authorized by this section'';

(B) by striking subparagraph (A) and inserting the following:

''(A) assist local educational agencies in the State with activities that—

''(i) consist of program design, capacity building, assessment of student performance, program evaluation, and development of data collection and accountability systems for limited English proficient students; and

''(ii) are aligned with State reform efforts; and''; and

(C) in subparagraph (B), by striking ''populations and'' and all that follows and inserting ''populations and document the services available to all such populations.'';

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 714. NATIONAL CLEARINGHOUSE.

Section 7135(b) (20 U.S.C. 7455(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4)—

(A) by striking ''described in part A of title XIII''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) publish, on an annual basis, a list of grant recipients under this title.''.

SEC. 715. INSTRUCTIONAL MATERIALS DEVELOPMENT.

Section 7136 (20 U.S.C. 7456) is amended, in the first sentence, by striking the period and inserting '', and in other low-incidence languages in the United States for which instructional materials are not readily available.''.

SEC. 716. TRAINING FOR ALL TEACHERS PROGRAM.

Section 7142 (20 U.S.C. 7472) is amended by striking subsections (b) and (c) and inserting the following:

''(b) AUTHORIZATION.—

''(1) AUTHORITY.—The Secretary may award grants under this section to—

''(A) local educational agencies; or

''(B) 1 or more local educational agencies in a consortium with 1 or more State educational agencies, institutions of higher education, or nonprofit organizations.

''(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 5 years.

''(c) AUTHORIZED ACTIVITIES.—

''(1) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Grants awarded under this section shall be used to conduct high-quality, long-term professional development activities relating to meeting the needs of limited English proficient students, which may include—

''(A) developing and implementing induction programs for new teachers, including programs that provide mentoring and coaching by trained teachers, and team teaching with experienced teachers;

''(B) implementing school-based collaborative efforts among teachers to improve instruction in core academic areas, including reading, for students with limited English proficiency;

''(C) coordinating activities with other programs, such as programs carried out under titles I and II and the Head Start Act;

''(D) implementing programs that support effective teacher use of education technologies to improve instruction and assessment;

''(E) establishing and maintaining local professional networks;

''(F) developing curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served; and

''(G) carrying out such other activities as are consistent with the purpose of this section.

''(2) PERMISSIBLE ACTIVITIES.—Activities conducted under this section may include the development of training programs in collaboration with other programs, such as programs authorized under titles I and II, and under the Head Start Act.''.

SEC. 717. GRADUATE FELLOWSHIPS.

Section 7145(a) (20 U.S.C. 7475(a)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 718. REPEAL OF PROGRAM REQUIREMENTS.

Section 7147 (20 U.S.C. 7477) is repealed.

SEC. 719. PROGRAM EVALUATIONS.

Section 7149 (20 U.S.C. 7479) is amended to read as follows:

"SEC. 7149. PROGRAM EVALUATIONS.

''Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report containing the evaluation. Such report shall include information on—

''(1) the number of participants served through the program, the number of participants who completed program requirements, and the number of participants who took positions in an instructional setting with limited English proficient students;

''(2) the effectiveness of the program in imparting the professional skills necessary for participants to achieve the objectives of the program; and

''(3) the teaching effectiveness of graduates of the program or other participants who have completed the program.''.

SEC. 720. SPECIAL RULE.

Section 7161 (20 U.S.C. 7491) is amended by striking ''Improving America's Schools Act of 1994'' and inserting ''Educational Opportunities Act''.

SEC. 721. REPEAL OF FINDING RELATING TO FOREIGN LANGUAGE ASSISTANCE.

Section 7202 (20 U.S.C. 7512) is repealed.

SEC. 722. FOREIGN LANGUAGE ASSISTANCE APPLICATIONS.

Section 7204(b) (20 U.S.C. 7514(b)) is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(4) make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study;

''(5) promote innovative activities such as foreign language immersion, partial foreign language immersion, or content-based instruction; and

''(6) are carried out through a consortium comprised of the agency receiving the grant and an elementary school or secondary school.''.

SEC. 723. EMERGENCY IMMIGRANT EDUCATION PURPOSE.

Section 7301 (20 U.S.C. 7541) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 7301. PURPOSE.";

(2) by striking subsection (a); and

(3) in subsection (b), by striking ''(b) PURPOSE.—''.

SEC. 724. EMERGENCY IMMIGRANT EDUCATION STATE ADMINISTRATIVE COSTS.

Section 7302 (20 U.S.C. 7542) is amended by inserting after ''percent'' the following: ''(2 percent if the State educational agency distributes funds received under this part to local educational agencies on a competitive basis)''.

SEC. 725. CONFORMING AMENDMENTS.

(a) STATE ALLOCATIONS.—Section 7304(a) (20 U.S.C. 7544(a)) is amended by striking ''7301(b)'' and inserting ''7301''.

(b) REPORTS.—Section 7308(b) (20 U.S.C. 7548(b)) is amended by striking ''14701'' and inserting ''10201''.

SEC. 726. EMERGENCY IMMIGRANT EDUCATION AUTHORIZATION OF APPROPRIATIONS.

Section 7309 (20 U.S.C. 7549) is amended by striking ''$100,000,000 for fiscal year 1995'' and inserting ''$200,000,000 for fiscal year 2001''.

SEC. 727. COORDINATION AND REPORTING REQUIREMENTS.

Section 7405(d) (20 U.S.C. 7575(d)) is amended by striking ''Committee on Labor and Human Resources of the Senate and to the Committee on Education and Labor'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and the Workforce''.

TITLE VIII—IMPACT AID

SEC. 801. SHORT TITLE.

Title VIII (20 U.S.C. 7701 et seq.) is amended by inserting before section 8001 (20 U.S.C. 7701) the following:

"SEC. 8000. SHORT TITLE.

''This title may be cited as the 'Impact Aid Act'.''.

SEC. 802. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended—

(1) in paragraph (4), by inserting ''or'' after the semicolon;

(2) by striking paragraph (5); and

(3) by redesignating paragraph (6) as paragraph (5).

SEC. 803. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702) is amended—

(1) in the matter preceding paragraph (1) of subsection (a), by striking ''1999'' and inserting ''2005'';

(2) in subsection (b)(1)—

(A) in subparagraph (B), by striking ''ratably reduce the payment to each eligible local educational agency'' and inserting ''calculate the payment for each eligible local educational agency in accordance with subsection (h)''; and

(B) in subparagraph (C), by inserting ''or this section, whichever is greater'' before the period;

(3) by amending subsection (h) to read as follows:

''(h) DISTRIBUTION OF FUNDS WHEN THERE ARE INSUFFICIENT APPROPRIATIONS.—If the amount appropriated under section 8014(a) is insufficient to pay the full amount determined under subsection (b) for all local educational agencies for a fiscal year, then the Secretary shall calculate the payments the local educational agencies receive under this section for the fiscal year as follows:

''(1) FOUNDATION PAYMENTS FOR PRE-1995 RECIPIENTS.—First, the Secretary shall make a foundation payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year and was eligible to receive a payment under section 2 of Public Law 81–874 for any of the fiscal years 1989 through 1994. The Secretary shall make the payment by multiplying 37 percent by the payment the local educational agency was entitled to receive under such section 2 for fiscal year 1994 (or if the local educational agency did not receive a payment for fiscal year 1994, the payment that local educational agency was entitled to receive under such section 2 for the most recent fiscal year preceding 1994). If the funds appropriated under section 8014(a) for the fiscal year are insufficient to fully fund the foundation payments under this paragraph for the fiscal year, then the Secretary shall ratably reduce the foundation payments to each local educational agency under this paragraph.

''(2) PAYMENTS FOR 1995 RECIPIENTS.—From any funds remaining after making payments under paragraph (1) for the fiscal year for which the calculation is made that are the result of the calculation described in subparagraph (A), the Secretary shall make a payment to each local educational agency that received a payment under this section for fiscal year 1995 in accordance with the following rules:

''(A) Calculate the difference between the amount appropriated to carry out this section for fiscal year 1995 and the total amount of foundation payments made under paragraph (1) for the fiscal year for which the calculation is made.

''(B) Determine the percentage share for each local educational agency that received a payment under this section for fiscal year 1995 by dividing the assessed value of the Federal property of the local educational agency for fiscal year 1995, determined in accordance with subsection (b)(3), by the total national assessed value of the Federal property of all such local educational agencies for fiscal year 1995, as so determined.

''(C) Multiply the percentage share described in subparagraph (B) for the local educational agency by the amount determined under subparagraph (A).

''(3) SUBSECTION (i) RECIPIENTS.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year for which the calculation is made, the Secretary shall make payments in accordance with subsection (i).

''(4) REMAINING FUNDS.—From any funds remaining after making payments under paragraphs (1), (2), and (3) for the fiscal year for which the calculation is made—

''(A) the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) for the fiscal year for which the calculation is made in an amount that bears the same relation to 25 percent of the remainder as the amount the local educational agency received under paragraph (1) for the fiscal year for which the calculation is made bears to the amount all local educational agencies received under paragraph (1) for the fiscal year for which the calculation is made; and

''(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year for which the calculation is made in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (in the same manner as percentage shares are determined for local educational agencies under paragraph (2)(B)) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year for which the calculation is made, except that for the purpose of calculating a local educational agency's assessed value of the Federal property, data from the most current fiscal year shall be used.'';

(4) in subsection (i)—

(A) in the subsection heading, by striking ''PRIORITY'' and inserting ''SPECIAL''; and

(B) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—For any fiscal year beginning with fiscal year 2000 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996 and for which subsection (b)(1)(B) applies, the Secretary shall use the remainder described in subsection (h)(3) for the fiscal year for which the calculation is made (not to exceed the amount equal to the difference between (A) the amount appropriated to carry out this section for fiscal year 1997 and (B) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2).'';

(5) in subsection (j)—

(A) in paragraph (2)—

(i) by striking ''(A) A local'' and inserting ''A local''; and

(ii) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking the semicolon and inserting a period; and

(II) by striking ''(A) The maximum'' and inserting ''The maximum''; and

(ii) by striking subparagraphs (B) and (C); and

(6) by adding at the end the following:

''(l) DATA; PRELIMINARY AND FINAL PAYMENTS.—The Secretary shall—

''(1) require any local educational agency that applied for a payment under subsection (b) for a fiscal year to submit expeditiously such data as may be necessary in order to compute the payment;

''(2) as soon as possible after the beginning of any fiscal year, but not later than 60 days after the date of enactment of an Act making appropriations to carry out this title for the fiscal year, provide a preliminary payment under subsection (b) for any local educational agency that applied for a payment under subsection (b) for the fiscal year, that has submitted the data described in paragraph (1), and that was eligible for such a payment for the preceding fiscal year, in the amount of 60 percent of the payment for the previous year; and

''(3) make every effort to provide a final payment under subsection (b) for any eligible local educational agency not later than 12 months after the application deadline established under section 8005(c).

''(m) ELIGIBILITY.—

''(1) OLD FEDERAL PROPERTY.—Except as provided in paragraph (2), a local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government before the date of enactment of the Educational Opportunities Act shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 5 years after the date of enactment.

''(2) COMBINED FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government before the date of enactment of the Educational Opportunities Act shall be eligible to receive the payment if—

''(A) the Federal property, when combined with other Federal property in the school district served by the local educational agency acquired by the Federal Government after the date of enactment, meets the requirements of subsection (a); and

''(B) the local educational agency submits an application for a payment under this section not later than 5 years after the date of acquisition of the Federal property acquired after the date of enactment.

''(3) NEW FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government after the date of enactment of the Educational Opportunities Act shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 5 years after the date of acquisition.''.

SEC. 804. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) GENERAL AMENDMENTS.—Section 8003 (20 U.S.C. 7703) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by redesignating subparagraph (E) as subparagraph (F);

(ii) in subparagraph (D), by striking ''subparagraphs (D) and (E) of paragraph (1) by a factor of .10'' and inserting ''subparagraph (D) of paragraph (1) by a factor of .25''; and

(iii) by inserting after subparagraph (D) the following:

''(E) Multiply the number of children described in subparagraph (E) of paragraph (1) by a factor of .10.'';

(B) in paragraph (4)—

(i) in the paragraph heading, by striking ''UNDERGOING RENOVATION'' and inserting ''UNDERGOING RENOVATION OR REBUILDING'';

(ii) by striking ''For purposes'' and inserting the following:

''(A) IN GENERAL.—For purposes'';

(iii) in subparagraph (A) (as designated by subparagraph (B)), by inserting ''or rebuilding'' after ''undergoing renovation''; and

(iv) by adding at the end the following:

''(B) LIMITATIONS.—(i)(I) Except as provided in subclause (II), children described in paragraph (1)(D)(i) may be deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A) for a period not to exceed 2 fiscal years.

''(II) If the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that the expected completion date of the renovation or rebuilding of the housing has been delayed by not less than 1 year, then—

''(aa) in the case of a determination made by the Secretary in the 1st fiscal year described in subclause (I), the time period described in such subclause shall be extended by the Secretary for an additional 2 years; and

''(bb) in the case of a determination made by the Secretary in the 2nd fiscal year described in subclause (I), the time period described such subclause shall be extended by the Secretary for an additional 1 year.

''(ii) The number of children described in paragraph (1)(D)(i) who are deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation or rebuilding.''; and

(C) by adding at the end the following:

''(5) MILITARY 'BUILD TO LEASE' PROGRAM HOUSING.—

''(A) IN GENERAL.—For purposes of computing the amount of payment for a local educational agency for children identified under paragraph (1), the Secretary shall consider children residing in housing initially acquired or constructed under the former section 2828(g) of title 10, United States Code (commonly known as the 'Build to Lease' program), as added by section 801 of the Military Construction Authorization Act, 1984, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated.

''(B) ADDITIONAL REQUIREMENTS.—If the property described in subparagraph (A) is not owned by the Federal Government, is subject to taxation by a State or political subdivision of a State, and thereby generates revenues for a local educational agency that is applying to receive a payment under this section, then the Secretary—

''(i) shall require the local educational agency to provide certification from an appropriate official of the Department of Defense that the property is being used to provide military housing; and

''(ii) shall reduce the amount of the payment under this section by an amount equal to the amount of revenue from such taxation received in the second preceding fiscal year by such local educational agency, unless the amount of such revenue was taken into account by the State for such second preceding fiscal year and already resulted in a reduction in the amount of State aid paid to such local educational agency.'';

(2) in subsection (b)(1), by adding at the end the following:

''(D) DATA.—If satisfactory data from the third preceding fiscal year are not available for any of the expenditures described in clause (i) or (ii) of subparagraph (C), the Secretary shall use data from the most recent fiscal year for which data that are satisfactory to the Secretary are available.'';

(3) in subsection (d)(2), by striking ''a free appropriate public education'' and inserting ''services'';

(4) by amending subsection (e) to read as follows:

''(e) HOLD HARMLESS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the total amount the Secretary shall pay a local educational agency under this section for fiscal year 2001 and each succeeding fiscal year shall not be less than—

''(A) the result obtained by dividing the amount received by the local educational agency under this subsection for fiscal year 2000 by the total weighted student units calculated for the local educational agency under subsection (a)(2) for fiscal year 2000; multiplied by

''(B) the total weighted student units calculated for the local educational agency under subsection (a)(2) (as such subsection was in effect on the day preceding the date of enactment of the Educational Opportunities Act) for the fiscal year for which the determination is made.

''(2) RATABLE REDUCTIONS.—

''(A) IN GENERAL.—If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) for such year, then the Secretary shall ratably reduce the payments to all such agencies for such year.

''(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.'';

(5) by striking subsections (f) and (g); and

(6) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(b) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—Section 8003(b) (20 U.S.C. 7703(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

''(A) IN GENERAL.—(i) From the amount appropriated under section 8014(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible heavily impacted local educational agencies with children described in subsection (a).

''(ii) A local educational agency that receives a basic support payment under this paragraph for a fiscal year shall not be eligible to receive a basic support payment under paragraph (1) for that fiscal year.

''(B) ELIGIBILITY FOR CONTINUING HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

''(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

(I) received an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Educational Opportunities Act) for fiscal year 2000; and

''(II)(aa) is a local educational agency whose boundaries are the same as a Federal military installation;

''(bb) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 35 percent, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement, and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State;

''(cc) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 30 percent, and has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for local educational agencies in the State;

''(dd) has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

''(ee) meets the requirements of subsection (f)(2) applying the data requirements of subsection (f)(4) (as such subsections were in effect on the day before the date of the enactment of the Educational Opportunities Act).

''(ii) LOSS OF ELIGIBILITY.—A heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

''(iii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

''(C) ELIGIBILITY FOR NEW HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

''(i) IN GENERAL.—A heavily impacted local educational agency that did not receive an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Educational Opportunities Act) for fiscal year 2000 is eligible to receive a basic support payment under subparagraph (A) for fiscal year 2002 and any subsequent fiscal year with respect to a number of children determined under subsection (a)(1) only if the agency is a local educational agency whose boundaries are the same as a Federal military installation, or the agency—

''(I) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that—

''(aa) is not less than 50 percent if such agency receives a payment on behalf of children described in subparagraphs (F) and (G) of such subsection; or

''(bb) is not less than 40 percent if such agency does not receive a payment on behalf of such children;

''(II)(aa) for a local educational agency that has a total student enrollment of 350 or more students, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

''(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local educational agency in the State in which the agency is located, as defined in regulations promulgated by the Secretary; and

''(III) has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State.

''(ii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency is a local educational agency whose boundaries are the same as a Federal military installation, or meets the requirements of clause (i), for that subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

''(iii) APPLICATION.—With respect to the first fiscal year for which a heavily impacted local educational agency described in clause (i) applies for a basic support payment under subparagraph (A), or with respect to the first fiscal year for which a heavily impacted local educational agency applies for a basic support payment under subparagraph (A) after becoming ineligible under clause (i) for 1 or more preceding fiscal years, the agency shall apply for such payment at least 1 year prior to the start of that first fiscal year.

''(D) MAXIMUM AMOUNT FOR REGULAR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i) Except as provided in subparagraph (E), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

''(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

''(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

''(ii)(I) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), the Secretary shall calculate the weighted student units of such children for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 0.55.

''(II) For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

''(III) For a local educational agency that has an enrollment of more than 100 but not more than 750 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

''(iii) Notwithstanding subsection (a)(3), the Secretary shall compute the payment for a heavily impacted local educational agency under this subparagraph for all children described in subsection (a)(1) that are served by the agency.

''(E) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i)(I) Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

''(II) A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

''(ii) For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

''(F) DATA.—For purposes of providing assistance under this paragraph the Secretary shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.''.

(c) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—Section 8003(b)(3) (20 U.S.C. 7703(b)(3)) (as so redesignated) is amended—

(1) in subparagraph (A), by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)'';

(2) in subparagraph (B)—

(A) in the heading, by inserting after ''PAYMENTS'' the following: ''IN LIEU OF PAYMENTS UNDER PARAGRAPH (1)''; and

(B) in clause (i)—

(i) in the matter preceding subclause (I), by inserting before ''by multiplying'' the following: ''in lieu of basic support payments under paragraph (1)''; and

(ii) in subclause (II), by striking ''(not including amounts received under subsection (f))'';

(3) by redesignating subparagraph (C) as subparagraph (D);

(4) by inserting after subparagraph (B) the following:

''(C) LEARNING OPPORTUNITY THRESHOLD PAYMENTS IN LIEU OF PAYMENTS UNDER PARAGRAPH (2).—For fiscal years described in subparagraph (A), the learning opportunity threshold payment in lieu of basic support payments under paragraph (2) shall be equal to the amount obtained under subparagraph (D) or (E) of paragraph (2), as the case may be.''; and

(5) in subparagraph (D) (as so redesignated), by striking ''computation made under subparagraph (B)'' and inserting ''computations made under subparagraphs (B) and (C)''.

(d) CONFORMING AMENDMENTS.—Section 8003 (20 U.S.C. 7703) is amended—

(1) in the matter preceding subparagraph (A) of subsection (a)(1), by striking ''subsection (b), (d), or (f)'' and inserting ''subsection (b) or (d)'';

(2) in subsection (b)—

(A) in paragraph (1)(C), in the matter preceding clause (i), by striking ''this subsection'' and inserting ''this paragraph''; and

(B) in paragraph (4) (as so redesignated)—

(i) in subparagraph (A), by striking ''paragraphs (1)(B), (1)(C), and (2) of this subsection'' and inserting ''subparagraphs (B) and (C) of paragraph (1) or subparagraphs (B) through (D) of paragraph (2), as the case may be, paragraph (3) of this subsection''; and

(ii) in subparagraph (B)—

(I) by inserting after ''paragraph (1)(C)'' the following: ''or subparagraph (D) or (E) of paragraph (2), as the case may be,''; and

(II) by striking ''paragraph (2)(B)'' and inserting ''subparagraph (B) or (C) of paragraph (3), as the case may be,'';

(3) in subsection (c)(1), by striking ''paragraph (2) and subsection (f)'' and inserting ''subsections (b)(1)(D), (b)(2), and paragraph (2)''; and

(4) in subsection (h), by striking ''section 6'' and all that follows through ''1994)'' and inserting ''section 386 of the National Defense Authorization Act for Fiscal Year 1993''.

(e) EFFECTIVE DATE.—The time limits imposed by the amendments made by subsection (a)(1)(B)(iv) shall apply with respect to payments made to a local educational agency for fiscal years beginning on or after the date of the enactment of this Act.

SEC. 805. SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.

Section 8006 (20 U.S.C. 7706) is repealed.

SEC. 806. SCHOOL CONSTRUCTION AND FACILITY MODERNIZATION.

(a) SCHOOL CONSTRUCTION.—Section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) is amended to read as follows:

''SEC. 8007. SCHOOL CONSTRUCTION.

''(a) PAYMENTS AUTHORIZED FOR SCHOOL CONSTRUCTION.—From 20 percent of the amount appropriated for each fiscal year under section 8014(d), the Secretary shall make payments to each local educational agency—

''(1) that receives a basic payment under section 8003(b); and

''(2)(A) in which the number of children determined under section 8003(a)(1)(C) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year;

''(B) in which the number of children determined under subparagraphs (B) and (D)(i) of section 8003(a)(1) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made; or

''(C) that receives assistance under section 8003(b)(2) for the fiscal year preceding the school year for which the determination is made.

''(b) AMOUNT OF PAYMENTS.—The amount of a payment to each such agency for a fiscal year shall be equal to—

''(1) the amount made available under subsection (a) for the fiscal year; divided by

''(2) the remainder of—

''(A) the number of children determined under section 8003(a)(2) for all local educational agencies described in subsection (a) for the fiscal year; minus

''(B) the number of children attending a school facility described in section 8008(a) for which the Secretary provided assistance under section 8008(a) for the previous fiscal year; multiplied by

''(3) the sum of the number of children described in paragraph (2) determined for such agency for the fiscal year.

''(c) USE OF FUNDS.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 8013(3).''.

(b) SCHOOL FACILITY MODERNIZATION.—Title VIII of such Act (20 U.S.C. 7701 et seq.) is amended by inserting after section 8007 (20 U.S.C. 7707) the following:

''SEC. 8007A. SCHOOL FACILITY MODERNIZATION.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—From 80 percent of the amount appropriated for each fiscal year under section 8014(d), the Secretary shall award grants to eligible local educational agencies to enable the local educational agencies to carry out modernization of school facilities.

''(2) ALLOCATION AMONG ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The Secretary shall allocate—

''(A) 45 percent of the amount made available under paragraph (1) for each fiscal year for grants to local educational agencies described in clause (i) or (ii) of subsection (b)(2)(A);

''(B) 45 percent of such amount for grants to local educational agencies described in subsection (b)(2)(B); and

''(C) 10 percent of such amount for grants to local educational agencies described in subsection (b)(2)(C).

''(3) SPECIAL RULE.—A local educational agency described in subsection (b)(2)(B) may use grant funds made available under this section for a school facility located on or near Federal property only if the school facility is located at a school where not less than 50 percent of the children in average daily attendance in the school for the preceding school year are children for which a determination is made under section 8003(a)(1).

''(b) ELIGIBILITY REQUIREMENTS.—A local educational agency is eligible to receive funds under this section only if—

''(1) such agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, such agency's fiscal agent) has no capacity to issue bonds or is at such agency's limit in bonded indebtedness for the purposes of generating funds for capital expenditures, except that a local educational agency that is eligible to receive funds under section 8003(b)(2) shall be deemed to have met the requirements of this paragraph; and

''(2)(A)(i) such agency received assistance under section 8002(a) and has an assessed value of taxable property per student in the school district that is less than the average of the assessed value of taxable property per student in the State in which the local educational agency is located; or

''(ii) had an enrollment of children determined under section 8003(a)(1)(C) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made;

''(B) such agency received assistance under section 8003(b) and had an enrollment of children determined under subparagraphs (A), (B), and (D) of section 8003(a)(1) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made; or

''(C) such agency had an enrollment of children determined under section 8003(a)(1)(C) which constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made, and has a school facility emergency, as determined by the Secretary, that poses a health or safety hazard to the students and school personnel assigned to the school facility.

''(c) AWARD CRITERIA.—In awarding grants under this section the Secretary shall consider 1 or more of the following factors:

''(1) The extent to which the local educational agency lacks the fiscal capacity to undertake the modernization project without Federal assistance.

''(2) The extent to which property in the local educational agency is nontaxable due to the presence of the Federal Government.

''(3) The extent to which the local educational agency serves high numbers or percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1).

''(4) The need for modernization to meet—

''(A) the threat that the condition of the school facility poses to the safety and well-being of students;

''(B) overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment; and

''(C) facility needs resulting from actions of the Federal Government.

''(5) The age of the school facility to be modernized.

''(d) OTHER AWARD PROVISIONS.—

''(1) AMOUNT CONSIDERATION.—In determining the amount of a grant awarded under this section, the Secretary shall consider the cost of the modernization and the ability of the local educational agency to produce sufficient funds to carry out the activities for which assistance is sought.

''(2) FEDERAL SHARE.—The Federal funds provided to a local educational agency under this section shall not exceed 50 percent of the total cost of the project to be assisted under this section. A local educational agency may use in-kind contributions to meet the matching requirement of the preceding sentence.

''(3) MAXIMUM GRANT.—A local educational agency may not receive a grant under this section in an amount that exceeds $3,000,000 during any 5-year period.

''(e) APPLICATIONS.—A local educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain—

''(1) documentation of the agency's lack of bonding capacity;

''(2) a listing of the school facilities to be modernized, including the number and percentage of children determined under section 8003(a)(1) in average daily attendance in each school facility;

''(3) a description of the ownership of the property on which the current school facility is located or on which the planned school facility will be located;

''(4) a description of any school facility deficiency that poses a health or safety hazard to the occupants of the school facility and a description of how that deficiency will be repaired;

''(5) a description of the modernization to be supported with funds provided under this section;

''(6) a cost estimate of the proposed modernization; and

''(7) such other information and assurances as the Secretary may reasonably require.

''(f) EMERGENCY GRANTS.—

''(1) APPLICATIONS.—Each local educational agency described in subsection (b)(2)(C) that desires a grant under this section shall include in the application submitted under subsection (e) a signed statement from an appropriate State official certifying that a health or safety deficiency exists.

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraphs (2) and (3) of subsection (d) shall not apply to grants under this section awarded to local educational agencies described in subsection (b)(2)(C).

''(3) SPECIAL RULES.—The Secretary shall make every effort to meet fully the school facility needs of local educational agencies described in subsection (b)(2)(C).

''(4) PRIORITY.—If the Secretary receives more than 1 application from local educational agencies described in subsection (b)(2)(C) for grants under this section for any fiscal year, the Secretary shall give priority to local educational agencies based on when an application was received and the severity of the emergency as determined by the Secretary.

''(5) CONSIDERATION FOR FOLLOWING YEAR.—A local educational agency described in subsection (b)(2)(C) that applies for a grant under this section for any fiscal year and does not receive the grant shall have the application for the grant considered for the following fiscal year, subject to the priority described in paragraph (4).

''(g) GENERAL LIMITATIONS.—

''(1) REAL PROPERTY.—No part of any grant funds awarded under this section shall be used for the acquisition of any interest in real property.

''(2) MAINTENANCE.—Nothing in this section shall be construed to authorize the payment of maintenance costs in connection with any school facilities modernized in whole or in part with Federal funds provided under this section.

''(3) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this section shall comply with all relevant Federal, State, and local environmental laws and regulations.

''(4) ATHLETIC AND SIMILAR SCHOOL FACILITIES.—No Federal funds received under this section shall be used for outdoor stadiums or other school facilities that are primarily used for athletic contests or exhibitions, or other events, for which admission is charged to the general public.

''(h) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this section only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the modernization of school facilities used for educational purposes, and not to supplant such funds.''.

SEC. 807. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

Section 8009 (20 U.S.C. 7709) is amended—

(1) in subsection (a)(1), by striking ''or under'' and all that follows through ''of 1994)'';

(2) by amending subsection (b)(1) to read as follows:

''(1) IN GENERAL.—A State may reduce State aid to a local educational agency that receives a payment under section 8002 or 8003(b) (except the amount calculated in excess of 1.0 under section 8003(a)(2)(B)) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that the State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in the State.''; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter proceeding subparagraph (A), by striking ''or under'' and all that follows through ''of 1994)''; and

(ii) in subparagraph (B), by striking ''or under'' and all that follows through ''of 1994)''; and

(B) in paragraph (2), by striking ''or under'' and all that follows through ''of 1994)''.

SEC. 808. FEDERAL ADMINISTRATION.

Section 8010(c) (20 U.S.C. 7710(c)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) in paragraph (1) (as so redesignated), by striking ''paragraph (3)'' each place the term appears and inserting ''paragraph (2)''; and

(4) in paragraph (2) (as so redesignated)—

(A) in subparagraph (D), by striking ''section 5(d)(2)'' and all that follows through ''of 1994) or''; and

(B) in subparagraph (E)—

(i) by striking ''1994'' and inserting ''1999'';

(ii) by striking ''(or such section's predecessor authority)''; and

(iii) by striking ''paragraph (2)'' and inserting ''paragraph (1)''.

SEC. 809. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

Section 8011(a) (20 U.S.C. 7711(a)) is amended—

(1) by striking ''the Act'' and all that follows through ''of 1994)'' and inserting ''this title's predecessor authorities''; and

(2) by inserting before the period '', if a request for such hearing is submitted to the Secretary by the affected local educational agency or State educational agency not later than 60 days after receiving notice that such action has occurred''.

SEC. 810. FORGIVENESS OF OVERPAYMENTS.

The matter preceding paragraph (1) of section 8012 (20 U.S.C. 7712) is amended by striking ''under the Act'' and all that follows through ''of 1994)'' and inserting ''under this title's predecessor authorities''.

SEC. 811. APPLICABILITY.

Title VIII is amended by inserting after section 8012 (20 U.S.C. 7712) the following:

''SEC. 8012A. APPLICABILITY TO THIS TITLE.

''Part B of title IV, parts D, E, and F of title VI, and part A of title X, shall not apply to this title.''.

SEC. 812. DEFINITIONS.

Section 8013 (20 U.S.C. 7713) is amended—

(1) in the first sentence of paragraph (4), by striking ''title VI'' and inserting ''part A of title VI'';

(2) in paragraph (5)—

(A) in subparagraph (A)(iii)—

(i) in subclause (I)—

(I) by striking ''low-rent'' and inserting ''low-income''; and

(II) by striking ''or'' after the semicolon; and

(ii) by adding at the end the following:

''(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996; or''; and

(B) in subparagraph (F)(i), by striking ''the mutual'' and all that follows through ''1937'' and inserting ''or authorized by the Native American Housing Assistance and Self-Determination Act of 1996'';

(3) in paragraph (8)(B), by striking ''all States'' and inserting ''the 50 States and the District of Columbia'';

(4) in paragraph (9)(B)(i), by striking ''or the Act'' and all that follows through ''of 1994)'' and inserting ''(or under this title's predecessor authorities)'';

(5) by redesignating paragraphs (11) and (12) as paragraphs (12) and (13), respectively;

(6) by inserting after paragraph (10) the following:

''(11) MODERNIZATION.—The term 'modernization' means repair, renovation, alteration, or construction, including—

''(A) the concurrent installation of equipment; and

''(B) the complete or partial replacement of an existing school facility, but only if such replacement is less expensive and more cost-effective than repair, renovation, or alteration of the school facility.''; and

(7) by amending paragraph (13) (as so redesignated) to read as follows:

''(13) SCHOOL FACILITY.—The term 'school facility' includes—

''(A) a classroom, laboratory, library, media center, or related facility, the primary purpose of which is the instruction of public elementary school or secondary school students; and

''(B) equipment, machinery, and utilities necessary or appropriate for school purposes.''.

SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 8014 (20 U.S.C. 7714) is amended—

(1) in subsection (a), by striking ''$16,750,000 for fiscal year 1995'' and inserting ''$35,000,000 for fiscal year 2001'';

(2) by amending subsection (b) to read as follows:

''(b) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under subsection (b) of section 8003, there are authorized to be appropriated $875,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.'';

(3) in subsection (c), by striking ''$45,000,000 for fiscal year 1995'' and inserting ''$60,000,000 for fiscal year 2001'';

(4) by striking subsection (d);

(5) by redesignating subsections (e), (f) and (g) as subsections (d), (e) and (f), respectively;

(6) in subsection (d) (as so redesignated)—

(A) in the subsection heading by inserting ''AND FACILITY MODERNIZATION'' after ''CONSTRUCTION'';

(B) by striking ''section 8007'' and inserting ''sections 8007 and 8007A''; and

(C) by striking ''$25,000,000 for fiscal year 1995'' and inserting ''$62,500,000 for fiscal year 2001'';

(7) in subsection (e) (as so redesignated), by striking $2,000,000 for fiscal year 1995'' and inserting ''$7,000,000 for fiscal year 2001''; and

(8) in subsection (f) (as so redesignated), by striking ''such sums as are necessary beginning in fiscal year 1998 and for each succeeding fiscal year'' and inserting ''$500,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years''.

(b) CONFORMING AMENDMENTS.—Title VIII (20 U.S.C. 7701 et seq.) is amended—

(1) in section 8002(j)(1) (20 U.S.C. 7702(j)(1)), by striking ''8014(g)'' and inserting ''8014(f)''; and

(2) in section 8008(a) (20 U.S.C. 7708(a)), by striking ''8014(f)'' and inserting ''8014(e)''.

SEC. 814. TECHNICAL AND CONFORMING AMENDMENT.

Section 426 of the General Education Provisions Act (20 U.S.C. 1228) is amended by striking ''subsections (d) and (g) of section 8003'' and inserting ''section 8003(d)''.

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

SEC. 901. PROGRAMS.

Title IX (20 U.S.C. 7801 et seq.) is amended to read as follows:

''TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

''PART A—INDIAN EDUCATION

''SEC. 9101. FINDINGS.

''Congress finds that—

''(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

''(A) are based on high-quality, internationally competitive content standards and student performance standards, and build on Indian culture and the Indian community;

''(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve the standards described in subparagraph (A); and

''(C) meet the unique educational and culturally related academic needs of American Indian and Alaska Native students;

''(2) since the date of enactment of the Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

''(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

''(4) the dropout rate for Indian students is unacceptably high: 9 percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

''(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

''(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

''SEC. 9102. PURPOSE.

''(a) PURPOSE.—The purpose of this part is to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging State performance standards as are expected for all students.

''(b) PROGRAMS.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

''(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

''(2) the education of Indian children and adults;

''(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

''(4) research, evaluation, data collection, and technical assistance.

''Subpart 1—Formula Grants to Local Educational Agencies

''SEC. 9111. PURPOSE.

''The purpose of this subpart is to support local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs—

''(1) are based on challenging State content standards and State student performance standards that are used for all students; and

''(2) are designed to assist Indian students to meet those standards and assist the Nation in reaching the National Education Goals.

''SEC. 9112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) IN GENERAL.—The Secretary may make grants to local educational agencies and Indian tribes in accordance with this section.

''(b) LOCAL EDUCATIONAL AGENCIES.—

''(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children who are eligible under section 9117, and who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

''(A) was at least 10; or

''(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

''(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

''(c) INDIAN TRIBES.—

''(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a parent committee under section 9114(c)(4), an Indian tribe that represents not less than ½ of the eligible Indian children who are served by such local educational agency may apply for such grant by submitting an application in accordance with section 9114.

''(2) SPECIAL RULE.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart, except that any such tribe shall not be subject to section 9114(c)(4) (relating to a parent committee), section 9118(c) (relating to maintenance of effort), or section 9119 (relating to State review of applications).

''SEC. 9113. AMOUNT OF GRANTS.

''(a) AMOUNT OF GRANT AWARDS.—

''(1) IN GENERAL.—Except as provided in subsections (c) and (d), for purposes of making grants under this subpart the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to the product of—

''(A) the number of Indian children who are eligible under section 9117 and served by such agency; and

''(B) the greater of—

''(i) the average per-pupil expenditure of the State in which such agency is located; or

''(ii) 80 percent of the average per-pupil expenditure of all the States.

''(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) or subsection (b) in accordance with subsection (c).

''(b) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—

''(1) IN GENERAL.—In addition to the grants awarded under subsection (a), and subject to paragraph (2), for purposes of making grants under this subpart the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

''(A) the total number of Indian children enrolled in schools that are operated by—

''(i) the Bureau of Indian Affairs; or

''(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of such tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

''(B) the greater of—

''(i) the average per-pupil expenditure of the State in which the school is located; or

''(ii) 80 percent of the average per-pupil expenditure of all the States.

''(2) SPECIAL RULE.—Any school described in paragraph (1) may apply for an allocation under this subpart by submitting an application in accordance with section 9114. The Secretary shall treat the school as if the school were a local educational agency for purposes of this subpart, except that any such school shall not be subject to section 9114(c)(4), 9118(c), or 9119.

''(c) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 9162(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a) and for the Secretary of the Interior under subsection (b), each of those amounts shall be ratably reduced.

''(d) MINIMUM GRANT.—

''(1) IN GENERAL.—Notwithstanding subsection (c), a local educational agency (including an Indian tribe as authorized under section 9112(b)) that is eligible for a grant under section 9112, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (b), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

''(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

''(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grant recipients if the Secretary determines such increase is necessary to ensure quality programs.

''(e) DEFINITION.—In this section, the term 'average per-pupil expenditure', for a State, means an amount equal to—

''(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

''(2) the aggregate number of children who were included in average daily attendance and for whom such agencies provided free public education during such preceding fiscal year.

''SEC. 9114. APPLICATIONS.

''(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

''(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

''(2)(A) is consistent with the State and local plans submitted under other provisions of this Act; and

''(B) includes academic content and student performance goals for such children, and benchmarks for attaining such goals, that are based on the challenging State standards adopted under title I for all children;

''(3) explains how Federal, State, and local programs, especially programs carried out under title I, will meet the needs of such students;

''(4) demonstrates how funds made available under this subpart will be used for activities described in section 9115;

''(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

''(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

''(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

''(6) describes how the local educational agency—

''(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

''(B) will provide the results of each assessment referred to in subparagraph (A) to—

''(i) the committee of parents described in subsection (c)(4); and

''(ii) the community served by the local educational agency; and

''(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

''(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

''(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for the education of Indian children, and not to supplant such funds;

''(2) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

''(A) carry out the functions of the Secretary under this subpart; and

''(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency;

''(3) the program for which assistance is sought—

''(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

''(B) will use the best available talents and resources, including individuals from the Indian community; and

''(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

''(4) the local educational agency developed the program with the participation and written approval of a committee—

''(A) that is composed of, and selected by—

''(i) parents of Indian children in the local educational agency's schools and teachers in the schools; and

''(ii) if appropriate, Indian students attending secondary schools of the agency;

''(B) a majority of whose members are parents of Indian children;

''(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

''(D) with respect to an application describing a schoolwide program carried out in accordance with section 9115(c), that has—

''(i) reviewed in a timely fashion the program; and

''(ii) determined that the program will enhance the availability of culturally related activities for American Indian and Alaska Native students; and

''(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

''SEC. 9115. AUTHORIZED SERVICES AND ACTIVITIES.

''(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 9111, for services and activities that—

''(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 9114;

''(2) are designed with special regard for the language and cultural needs of the Indian students; and

''(3) supplement and enrich the regular school program of such agency.

''(b) PARTICULAR SERVICES AND ACTIVITIES.—The services and activities referred to in subsection (a) may include—

''(1) culturally related activities that support the program described in the application submitted by the local educational agency;

''(2) early childhood and family programs that emphasize school readiness;

''(3) enrichment programs that focus on problem-solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

''(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

''(5) career preparation activities to enable Indian students to participate in programs such as the programs supported by Public Law 103–239 and Public Law 88–210, including programs for tech-prep, mentoring, and apprenticeship activities;

''(6) activities to educate individuals concerning substance abuse and to prevent substance abuse;

''(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose described in section 9111;

''(8) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

''(9) activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State standards, into the curriculum used by the local educational agency;

''(10) activities to promote coordination and collaboration between tribal, Federal, and State public schools in areas that will improve American Indian and Alaska Native student achievement; and

''(11) family literacy services.

''(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local

educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

''(1) the committee composed of parents established pursuant to section 9114(c)(4) approves the use of the funds for the schoolwide program; and

''(2) the schoolwide program is consistent with the purpose described in section 9111.

''(d) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to a local educational agency through a grant made under this subpart for a fiscal year may be used to pay for administrative costs.

''SEC. 9116. INTEGRATION OF SERVICES AUTHORIZED.

''(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary for a demonstration project for the integration of education and related services provided to Indian students.

''(b) CONSOLIDATION OF PROGRAMS.—Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the applicant, shall authorize the applicant to consolidate, in accordance with such plan, the federally funded education and related services programs of the applicant and the agencies, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

''(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (b) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved exclusively to serve Indian children under any program, for which the applicant is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services for Indian students.

''(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), the plan shall—

''(1) identify the programs or funding sources to be consolidated;

''(2) be consistent with the objectives of this section authorizing the program services to be integrated in a demonstration project;

''(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this subpart;

''(4) describe the way in which the services are to be integrated and delivered and the results expected from the plan;

''(5) identify the projected expenditures under the plan in a single budget;

''(6) identify the State, tribal, or local agencies to be involved in the delivery of the services integrated under the plan;

''(7) identify any statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement the plan;

''(8) set forth measures of student achievement and performance goals designed to be met within a specified period of time for activities provided under the plan; and

''(9) be approved by a parent committee formed in accordance with section 9114(c)(4), if such a committee exists, in consultation with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate.

''(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the head of each Federal agency providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal regulations, policies, or procedures necessary to enable the applicant to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected agency shall have the authority to waive, for the applicant, any regulation, policy, or procedure promulgated by that agency that has been so identified by the applicant or agency, unless the head of the affected agency determines that such a waiver is inconsistent with the objectives of this subpart or the provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

''(f) PLAN APPROVAL.—Within 90 days after the receipt of an applicant's plan by the Secretary under subsection (a), the Secretary shall inform the applicant, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the applicant shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

''(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—Not later than 180 days after the date of enactment of the Educational Opportunities Act, the Secretary of Education, the Secretary of the Interior, and the head of any other Federal agency identified by the Secretary of Education, shall enter into an interagency memorandum of agreement providing for the implementation of the demonstration projects authorized under this section. The lead agency for a demonstration project authorized under this section shall be—

''(1) the Department of the Interior, in the case of an applicant that is a contract or grant school, as defined in section 1146 of the Education Amendments of 1978; or

''(2) the Department of Education, in the case of any other applicant.

''(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency for a demonstration project shall include—

''(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

''(2) the use of a single report format related to the projected expenditures for the individual project, which shall be used by an eligible entity to report on all project expenditures;

''(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

''(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

''(i) REPORT REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall develop, consistent with the requirements of this section, a single report format for the reports described in subsection (h).

''(2) REPORT INFORMATION.—Such report format shall require that the reports shall—

''(A) contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in the entity's approved plan, including the demonstration of student achievement; and

''(B) provide assurances to the Secretary of Education and the Secretary of the Interior that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

''(3) RECORD INFORMATION.—The Secretary shall require that records maintained at the local level on the programs consolidated for the project shall contain the information and provide the assurances described in paragraph (2).

''(j) NO REDUCTION IN AMOUNTS.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

''(k) INTERAGENCY FUND TRANSFERS AUTHORIZED.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

''(l) ADMINISTRATION OF FUNDS.—

''(1) IN GENERAL.—An eligible entity shall administer the program funds for the consolidated programs in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds that shall be allocated to such program.

''(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

''(m) OVERAGE.—The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program's or agency's regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

''(n) FISCAL ACCOUNTABILITY.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill responsibilities for safeguarding Federal funds pursuant to chapter 75 of title 31, United States Code.

''(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

''(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of the Educational Opportunities Act, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the status of the implementation of the demonstration projects authorized under this section.

''(2) FINAL REPORT.—Not later than 5 years after the date of enactment of the Educational Opportunities Act, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the results of the implementation of the demonstration projects authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.

''(p) DEFINITION.—In this section, the term 'Secretary' means—

''(1) the Secretary of the Interior, in the case of an applicant that is a contract or grant school, as defined in section 1146 of the Education Amendments of 1978; or

''(2) the Secretary of Education, in the case of any other applicant.

''SEC. 9117. STUDENT ELIGIBILITY FORMS.

''(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets

forth information establishing the status of the child as an Indian child eligible for assistance under this subpart, and that otherwise meets the requirements of subsection (b).

''(b) FORMS.—

''(1) IN GENERAL.—The form described in subsection (a) shall include—

''(A) either—

''(i)(I) the name of the tribe or band of Indians (as defined in section 9161(3)) with respect to which the child claims membership;

''(II) the enrollment number establishing the membership of the child (if readily available); and

''(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

''(ii) if the child is not a member of tribe or band of Indians (as so defined), the name, the enrollment number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership rolls, of any parent or grandparent of the child from whom the child claims eligibility under this subpart;

''(B) a statement of whether the tribe or band of Indians (as so defined) with respect to which the child, or parent or grandparent of the child, claims membership is federally recognized;

''(C) the name and address of the parent or legal guardian of the child;

''(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

''(E) any other information that the Secretary considers necessary to provide an accurate program profile.

''(2) MINIMUM INFORMATION.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 9113, an eligibility form prepared pursuant to this section for a child shall include—

''(A) the name of the child;

''(B) the name of the tribe or band of Indians (as so defined) with respect to which the child claims membership; and

''(C) the dated signature of the parent or guardian of the child.

''(3) FAILURE.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of computing the amount of a grant award made under section 9113.

''(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 9161.

''(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–86 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

''(1) to establish eligibility under this subpart; and

''(2) to meet the requirements of subsection (a).

''(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 9113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

''(f) MONITORING AND EVALUATION REVIEW.—

''(1) IN GENERAL.—

''(A) REVIEW.—For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the local educational agencies that are recipients of grants under this subpart. The sampling conducted under this paragraph shall take into account the size of such a local educational agency and the geographic location of such agency.

''(B) EXCEPTION.—A local educational agency may not be held liable to the United States or be subject to any penalty by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

''(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

''(A) be ineligible to apply for any other grant under this subpart; and

''(B) be liable to the United States for any funds from the grant that have not been expended.

''(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant award under section 9113.

''(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, the Secretary, in computing the amount of a grant award under section 9113 to a tribal school that receives a grant or contract from the Bureau of Indian Affairs, shall use only 1 of the following, as selected by the school:

''(1) A count, certified by the Bureau, of the number of students in the school.

''(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

''(h) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in computing the amount of a local educational agency's grant award under section 9113 (other than in the case described in subsection (g)(1)), the local educational agency shall—

''(1) establish a date on, or a period not longer than 31 consecutive days during which, the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 9114; and

''(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

"SEC. 9118. PAYMENTS.

''(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount computed under section 9113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

''(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this subpart in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

''(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

''(1) IN GENERAL.—The Secretary may not pay a local educational agency in a State the full amount of a grant award computed under section 9113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, that the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

''(2) FAILURE.—If, for any fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort at the level specified in paragraph (1), the Secretary shall—

''(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of the failure to maintain the fiscal effort at such level; and

''(B) not use the reduced amount of the combined fiscal effort for the year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) during the fiscal year for which the determination is made.

''(3) WAIVER.—

''(A) IN GENERAL.—The Secretary may waive the requirement of paragraph (1) for a local educational agency, for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

''(B) FUTURE DETERMINATIONS.—The Secretary shall not use the reduced amount of the combined fiscal effort for the year for which the waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver during the fiscal year for which the waiver is granted.

''(d) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

''(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

''(2) otherwise become available for reallocation under this subpart.

"SEC. 9119. STATE EDUCATIONAL AGENCY REVIEW.

''Before submitting an application to the Secretary under section 9114, a local educational agency shall submit the application to the State educational agency, which may comment on the application. If the State educational agency comments on the application, the agency shall comment on each such application submitted by a local educational agency in the State and shall provide the comment to the appropriate local educational agency, with an opportunity to respond.

"Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children

"SEC. 9121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

''(a) PURPOSE.—

''(1) IN GENERAL.—The purpose of this section is to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

''(2) COORDINATION.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this subpart with—

''(A) other programs funded under this Act; and

''(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

''(b) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education) or a consortium of such entities.

''(c) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

''(A) innovative programs related to the educational needs of educationally disadvantaged children;

''(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in 1 or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

''(C) bilingual and bicultural programs and projects;

''(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

''(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation for Indian children;

''(F) comprehensive guidance, counseling, and testing services;

''(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

''(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;

''(I) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills the youth need to make an effective transition from school to a first job in a high-skill, high-wage career;

''(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

''(K) family literacy services; or

''(L) other services that meet the purpose described in subsection (a)(1).

''(2) PRE-SERVICE OR IN-SERVICE TRAINING.—Pre-service or in-service training of professional and paraprofessional personnel may be a part of any program assisted under this section.

''(d) GRANT REQUIREMENTS AND APPLICATIONS.—

''(1) GRANT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c). The Secretary shall make the grants for periods of not more than 5 years.

''(B) PRIORITY.—In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining 2 or more of the activities described in subsection (c) over a period of more than 1 year.

''(C) PROGRESS.—The Secretary shall make a payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant period only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

''(2) DISSEMINATION GRANTS.—

''(A) IN GENERAL.—In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

''(B) DETERMINATION.—The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

''(i) has been adequately reviewed;

''(ii) has demonstrated educational merit; and

''(iii) can be replicated.

''(3) APPLICATION.—

''(A) IN GENERAL.—Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(B) CONTENTS.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

''(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

''(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

''(iii) information demonstrating that the proposed program for the activities is a research-based program, which may include a program that has been modified to be culturally appropriate for students who will be served;

''(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over; and

''(v) such other assurances and information as the Secretary may reasonably require.

''(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grant recipient under this subpart for any fiscal year may be used to pay for administrative costs.

"SEC. 9122. PROFESSIONAL DEVELOPMENT.

''(a) PURPOSES.—The purposes of this section are—

''(1) to increase the number of qualified Indian individuals in teaching or other education professions that serve Indian people;

''(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

''(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

''(b) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means a consortium of—

''(1) a State or local educational agency; and

''(2) an institution of higher education (including an Indian institution of higher education) or an Indian tribe or organization.

''(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities with applications approved under subsection (e) to enable such entities to carry out the activities described in subsection (d).

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds made available under subsection (c) shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support.

''(2) SPECIAL RULES.—

''(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant awarded under subsection (c) may be in-service or pre-service training.

''(B) PROGRAM.—For individuals who are being trained to enter any field other than education, the training received pursuant to a grant awarded under subsection (c) shall be in a program that results in a graduate degree.

''(e) APPLICATION.—Each eligible entity desiring a grant under subsection (c) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

''(f) SPECIAL RULE.—In awarding grants under subsection (c), the Secretary—

''(1) shall consider the prior performance of an eligible entity; and

''(2) may not limit eligibility to receive a grant under subsection (c) on the basis of—

''(A) the number of previous grants the Secretary has awarded such entity; or

''(B) the length of any period during which such entity received such grants.

''(g) GRANT PERIOD.—Each grant awarded under subsection (c) shall be awarded for a program of activities of not more than 5 years.

''(h) SERVICE OBLIGATION.—

''(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives pre-service training pursuant to a grant awarded under subsection (c)—

''(A) perform work—

''(i) related to the training received under this section; and

''(ii) that benefits Indian people; or

''(B) repay all or a prorated part of the assistance received for the training.

''(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of the pre-service training shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

''(i) INSERVICE TRAINING FOR TEACHERS OF INDIAN CHILDREN.—

''(1) GRANTS AUTHORIZED.—In addition to the grants authorized by subsection (c), the Secretary may make grants to eligible consortia for the provision of high quality in-service training. The Secretary may make such a grant to—

''(A) a consortium of a tribal college and an institution of higher education that awards a degree in education; or

''(B) a consortium of—

''(i) a tribal college;

''(ii) an institution of higher education that awards a degree in education; and

''(iii) 1 or more elementary schools or secondary schools operated by the Bureau of Indian Affairs, local educational agencies serving Indian children, or tribal educational agencies.

''(2) USE OF FUNDS.—

''(A) IN-SERVICE TRAINING.—A consortium that receives a grant under paragraph (1) shall use the grant funds only to provide high quality in-service training to teachers, including teachers who are not Indians, in schools of local educational agencies with substantial numbers of Indian children enrolled in their schools, in order to better meet the needs of those children.

''(B) COMPONENTS.—The training described in subparagraph (A) shall include such activities as preparing teachers to use the best available research-based practices and learning strategies, and to make the most effective use of curricula and materials, to respond to the unique needs of Indian children in their classrooms.

''(3) PREFERENCE FOR INDIAN APPLICANTS.—In applying section 9153 to this subsection, the Secretary shall give a preference to any consortium that includes 1 or more of the entities described in that section.

"SEC. 9123. FELLOWSHIPS FOR INDIAN STUDENTS.

''(a) FELLOWSHIPS.—

''(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

''(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

''(A) of not more than 4 academic years; and

''(B) that leads—

''(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field; or

''(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, or a related field.

''(b) STIPENDS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

''(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.—The Secretary shall pay to the institution of higher education at which such a fellowship recipient is pursuing a course of study, in lieu of tuition charged to such recipient, such amounts as the Secretary may determine to be necessary to cover the cost of education provided to such recipient.

''(d) SPECIAL RULES.—

''(1) IN GENERAL.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the first fellowship.

''(2) WRITTEN NOTICE.—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

''(A) the amount of the funding for the fellowship; and

''(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

''(3) PRIORITY.—Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

''(e) SERVICE OBLIGATION.—

''(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

''(A) perform work—

''(i) related to the training for which the individual receives the assistance under this section; and

''(ii) that benefits Indian people; or

''(B) repay all or a prorated portion of such assistance.

''(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of assistance under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

''(f) ADMINISTRATION OF FELLOWSHIPS.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

''SEC. 9124. GIFTED AND TALENTED INDIAN STUDENTS.

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to—

''(1) establish 2 centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

''(2) support demonstration projects described in subsection (c).

''(b) ELIGIBLE ENTITIES.—The Secretary shall make grants, or enter into contracts, for the activities described in subsection (a), to or with—

''(1) 2 tribally controlled community colleges that—

''(A) are eligible for funding under the Tribally Controlled College or University Assistance Act of 1978; and

''(B) are fully accredited; or

''(2) if the Secretary does not receive applications that the Secretary determines to be approvable from 2 colleges that meet the requirements of paragraph (1), the American Indian Higher Education Consortium.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Funds made available through the grants made, or contracts entered into, by the Secretary under subsection (b) shall be used for—

''(A) the establishment of centers described in subsection (a); and

''(B) carrying out demonstration projects designed to—

''(i) address the special needs of Indian students in elementary schools and secondary schools who are gifted and talented; and

''(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

''(2) SUBCONTRACTS.—Each recipient of a grant or contract under subsection (b) to carry out a demonstration project under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project.

''(3) DEMONSTRATION PROJECTS.—Demonstration projects assisted under subsection (b) may include—

''(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

''(i) identifying the emotional and psychosocial needs of such students; and

''(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the project;

''(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines hold a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including—

''(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

''(ii) carrying out mentoring and apprenticeship programs;

''(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;

''(D) the use of public television in meeting the special educational needs of such gifted and talented children;

''(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

''(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children as are needed to enable such children to benefit from the project.

''(4) APPLICATION.—Each entity desiring a grant or contract under subsection (b) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

''(d) ADDITIONAL GRANTS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (referred to individually in this section as a 'Bureau school') for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

''(A) gifted and talented students;

''(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

''(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

''(D) mathematics and science education.

''(2) APPLICATIONS.—Each Bureau school desiring a grant to conduct 1 or more of the activities described in paragraph (1) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

''(3) SPECIAL RULE.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

''(4) REQUIREMENTS.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

''(5) GRANT PERIOD.—Subject to the availability of appropriations, a grant awarded under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

''(6) DISSEMINATION.—

''(A) COOPERATIVE EFFORTS.—The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

''(B) REPORT.—The Secretary shall prepare and submit to the Secretary of the Interior and to Congress a report concerning any results from activities described in this subsection.

''(7) EVALUATION COSTS.—

''(A) DIVISION.—The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under subsection (a).

''(B) GRANTS AND CONTRACTS.—If no funds are provided under subsection (b) for—

''(i) the evaluation of activities assisted under paragraph (1);

''(ii) technical assistance and coordination with respect to such activities; or

''(iii) the dissemination of the evaluations referred to in clause (i),

the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

''(e) INFORMATION NETWORK.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community.

''SEC. 9125. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.

''(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

''(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

''(2) develop education codes for schools within the territorial jurisdiction of the tribe;

''(3) provide support services and technical assistance to schools serving children of the tribe; and

''(4) perform child-find screening services for the preschool-aged children of the tribe to—

''(A) ensure placement in appropriate educational facilities; and

''(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

''(b) PERIOD OF GRANT.—Each grant awarded under this section may be awarded for a period of not more than 3 years. Such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

''(c) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

''(2) CONTENTS.—Each application described in paragraph (1) shall contain—

''(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

''(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved.

''(3) APPROVAL.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

''(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

''(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

''(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

''(d) RESTRICTION.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Education Amendments of 1978.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Education to carry out this section $3,000,000 for each of fiscal years 2001 through 2005.

"Subpart 3—Special Programs Relating to Adult Education for Indians

"SEC. 9131. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

''(a) IN GENERAL.—The Secretary shall make grants to State and local educational agencies and to Indian tribes, institutions, and organizations—

''(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

''(2) to assist in the establishment and operation of programs that are designed to stimulate—

''(A) the provision of basic literacy opportunities for all nonliterate Indian adults; and

''(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

''(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

''(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

''(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

''(b) EDUCATIONAL SERVICES.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

''(c) INFORMATION AND EVALUATION.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

''(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and

''(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—Each entity desiring a grant or contract under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

''(2) CONTENTS.—Each application described in paragraph (1) shall contain—

''(A) a statement describing the activities to be conducted and the objectives to be achieved under the grant or contract; and

''(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant or contract are achieved.

''(3) APPROVAL.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates that—

''(A) there has been adequate participation, by the individuals to be served and the appropriate tribal communities, in the planning and development of the activities to be assisted; and

''(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.

''(4) PRIORITY.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

''(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to an entity through a grant or contract made or entered into under this subpart for a fiscal year may be used to pay for administrative costs.

"Subpart 4—National Research Activities

"SEC. 9141. NATIONAL ACTIVITIES.

''(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 9162(b) for each fiscal year to—

''(1) conduct research related to effective approaches for the education of Indian children and adults;

''(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

''(3) collect and analyze data on the educational status and needs of Indians; and

''(4) carry out other activities that are consistent with the purpose of this part.

''(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

''(c) COORDINATION.—Research activities supported under this section—

''(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

''(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

''(d) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to an entity through a grant, contract, or agreement made or entered into under this subpart for a fiscal year may be used to pay for administrative costs.

"Subpart 5—Federal Administration

"SEC. 9151. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

''(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (referred to in this section as the 'Council'), which shall—

''(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and Indian organizations; and

''(2) represent different geographic areas of the United States.

''(b) DUTIES.—The Council shall—

''(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

''(A) with respect to which the Secretary has jurisdiction; and

''(B)(i) that includes Indian children or adults as participants; or

''(ii) that may benefit Indian children or adults;

''(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

''(3) prepare and submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

''(A) any recommendations that the Council considers to be appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

''(B) recommendations concerning the funding of any program described in subparagraph (A).

"SEC. 9152. PEER REVIEW.

''The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2, 3, or 4.

"SEC. 9153. PREFERENCE FOR INDIAN APPLICANTS.

''In making grants and entering into contracts or cooperative agreements under subpart 2, 3, or 4, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

"SEC. 9154. MINIMUM GRANT CRITERIA.

''The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or 3 unless the application is for a grant, contract, or cooperative agreement that is—

''(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

''(2) based on relevant research findings.

"Subpart 6—Definitions; Authorizations of Appropriations

"SEC. 9161. DEFINITIONS.

''In this part:

''(1) ADULT.—The term 'adult' means an individual who—

''(A) has attained age 16; or

''(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

''(2) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is—

''(A) provided at public expense, under public supervision and direction, and without tuition charge; and

''(B) provided as elementary or secondary education in the applicable State or to preschool children.

''(3) INDIAN.—The term 'Indian' means an individual who is—

''(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

''(i) any tribe or band terminated since 1940; and

''(ii) any tribe or band recognized by the State in which the tribe or band resides;

''(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

''(C) an individual who is considered by the Secretary of the Interior to be an Indian for any purpose;

''(D) an Eskimo, Aleut, or other Alaska Native (as defined in section 9306); or

''(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the 'Improving America's Schools Act of 1994' (108 Stat. 3518).

"SEC. 9162. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) SUBPART 1.—There are authorized to be appropriated to the Secretary of Education to carry out subpart 1 $62,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) SUBPARTS 2 THROUGH 4.—There are authorized to be appropriated to the Secretary of Education to carry out subparts 2, 3, and 4 $4,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART B—NATIVE HAWAIIAN EDUCATION

"SEC. 9201. SHORT TITLE.

''This part may be cited as the 'Native Hawaiian Education Act'.

"SEC. 9202. FINDINGS.

''Congress finds the following:

''(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

''(2) At the time of the arrival of the first non-indigenous people in Hawai'i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

''(3) A unified monarchal government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai'i.

''(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawai'i, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawai'i, and entered into treaties and conventions with the Kingdom of Hawai'i to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

''(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawai'i, the Kingdom of Hawai'i, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawai'i, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103–150 (107 Stat. 1510).

''(6) In 1898, the joint resolution entitled 'Joint Resolution to provide for annexing the Hawaiian Islands to the United States', approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawai'i, including the government and crown lands of the former Kingdom of Hawai'i, to the United States, but mandated that revenue generated from the lands be used 'solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes'.

''(7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

''(8) Through the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians, which was described by then Secretary of the Interior Franklin K. Lane, who said: 'One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.'.

''(9) In 1938, Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b, 391b–1, 392b, 392c, 396, 396a), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.'.

''(10) Under the Act entitled 'An Act to provide for the admission of the State of Hawai'i into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawai'i but reaffirmed the trust relationship between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and amendments to such Act affecting the rights of beneficiaries under such Act.

''(11) In 1959, under the Act entitled 'An Act to provide for the admission of the State of Hawai'i into the Union', the United States also ceded to the State of Hawai'i title to the public lands formerly held by the United States, but mandated that such lands be held by the State 'in public trust' and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawai'i for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

''(12) The United States has recognized and reaffirmed that—

''(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

''(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

''(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawai'i;

''(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

''(E) the aboriginal, indigenous people of the United States have—

''(i) a continuing right to autonomy in their internal affairs; and

''(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

''(13) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

''(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

''(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

''(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

''(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

''(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

''(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

''(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

''(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

''(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

''(14) In 1981, Congress instructed the Office of Education to submit to Congress a comprehensive report on Native Hawaiian education. The report, entitled the 'Native Hawaiian Educational Assessment Project', was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics indicative of special educational needs, and had educational needs that were related to their unique cultural situation, such as different learning styles and low self-image.

''(15) In recognition of the educational needs of Native Hawaiians, in 1988, Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 130) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.

''(16) In 1993, the Kamehameha Schools Bishop Estate released a 10-year update of findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

''(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

''(i) late or no prenatal care;

''(ii) high rates of births by Native Hawaiian women who are unmarried; and

''(iii) high rates of births to teenage parents;

''(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

''(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

''(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

''(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

''(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed 4 or more years of college;

''(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—

''(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

''(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawai'i; and

''(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

''(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawai'i Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

''(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawai'i.

''(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

''(19) Following the overthrow of the Kingdom of Hawai'i in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawai'i, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: 'I ka 'ōlelo nō ke ola; I ka 'ōlelo nō ka make. In the language rests life; In the language rests death.'.

''(20) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

''(21) The State of Hawai'i, in the constitution and statutes of the State of Hawai'i—

''(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

''(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawai'i, which may be used as the language of instruction for all subjects and grades in the public school system; and

''(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.

"SEC. 9203. PURPOSES.

''The purposes of this part are to—

''(1) authorize and develop innovative educational programs to assist Native Hawaiians in reaching the National Education Goals;

''(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;

''(3) supplement and expand programs and authorities in the area of education to further the purposes of this title; and

''(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

"SEC. 9204. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.

''(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (referred to in this part as the 'Education Council').

''(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 21 members, unless otherwise determined by a majority of the council.

''(c) CONDITIONS AND TERMS.—

''(1) CONDITIONS.—At least 10 members of the Education Council shall be Native Hawaiian education service providers and 10 members of the Education Council shall be Native Hawaiians or Native Hawaiian education consumers. In addition, a representative of the State of Hawai'i Office of Hawaiian Affairs shall serve as a member of the Education Council.

''(2) APPOINTMENTS.—The members of the Education Council shall be appointed by the Secretary based on recommendations received from the Native Hawaiian community.

''(3) TERMS.—Members of the Education Council shall serve for staggered terms of 3 years, except as provided in paragraph (4).

''(4) COUNCIL DETERMINATIONS.—Additional conditions and terms relating to membership on the Education Council, including term lengths and term renewals, shall be determined by a majority of the Education Council.

''(d) NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.—The Secretary shall make a direct grant to the Education Council in order to enable the Education Council to—

''(1) coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part;

''(2) assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education;

''(3) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity; and

''(4) make direct grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

''(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

''(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council, including any information that the Education Council provides to the Secretary pursuant to subsection (i), to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.

''(2) ANNUAL REPORT.—The Education Council shall prepare and submit to the Secretary an annual report on the Education Council's activities.

''(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.

''(f) ESTABLISHMENT OF ISLAND COUNCILS.—

''(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (referred to individually in this part as an 'island council') for the following islands:

''(A) Hawai'i.

''(B) Maui.

''(C) Moloka'i.

''(D) Lana'i.

''(E) O'ahu.

''(F) Kaua'i.

''(G) Ni'ihau.

''(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least ¾ of the members of each island council shall be Native Hawaiians.

''(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than 4 times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

''(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.

''(i) REPORT.—Not later than 4 years after the date of enactment of the Educational Opportunities Act, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $300,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

"SEC. 9205. PROGRAM AUTHORIZED.

''(a) GENERAL AUTHORITY.—

''(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make direct grants to, or enter into contracts with—

''(A) Native Hawaiian educational organizations;

''(B) Native Hawaiian community-based organizations;

''(C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and

''(D) consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C),

to carry out programs that meet the purposes of this part.

''(2) PRIORITIES.—In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—

''(A) beginning reading and literacy among students in kindergarten through third grade;

''(B) the needs of at-risk children and youth;

''(C) needs in fields or disciplines in which Native Hawaiians are underemployed; and

''(D) the use of the Hawaiian language in instruction.

''(3) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—

''(A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;

''(B) the operation of family-based education centers that provide such services as—

''(i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;

''(ii) preschool programs for Native Hawaiians; and

''(iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

''(C) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through third grade and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in fifth and sixth grade;

''(D) activities to meet the special needs of Native Hawaiian students with disabilities, including—

''(i) the identification of such students and their needs;

''(ii) the provision of support services to the families of those students; and

''(iii) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

''(E) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

''(i) educational, psychological, and developmental activities designed to assist in the educational progress of those students; and

''(ii) activities that involve the parents of those students in a manner designed to assist in the students' educational progress;

''(F) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

''(G) professional development activities for educators, including—

''(i) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

''(ii) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students' unique needs; and

''(iii) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

''(H) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

''(i) preschool programs;

''(ii) after-school programs; and

''(iii) vocational and adult education programs;

''(I) activities to enable Native Hawaiians to enter and complete programs of postsecondary education, including—

''(i) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to students entering professions in which Native Hawaiians are underrepresented;

''(ii) family literacy services;

''(iii) counseling and support services for students receiving scholarship assistance;

''(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and

''(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;

''(J) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

''(K) other research and evaluation activities related to programs carried out under this part; and

''(L) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

''(4) SPECIAL RULE AND CONDITIONS.—

''(A) INSTITUTIONS OUTSIDE HAWAII.—The Secretary shall not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawai'i from receiving a fellowship pursuant to paragraph (3)(I).

''(B) FELLOWSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a fellowship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a fellowship enter into a contract to provide professional services, either during the fellowship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

''(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $23,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

"SEC. 9206. ADMINISTRATIVE PROVISIONS.

''(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

''(b) SPECIAL RULE.—Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to be carried out under the grant or contract, and include those comments, if any, with the application to the Secretary.

"SEC. 9207. DEFINITIONS.

''In this part:

''(1) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawai'i, as evidenced by—

''(i) genealogical records;

''(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification; or

''(iii) certified birth records.

''(2) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—The term 'Native Hawaiian community-based organization' means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

''(3) NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian educational organization' means a private nonprofit organization that—

''(A) serves the interests of Native Hawaiians;

''(B) has Native Hawaiians in substantive and policymaking positions within the organization;

''(C) incorporates Native Hawaiian perspective, values, language, culture, and traditions into the core function of the organization;

''(D) has demonstrated expertise in the education of Native Hawaiian youth; and

''(E) has demonstrated expertise in research and program development.

''(4) NATIVE HAWAIIAN LANGUAGE.—The term 'Native Hawaiian language' means the single Native American language indigenous to the original inhabitants of the State of Hawai'i.

''(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means a private nonprofit organization that—

''(A) serves the interests of Native Hawaiians;

''(B) has Native Hawaiians in substantive and policymaking positions within the organizations; and

''(C) is recognized by the Governor of Hawai'i for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

''(6) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the office of Hawaiian Affairs established by the Constitution of the State of Hawai'i.

"PART C—ALASKA NATIVE EDUCATION

"SEC. 9301. SHORT TITLE.

''This part may be cited as the 'Alaska Native Educational Equity, Support, and Assistance Act'.

"SEC. 9302. FINDINGS.

''Congress finds the following:

''(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture of Alaska Natives.

''(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

''(3) Alaska Native children enter and exit school with serious educational handicaps.

''(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

''(5) The programs authorized in this title, combined with expanded Head Start, infant learning and early childhood education programs, and parent education programs are essential if educational handicaps are to be overcome.

''(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational

services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.

''(7) Congress finds that Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

"SEC. 9303. PURPOSES.

''The purposes of this part are to—

''(1) recognize the unique educational needs of Alaska Natives;

''(2) authorize the development of supplemental educational programs to benefit Alaska Natives;

''(3) supplement programs and authorities in the area of education to further the objectives of this part; and

''(4) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

"SEC. 9304. PROGRAM AUTHORIZED.

''(a) GENERAL AUTHORITY.—

''(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, and consortia of such organizations and entities to carry out programs that meet the purposes of this part.

''(2) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include—

''(A) the development and implementation of plans, methods, and strategies to improve the education of Alaska Natives;

''(B) the development of curricula and educational programs that address the educational needs of Alaska Native students, including—

''(i) curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives;

''(ii) instructional programs that make use of Native Alaskan languages; and

''(iii) networks that introduce successful programs, materials, and techniques to urban and rural schools;

''(C) professional development activities for educators, including—

''(i) programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students;

''(ii) in-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students; and

''(iii) recruitment and preparation of teachers who are Alaska Native, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction in Alaska;

''(D) the development and operation of home instruction programs for Alaska Native preschool children, the purpose of which is to ensure the active involvement of parents in their children's education from the earliest ages;

''(E) family literacy services;

''(F) the development and operation of student enrichment programs in science and mathematics that—

''(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter secondary school, to excel in science and math; and

''(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs;

''(G) research and data collection activities to determine the educational status and needs of Alaska Native children and adults;

''(H) other research and evaluation activities related to programs carried out under this part; and

''(I) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

''(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children carried out under paragraph (2)(D) may include—

''(A) programs for parents and their infants, from the prenatal period of the infant through age 3;

''(B) preschool programs; and

''(C) training, education, and support for parents in such areas as reading readiness, observation, story telling, and critical thinking.

''(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $17,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 9305. ADMINISTRATIVE PROVISIONS.

''(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

''(b) APPLICATIONS.—A State educational agency or local educational agency may apply for a grant or contract under this part only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

''(c) CONSULTATION REQUIRED.—Each applicant for a grant or contract under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

''(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for a grant or contract under this part shall inform each local educational agency serving students who will participate in the program to be carried out under the grant or contract about the application.

"SEC. 9306. DEFINITIONS.

''In this part:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act.

''(2) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native organization' means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, or another organization that—

''(A) has or commits to acquire expertise in the education of Alaska Natives; and

''(B) has Alaska Natives in substantive and policymaking positions within the organization.''.

SEC. 902. CONFORMING AMENDMENTS.

(a) HIGHER EDUCATION ACT OF 1965.—Section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)) is amended—

(1) in paragraph (1), by striking ''section 9308'' and inserting ''section 9306''; and

(2) in paragraph (3), by striking ''section 9212'' and inserting ''section 9207''.

(b) PUBLIC LAW 88–210.—Section 116 of Public Law 88–210 (as added by section 1 of Public Law 105–332 (112 Stat. 3076)) is amended by striking ''section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)'' and inserting ''section 9207 of the Native Hawaiian Education Act''.

(c) CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998.—Section 116(a)(5) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2326(a)(5)) is amended by striking ''section 9212'' and all that follows and inserting ''section 9207 of the Native Hawaiian Education Act''.

(d) MUSEUM AND LIBRARY SERVICES ACT.—Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended by striking ''section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)'' and inserting ''section 9207 of the Native Hawaiian Education Act''.

(e) ACT OF APRIL 16, 1934.—Section 5 of the Act of April 16, 1934 (commonly known as the ''Johnson-O'Malley Act'') (88 Stat. 2213; 25 U.S.C. 456) is amended by striking ''section 9104(c)(4)'' and inserting ''section 9114(c)(4)''.

(f) NATIVE AMERICAN LANGUAGES ACT.—Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking ''section 9161(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881(4))'' and inserting ''section 9161(3) of the Elementary and Secondary Education Act of 1965''; and

(2) in paragraph (3), by striking ''section 9212(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7912(1))'' and inserting ''section 9207 of the Elementary and Secondary Education Act of 1965''.

(g) WORKFORCE INVESTMENT ACT OF 1998.—Section 166(b)(3) of the Workforce Investment Act of 1998 (29 U.S.C. 2911(b)(3)) is amended by striking ''paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)'' and inserting ''section 9207 of the Native Hawaiian Education Act''.

(h) ASSETS FOR INDEPENDENCE ACT.—Section 404(11) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking ''section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)'' and inserting ''section 9207 of the Native Hawaiian Education Act''.

TITLE X—GENERAL PROVISIONS

SEC. 10001. UNIFORM PROVISIONS.

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

(1) by amending the heading for title X (20 U.S.C. 8001 et seq.) to read as follows:

"TITLE X—GENERAL PROVISIONS"*;*

(2) by repealing part A of title X (20 U.S.C. 8001 et seq.);

(3) by transferring part E of title XIV (20 U.S.C. 8891 et seq.) to title X, inserting such part E after the heading for title X (as so amended), and redesignating such part E (as so transferred) as part A of title X;

(4) by redesignating sections 14501 through 14514 (as so transferred) (20 U.S.C. 8891, 8904) as sections 10101 through 10114;

(5) in section 10103(b)(1) (as so redesignated) (20 U.S.C. 8893(b)(1)), by striking subparagraphs (A) through (E) and inserting the following:

''(A) part C of title I;

''(B) title II;

''(C) part A of title IV;

''(D) part A of title V; and

''(E) title VII.'';

(6) in section 10104 (as so redesignated) (20 U.S.C. 8894)—

(A) in the matter preceding paragraph (1), by striking ''14503'' and inserting ''10103''; and

(B) in paragraph (2), by striking ''14503, 14505, and 14506'' and inserting ''10103, 10105, and 10106'';

(7) in section 10105(a) (as so redesignated) (20 U.S.C. 8895(a)), by striking ''14503'' and inserting ''10103'';

(8) in section 10106 (as so redesignated) (20 U.S.C. 8896)—

(A) in subsection (a)(1), by striking ''14504'' and inserting ''10104''; and

(B) in subsection (b), by striking ''14503'' and inserting ''10103''; and

(9) by inserting after section 10114 (as so redesignated) the following:

"SEC. 10115. CONSTRUCTION.

''Nothing in this Act shall be construed to prohibit recruiters for the Armed Forces of the United States from receiving the same access to secondary school students, and to directory information concerning such students, as is provided to postsecondary educational institutions

or to prospective employers of such students, because all students should have access to high quality continuing education or service opportunities.

"SEC. 10116. APPLICABILITY TO BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS.

''For purposes of any competitive program under this Act—

''(1) a consortium of schools operated by the Bureau of Indian Affairs;

''(2) a school operated under a contract or grant with the Bureau of Indian Affairs in consortium with another contract or grant school, or with a tribal or community organization; or

''(3) a Bureau of Indian Affairs school in consortium with an institution of higher education, with a contract or grant school, or with a tribal or community organization,

shall be given the same consideration as a local educational agency.''.

SEC. 10002. EVALUATIONS.

Part B of title X (20 U.S.C. 8031 et seq.) is amended to read as follows:

"PART B—EVALUATIONS

"SEC. 10201. EVALUATIONS.

''(a) EVALUATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary is authorized to reserve not more than 0.50 percent of the amount appropriated to carry out each program authorized under this Act—

''(A) to carry out comprehensive evaluations of categorical programs and demonstration projects, and studies of program effectiveness, under this Act, and the administrative impact of such programs on schools and local educational agencies in accordance with subsection (b);

''(B) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs under this Act; and

''(C) to strengthen the usefulness of grant recipient evaluations for continuous program progress through improving the quality, timeliness, efficiency, and utilization of program information on program performance.

''(2) SPECIAL RULE.—

''(A) APPLICABILITY.—Paragraph (1) shall not apply to any program under title I.

''(B) SPECIAL RULE.—If funds are made available under any program assisted under this Act (other than a program under title I) for evaluation activities, then the Secretary shall reserve no additional funds pursuant to the authority in paragraph (1) to evaluate such program, but shall coordinate the evaluation of such program with the national evaluation described in subsection (b).

''(b) NATIONAL EVALUATIONS.—

''(1) IN GENERAL.—The Secretary shall use the funds made available under subsection (a)—

''(A) to carry out independent studies of categorical and demonstration programs under this Act and the administrative impact of such programs on schools and local educational agencies, that are coordinated with research supported through the Office of Educational Research and Improvement, using rigorous methodological designs and techniques, including longitudinal designs, control groups, and random assignment, as appropriate, to determine—

''(i) the success of such programs in meeting the measurable goals and objectives, through appropriate targeting, quality services, and efficient administration, and in contributing to achieving America's Education Goals, with a priority on assessing program impact on student performance;

''(ii) the short- and long-term effects of program participation on program participants, as appropriate;

''(iii) the cost and efficiency of such programs;

''(iv) to the extent feasible, the cost of serving all students eligible to be served under such programs;

''(v) specific intervention strategies and implementation of such strategies that, based on theory, research and evaluation, offer the promise of improved achievement of program objectives;

''(vi) promising means of identifying and disseminating effective management and educational practices;

''(vii) the effect of such programs on school and local educational agencies' administrative responsibilities and structure, including the use of local and State resources, with particular attention to schools and agencies serving a high concentration of disadvantaged students;

''(viii) the effect of Federal categorical programs at the elementary and secondary levels on the proliferation of State categorical education aid programs and regulations, including an evaluation of the State regulations that are developed in response to Federal education laws; and

''(ix) the effect of such programs on school reform efforts;

''(B) to carry out a study of the waivers granted under section 6601, which study shall include—

''(i) data on the total number of waiver requests that were granted and the total number of such requests that were denied, disaggregated by the statutory or regulatory requirement for which the waivers were requested; and

''(ii) an analysis of the effect of waivers on categorical program requirements and other flexibility provisions in this Act on improvement in educational achievement of participating students and on school and local educational agency administrative responsibilities, structure, and resources based on an appropriate sample of State educational agencies, local educational agencies, schools, and tribes receiving waivers;

''(C) to carry out a study of the waivers under section 1114 to support schoolwide programs which shall include—

''(i) the extent to which schoolwide programs are meeting the intent and purposes of any program for which provisions were waived; and

''(ii) the extent to which the needs of all students are being served by such programs particularly students who would be eligible for assistance under any provisions waived; and

''(D) to provide for a study, conducted by the National Academy of Sciences, regarding the relationship between time and learning, which shall include—

''(i) an analysis of the impact of increasing education time on student achievement;

''(ii) an analysis of how schools, teachers, and students use time and the quality of instructional activities;

''(iii) an analysis of how time outside of school may be used to enhance student learning; and

''(iv) cost estimates for increasing time in school.

''(2) INDEPENDENT PANEL.—The Secretary shall appoint an independent panel to review the plan for the evaluation described in paragraph (1), to advise the Secretary on such evaluation's progress, and to comment, if the panel so wishes, on the final report described in paragraph (3).

''(3) REPORT.—The Secretary shall submit a final report on the evaluation described in this subsection by January 1, 2004, to the Committee on Education and the Workforce of the House of Representatives and to the Committee on Health, Education, Labor, and Pensions of the Senate.

''(c) RECIPIENT EVALUATION AND QUALITY ASSURANCE IMPROVEMENT.—The Secretary is authorized to provide guidance, technical assistance, and model programs to recipients of assistance under this Act to strengthen information for quality assurance and performance information feedback at State and local levels. Such guidance and assistance shall promote the development, measurement and reporting of valid, reliable, timely and consistent performance indicators within a program in order to promote continuous program improvement. Nothing in this subsection shall be construed to establish a national data system.''.

SEC. 10003. AMERICA'S EDUCATION GOALS.

Part C of title X (20 U.S.C. 8061 et seq.) is amended to read as follows:

"PART C—AMERICA'S EDUCATION GOALS

"SEC. 10301. AMERICA'S EDUCATION GOALS.

''America's Education Goals are as follows:

''(1) SCHOOL READINESS.—

''(A) GOAL.—All children in America will start school ready to learn.

''(B) OBJECTIVES.—The objectives for this goal are that—

''(i) all children will have access to high-quality and developmentally appropriate preschool programs that help prepare children for school;

''(ii) every parent in the United States will be a child's first teacher and devote time each day to helping such parent's preschool child learn, and parents will have access to the training and support parents need; and

''(iii) children will receive the nutrition, physical activity experiences, and health care needed to arrive at school with healthy minds and bodies, and to maintain the mental alertness necessary to be prepared to learn, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

''(2) SCHOOL COMPLETION.—

''(A) GOAL.—The high school graduation rate will increase to at least 90 percent.

''(B) OBJECTIVES.—The objectives for this goal are that—

''(i) the Nation must dramatically reduce its school dropout rate, and 75 percent of the students who do drop out will successfully complete a high school degree or its equivalent; and

''(ii) the gap in high school graduation rates between American students from minority backgrounds and their non-minority counterparts will be eliminated.

''(3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—

''(A) GOAL.—All students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.

''(B) OBJECTIVES.—The objectives for this goal are that—

''(i) the academic performance of all students at the elementary and secondary level will increase significantly in every quartile, and the distribution of minority students in each quartile will more closely reflect the student population as a whole;

''(ii) the percentage of all students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

''(iii) all students will be involved in activities that promote and demonstrate good citizenship, good health, community service, and personal responsibility;

''(iv) all students will have access to physical education and health education to ensure they are healthy and fit;

''(v) the percentage of all students who are competent in more than one language will substantially increase; and

''(vi) all students will be knowledgeable about the diverse cultural heritage of this Nation and about the world community.

''(4) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—

''(A) GOAL.—The Nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students.

''(B) OBJECTIVES.—The objectives for this goal are that—

''(i) all teachers will have access to preservice teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

''(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

''(iii) States and school districts will create integrated strategies to attract, recruit, prepare, retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

''(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

''(5) MATHEMATICS AND SCIENCE.—

''(A) GOAL.—United States students will be first in the world in mathematics and science achievement.

''(B) OBJECTIVES.—The objectives for this goal are that—

''(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the education system, especially in the early grades;

''(ii) the number of teachers with a substantive background in mathematics and science, including the metric system of measurement, will increase by 50 percent; and

''(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

''(6) ADULT LITERACY AND LIFELONG LEARNING.—

''(A) GOAL.—Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

''(B) OBJECTIVES.—The objectives for this goal are that—

''(i) every major American business will be involved in strengthening the connection between education and work;

''(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

''(iii) the number of quality programs, including those at libraries, that are designed to serve more effectively the needs of the growing number of part-time and midcareer students will increase substantially;

''(iv) the proportion of the qualified students, especially minorities, who enter college, who complete at least two years, and who complete their degree programs will increase substantially;

''(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially; and

''(vi) schools, in implementing comprehensive parent involvement programs, will offer more adult literacy, parent training and life-long learning opportunities to improve the ties between home and school, and enhance parents' work and home lives.

''(7) SAFE, DISCIPLINED, AND ALCOHOL- AND DRUG-FREE SCHOOLS.—

''(A) GOAL.—Every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol, and will offer a disciplined environment conducive to learning.

''(B) OBJECTIVES.—The objectives for this goal are that—

''(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

''(ii) parents, businesses, governmental and community organizations will work together to ensure the rights of students to study in a safe and secure environment that is free of drugs and crime, and that schools provide a healthy environment and are a safe haven for all children;

''(iii) every local educational agency will develop and implement a policy to ensure that all schools are free of violence and the unauthorized presence of weapons;

''(iv) every local educational agency will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program;

''(v) drug and alcohol curriculum should be taught as an integral part of sequential, comprehensive health education;

''(vi) community-based teams should be organized to provide students and teachers with needed support; and

''(vii) every school should work to eliminate sexual harassment.

''(8) PARENTAL PARTICIPATION.—

''(A) GOAL.—Every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

''(B) OBJECTIVES.—The objectives for this Goal are that—

''(i) every State will develop policies to assist local schools and local educational agencies to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged or bilingual, or parents of children with disabilities;

''(ii) every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decisionmaking at school; and

''(iii) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.''.

SEC. 10004. AMERICA'S EDUCATION GOALS PANEL.

(a) AMENDMENT.—Part D of title X (20 U.S.C. 8091 et seq.) is amended to read as follows:

"PART D—AMERICA'S EDUCATION GOALS PANEL

"SEC. 10401. AMERICA'S EDUCATION GOALS PANEL.

''(a) PURPOSE.—It is the purpose of this section to establish a bipartisan mechanism for—

''(1) building a national consensus for education improvement; and

''(2) reporting on progress toward achieving the National Education Goals.

''(b) AMERICA'S EDUCATION GOALS PANEL.—

''(1) ESTABLISHMENT.—There is established in the executive branch an America's Education Goals Panel (hereafter in this section referred to as the 'Goals Panel') to advise the President, the Secretary, and Congress.

''(2) COMPOSITION.—The Goals Panel shall be composed of 18 members (hereafter in this section referred to as 'members'), including—

''(A) 2 members appointed by the President;

''(B) 8 members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be from the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson's or Vice Chairperson's respective political party, in consultation with each other;

''(C) 4 Members of Congress, of whom—

''(i) 1 member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;

''(ii) 1 member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;

''(iii) 1 member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

''(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

''(D) 4 members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be of the same political party as the President of the United States.

''(3) SPECIAL APPOINTMENT RULES.—

''(A) IN GENERAL.—The members appointed pursuant to paragraph (2)(B) shall be appointed as follows:

''(i) SAME PARTY.—If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

''(ii) OPPOSITE PARTY.—If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

''(B) SPECIAL RULE.—If the National Governors' Association has appointed a panel that meets the requirements of paragraph (2) and subparagraph (A), except for the requirements of subparagraph (D) of paragraph (2), prior to the date of enactment of the Elementary and Secondary Education Amendments of 1999, then the members serving on such panel shall be deemed to be in compliance with the provisions of such paragraph and subparagraph and shall not be required to be reappointed pursuant to such paragraph and subparagraph.

''(C) REPRESENTATION.—To the extent feasible, the membership of the Goals Panel shall be geographically representative and reflect the racial, ethnic, and gender diversity of the United States.

''(4) TERMS.—The terms of service of members shall be as follows:

''(A) PRESIDENTIAL APPOINTEES.—Members appointed under paragraph (2)(A) shall serve at the pleasure of the President.

''(B) GOVERNORS.—Members appointed under paragraph (2)(B) shall serve for 2-year terms, except that the initial appointments under such paragraph shall be made to ensure staggered terms with ½ of such members' terms concluding every 2 years.

''(C) CONGRESSIONAL APPOINTEES AND STATE LEGISLATORS.—Members appointed under subparagraphs (C) and (D) of paragraph (2) shall serve for 2-year terms.

''(5) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of the Elementary and Secondary Education Amendments of 1999.

''(6) INITIATION.—The Goals Panel may begin to carry out the Goals Panel's duties under this section when 10 members of the Goals Panel have been appointed.

''(7) VACANCIES.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

''(8) TRAVEL.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member.

''(9) CHAIRPERSON.—

''(A) IN GENERAL.—The members shall select a Chairperson from among the members.

''(B) TERM AND POLITICAL AFFILIATION.—The Chairperson of the Goals Panel shall serve a 1-

year term and shall alternate between political parties.

''(10) CONFLICT OF INTEREST.—A member of the Goals Panel who is an elected official of a State which has developed content or student performance standards may not participate in Goals Panel consideration of such standards.

''(11) EX OFFICIO MEMBER.—If the President has not appointed the Secretary as 1 of the 2 members the President appoints pursuant to paragraph (2)(A), then the Secretary shall serve as a nonvoting ex officio member of the Goals Panel.

''(c) DUTIES.—

''(1) IN GENERAL.—The Goals Panel shall—

''(A) report to the President, the Secretary, and Congress regarding the progress the Nation and the States are making toward achieving America's Education Goals, including issuing an annual report;

''(B) report on, and widely disseminate through multiple strategies, promising or effective actions being taken at the Federal, State, and local levels, and in the public and private sectors, to achieve America's Education Goals;

''(C) report on, and widely disseminate on promising or effective practices pertaining to, the achievement of each of the 8 America's Education Goals; and

''(D) help build a bipartisan consensus for the reforms necessary to achieve America's Education Goals.

''(2) REPORT.—

''(A) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of Congress, and the Governor of each State a report that shall—

''(i) assess the progress of the United States toward achieving America's Education Goals; and

''(ii) identify actions that should be taken by Federal, State, and local governments—

''(I) to enhance progress toward achieving America's Education Goals; and

''(II) to provide all students with a fair opportunity-to-learn.

''(B) FORM; DATA.—Reports shall be presented in a form, and include data, that is understandable to parents and the general public.

''(d) POWERS OF THE GOALS PANEL.—

''(1) HEARINGS.—

''(A) IN GENERAL.—The Goals Panel shall, for the purpose of carrying out this section, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

''(B) REPRESENTATION.—In carrying out this section, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student performance standards, and State assessments.

''(2) INFORMATION.—The Goals Panel may secure directly from any department or agency of the United States information necessary to enable the Goals Panel to carry out this section. Upon request of the Chairperson of the Goals Panel, the head of a department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

''(3) POSTAL SERVICES.—The Goals Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

''(4) USE OF FACILITIES.—The Goals Panel may, with or without reimbursement, and with the consent of any agency or instrumentality of the United States, or of any State or political subdivision thereof, use the research, equipment, services, and facilities of such agency, instrumentality, State, or subdivision, respectively.

''(5) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

''(A) IN GENERAL.—The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

''(B) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary, to the extent appropriate, and on a reimbursable basis, shall enter into contracts and make other arrangements that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of such responsibilities.

''(6) GIFTS.—The Goals Panel may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

''(e) ADMINISTRATIVE PROVISIONS.—

''(1) MEETINGS.—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of the Goals Panel's members.

''(2) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

''(3) VOTING AND FINAL DECISION.—

''(A) VOTING.—No individual may vote, or exercise any of the powers of a member, by proxy.

''(B) FINAL DECISIONS.—

''(i) CONSENSUS.—In making final decisions of the Goals Panel with respect to the exercise of the Goals Panel's duties and powers the Goals Panel shall operate on the principle of consensus among the members of the Goals Panel.

''(ii) VOTES.—Except as otherwise provided in this section, if a vote of the membership of the Goals Panel is required to reach a final decision with respect to the exercise of the Goals Panel's duties and powers, then such final decision shall be made by a ¾ vote of the members of the Goals Panel who are present and voting.

''(4) PUBLIC ACCESS.—The Goals Panel shall ensure public access to the Goals Panel's proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

''(f) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—

''(1) DIRECTOR.—The Chairperson of the Goals Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director of the Goals Panel to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

''(2) APPOINTMENT AND PAY OF EMPLOYEES.—

''(A) APPOINTMENT.—

''(i) IN GENERAL.—The Director may appoint not more than 4 additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

''(ii) PAY.—The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

''(B) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff to the Goals Panel in accordance with title 5, United States Code.

''(3) EXPERTS AND CONSULTANTS.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

''(4) STAFF OF FEDERAL AGENCIES.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Goals Panel to assist the Goals Panel in the Goals Panel's duties under this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $2,500,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

(b) TRANSITION RULE.—Each individual who is a member or employee of the National Education Goals Panel on the date of enactment of the Elementary and Secondary Education Amendments of 1999 shall be a member or employee, respectively, of the America's Education Goals Panel, without interruption or loss of service or status.

SEC. 10005. COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.

Part E of title X (20 U.S.C. 8131 et seq.) is amended to read as follows:

''PART E—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS

''SEC. 10501. PROGRAM AUTHORIZED.

''(a) COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.—

''(1) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, public or private nonprofit entities or consortia of such entities in order to establish a networked system of 15 comprehensive regional assistance centers to provide comprehensive training and technical assistance, related to administration and implementation of programs under this Act, to States, local educational agencies, schools, tribes, community-based organizations, and other recipients of funds under this Act.

''(2) CONSIDERATION.—In establishing comprehensive regional assistance centers and allocating resources among the centers, the Secretary shall consider—

''(A) the geographic distribution of students assisted under title I;

''(B) the geographic and linguistic distribution of students of limited-English proficiency;

''(C) the geographic distribution of Indian students;

''(D) the special needs of students living in urban and rural areas; and

''(E) the special needs of States and outlying areas in geographic isolation.

''(3) SPECIAL RULE.—The Secretary shall establish 1 comprehensive regional assistance center under this section in Hawaii.

''(b) SERVICE TO INDIANS AND ALASKA NATIVES.—The Secretary shall ensure that each comprehensive regional assistance center that serves a region with a significant population of Indian or Alaska Native students shall—

''(1) be awarded to a consortium which includes a tribally controlled community college or other Indian organization; and

''(2) assist in the development and implementation of instructional strategies, methods and materials which address the specific cultural and other needs of Indian or Alaska Native students.

''(c) ACCOUNTABILITY.—To ensure the quality and effectiveness of the networked system of comprehensive regional assistance centers supported under this part, the Secretary shall—

''(1) develop, in consultation with the Assistant Secretary for Elementary and Secondary Education, the Director of Bilingual Education and Minority Languages Affairs, and the Assistant Secretary for Educational Research and Improvement, a set of performance indicators that assesses whether the work of the centers assists in improving teaching and learning under this Act for all children, particularly children at risk of educational failure;

''(2) conduct surveys every two years of populations to be served under this Act to determine if such populations are satisfied with the access to and quality of such services;

''(3) collect, as part of the Department's reviews of programs under this Act, information about the availability and quality of services provided by the centers, and share that information with the centers; and

''(4) take whatever steps are reasonable and necessary to ensure that each center performs its responsibilities in a satisfactory manner, which may include—

''(A) termination of an award under this part (if the Secretary concludes that performance has

been unsatisfactory) and the selection of a new center; and

''(B) whatever interim arrangements the Secretary determines are necessary to ensure the satisfactory delivery of services under this part to an affected region.

''(d) DURATION.—Grants, contracts or cooperative agreements under this section shall be awarded for a period of 5 years.

''SEC. 10502. REQUIREMENTS OF COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.

''(a) IN GENERAL.—Each comprehensive regional assistance center established under section 10501(a) shall—

''(1) maintain appropriate staff expertise and provide support, training, and assistance to State educational agencies, tribal divisions of education, local educational agencies, schools, and other grant recipients under this Act, in—

''(A) improving the quality of instruction, curricula, assessments, and other aspects of school reform, supported with funds under title I;

''(B) implementing effective schoolwide programs under section 1114;

''(C) meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, immigrant children, children with limited-English proficiency, neglected or delinquent children, homeless children and youth, Indian children, children with disabilities, and, where applicable, Alaska Native children and Native Hawaiian children;

''(D) implementing high-quality professional development activities for teachers, and where appropriate, administrators, pupil services personnel and other staff;

''(E) improving the quality of bilingual education, including programs that emphasize English and native language proficiency and promote multicultural understanding;

''(F) creating safe and drug-free environments, especially in areas experiencing high levels of drug use and violence in the community and school;

''(G) implementing educational applications of technology;

''(H) coordinating services and programs to meet the needs of students so that students can fully participate in the educational program of the school;

''(I) expanding the involvement and participation of parents in the education of their children;

''(J) reforming schools, school systems, and the governance and management of schools;

''(K) evaluating programs; and

''(L) meeting the special needs of students living in urban and rural areas and the special needs of local educational agencies serving urban and rural areas;

''(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under this Act with each other, as well as with other Federal, State, and local programs and reforms;

''(3) provide technical assistance using the highest quality and most cost-effective strategies possible;

''(4) coordinate services, work cooperatively, and regularly share information with, the regional educational laboratories, research and development centers, State literacy centers authorized under the National Literacy Act of 1991, and other entities engaged in research, development, dissemination, and technical assistance activities which are supported by the Department as part of a Federal technical assistance system, to provide a broad range of support services to schools in the region while minimizing the duplication of such services;

''(5) work collaboratively with the Department's regional offices;

''(6) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act;

''(7) provide services to States, local educational agencies, tribes, and schools in order to better implement the purposes of this part; and

''(8) provide professional development services to State educational agencies and local educational agencies to increase the capacity of such entities to provide high-quality technical assistance in support of programs under this Act.

''(b) PRIORITY.—Each comprehensive regional assistance center assisted under this part shall give priority to servicing—

''(1) schoolwide programs under section 1114; and

''(2) local educational agencies and Bureau-funded schools with the highest percentages or numbers of children in poverty.

''SEC. 10503. MAINTENANCE OF SERVICE AND APPLICATION REQUIREMENTS.

''(a) MAINTENANCE OF SERVICE.—The Secretary shall ensure that the comprehensive regional assistance centers funded under this part provide technical assistance services that address the needs of educationally disadvantaged students, including students in urban and rural areas, and bilingual, migrant, immigrant, and Indian students, that are at least comparable to the level of such technical assistance services provided under programs administered by the Secretary on the day preceding the date of enactment of the Improving America's Schools Act of 1994.

''(b) APPLICATION REQUIREMENTS.—Each entity or consortium desiring assistance under this part shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may require. Each such application shall—

''(1) demonstrate how the comprehensive regional assistance center will provide expertise and services in the areas described in section 10502;

''(2) demonstrate how such centers will work to conduct outreach to local educational agencies receiving priority under section 10502;

''(3) demonstrate support from States, local educational agencies and tribes in the area to be served;

''(4) demonstrate how such centers will ensure a fair distribution of services to urban and rural areas; and

''(5) provide such other information as the Secretary may require.

''SEC. 10504. TRANSITION.

''(a) EXTENSION OF PREVIOUS CENTERS.—The Secretary shall, notwithstanding any other provision of law, use funds appropriated under section 10505 to extend or continue contracts and grants for existing comprehensive regional assistance centers assisted under this Act (as such Act was in effect on the day preceding the date of enactment of the Educational Opportunities Act), and take other necessary steps to ensure a smooth transition of services provided under this part and that such services will not be interrupted, curtailed, or substantially diminished.

''(b) STAFF EXPERTISE.—In planning for the competition for the new comprehensive regional assistance centers under this part, the Secretary may draw on the expertise of staff from existing comprehensive regional assistance centers assisted under this Act prior to the date of enactment of the Educational Opportunities Act.

''SEC. 10505. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $70,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.''.

SEC. 10006. REPEALS.

Parts F through K of title X, and titles XI, XII, XIII, and XIV (20 U.S.C. 8141 et seq., 8331 et seq., 8401 et seq., 8501 et seq., 8601 et seq., 8801 et seq.) are repealed.

SEC. 10007. TECHNICAL AND CONFORMING AMENDMENTS.

(a) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997.—Section 5(d)(1) of the Legislative Branch Appropriations Act, 1997 (2 U.S.C. 117b–2(d)(1)) is amended—

(1) by striking ''14101'' and inserting ''3''; and

(2) by striking ''(20 U.S.C. 8801)''.

(b) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1987.—Section 104(3)(B)(ii) of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99–500 and Public Law 99–591) (2 U.S.C. 117e(3)(B)(ii)) is amended by striking ''14101'' and inserting ''3''.

(c) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—Section 1417(j)(1)(B) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)(1)(B)) is amended—

(1) by striking ''14101(25)'' and inserting ''3''; and

(2) by striking ''(20 U.S.C. 8801(25))''.

(d) REFUGEE EDUCATION ASSISTANCE ACT OF 1980.—Section 101(1) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking ''14101'' and inserting ''3''.

(e) TITLE 10, UNITED STATES CODE.—Section 2194(e) of title 10, United States Code, is amended—

(1) by striking ''14101'' and inserting ''3''; and

(2) by striking ''(20 U.S.C. 8801)''.

(f) TOXIC SUBSTANCES CONTROL ACT.—

(1) ASBESTOS.—Paragraphs (7), (9) and (12) of section 202 of the Toxic Substances Control Act (15 U.S.C. 2642) are amended by striking ''14101'' and inserting ''3''.

(2) RADON.—Section 302(1)(A) of the Toxic Substances Control Act (15 U.S.C. 2662(1)(A)) is amended by striking ''14101'' and inserting ''3''.

(g) HIGHER EDUCATION ACT OF 1965.—Paragraphs (4), (5), (6), (10), and (14) of section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003) are amended by striking ''14101'' and inserting ''3''.

(h) GENERAL EDUCATION PROVISIONS ACT.—Section 425(6) of the General Education Provisions Act (20 U.S.C. 1226c(6)) is amended by striking ''14701'' and inserting ''10201''.

(i) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 613(f) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(f)) is amended by striking paragraph (3).

(j) EDUCATION AMENDMENTS OF 1972.—Section 908(2)(B) of the Education Amendments of 1972 (20 U.S.C. 1687(2)(B)) is amended by striking ''14101'' and inserting ''3''.

(k) CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998.—Section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2302) is amended—

(1) in paragraph (5)—

(A) by striking ''10306'' and inserting ''5410''; and

(B) by striking ''(20 U.S.C. 8066)''; and

(2) in paragraphs (8), (16), and (21)—

(A) by striking ''14101'' and inserting ''3''; and

(B) by striking ''(20 U.S.C. 8801)''.

(l) EDUCATION FOR ECONOMIC SECURITY ACT.—

(1) ECONOMIC SECURITY.—Section 3(3) of the Education for Economic Security Act (20 U.S.C. 3902) is amended—

(A) in paragraph (3)—

(i) by striking ''198(a)(7)'' and inserting ''3''; and

(B) in paragraph (7)—

(i) by striking ''198(a)(10)'' and inserting ''3''; and

(C) in paragraph (12)—

(i) by striking ''198(a)(17)'' and inserting ''3''.

(2) ASBESTOS.—Section 511 of the Education for Economic Security Act (20 U.S.C. 4020) is amended—

(A) in paragraph (4)(A), by striking ''198(a)(10)'' and inserting ''3''; and

(B) in paragraph (5)(A), by striking ''198(a)(7)'' and inserting ''3''.

(m) JAMES MADISON MEMORIAL FELLOWSHIP ACT.—Section 815(4) of the James Madison Memorial Fellowship Act (20 U.S.C. 4514(4)) is amended by striking ''14101'' and inserting ''3''.

(n) NATIONAL ENVIRONMENTAL EDUCATION ACT.—Section 3(5) of the National Environmental Education Act (20 U.S.C. 5502(5)) is amended—

(1) by striking ''14101'' and inserting ''3''; and

(2) by striking ''(20 U.S.C. 3381)''.

(o) EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999.—Section 3(1) of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891a(1)) is amended by striking ''14101'' and inserting ''3''.

(p) DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999.—Section 3(c)(5) of the District of Columbia College Access Act of 1999 (Public Law 106–98; 113 Stat. 1323) is amended—

(1) by striking ''14101'' and inserting ''3''; and

(2) by striking ''(20 U.S.C. 8801)''.

(q) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—

(1) WAIVERS.—Section 502(b) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6212(b)) is amended—

(A) in paragraph (4), by striking the semicolon and inserting ''; and'';

(B) by striking paragraph (5); and

(C) by redesignating paragraph (6) as paragraph (5).

(2) COMBINATION OF FUNDS.—Section 504(a)(2)(B)(i) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6214(a)(2)(B)(i)) is amended by striking ''paragraphs (2) through (6)'' and inserting ''paragraphs (2) through (5)''.

(r) NATIONAL EDUCATION STATISTICS ACT OF 1994.—Paragraphs (4) and (6) of section 402(c) of the National Education Statistics Act of 1994 (20 U.S.C. 9001(c)) are amended by striking ''14101'' and inserting ''3''.

(s) ADULT EDUCATION AND FAMILY LITERACY ACT.—Section 203(13) of the Adult Education and Family Literacy Act (20 U.S.C. 9202(13)) is amended—

(1) by striking ''14101'' and inserting ''3''; and

(2) by striking ''(20 U.S.C. 8801)''.

(t) INTERNAL REVENUE CODE OF 1986.—Section 1397E(d)(4)(B) of the Internal Revenue Code of 1986 is amended by striking ''14101'' and inserting ''3''.

(u) REHABILITATION ACT OF 1973.—

(1) RESEARCH.—Section 202(b)(4)(A)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)(4)(A)(i)) is amended by striking ''14101'' and inserting ''3''.

(2) NONDISCRIMINATION.—Section 504(b)(2)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 794(b)(2)(B)) is amended by striking ''14101'' and inserting ''3''.

(v) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 108(a)(1)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2618(a)(1)(A)) is amended—

(1) by striking ''14101'' and inserting ''3''; and

(2) by striking ''(20 U.S.C. 2891(12))''.

(w) WORKFORCE INVESTMENT ACT OF 1998.—Paragraphs (23) and (40) of section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801) are amended—

(1) by striking ''14101'' and inserting ''3''; and

(2) by striking ''(20 U.S.C. 8801)''.

(x) SAFE DRINKING WATER ACT.—Paragraphs (3)(A) and (6) of section 1461 of the Safe Drinking Water Act (42 U.S.C. 300j–21) are amended by striking ''14101'' and inserting ''3''.

(y) CIVIL RIGHTS ACT OF 1964.—Section 606(2)(B) of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a(2)(B)) is amended by striking ''14101'' and inserting ''3''.

(z) OLDER AMERICANS ACT OF 1965.—

(1) APPLICATION.—Section 338A(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3030g–12(a)(1)) is amended by striking ''14101'' and inserting ''3''.

(2) DEFINITION.—Section 363(5)(B) of the Older Americans Act of 1965 (42 U.S.C. 3030o(5)(B)) is amended by striking ''14101'' and inserting ''3''.

(aa) AGE DISCRIMINATION ACT OF 1975.—Section 309(4)(B)(ii) of the Age Discrimination Act of 1975 (42 U.S.C. 6107(4)(B)(ii)) is amended by striking ''14101'' and inserting ''3''.

(bb) HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1989.—Section 221(f)(3)(B)(i) of The Hazardous and Solid Waste Amendments of 1984 (42 U.S.C. 6921 note) is amended by striking ''198(a)(7)'' and inserting ''3''.

(cc) ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP ACT OF 1994.—Paragraphs (1), (2), and (3) of section 514 of the Albert Einstein Distinguished Educator Fellowship Act of 1994 (42 U.S.C. 7382b) are amended by striking ''14101'' and inserting ''3''.

(dd) EARTHQUAKE HAZARDS.—Section 2(c)(1)(A) of the Act entitled ''An Act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes'', approved October 1, 1997 (42 U.S.C. 7704 note) is amended—

(1) by striking ''14101'' and inserting ''3''; and

(2) by striking ''(20 U.S.C. 8801)''.

(ee) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Paragraphs (6) and (11) of section 670G of the State Dependent Care Development Grants Act (42 U.S.C. 9877) are amended by striking ''14101'' and inserting ''3''.

(ff) COMMUNITY SERVICES BLOCK GRANT ACT.—Section 682(b)(4) of the Community Services Block Grant Act (42 U.S.C. 9923(b)(4)) is amended—

(1) by striking ''14101'' and inserting ''3''; and

(2) by striking ''(20 U.S.C. 8801)''.

(gg) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Paragraphs (8), (14), (22), and (28) of section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511) are amended by striking ''14101'' and inserting ''3''.

(hh) TELECOMMUNICATIONS ACT OF 1996.—Section 706(c)(2) of the Telecommunications Act of 1996 (47 U.S.C. 157 note) is amended—

(1) by striking ''paragraphs (14) and (25), respectively, of section 14101'' and inserting ''section 3''; and

(2) by striking ''(20 U.S.C. 8801)''.

(ii) COMMUNICATIONS ACT OF 1934.—Section 254(h)(5)(A) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(A)) is amended—

(1) by striking ''paragraphs (14) and (25), respectively, of section 14101'' and inserting ''section 3''; and

(2) by striking ''(20 U.S.C. 8801)''.

(jj) TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY.—Section 4024 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31136 note) is amended by striking ''14101'' and inserting ''3''.

TITLE XI—AMENDMENTS TO OTHER LAWS

PART A—REPEALS

SEC. 11101. GOALS 2000: EDUCATE AMERICA ACT.

The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) is repealed.

SEC. 11102. HIGHER EDUCATION AMENDMENTS OF 1998.

Part B of title VIII of the Higher Education Amendments of 1998 (20 U.S.C. 1070a–ll note) is repealed.

SEC. 11103. CONFORMING AMENDMENTS.

(a) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—

(1) Section 3(a) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6102(a)) is amended—

(A) in paragraph (1)(B), by striking ''the Goals 2000: Educate America Act and''; and

(B) in paragraph (14), by striking ''the National Education Goals set forth in title I of the Goals 2000: Educate America Act'' and inserting ''America's Education Goals''.

(2) Section 4(3) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6103(3)) is amended—

(A) by inserting ''and'' after ''section 213,''; and

(B) by striking '', and is consistent with the State improvement plan for the State, if any, under the Goals 2000: Educate America Act''.

(3) Section 102(3) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6112(3)) is amended by striking ''including, where applicable, standards established under the Goals 2000: Educate America Act,''.

(4) Section 203 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6123) is amended by striking subsection (c).

(5) Section 204 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6124) is repealed.

(6) Section 213 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6143) is amended—

(A) by striking subsection (c); and

(B) in subsection (d)—

(i) in paragraph (6)—

(I) by striking subparagraph (F); and

(II) by redesignating subparagraphs (G) through (L) as subparagraphs (F) through (K), respectively; and

(ii) in paragraph (8), by striking ''academic and skill standards established pursuant to the Goals 2000: Educate America Act and the National Skill Standards Act of 1994'' and inserting ''standards established pursuant to the National Skill Standards Act of 1994''.

(7) Section 214(b)(3) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6144(b)(3)) is amended—

(A) in subparagraph (B), by inserting ''and'' after the semicolon;

(B) in subparagraph (C), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (D).

(b) EDUCATION AMENDMENTS OF 1978.—Section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''the National Education Goals embodied in the Goals 2000: Educate America Act'' and inserting ''America's Education Goals''; and

(B) by striking the second sentence; and

(2) in subsection (b), by striking ''the Goals 2000: Educate America Act'' and inserting ''the Goals 2000: Educate America Act (as in effect on the date of enactment of the Educational Opportunities Act)''.

PART B—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

SEC. 11201. STATEMENT OF POLICY.

Section 721(3) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11431(3)) is amended by striking ''should not be'' and inserting ''is not''.

SEC. 11202. GRANTS FOR STATE AND LOCAL ACTIVITIES.

Section 722 of such Act (42 U.S.C. 11432) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(A)—

(i) by inserting ''and'' after ''Samoa,''; and

(ii) by striking '', and Palau'' and all that follows through ''Palau)''; and

(B) in paragraph (3)—

(i) by inserting ''or'' after ''Samoa,''; and

(ii) by striking '', or Palau'';

(2) in subsection (e), by adding at the end the following:

''(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—In providing a free public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth, either in a separate school, or in a separate program within a school, based on such child or youth's status as homeless, except as provided in section 723(a)(2)(B)(ii).'';

(3) by amending subsection (f) to read as follows:

''(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

''(1) gather reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary schools and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress

made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in, school;

''(2) develop and carry out the State plan described in subsection (g);

''(3) collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, such information as the Secretary deems necessary to assess the educational needs of homeless children and youth within the State;

''(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children and youth who are preschool age, and families of such children and youth; and

''(5) in order to improve the provision of comprehensive education and related services to homeless children and youth and their families, coordinate and collaborate with—

''(A) educators, including child development and preschool program personnel;

''(B) providers of services to homeless and runaway children and youth and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth);

''(C) local educational agency liaisons for homeless children and youth; and

''(D) community organizations and groups representing homeless children and youth and their families.''; and

(4) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) by striking ''the report'' and inserting ''the information''; and

(II) by striking ''(f)(4)'' and inserting ''(f)(3)''; and

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

''(H) contain assurances that—

''(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not segregated on the basis of their status as homeless or stigmatized; and

''(ii) local educational agencies serving school districts in which homeless children and youth reside or attend school will—

''(I) post public notice of the educational rights of such children and youth where such children and youth receive services under this Act (such as family shelters and soup kitchens); and

''(II) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth.'';

(B) by amending paragraph (3) to read as follows:

''(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

''(A) IN GENERAL.—Each local educational agency serving a homeless child or youth assisted under this subtitle shall, according to the child's or youth's best interest—

''(i) continue the child's or youth's education in the school of origin—

''(I) for the duration of their homelessness;

''(II) if the child becomes permanently housed, for the remainder of the academic year; or

''(III) in any case in which a family becomes homeless between academic years, for the following academic year; or

''(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

''(B) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

''(i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian; and

''(ii) provide a written explanation to the homeless child's or youth's parent or guardian when the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian.

''(C) ENROLLMENT.—

''(i) IN GENERAL.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

''(ii) SPECIAL RULE.—The enrolling school immediately shall contact the school last attended by the child or youth to obtain relevant academic and other records. If the child or youth needs to obtain immunizations, the enrolling school shall promptly refer the child or youth to the appropriate authorities for such immunizations.

''(D) DEFINITION OF SCHOOL OF ORIGIN.—For purposes of this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

''(E) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.'';

(C) by amending paragraph (6) to read as follows:

''(6) COORDINATION.—

''(A) IN GENERAL.—Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate the provision of services under this subtitle with local services agencies and other agencies or programs providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.).

''(B) HOUSING ASSISTANCE.—If applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youth who become homeless.

''(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

''(i) ensure that homeless children and youth have access to available education and related support services; and

''(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in shelters and other challenges associated with homeless children and youth.'';

(D) by amending paragraph (7) to read as follows:

''(7) LIAISON.—

''(A) IN GENERAL.—Each local liaison for homeless children and youth designated pursuant to paragraph (1)(H)(ii)(II) shall ensure that—

''(i) homeless children and youth enroll, and have a full and equal opportunity to succeed, in the schools of the local educational agency;

''(ii) homeless families, children, and youth receive educational services for which such families, children, and youth are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

''(iii) the parents or guardians of homeless children and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children; and

''(iv) public notice of the educational rights of homeless children and youth is posted where such children and youth receive services under this Act (such as family shelters and soup kitchens).

''(B) INFORMATION.—State coordinators in States receiving assistance under this subtitle and local educational agencies receiving assistance under this subtitle shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons for homeless children and youth.

''(C) LOCAL AND STATE COORDINATION.—Liaisons for homeless children and youth shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.

''(D) DISPUTE RESOLUTION.—Unless another individual is designated by State law, the local liaison for homeless children and youth shall provide resource information and assist in resolving a dispute under this subtitle if such a dispute arises.''; and

(E) by striking paragraph (9).

SEC. 11203. LOCAL EDUCATIONAL AGENCY GRANTS.

Section 723 of such Act (42 U.S.C. 11433) is amended—

(1) in subsection (a), by amending paragraph (2) to read as follows:

''(2) SERVICES.—

''(A) IN GENERAL.—Services provided under paragraph (1)—

''(i) may be provided through programs on school grounds or at other facilities;

''(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals; and

''(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not replace that program.

''(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided on school grounds, schools—

''(i) may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, subject to clause (ii); and

''(ii) shall not provide services in settings within a school that segregates homeless children and youth from other children and youth, except as is necessary for short periods of time—

''(I) for health and safety emergencies; or

''(II) to provide temporary, special, supplementary services to meet the unique needs of homeless children and youth.'';

(2) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

''(1) an assessment of the educational and related needs of homeless children and youth in the school district (which may be undertaken as a part of needs assessments for other disadvantaged groups);''; and

(C) in paragraph (4) (as so redesignated), by striking ''(9)'' and inserting ''(8)''; and

(3) in subsection (c)—

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

''(1) IN GENERAL.—The State educational agency, in accordance with the requirements of this subtitle and from amounts made available to the State educational agency under section 726, shall award grants, on a competitive basis,

to local educational agencies that submit applications under subsection (b). Such grants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider—

''(A) the local educational agency's needs assessment under subsection (b)(1) and the likelihood that the program to be assisted will meet the needs;

''(B) the types, intensity, and coordination of services to be assisted under the program;

''(C) the involvement of parents or guardians;

''(D) the extent to which homeless children and youth will be integrated within the regular education program;

''(E) the quality of the local educational agency's evaluation plan for the program;

''(F) the extent to which services provided under this subtitle will be coordinated with other available services;

''(G) the extent to which the local educational agency provides case management or related services to homeless children and youth who are unaccompanied by a parent or guardian; and

''(H) such other measures as the State educational agency determines indicative of a high-quality program.''.

SEC. 11204. SECRETARIAL RESPONSIBILITIES.

Section 724 (42 U.S.C. 11434) is amended—

(1) in subsection (a), by striking ''the State educational'' and inserting ''State educational'';

(2) by striking subsection (f);

(3) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(4) by inserting after subsection (b) the following:

''(c) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the Educational Opportunities Act, school enrollment guidelines for States with respect to homeless children and youth. The guidelines shall describe—

''(1) successful ways in which a State may assist local educational agencies to enroll immediately homeless children and youth in school; and

''(2) how a State can review the State's requirements regarding immunization and medical or school records and make revisions to the requirements as are appropriate and necessary in order to enroll homeless children and youth in school more quickly.''; and

(5) by adding at the end the following:

''(g) INFORMATION.—

''(1) IN GENERAL.—From funds appropriated under section 726, the Secretary, directly or through grants, contracts, or cooperative agreements, shall periodically collect and disseminate data and information regarding—

''(A) the number and location of homeless children and youth;

''(B) the education and related services homeless children and youth receive;

''(C) the extent to which the needs of homeless children and youth are met; and

''(D) such other data and information as the Secretary determines necessary and relevant to carry out this subtitle.

''(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

''(h) REPORT.—Not later than 4 years after the date of enactment of the Educational Opportunities Act, the Secretary shall prepare and submit to the President and the appropriate committees of the House of Representatives and the Senate a report on the status of the education of homeless children and youth, which shall include information regarding—

''(1) the education of homeless children and youth; and

''(2) the actions of the Department of Education and the effectiveness of the programs supported under this subtitle.''.

SEC. 11205. DEFINITIONS.

Section 725 of such Act (42 U.S.C. 11434a) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) the terms 'local educational agency' and 'State educational agency' have the meanings given the terms in section 2 of the Elementary and Secondary Education Act of 1965;''.

SEC. 11206. AUTHORIZATION OF APPROPRIATIONS.

Section 726 (42 U.S.C. 11435) is amended to read as follows:

''SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this subtitle, there are authorized to be appropriated $40,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 11207. CONFORMING AMENDMENTS.

(a) GRANTS FOR STATE AND LOCAL ACTIVITIES.—Section 722 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11432) is amended—

(1) in subsection (c)(1), by striking ''section 724(c)'' and inserting ''section 724(d)''; and

(2) in subsection (g)(2), by striking ''paragraphs (3) through (9)'' and inserting ''paragraphs (3) through (8)''.

(b) LOCAL EDUCATIONAL AGENCY GRANTS.—Section 723(b)(3) of such Act (42 U.S.C. 11433(b)(3)) is amended by striking ''paragraphs (3) through (9) of section 722(g)'' and inserting ''paragraphs (3) through (8) of section 722(g)''.

(c) SECRETARIAL RESPONSIBILITIES.—Section 724(f) of such Act (as amended by section 11204(3)) is amended by striking ''subsection (d)'' and inserting ''subsection (e)''.

PART C—ALBERT EINSTEIN DISTINGUISHED EDUCATORS

SEC. 11301. ALBERT EINSTEIN DISTINGUISHED EDUCATOR ACT OF 1994.

Part A of title V of the Improving America's Schools Act of 1994 (42 U.S.C. 7382 et seq.) is amended to read as follows:

''PART A—ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP ACT

''SEC. 511. SHORT TITLE.

''This part may be cited as the 'Albert Einstein Distinguished Educator Fellowship Act of 1994'.

''SEC. 512. PURPOSE; DESIGNATION.

''(a) PURPOSE.—The purpose of this part is to establish within the Department of Energy a national fellowship program for elementary and secondary school mathematics and science teachers.

''(b) DESIGNATION.—A recipient of a fellowship under this part shall be known as an 'Albert Einstein Fellow'.

''SEC. 513. DEFINITIONS.

''As used in this part—

''(1) the term 'elementary school' has the meaning provided by section 3 of the Elementary and Secondary Education Act of 1965;

''(2) the term 'local educational agency' has the meaning provided by section 3 of the Elementary and Secondary Education Act of 1965;

''(3) the term 'secondary school' has the meaning provided by section 3 of the Elementary and Secondary Education Act of 1965; and

''(4) the term 'Secretary' means the Secretary of Energy.

''SEC. 514. FELLOWSHIP PROGRAM.

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The Secretary shall establish the Albert Einstein Distinguished Educator Fellowship Program (hereafter in this part referred to as the 'Program') to provide 12 elementary or secondary school mathematics or science teachers with fellowships in each fiscal year in accordance with this part.

''(2) ORDER OF PRIORITY.—The Secretary may reduce the number of fellowships awarded under this part for any fiscal year in which the amount appropriated for the Program is insufficient to support 12 fellowships. If the number of fellowships awarded under this part is reduced for any fiscal year, then the Secretary shall award fellowships based on the following order of priority:

''(A) Two fellowships in the Department of Energy.

''(B) Two fellowships in the Senate.

''(C) Two fellowships in the House of Representatives.

''(D) One fellowship in each of the following entities:

''(i) The Department of Education.

''(ii) The National Institutes of Health.

''(iii) The National Science Foundation.

''(iv) The National Aeronautics and Space Administration.

''(v) The Office of Science and Technology Policy.

''(3) TERMS OF FELLOWSHIPS.—Each fellowship awarded under this part shall be awarded for a period of 10 months that, to the extent practicable, coincide with the academic year.

''(4) ELIGIBILITY.—To be eligible for a fellowship under this part, an elementary or secondary school mathematics or science teacher shall demonstrate—

''(A) that such teacher will bring unique and valuable contributions to the Program;

''(B) that such teacher is recognized for excellence in mathematics or science education; and

''(C)(i) a sabbatical leave from teaching will be granted in order to participate in the Program; or

''(ii) the teacher will return to a teaching position comparable to the position held prior to participating in the Program.

''(b) ADMINISTRATION.—The Secretary shall—

''(1) provide for the development and administration of an application and selection process for fellowships under the Program, including a process whereby final selections of fellowship recipients are made in accordance with subsection (c);

''(2) provide for the publication of information on the Program in appropriate professional publications, including an invitation for applications from teachers listed in the directories of national and State recognition programs;

''(3) select from the pool of applicants 12 elementary and secondary school mathematics teachers and 12 elementary and secondary school science teachers;

''(4) develop a program of orientation for fellowship recipients under this part; and

''(5) not later than August 31 of each year in which fellowships are awarded, prepare and submit an annual report and evaluation of the Program to the appropriate Committees of the Senate and the House of Representatives.

''(c) SELECTION.—

''(1) IN GENERAL.—The Secretary shall arrange for the 24 semifinalists to travel to Washington, D.C., to participate in interviews in accordance with the selection process described in paragraph (2).

''(2) FINAL SELECTION.—(A) Not later than May 1 of each year preceding each year in which fellowships are to be awarded, the Secretary shall select and announce the names of the fellowship recipients.

''(B) The Secretary shall provide for the development and administration of a process to select fellowship recipients from the pool of semifinalists as follows:

''(i) The Secretary shall select three fellowship recipients who shall be assigned to the Department of Energy.

''(ii) The Majority Leader of the Senate and the Minority Leader of the Senate, or their designees, shall each select a fellowship recipient who shall be assigned to the Senate.

''(iii) The Speaker of the House of Representatives and the Minority Leader of the House of Representatives, or their designees, shall each select a fellowship recipient who shall be assigned to the House of Representatives.

''(iv) Each of the following individuals, or their designees, shall select one fellowship recipient who shall be assigned within the department, office, agency, or institute such individual administers:

''(I) The Secretary of Education.

''(II) The Director of the National Institutes of Health.

''(III) The Director of the National Science Foundation.

''(IV) The Administrator of the National Aeronautics and Space Administration.

''(V) The Director of the Office of Science and Technology Policy.

''SEC. 515. FELLOWSHIP AWARDS.

''(a) FELLOWSHIP RECIPIENT COMPENSATION.—Each recipient of a fellowship under this part shall be paid during the fellowship period at a rate of pay that shall not exceed the minimum annual rate payable for a position under GS–13 of the General Schedule.

''(b) LOCAL EDUCATIONAL AGENCY.—The Secretary shall seek to ensure that no local educational agency penalizes a teacher who elects to participate in the Program.

''SEC. 516. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for the Program $700,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. Mr. President, I have asked the chairman and the ranking member to allow me to go forward briefly as we get started on this very important legislation. They have been gracious enough to allow me to do so.

I first emphasize a point I think everybody understands: Elementary and secondary education is very important in America. People all over this country, in every State nationwide, believe education is the area where we must concentrate; we have to show better results; we have to have accountability; we have to have some results that show our children are actually learning.

First, I will emphasize my personal background in this area. My mother was a schoolteacher for 19 years. As many schoolteachers, unfortunately, she reached a point where she needed to have more income. She wound up going into bookkeeping and radio broadcasting. I remember quite well her many years as a teacher in elementary schools in my own State.

I had the opportunity, in three different positions, to work for the University of Mississippi. I worked with placement and financial aid programs; I worked as a recruiter; I worked with a work-study program; and I worked with the alumni association. I know the importance of these programs.

I have always been supportive of financial aid programs from the Federal level so our children will have access to good work-study programs, to grants, to loans, so every American child has an opportunity to further their education, whether it is at a training school, community college, or a university. We have done good work in that area. I think we can truly tell students when they finish high school there will be an opportunity to get additional training or education.

In one area we are still falling behind. That is in the elementary and secondary levels, K through 12. The statistics show that in world competition we do quite well in higher education, but in K through 12 we are way behind international standards in reading, and particularly in math and science. We must do more in that area. I feel strongly about that.

I went to public schools all my life. My wife went to public schools. Both of our children went to public schools, from the first grade all the way through college. I want to make sure we have good, quality education in America. We have to do something about the reports such as the ones I have been reviewing this morning.

According to the National Assessment of Educational Programs, 77 percent of children in high-poverty urban schools are reading below basic levels. Test scores of 12th graders in math, reading, and writing have remained stagnant or declined over the last 30 years, and our 12th graders scored near dead last in international comparisons.

At the same time, we have spent billions of dollars—I think this statistic is $120 billion or more—over those past 30 years of Federal funds, not to mention what has been spent at the local and State level. Yet the scores are stagnant or have declined in critical areas including math, reading, and writing. Fourth-grade students in high-poverty schools remain two grade levels behind peers in low-poverty schools in math. In reading, they are three or four grade levels behind.

Contrary to original projections, the ESEA was designed to address the achievement gap that actually is widening. There are other unacceptable statistics if we are going to have our children in a position to have learned enough to be able to compete in the world economy or whether they can even be trained to be able to get a good-paying job.

A couple of years ago, I had a request from the leaders of the Silicon Valley high-tech companies to meet with me. They didn't specify what the subject matter was going to be. Of course, I thought we would talk computers, talk Internet, what do we do about taxes on the Internet, what to do about their inability to get more workers to fill the jobs they had available—basically, just a computer or high-tech discussion.

Twelve of them sat around the table in my conference room. They didn't want to talk about any other subject but education. They said: We cannot get high school graduates who have the basics so we can train them in this critical high-tech industry.

That applies, of course, to Silicon Valley in California and to the high-tech jobs we have in Northern Virginia as well as all over the country.

In my home area of Jackson, MS, we have such companies as SkyTel, Bell South, MCI WorldCom. These companies have created a lot of jobs and great opportunities for our young people. If they don't have the basics to be trained to fill the jobs, the jobs will go unfilled or we will have to go with an H–1B program to bring in people from other countries to fill these jobs until we can improve our system of education.

This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education. We may have differences, and we will have differences, about how to improve the system, but let's have that debate, let's have votes, and let's not get distracted by other irrelevant, extraneous matter. I believe Americans want that. Whether it is in my State or nationwide, polls show that American people rate their concern about the quality of education No. 1.

This is a $15 billion reauthorization bill. Good work has been done by the committee. I commend Chairman JEFFORDS, who is on the floor, ready to proceed, and the ranking member, Senator KENNEDY. They had many amendments, many of which were voted down, and some of them were adopted. Now we have the bill ready for action. Many Members have done excellent work, and we will hear from a number of them later on.

I have always said that education is about learning. We need to remember that. Some people think it is about teaching, others think it is about freedom of expression, but in the end the question must be, Does the child learn? Is he or she getting what they need to do better on tests and be able to get and hold a job?

In order to learn, there are basic necessities in a schoolroom. First, you have to have discipline. That has become a problem in schools all across America. If kids are squirming around or if there is disruption in class, if they are talking, if they are not behaving, if there is not a system of discipline, there is a problem with the children being able to learn.

It does require good teachers. There are a lot of great teachers, a lot of teachers who should be rewarded for their good work. There are some teachers who have deficiencies, but we should not condemn them or complain about them. We should find a way to give them the opportunity to get the training they need to do a better job.

In my own State, the private sector has given computers to a lot of our schools and libraries. Many of the computers are sitting in the back of classrooms or in halls in the crates they came in because the teachers have not had a training program to teach the students how to use the computers. So we need to do something about that and we are beginning to get programs developed that specifically train the teachers in what they need to know in

order to make use of these computers. That is the kind of program on which we need to focus locally and in the private sector.

We have one individual and his wife, natives of my State, who gave $100 million of their own personal money to, improve reading at the fourth grade level—not as a part of a Federal program, not as a part of a State program. In fact, they specifically said they didn't want to be tied to some sort of match. They wanted this money, every nickel of it, to be used for innovative efforts to train children in the fourth grade to be able to read.

Certainly that is commendable. We need more of that sort of thing.

We need to make sure our schools are safe. It is hard for me to believe the dangers that now go along with going to school. The juvenile justice bill had provisions that would allow assistance in dealing with alcohol abuse among our children, and drug programs. It would have authorized the use of funds to put metal detectors at schools where that might be needed.

We have to make sure our schools are safe and drug free. It is still horrifying to me to think that is a problem in many schools, not just at the high school level or the middle school level but even in elementary school. What have we come to in our society that our children in the sixth grade, fifth grade, fourth grade, are tempted or involved in using drugs? We have to make sure we have programs that are aimed at stopping that.

My colleague from Mississippi, Senator COCHRAN, has been active in the area of trying to promote and provide assistance for drug-free schools.

We must have accountability. It is not good enough any longer to put more money into programs and hope for the best. We have to see the results. There has to be a connection between the money, the teaching, what is happening in the school, and how the children are doing. It is just not acceptable any longer that our children are not getting what they need in our educational system in America. So it has to be results oriented. There has to be some way to determine if the children are getting what they need in the third or fourth grade or in the tenth grade. There must be a system of identifying what is being achieved in our educational process.

There are several provisions in this particular bill on which I think we should focus and we should make sure are included in the final version. We should encourage our States to take full advantage of these. One is the so-called Teacher Empowerment Act. This gives flexibility to the States and to the local schools to use over $2 billion annually to develop high-quality professional programs to reduce class size or to fund innovative teacher programs such as teacher testing, merit-based teacher performance systems, or alternative routes to certification.

In different States you have different needs. In different areas within States you have different needs. In my own State, along the gulf coast, what is needed perhaps is a greater reward for excellent teachers, or more programs for the gifted and talented. In another part of the State better reading programs might be needed. In another part there might be a need to repair the roofs. That kind of flexibility is needed, though, where the administrators, the teachers, the parents, and the children can make those decisions without some nameless, faceless bureaucrat in Washington, or Senators, saying it must be used the way they say it should be used. Give them some modicum of flexibility. That is what this teacher empowerment provision of the bill would do.

We have started moving in that area. A year ago, on a bipartisan basis, we passed the first Flexibility in Education Act. Now it has been expanded. I think it is showing good results. I think this bill would expand it to 15 States, and I would like that to very soon be applicable to every State. But under the Teacher Empowerment Act, States and school districts can choose to spend their money to increase the number of high-quality teachers. That seems to be such a good way to go. It is one of the provisions in this bill that I like the most.

Also, we have what is known as the Straight A's provision. This has been developed by a number of Senators, but Senator SLADE GORTON has worked in particular on it. Under this Straight A's provision, States or interested school districts have to establish a 5-year performance agreement with the Secretary of Education. This gets to the results-oriented and child-centered point I was making earlier. There has to be some way to say we are going to give flexibility, we are going to give additional money to use in different ways, but there have to be results. You have to show it has an impact on the children. So I think that is a very good part of this bill.

The child-centered funding allows interested States and schools to use their title I dollars to establish per-pupil amounts for supplemental services for each eligible child. After all, that gets back to what I said at the beginning—education is about learning. If that is your goal, it has to be aimed at finding ways to help the child. Maybe the traditional way we have used title I funds is not the best way for it to be used nationwide. As I said earlier, test scores would indicate that. In spite of all this money, the scores are stagnant or declining in critical areas. So that is a very important provision.

Then, public school choice. Well over 5,000 title I schools have been identified as failing schools for over 2 years; over 1,000 for over 4 years, and over 100 for 10 years. What if a school is just not doing the job—it is getting the local money, getting the State money, and getting the Federal money, but it continues to fail. The child must have some choice. That is what public school choice is all about. Why should a child have to attend a school that doesn't meet his or her needs and there is a better public school right down the street in the same town? Why shouldn't parents and children be able to make that choice?

I think the money should go with the child; that is who we are really trying to help. It should not be aimed at the school. If a family, for good reason, decides they want to choose a school that produces results rather than a failing school in the public school system, clearly they should have that choice.

So these are just a few of the critical provisions in this legislation that I know will be discussed. There will be amendments offered. Hopefully, we will improve this bill. I understand—in fact I know—there is a bipartisan effort to try to come up with a bill that will have Republican and Democrat support. I will be very interested in developing a bipartisan bill. That is how we got the education flexibility legislation done last year. That is how we got the education savings account bill done this year. This is part of our continuing effort to focus on ways to improve education. We have to do it.

In my State that has a lot of very poor schools, we have to do more. We have to do more locally, and our State legislature and our Governor just signed major education legislation making a 5-year commitment to education and to raising the salaries of our teachers to the Southeastern regional average. That is a major commitment of funds and a major commitment to education that has been expressed by my own State. I know that story is being replicated in States all across the Nation, whether it is Minnesota or Arizona, Massachusetts or Vermont, Alabama or Maine. That is as it should be. But we cannot do it with the status quo.

That is what many Democrats are saying: Look, we have this program. This is the way it has been done. We have been putting billions of dollars into it, but what we need is more billions of dollars to do the same thing.

I do not accept that. Education is about innovation. Technology is changing the face of the world, the face of business in America, and it will change the face of education if we will allow it to do so. So the status quo? Let's just go forward. The way it always has been in education is not the way to go. We should make genuine changes. We should give flexibility and innovation a chance in education. I believe in education we can improve our quality, and it will show results soon. We need it. We need it so more students will be able to get good-paying jobs, will be able to go into the high-tech area, or manufacturing, or the professional schools. This bill is going to be the third major step in that direction: education flexibility last year, education savings accounts earlier this year, and now basic, child-centered programs in the Elementary and Secondary Education Act.

I hope we will have a good debate. I hope we will stay focused on education. I look forward to hearing the opening remarks of the chairman of the committee and the ranking member.

Mr. President, I thank them for allowing me to go forward at this time. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank my leader for his very eloquent statement on the status of education and the importance of this legislation. I am hopeful we will all work together in a bipartisan manner to come out with legislation on which we can all agree.

Today, the Senate begins debate of S. 2, the Educational Opportunities Act. This legislation deals with every aspect of federal assistance to our nation's elementary and secondary schools.

There is perhaps no subject more on the minds of the American public than education. As a nation, we have long recognized that the quality of our future depends upon the quality of the education provided to our children. From our very earliest days, schoolhouses were among the first buildings to spring up in budding communities.

Federal involvement in elementary and secondary education can be traced back to the enactment of the Northwest Ordinance of 1787, one of the first laws passed by the Continental Congress. The Northwest Ordinance required each township within the territory to reserve one square mile for the establishment of public schools. Under the Northwest Ordinance law, 77 million acres of land were set aside for public education.

Since 1965, the Elementary and Secondary Education Act, ESEA, has provided the foundation for Federal efforts to help children succeed in school. Currently, we provide about $14.3 billion annually for ESEA programs. This is a substantial investment which deserves the careful attention of all Members.

Over half, $7.9 billion, of these funds is used on behalf of disadvantaged children under the title I program. Congress created the Elementary and Secondary Education Act in order to serve these children, and they remain the primary focus of our efforts. Other activities supported through ESEA include professional development, literacy, safe and drug-free schools, bilingual education, impact aid, aid to special populations, and technology.

In preparation for this legislation, the Committee on Health, Education, Labor, and Pensions held 25 hearings on ESEA programs to examine each aspect of the Act with a view toward keeping what works, revising what does not, and adding what is necessary to meet emerging needs.

In addition, I have devoted a great deal of time talking with students, parents, teachers, principals, superintendents, school board members, state-level school officials, and Governors. I have traveled all over the country doing this. In particular, I have listened to those in my home state of Vermont who work every day to make elementary and secondary school the best it can be.

What I have heard from Vermonters and others around the country is that schools need to be held accountable for the performance of all their students, that education programs must show positive results, and that quality teachers and school leaders are essential to the success of any school. I have also been reminded that the 7-cents on the dollar provided by the Federal government is not going to do the job singlehandedly. To achieve these objectives, states and localities must have sufficient flexibility to tailor solutions to meet their individual circumstances.

The advice I received is reflected in the programs and themes included in the Educational Opportunities Act. The primary objectives of this bill are:

One, to maintain and strengthen the title I reform process initiated in 1994 which emphasizes the establishment of high standards and assessments designed to measure progress towards those standards;

Two, to promote the sustained professional development of teachers and school leaders;

Three, to help assure that students are provided a safe and drug-free learning environment;

Four, to place an emphasis on getting results by insisting that activities and programs supported with federal funds are based on theory, research, and evaluation showing them to be effective in meeting their objectives; and

Five, to increase State and local flexibility in the use of Federal funds in exchange for greater accountability for improving student performance.

We would all agree that our schools must be held accountable for ensuring the academic success of all students. Like many others, I am disappointed that our students are not performing at the levels they should be and that Federal efforts to serve disadvantaged students have not shown better results.

Congress has long recognized the need to raise standards. The alarm was raised in the Nation at Risk report issued in 1983. The admonition was given in these terse words: If a foreign government had imposed on us our educational system we would have declared it an act of war. In 1989, then-President Bush called together the Nation's Governors to an education summit from which national education goals for the year 2000 were set.

In 1994, Congress substantially revised the title I program by focusing on standards, assessment, and professional development. The 1994 legislation set out a 7-year timetable for States to develop student content and performance standards and assessments aligned to those standards. The idea was to determine what students should know and be able to do and then to hold schools accountable for results by testing students against these standards.

In addition, States and local school districts are to identify failing schools, known as schools in need of improvement, to offer extra assistance to those schools, and to take corrective action if the schools fail to improve over a 2-year period. Corrective action may include implementing a new curriculum, restructuring the school, implementing a joint plan that addresses specific student performance problems, reconstituting school staff, or decreasing decisionmaking authority at the school level. If permitted under State or local law, corrective action at the school district level may also include reducing or withholding funds from a school or abolishing the school. At the State level, again subject to State and local law, corrective action may include reducing or withholding funds from a school district, abolishing the district, removing particular schools from its jurisdiction, or appointing a receiver or trustee.

We are now midstream in this reform process. To date, 48 States have approved content standards, 25 States have approved performance standards, and no States have approved assessments. Assessments are not required under the law until the 2001–2002 school year.

The proposal approved by the committee ''stays the course'' with respect to these fundamental reforms, while building upon them in ways which will not sidetrack the activities well underway at the State and local levels. The revisions made to title I are designed to demonstrate that we are serious about holding children to high standards and pressuring for reform of failing schools—without creating mandates that force States and localities to start all over under a new set of rules and reporting requirements. Recognizing the expense of these endeavors, the measure also offers additional assistance for school improvement and assessment activities so that schools will be able to keep in stride with the 7-year reform schedule.

Other revisions in title I emphasize the importance of parental involvement, including the creation of a separate part in the Title which is exclusively devoted to this issue. Title I also contains a new part which highlights the Comprehensive School Reform program. This program provides support for schools to put in place schoolwide reform programs which are backed up by research showing them to be effective.

Not just in title I, but throughout the bill, there is an emphasis on getting results. Activities and programs supported with Federal funds are to be based on theory, research, and evaluation showing them to be effective in meeting their objectives, particularly as they relate to improving student achievement and performance.

The bill also supports efforts to enhance teacher quality, which is one of the most critical tasks facing us. Nothing will change in the classroom until

the teachers change. And the teachers can't be expected to change until they have help in knowing what is expected of them.

We made a strong start in this regard during the last Congress by completely revamping federal support for teacher preparation activities as part of our work on the Higher Education Act. We now have the opportunity to focus on the professional development of teachers already in the classroom.

This legislation is designed to step away from one-time, short-term activities and, instead, promote the sustained professional development shown to be effective in improving teacher skills and content knowledge.

Recognizing that the need for professional development is not limited to teachers, the bill includes a new professional development initiative directed toward principals and superintendents. As we all know, a good school always has a first-rate principal, and a first-rate school district always has an outstanding and innovative superintendent.

Funding for professional development activities is increased by including funds currently allocated for the class-size reduction program. Schools will still have the ability to hire teachers with Federal funds. If that is where their need lies, I am sure they will do just that. What I have heard in Vermont, however, is that the biggest need is not for more teachers—but rather for better ones. That is a choice that I believe Vermont and the other States across the country are in a better position to make than we are here in Congress. This bill leaves that choice squarely in their hands.

The goal of assuring a safe and drug-free learning environment is promoted in this legislation through a strengthening of the provisions of title IV, Safe and Drug-Free Schools and Communities. These improvements are the result of the bipartisan efforts of several Members, spearheaded by Senators DEWINE, DODD, and MURRAY. Modifications are made to increase accountability, to ensure that researched-based programs are funded, to provide States with greater flexibility in targeting violence and drug use, and to increase community participation in prevention programs.

Finally, this legislation takes a number of significant steps to increase flexibility in exchange for greater accountability. It does so in the recognition that national programs which offer assistance for specific activities are limited in their ability to capture the diversity of individual needs in States and localities throughout the country.

The bill substantially increases funding for the Innovative Education Program Strategies provisions of title VI. This program is the most flexible of all current Federal education programs, permitting local schools to undertake the activities most likely to improve their schools and enhance the performance of their students. These funds are put to work where the need is greatest—be it technology or library books or teacher training.

The bill consolidates into title VI the waiver and related authorities now located in various titles of current law, making it easier for States and localities to find and review their options for making Federal dollars work more effectively for them.

Title VI also includes several new options for flexible use of Federal funds. For example, a new rural flexibility initiative offers small rural districts the chance to combine the small amounts they might receive under specific categorical grant programs to amass a chunk of funds large enough to really address a priority need.

The Elementary and Secondary Education Act authorizes formula and competitive grants that allow many of our local school districts to improve the education of their students. These federal grants support efforts to promote goals such as the professional development of teachers, the incorporation of technology into the classroom, gifted and talented programs, and making sure our schools provide safe learning environments for our children. Schools receive several categorical grants supporting these programs, each with its own authorized activities.

As valuable as these programs are for thousands of predominantly urban and suburban school districts, they simply do not work well in rural areas. This is because the grants are based on school district enrollment. These individual grants confront smaller schools with a dilemma; namely, they simply may not receive enough funding from any single grant to carry out meaningful activities. The rural flexibility initiative allows a district to combine the funds from four categorical programs and use the funds to support projects that bring about improved academic achievement.

If we are to ensure that our children have the skills and knowledge they need to succeed in an increasingly competitive world, we must all work together to lay a sound foundation at the elementary and secondary school level. The Federal Government is just one among the many partners with a responsibility to assure that we succeed. Although the total Federal investment pales by comparison to the support offered by State and local taxpayers, the $14 billion to $15 billion we do provide represents a substantial sum by anyone's accounting.

Today, we have an opportunity to play a constructive role in helping to bring about the improvements we all want to see in elementary and secondary education. I realize there are many ideas regarding how we might achieve this goal. My hope is that, in debating our differences, we will not lose sight of our mutual goal of supporting a system of education which is second to none.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I express appreciation to the majority leader for calling up this legislation.

As has been mentioned by the majority leader, and now by the chairman of the committee, Senator JEFFORDS, I think this is a matter of very significant importance to families all over this country. Hopefully, the next several days will be a good opportunity for them to develop a better understanding and awareness as to exactly what we are trying to do to enhance academic achievement in our public schools across the Nation.

I pay tribute to the chairman of our committee, Senator JEFFORDS, who has had, over a long period of time, a distinguished career and who has placed the whole issue of quality education as one of his top priorities. We have areas of differences, but I think all of us, certainly on this side, have enormous respect for his continued leadership on the important areas of education. So it is always a pleasure to work with him. We have some important differences on this particular legislation, but all of us, at the start of this debate, acknowledge both the breadth of his understanding of this issue and his strong commitment.

We look forward to this debate. I know today we will have general debate and discussion. I think that is important. Hopefully, at the end of the day, Members of the Senate will have a much clearer idea and awareness as to the two very significant and dramatic differences of how we want to use scarce Federal resources, the $14 billion or $15 billion. It is a lot of money, but in a budget of $1.8 trillion it is still a rather small amount. But, nonetheless, it does represent about 7 cents out of every $1 that is spent at the local level. It is important that we try to appropriate it as well as we possibly can.

I think we have seen times in the past where we have had some important successes; we have also seen times in the past where we have not. But I think as a result of those times, those failures, today we are in a position to make recommendations to this body as to how best we can use the scarce resources.

There are two very dramatic differences in approach, which I think we will try to spell out in the time we have available to us this afternoon.

First of all, I will make a brief comment with regard to the majority leader. He does not engage himself often in the debate and discussion of policy issues. He expresses his viewpoints, but he is not as active, in most policy matters, as he is on education. We appreciate that. We have areas of difference, but, nonetheless, when we do debate the issues on education, he is engaged and involved. It is important that his involvement in this be recognized at the outset.

I remind the Senate, however, of the two pieces of legislation he mentioned

in terms of the achievements of the Congress. One was the Ed-Flex legislation we passed over a year ago. We have had three States that have taken advantage of that particular provision—only one State until fairly recently; two more States have come in. The most notable State to take advantage of it was North Carolina. There have been 12 States that have effectively taken advantage of the 1994 Act, and there hasn't been a single State or an educational community that actually has been turned down under Ed-Flex. I am glad we passed the legislation.

Maybe during the course of the debate, we will find out that the principal hindrance, in terms of providing greater cooperation and the commingling of funds at the local level, is the fact that the States themselves have failed to match what we have done in providing Ed-Flex. It is important to recognize that that has been the situation.

In the GAO report about what local communities want at the local level, they name as No. 1, resources; No. 2, programs that have demonstrated effectiveness in local communities and enhance legislation; No. 3, additional training for administrative skills. They don't mention the flexibility issue. We are glad that there is flexibility, but in that report they also point out that the States themselves are the ones that have been extremely reluctant to deal with their own problems.

The GAO report reviewed 15 States and found only 1 State that had really taken action in order to knock down the hindrances for that State to be able to work most effectively with Federal funds in that local community.

Secondly, on the savings account legislation, that piece of legislation was bid up from $1.2 billion over 10 years to $23 billion when it finally left the Senate floor, in a period of 3 days, without any corresponding offsets—just $23 billion. Many of us have been trying to get a prescription drug benefit of some measure. Certainly that $23 billion for the senior citizens would have gone a lot further than the $23 billion which is mostly a tax break for wealthy individuals. The way that it is constructed, it will not guarantee a single additional pencil for a schoolhouse in this nation. It will not guarantee a new teacher for any classroom. It will not guarantee an hour of afterschool programs.

What it will do is provide some generous tax breaks for very wealthy people in order to, under the definitions, try to develop educational programs devised by themselves to enhance the academic achievement for either members of their family or develop a voucher program.

The Joint Tax Committee pointed out, during the course of the debate, that half of the money that would come under the education savings accounts would go to private schools. Half would go to public schools. We know 90 percent of the children go to public schools. I think those two pieces of legislation are very marginal—a generous word—in terms of dealing with the serious problems about which parents are the most concerned relative to the record of this Congress on education.

There is very little with which we might differ in terms of the majority leader's desire and the statement made by my friend from Vermont about enhancing academic achievement and accomplishment. The real question is how that best can be done.

It is my opinion—and, I think, the opinion of many of those on this side of the aisle—that the proposition before the Senate this afternoon is a step back from what we have at the present time.

We know we have made some progress since 1994, when we put in place some tough accountability standards at the local level and other kinds of requirements in the implementation and the utilization of title I. Now, under the proposal of the majority, they are moving back, significantly eliminating and reducing the requirements which had been applicable at the local level, that ensured Title I funds were used effectively to enhance academic achievement. They have effectively wiped those out, even though they say there is a hold harmless provision on where the funds will go. The kinds of assurances for how these funds can be used, and used effectively, have been wiped out. In place, what they have done is given the prime responsibility to the Governors. This is the major change.

With this proposal that has been advanced by Republicans, we are saying that we are going to give the funds to the States and let the Governors make the judgment and decision about how those funds are going to be spent.

We hear a great deal about the importance of local control. We hear a great deal about parental involvement. We hear a great deal about what is important in local communities. That is great rhetoric, but what we have to do is look at what the legislation says. That ought to be the point of the debate.

Let us refer to the legislation. On page 618, Determination of State Participation:

> The Governor of a State, in consultation with the individual or body responsible for the education programs of the State under State law, shall determine whether the State shall participate in the performance agreement.

Now let's say the State makes its judgment about what they are going to include in their application. Look on page 632, Uses of Funds Under Agreement:

> Funds made available to a State under this part shall be used for educational purposes, including—(1) carrying out activities focused on improved student learning; (2) providing new books. . . .

We can ask ourselves, why not let them do that? The answer is very clear. We learned a lesson on why we should not do that. From 1965 to 1969, that is exactly what we did do—let the States use the funds for any educational purpose.

Referring to the excellent report on title I of ESEA, Is It Helping Poor Children, the Washington Research Project points out that funds were used for purchasing tape recorders (14 tape recorders in Milwaukee), purchasing three tubas in Alabama, purchasing football uniforms, band uniforms for $35,000, and the list goes on—in another State, 18 swimming pools in the summer shall be used for educational purposes without any limitation.

So the State moves ahead. They decide what they are going to use the funds for; it is going to be decided by the State.

What kind of a review will we have to find out what they are doing? All we have to do is look at page 637 to find out what the States are going to do, Performance Review:

> At the end of the third year for which a performance partnership agreement is in effect for a State, the Secretary shall prepare a written performance review of the activities carried out under the agreement.

Isn't that wonderful? Doesn't that really have teeth in it? After 3 years, the State is going to have a review of the activities carried out under the agreement. Then if the Secretary determines in the performance review that it isn't complete or it doesn't meet the agreements, there is, on 639, the real kick-in, the real tough action.

This is what it says:

> The Secretary shall prepare a second written performance review for the State of the activities [shall be developed].

This is the legislation, Mr. President.

Finally, on page 640, it says:

> Renewal Requirements.—The Secretary shall renew the agreement for an additional 5-year term, if (1) at the end of the 5-year term described in subsection (a), or as soon after the term as is practical, the State submits the data required under the agreement; and (2) the Secretary determines, on the basis of the data, that the State that has made substantial progress—

What is substantial progress? If they have made, according to the Secretary of Education, substantial progress, there they go again for another 5 years. Where is local control in here? Where is parental involvement in here? Tell me where are we going to get the guarantee for teachers, smaller classes, or afterschool programs in there?

They say: Well, Senator, you have to understand that States know best. Well, there have been some notable exceptions, so let's take a look at what the States have done on this. First of all, the reason we have Title I is because we decided in 1965 that the needs of disadvantaged children were not being addressed. Then we took action in 1965 with a block grant to the States. That was a disaster. So we came back with more targeted programs, some of which have been successful, some of which, have not. What has happened along the way? We have seen an expansion of the title I program. We have reached out to take into

coverage the migratory children's programs, the homeless children, the immigrant programs. Why? Because the States failed to meet those priorities.

In March of 1987, the Center for Law and Education sent out a questionnaire regarding State practices of policies for homeless children to the chief State offices in the 50 States and the District of Columbia and received 23 responses. The majority of the respondents, however, had no statewide data on the number of homeless children within their jurisdiction, or whether those children were able to obtain an education. The majority of States had no uniform plan for ensuring that homeless students received an education.

The same was true with how States were serving the needs of migrant children. We weren't properly addressing the needs of homeless children, migrant children, or immigrant children, and so they became eligible for educational services in targeted programs because they were determined to be disadvantaged children. Are we going to continue addressing the critical needs of these special populations under this proposed legislation? Absolutely not. Absolutely not. This legislation eliminates those special programs. They aren't going to continue those programs in spite of the fact that States historically have done little to address the needs of children in those areas. That has been true regarding programs that would help all three of those groups. Nonetheless, we are going to wipe those out.

In 1986, let's look at what the States were going to do in terms of trying to intervene in failing schools. This is 1986. Listen to the national NGA report. It was chaired by Governors Alexander, Clinton, King, and Riley. All four Governors had solid records in terms of education. They spearheaded the efforts for the Governors' report. They recommended that each Governor intervene in low-performing schools and school districts —that is what title I is all about—and to take over or close down, academically bankrupt school districts.

Well, in 1987, nine States had the authority to take over and annex educationally deficient schools or school districts. In 1990, here go the Governors again. Educating America; State strategies for achieving national education goals. The task force was co-chaired by Governors Clinton and Campbell. Rewards, sanctions, linkages to school, academic performance, including providing assistance and support to low-performing schools and State takeovers—these do not improve student achievement. In 1988, 18 States offered technical assistance or intervention. In 1998—12 years after the Governors quit caring about poor children as a top priority, we are about to send it all back to them. That is what this legislation does—sends it back to them.

In 1998, NGA policy supports the State focus on schools. Reiterating a position first taken in 1988, NGA policy says States should have the responsibility on accountability and clear penalties for sustained failure to improve student performance. In 1999, well, we have 19 States that have procedures for intervening. In the year 2000, 20 States provide some form of assistance to low-performing schools. Included in there are States applying some type of schoolwide sanctions to low-performing schools.

That is what the States have been doing in the last 12 years. Now we are having a recommendation by the Republicans—with that as a failed track record—let's send it all back to them.

That is absolutely crazy, Mr. President. It is absolutely crazy. We should have learned something from the various actions of the States. States report that school support teams are able to serve only half of the schools in need of improvement.

Now, in 1999, here is the final report on the assessment of title I. In this assessment, among the schools reported on in the 1998 survey that have been identified as a need of improvement, less than half reported that they had received additional professional development or technical assistance as a result of being identified for improvement from the States. I mean, this is a year ago, when the local communities' title I were asked—the ones that have been in the most troubled circumstances—what do the States provide, more than half of them said they never heard from the States. That is an indication of the States' interest.

We are turning all of this money over to the States and we naively think they will take care of all disadvantaged children. We are giving them a blank check, revenuesharing, a block grant when we are up against this kind of record. The list goes on. We could go through this, but I don't think we will be all that surprised with the results.

We went through this a short time ago—our block grant to States in terms of tobacco funds. Many of us are trying to identify those funds that ought to go to children, or children's health, or children's education. We were rolled on that particular thing. Now we find out they are laying more sidewalks in the State of California. That list goes on. What happens? What priority do these children get in terms of the States? They didn't get any priority when this bill was passed in 1965, and they are being shortchanged today, even with requirements that the funds go down to the local community. This legislation is going to effectively give it all to the States, as I mentioned. I think that is basically and fundamentally in error. As I mentioned, what are we trying to do?

Let me point out a couple of other items. If a State opts to participate in the Straight A's block grant, the accountability provisions, which, as indicated, are insignificant, apply only at the State level. Therefore, a State could demonstrate statewide overall progress based on progress being made by wealthier communities, while a lack of progress in disadvantaged communities remains statistically hidden. Do we understand that?

That means the State, in giving its progress requirement—which is a rather amorphous kind of definition—can use statewide figures and can also be selective with the particular school districts they are going to include in their report. You can say that can't be so, that just can't be so. It is so.

On pages 625 and 640, Straight A's contains general language supporting efforts to close achievement gaps, but there is no real requirement that the gaps are closed. The goals for student performance are set at the State level and there is little repercussion for failure. In addition, the proposal would free participants from current law requiring inclusion of all students in State assessments. That is one of the matters that is now going to be put aside.

Under the block grant proposal, ''all students'' is defined as ''all students attending public or charter schools that are participating in the State's assessment system.'' There are no provisions requiring States to include all students in that assessment system. Therefore, the States could exclude students from assessment without any accountability for their performance.

Talk about a shell game—they have general language about what the States have to do in order to get the next big chunk of money from Uncle Sam.

Take a look at what the States have to do in terms of giving their report where they can be selective about who is going to be in and who is going to be out to try to meet that requirement effectively. It is, as we have mentioned, an absolute blank check.

We have learned year in and year out that when you give a blank check on education, it isn't the neediest and the poorest children who are going to get it. That is why we have all of the various GAO studies showing that in targeting funds, Federal funds are targeted seven times more to poorer children than State funds expended on education. At the Federal level, with scarce resources, we decided those are going to be the priorities. They present an extraordinary challenge of what we can do and what we can achieve. I think that is a very legitimate debate.

But on our side, we have attempted to say we are going to provide to parents some guarantees in the area of education, some guarantees on smaller class size, some guarantees on teacher training, some guarantees on after-school programs, some guarantees in terms of accountability, and hopefully to try to ensure that we were going to have safe schools and safe and drug-free schools. We are also going to do something about meeting the challenges which so many of our students face with buildings that are in a state of collapse, are antiquated, and should

not be used for purposes of educating children. Those are guarantees.

The Senate has a choice: Are we going to, on the one hand, give the blank check to the States, or, on the other hand, are we going to follow the tried and tested programs that have demonstrated results for children at the local level?

I want to mention what we have done on our side with regard to the issue of accountability.

First of all, our framework requires States to set goals for student performance progress on the local level and school districts to set goals for student progress for each school.

You will hear the rhetoric about how wonderfully we are doing with schools. Here it is. We will give the reference for the various pages. Let me go through them.

If the school or district fails to make progress within 2 years, districts and States must take action to assist the school or district, and supplemental resources are provided. Research-based school improvement strategies must be implemented.

If they are going to implement from a range of different options, they have to have demonstrated success in the past based upon solid research. Then they can be used in the local communities.

If the school or district continues to fail, the district or State must impose sanctions. The governance structure of the district or school must be changed, intensive professional development must be provided to the school's faculty, and parents must be given the option to send their children to the higher performing public schools.

Effectively, if they are unable to be turned around at the end of the 5-year period, they will be on probation after the 3 years. If they are unable to do that, the school is effectively closed. The children will have to go to another school, or the States will come in and reverse that situation.

Quite frankly, that has worked. In the State of North Carolina, they have 14 schools which they have had to go into and close down. Of the 14 schools they have closed, 12 of them are now above the State average in terms of performance.

We are building on programs that have been tried and have demonstrated success. That is the way we are approaching the underserved schools and school districts. Our bill strengthens the current title I accountability system, and States are required to demonstrate progress and student achievement in each school and each district so that no community is left behind.

Our bill requires goals for student progress, not just in the aggregate, but also for economically disadvantaged, racial and ethnic groups, and limited-English-proficient students. This step is necessary to ensure that progress is made in narrowing existing achievement gaps. States are also required to submit a report identifying students excluded from assessments. If for some reason they are going to let students out of these assessments, they are going to have to be identified. This is to guarantee that the system is not being gamed.

That is what is happening. We sort of know it in some places where they have the various tests and the kids are being taught to take a particular test. There is a great deal of gaming going on in the system. We have to do everything we can to make sure that is not the case. This is to guarantee that the system is not being gamed by the practice of discarding the scores of certain students or outright excluding them from the assessment in order to improve the aggregate result.

It establishes significant consequences for failure—freezes administrative funds and requires the Secretary to withhold an increasing proportion of Federal funds for administrative expenses each successive year the States fails to meet the deadlines.

It requires accountability at the district and school level, not just the State level, by requiring LEAs to undertake corrective actions to reform specific failing schools and requiring States to undertake corrective actions to reform failing school districts. Under these provisions, the school district would be required to take action that would change the governance structure of failing schools;

It establishes report cards to inform parents about the quality of their schools and their progress in meeting student achievement goals. Our plan also requires notification to parents when either the district or school that their child is enrolled in is undergoing corrective actions.

This body doesn't see the difference between what is in the Republican proposal versus the kind of accountability we are talking about in our proposal. There are light years in difference. If we are going to be serious about these funds, we need to move ahead to make sure we are going to have support for programs that will make a difference for children.

With regard to the opening comments about accountability, I hope our friends on the other side of the aisle are going to spare us a lot of discussion about local control and parent involvement because it just isn't there, it just isn't there. It might be there in the minds of people, but it isn't there in terms of legislation. It just isn't there. We want to put it there. We know how to put it there. If we want to do that, that is all well and good. We welcome the opportunity. We tried to do that in the course of the program.

I will make a brief comment about some of the challenges that remain. We still have a long way to go. We are strongly committed to deal with those issues. Let me mention what happened in some areas and some communities.

In Connecticut, reading scores went up when the State had a major investment in attracting the Nation's best and brightest teachers. That has been recognized generally by all those in education. They have done the most effective job in ensuring a well trained teacher in every classroom. Experts are reaching the conclusion that is an indicator as to how much the children have moved up. Important research has supported that concept.

The bottom line is, with well trained teachers who are certified by the States—which is the case in our bill, not in their bill—in every classroom, the students' scores increase. Our legislation, that will be introduced by Senator DASCHLE in the form of a substitute to the underlying legislation, will have certification by the States within the 5-year period.

In Boston, MA, at the Harriet Baldwin School, there is a program that serves 283 students; 93 percent are minorities, and 80 percent are eligible for free or reduced-price lunches. From 1996 to 1998, their math and reading improved substantially above the national median. In 1996, 66 percent of third graders scored at math levels I and II with little or partial mastery of basic skills; in 1998, 100 percent scored at levels III and IV with solid performance, superior performance, beyond grade level. In 1997, 75 percent of the fourth graders were at level I and II and with only 25 percent at high proficiency. In 1998, more than 50 percent were at higher levels of proficiency.

We find programs with tough accountability, good teachers, and smaller class, we are seeing superb results.

One of the underlying differences between the bill presented by our Republican friends and our proposal is with regard to the professional development. That is a key element. Hopefully, we will have an opportunity to address that issue independently as the debate goes on. It is of special importance as we consider the underlying legislation.

Our Republican colleagues argue that the block grants provide the needed flexibility to improve teacher quality. The Republican Teacher Empowerment Act gives so much flexibility that States do not have to do anything to change their current practices. They can continue hiring uncertified teachers and continue providing low-quality, ineffective professional development and mentoring. They can use most of the funds for a large variety of purposes that dilute the focus and attention on improving the recruitment and mentoring and professional development of teachers.

Why is this so? The proposed Teacher Empowerment Act does not guarantee any substantial funds for professional development. Page 210 says, for professional development activities:

> Each local educational agency that receives a subgrant to carry out the subpart shall use a portion of the funds made available through the subgrant for professional development. . . .

They qualify with ''use a portion'' of the funds. We don't know what that

''portion'' of the funds is. It does not guarantee funds for mentoring programs, one of the most effective teacher professional development activities. Studies show, without mentoring programs, half of all the new teachers in urban and poor areas drop out within the first 5 years. Put in effective mentoring programs, and 70 to 75 percent of the teachers are staying in the schools, according to studies.

Regarding mentoring, programs that provide mentoring to newly hired teachers, such as mentoring for master teachers, are merely allowed. Mentoring is only ''allowed,'' not required, even though virtually all of the major studies show that mentoring programs work.

It does not guarantee funds for recruitment programs, it just allows the use of the funds. It does not guarantee that teachers are trained to address the needs of children with disabilities. Our bill guarantees that teachers are trained to meet the needs of children with disabilities and limited English proficient children.

It does not hold States accountable for having a qualified teacher in every classroom. It does not even require teachers to be certified. Imagine that. I was listening to the majority leader talk about the importance of having good teachers in every classroom. Their proposal does not even require that teachers be certified in Mississippi.

It also does not require a substantial priority for math and science training. No one can look at the challenges that underserved children are facing in our schools in urban and rural areas and not understand that in math and science there are special needs. Talk to any educator who has dealt with the problems of urban education, and they will say you need someone who will be teaching math and science. We provide an allocation for the math and science teachers, giving them the first priority. They don't require any substantial priority for math and science training.

Their proposal does not require accountability. Instead, it promotes ineffective activities through the TOPS Program that are contrary to promising practices by supporting individually selected strategies for teachers. That means if you are a teacher in Chicopee and decide you would find a program you think is pretty good for elsewhere in Massachusetts, be my guest, you can take it. It gives them all the flexibility on this to be able to go out there and take it, instead of using what has been the recognized way of enhancing academic achievement and professional development; that is, having it school-related, tied to the curriculum, working with teachers, working with students. That is what all the studies, teachers, and scholars alike have said.

Not under the Republican program; it is business as usual. They have used the programs in various communities around the country. I hope those who are trying to defend the Republican program will be able to demonstrate how and where their effectiveness has been. It hasn't been there. It is not there. But they have accepted that. That, I think, really fails to meet the basic thrust of the importance of a qualified teacher.

There are others who want to speak, but let me just spend a few minutes on what we have done on teachers. In our particular program with regard to recruitment and professional development, to help schools and districts States can keep up to 6 percent for State activities, including strategies to raise teacher salaries, improve alternate routes to State certification, and reduce the numbers of teachers placed out of field or who are emergency credentialed. It requires the first $300 million will be used for professional development, mentoring, and recruitment in math and science, and it requires 60 percent of State funds be used for high-quality professional development and mentoring activities. That is funds that would go by formula to districts on the basis of 80-percent poverty and 20-percent population.

It guarantees that 30 percent of the State funds go for State-run competitive local recruitment programs to high-need districts and to recruit and train high-need candidates. It guarantees teachers are trained to address the needs of children with disabilities, female students, and other students with special needs and bilingual programs. It holds States accountable for having a qualified teacher within 4 years of enactment of the law, otherwise their funds halt in this program. They are accountable for having a qualified teacher in every classroom within 4 years of enactment of the law. It holds local districts accountable for results. They may not hire any teachers who are not qualified using title II funds.

If we needed something to say we need to give a high priority to well-trained teachers, all we have to do is just look at the Wall Street Journal of about a month ago. It is dated February 29, ''Schools To Turn To Temp Agency For Substitute Teachers.''

> Most school districts begin every day with a nerve-wracking hunt for substitutes to fill in for absent teachers. With the tight labor market making the task especially tough, a few are starting to outsource the job. Kelly Temp Services unveiled the first nationwide substitute teacher program, and now handles screening and schedules for 120 schools in 10 States.

This is a national indictment of our failure to deal with the problems of development of qualified teachers for our schools. We have, I think, an effective program which really reflects the judgment on the major professional development programs. I will just mention what the various studies say they need to do. They say high-quality professional development must be connected with teachers' work with their students, linked to concrete tasks of teaching, organized around problem solving, be informed by research, and sustained over time by ongoing conversations and coaching.

There is a series of recommendations which we have worked on with regard to mentoring as well as the other aspects of it.

Let me just conclude with these observations. On the one hand, you have what we are attempting to do, and what we will attempt to do with our substitute amendment, which is to guarantee to parents tough, strong, effective, tried-and-tested programs that are going to result in enhanced academic achievement and accomplishment. There is a significant break with the past with our very tough-minded accountability standards. We owe a great deal to Senator BINGAMAN and others who have done yeoman work in that area of accountability, and have for a long period of time going back to the Governors' meetings. We have that.

On the other hand, we have the contributions, a blank check to the States. It is a blank check to the States for them to effectively use that money in a State program, virtually free from the requirements that are going to result in, first, the funding getting to where the needs are, and, second, the effective and tough-minded programs that can make a difference to those children in the underserved areas.

''It isn't there.'' You will hear the conversations, you will hear the speeches, you will hear the words, but ''it isn't there.'' You can't show it. We will take every section of the bill and go through it—I have—and show it does not give the accountability that is required. It fails the parents in this country, giving assurance to them for these programs.

I have not even gotten into the question of portability, the whole sense of block grants. What has happened historically when we have gone back to block granting is, on each and every occasion that we have block granted, we have found out those funds have been dramatically reduced over a period of years. We can go back into that. I will at another time. But just take that because the fact is the focus and purpose for which those funds are developed becomes blurred. That has been the record. That is what we are going to see with regard to the Federal participation, partnership. It ought to be a partnership with the State and local communities.

There are many in this body who do not think we ought to be in there at all. I understand that and respect it. It was not that long ago when they were advocating the elimination of the Department of Education. That was the Republican position. I understand it. I believe every one of us on our side believes when the President meets with his Cabinet there ought to be someone in there talking about education, education, education. That has been their position.

Second, they have tried to cut back funding on education over the period

since 1994. I understand that. They don't want Federal involvement.

This must be the new way. Now we are getting vouchers, block grants, and give it to the States and let them make the judgment without tough-minded accountability.

It is the wrong way to go. We should know better. I hope in this debate we will have the opportunity to demonstrate it further.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I appreciate the words of my good friend from Massachusetts, but I want to assure the American people that the majority of his criticisms are directed not toward the main body of the bill but toward a demonstration project contained within the bill. I think we have agreement on a great deal of the underlying bill.

I would like to point out, for instance, that the bill contains a bipartisan proposal put forward by the Governors. Our heavily relying on the States is only appropriate, and it is the way to go. The Governors and the States are primarily responsible for education in this country.

I also point out that this bill does not abandon the needs of homeless children and immigrants and other disadvantaged students. They are maintained about the same as they are now.

There are some important differences, there is no question about it, with respect to parts of the bill. But the major of the criticisms offered by my colleague from Massachusetts were aimed at a demonstration project that might be used by 15 States. I think there is agreement on so much of this bill, I hate to see the debate entirely focused on those areas that were mentioned.

I note the majority has consumed about 15 minutes, and the minority has consumed more than an hour. I have three of my people waiting who have been here for pretty much that time. I will recognize those three and then we will return to alternating.

Mr. KENNEDY. If the Senator will yield, I hope the majority leader's eloquent and compelling support for your side would be included.

Mr. JEFFORDS. That is in a special place.

Mr. KENNEDY. I see; a special place. OK. Senator DODD and Senator BINGAMAN were going to speak, so the next 45 minutes will be fine.

Mr. JEFFORDS. We will listen to the three here.

Senator COLLINS has been a leader in an effort to increase flexibility, particularly for our rural schools. I will yield her. I have a feeling she probably has something interesting to say and look forward to hearing her statement.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the chairman of the committee, the Senator from Vermont, for his leadership in bringing this important legislation to the Senate floor. It is evident from the debate we have already heard that we are going to have, this week, a very vigorous and productive debate on the best way for the Federal Government to improve America's public schools, to improve teaching and learning. I look forward to the adoption of this legislation which will strengthen our K–12 education.

No endeavor is more important to our Nation's future than ensuring that all children reach high standards. That is exactly what the legislation before us demands.

The Educational Opportunities Act will put children first. That should be our goal as we consider this important legislation. We should put children first so that no child is left behind.

I recently had a schoolteacher in eastern Maine give me a pin that I am wearing today that says, ''Children First.'' If we keep that in mind, if that is our goal throughout this debate, then I am confident we will pass this legislation which will make a difference in the public schools of America and to the future of our children.

During the past 3 years, I have visited dozens of schools all over the State of Maine, from Kittery at the southern tip, to Jackman in the west, Rockland on the coast, and St. Agatha in the north. In fact, just last Friday, I visited two excellent schools in Kittery, ME, the Frisbee Elementary School and the Shapleigh Middle School, where I talked with students and they asked me wonderful questions for over an hour. It was a wonderful visit to these two schools.

I have seen firsthand the excellent jobs that Maine teachers and administrators are doing in educating our children. The quality of instruction taking place in Maine schools is, indeed, impressive, and it is producing results. Maine's scores on national tests and its rate of high school graduation proves that our State's public schools are among the best in the Nation. Moreover, Maine's public schools provide a good education for all of our children regardless of their family income or where they live in our State.

The recent report issued by the Council of Chief State School Officers shows that low-income students are performing nearly as well as the average of all Maine public school students, and that, of course, is our goal.

An important factor in Maine's success has been its ability to obtain waivers from Federal regulations. Let me repeat that. One reason that Maine schools have been successful is they have been able to get waivers from Federal regulations. Federal regulations in some areas have been an obstacle to their success. It is only because Maine's commissioner of education has been vigilant in trying to get waivers from Federal regulations that he has been able to move forward on a number of fronts to improve Maine's schools.

The most recent of the waivers that the State received gave Maine's schools more flexibility to use class-size reduction funds for teacher professional development. This is an option that the bill before us, S. 2, would give to all States.

Recently, I had a phone call from the chairman of a school board in a small community in Washington County. She conveyed the appreciation of that school district for the flexibility to use Federal class-size monies for teacher professional development. She put it well. She said: We don't need to reduce class size; what we need is funds for professional development.

Indeed, this school system is so small that it only received about $6,000 under the Class Size Reduction Program, not enough to hire a teacher, but they were able to put that money to good use by investing in professional development, a high need in that particular school system.

On a larger scale, Maine sought and was granted a waiver from Federal regulations to allow it to use a grant from the Comprehensive School Reform Demonstration Program to support the State's major reform initiative focusing on improving high schools.

That was to implement this excellent report that the State produced through its Commission on Secondary Education. It is called ''Promising Futures: A Call for Improving Learning for Maine's Secondary Schools.'' Although Maine has almost eliminated the performance gap between disadvantaged and advantaged students in the elementary schools, the Federal regulations require the State of Maine to use these funds only in the lower grades.

Fortunately, Maine was able to receive permission to move ahead on carrying out the recommendations put forth in this report by the Maine Commission on Secondary Education and to go forward with comprehensive reform in title I-eligible high schools.

Why should the State of Maine have to go to Washington and get special permission to pursue these critical reforms? That does not make sense. It is the people in Maine who know best what their schools need. The people in Maine, working hard on this commission, decided there needed to be more focus on improving Maine's high schools, and yet Federal regulations were an impediment to achieving that goal.

We have what I think of as a ''Mother, may I?'' approach to Federal regulation of our schools. Our States have to beg for permission to move forward. They have to seek waivers of regulations in order to pursue worthwhile programs.

The Educational Opportunities Act will give the States this option without the time-consuming and costly administrative burden of seeking waivers from all these Federal regulations. These Federal regulations are well meaning, they are well-intentioned, but too often they act as an impediment to reform.

Unfortunately, the performance in many other States' schools lags behind

Maine's with large gaps between the performance of children in high-poverty areas versus low-poverty schools. Our goal as a nation, and the intent of the Educational Opportunities Act, is to help every public school succeed so that every student has the opportunity to achieve his or her full potential.

In many cases, education is the difference between prosperity and poverty, hope and despair, dreams fulfilled and lost opportunities. Fueled by the remarkable success of the dot-com generation, many areas of the United States have experienced unparalleled economic growth. However, between Silicon Valley and Wall Street, many Americans still live in the shadows of the new prosperity. Education is the best, perhaps the only way, to close the ever-widening economic gap in America. Indeed, the economic gap in America is largely an education gap. Moreover, education is the best way for us to stoke the fire of our Nation's economic engine.

The question before us as we debate the reauthorization of the Elementary and Secondary Education Act is: What is the proper role of the Federal Government in promoting excellence in every public school and helping every student succeed? We can all agree that our public schools must do a better job in teaching our children and that the Federal Government must also do a better job in supporting our public schools. The question is: How can we best accomplish that goal?

Seventeen years ago, the landmark study, ''A Nation at Risk,'' warned of declining performance in American schools and turned the Nation's eyes toward reforming public education. Today, however, too many schools, particularly in our inner cities, continue to fail to provide a solid education to their students. Although the United States spends more than $660 billion a year on education, nearly 60 percent of our low-income fourth graders cannot read at a basic level. Clearly, reforms are necessary to ensure that every child learns and achieves his or her full potential.

Recent polls show that the American public thinks our public schools are in a state of crisis. More than two-thirds of the people surveyed said in a recent poll that they are dissatisfied with the way public education is working, and nearly 50 percent gave our schools only a grade of C.

On the bright side, Americans are committed to fixing our public schools and eliminating mediocrity. Nearly every person surveyed said that improving our public schools should be a top priority.

The Federal Government clearly takes a back seat to States and communities in terms of funding and overseeing our public schools, and that is how it should be. The Federal role is, nevertheless, important, particularly for helping disadvantaged students. Unfortunately, Washington has not always been helpful, nor has it been successful in achieving that goal.

The Elementary and Secondary Education Act, first enacted in 1965 as part of President Lyndon Johnson's war on poverty, is the cornerstone of the Federal involvement in K–12 education. It is intended to provide financial assistance to States and school districts to improve education for children from disadvantaged families.

Today, title I remains the largest Federal program, funded at nearly $8 billion annually. But, after 35 years, and $120 billion spent, the results remain a disappointment.

The statistics are troubling and should give us pause:

Only 13 percent of low-income fourth graders score at or above the proficient level on national reading tests;

Two out of three African American and Hispanic fourth graders can barely read;

Half of the students from urban school districts fail to graduate on time; and

In math, fourth graders in high-poverty schools remain two grade levels behind their peers in low-poverty schools; in reading, they are three grade levels below their peers in schools in better neighborhoods.

We can no longer pretend that Federal programs have succeeded. We need a new approach. As these sobering statistics highlight, little progress has been made toward achieving the ESEA's fundamental goal of narrowing the achievement gap between low-income and higher-income students. We know that the gap can be narrowed. We have largely accomplished that goal up to eighth grade in the State of Maine. But, clearly, we are not doing all we can to assist States and communities in reaching this goal. Clearly, the approach we have taken during the past 35 years simply has not worked.

The Educational Opportunities Act gives the Senate the potential to do for education what it did for welfare a few years ago: end years of inflexible rules, provide new incentives, and focus Federal dollars on results.

Under the current system, Washington requires schools to spend an inordinate amount of time filling out forms and complying with bureaucratic mandates. As a result, our public schools spend more than 48 million hours each year on Federal paperwork. That is 48 million hours that could be spent on students; instead, it is spent on Federal paperwork.

The bill before us today will increase the authorization for Federal education funding without adding burdensome restrictions. It will create an environment focused on increased achievement, on results, on student learning, not on more bureaucracy and paperwork, and it will improve our public schools, not abandon them.

The Health, Education, Labor, and Pensions Committee held many hours of hearings on how to improve the effectiveness of the ESEA. The majority of the committee concluded that individual States, local school boards, teachers, and parents are far better prepared than Washington to make decisions about what their students need. So the committee decided to give States more options.

This legislation allows States to choose among three options for how to receive Federal funds. First, a State could decide to continue under the traditional ESEA approach of receiving formula grants for specific Federal programs for specific purposes as well as applying for competitive grants. In other words, if a State is content with the status quo, its schools can continue along that path. No one is forced to adopt a different approach.

The second option is for States to apply to the Secretary of Education to enter into a performance partnership. This approach gives States somewhat more flexibility in the use of Federal education dollars in return for an agreement to achieve specific results, in other words, in return for an agreement to show true improvement in student learning.

Under the third and what I believe to be the most promising and innovative approach, a State could apply, under the Straight A's Program, to be one of 15 States that will be given even more flexibility in spending Federal funds in return for strict accountability focused on student achievement. That is one of the major philosophical differences we are seeing in this debate. Our bill says that what is important is what students are learning. Showing achievement gains should be the bottom line.

Unfortunately, too many on the other side of the aisle are wedded to the old approach which says what is important is having Federal strings attached to every dollar and making sure the paperwork is filled out correctly.

The premise underlying the performance partnership and the Straight A's approach is similar. Instead of imposing a one-size-fits-all Federal mandate, the Federal Government would recognize that one community may need more math teachers while another may need to concentrate on improving reading programs, and that still a third may need to upgrade the science labs. The point is, it should be your community's decision, not Washington's.

The Educational Opportunities Act frees States from Federal control and redtape but only in exchange for increased student performance, increased student achievement gains.

Another important title of S. 2 includes the Teacher Empowerment Act. Other than involved parents, a well-qualified and dedicated teacher is the single most important prerequisite for student success.

The lessons are clear. We must encourage talented people to choose teaching as a career and keep them in the classroom. The Teacher Empowerment Act authorizes $2 billion for State and local efforts to improve the quality of teaching. It gives States and communities the freedom to use Federal dollars to provide effective professional development for our teachers; to

prepare, recruit, and retain well-qualified teachers; or to reduce class size—whatever the priority is in that community.

Some States are also exploring alternatives to traditional teacher certification. I find it ironic that in public high schools in most States Alan Greenspan could not teach a class on economics, and our distinguished scholarly colleague, Senator MOYNIHAN, could not teach a class on American Government.

I am not saying that subject matter expertise alone qualifies someone to teach, but surely we should give incentives to States to be more creative in pursuing alternate routes to certification. Our legislation would do just that.

I am particularly pleased that the bipartisan legislation that I introduced to help our Nation's rural schools has been included in this bill. I see my colleague, Senator HUTCHINSON from Arkansas, is on the floor. He is one of the cosponsors of this legislation.

Although my commitment extends to every student in every school—whether rural, suburban, or urban—I have a particular concern for the challenges that are unique to small school districts, especially those in rural areas.

Smaller rural schools face at least two problems under the current Federal system. First, they often receive very small amounts to carry out federally mandated activities.

One Maine school district in Frenchboro, ME, received a whopping $28 to fund a district-wide Safe and Drug Free School program—clearly, not enough to accomplish the goal of that Federal law.

Another school district in northern Aroostook County with 400 students receives four separate Federal grants, ranging from $1,900 to $9,500. Not one of these grants is sufficient to implement the goals of the Federal program, and each small amount comes with its own paperwork, redtape, and strings attached.

The second problem is that small school districts are essentially shut out of the competitive grant program. They lack the grant writers and other resources necessary to apply for and manage Federal grants that larger school districts are able to seek.

My legislation addresses both problems by allowing small school districts to consolidate the Federal funds for local priorities and to receive supplemental funds in lieu of applying for competitive grants.

These small rural districts could then use these funds to hire a new math or reading teacher, fund professional development, offer a program for gifted and talented students, purchase computers, or pay for any other activity that meets the community's priorities and needs. I thank the chairman of the committee for including my rural education initiative as part of his chairman's mark.

Education is more important now than ever before. A strong K through 12 education prepares students for the postsecondary education they will need to adapt to an increasingly dynamic marketplace and to have choices and opportunities throughout their lives. As Plato said centuries ago: The direction in which education starts a man will determine his future life.

I look forward to continuing the debate on the Educational Opportunities Act and to assuring that America's public education system starts all children, from all backgrounds, regions, and income levels, toward a lifetime of learning, contributing to society, and achieving their dreams.

I yield the floor.

Mr. JEFFORDS. Mr. President, I yield to the Senator from Arkansas such time as he may consume, hoping he will keep it at about 15 minutes.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Arkansas.

Mr. HUTCHINSON. I thank the chairman for yielding me this time, and I thank him for his leadership on this bill we bring to the Senate floor today. I thank Senator COLLINS for her outstanding remarks, as well as her leadership, particularly in the area of our rural schools. She has done a great job. I also am pleased that that is included in the chairman's mark. I look forward to the debate in which we engage today and throughout this week and perhaps next week as well.

I see Senator COVERDELL from Georgia, who has led the way on education savings accounts, and Senator FRIST from Tennessee, who was on the floor a moment ago, who led on education flexibility. We have a number of members of the committee who have worked hard, including Senator SESSIONS from Alabama, who has been very engaged and involved in this, and Senator GORTON from Washington, who has been very involved as well and is not a committee member.

This is the most important debate we will have in this session of the Congress. The debate on education and the Educational Opportunities Act is the most critical debate we could possibly have.

I sat here during the remarks of Senator KENNEDY. I respect him immensely; I regard him as a friend. Never could the philosophical chasm that exists between the Democratic approach and our Republican approach on education have been made more clear than during the statement of Senator KENNEDY. While I wish I could take longer to refute some of the things he said, there was one particular comment to which I took greatest exception. That was his statement that Republicans want to cut funding for education. That simply is not accurate.

As all who watched the budget process last year are well aware, we increased education spending above what the President had requested and what he had recommended in his budget. This year, in this legislation, we once again increase spending on education. The statement that Republicans want to cut spending for education is simply inaccurate. Senator KENNEDY is off base in making that allegation. Every school district in Arkansas will see an increase in the Federal contribution to their budgets as a result of the Educational Opportunities Act.

There was another statement of which I took note. I wrote it down as Senator KENNEDY was speaking. He said twice: We need to stick with the tried and the tested. At one point he said: We need to stay with the tried and the demonstrated successful programs. Another time he said: We have an effective program.

I will debate on that ground all week long. I do not want to be the Senator standing on the floor of this Chamber defending the status quo and arguing that it is tried and tested. It was tried and it has failed.

We don't have to look very far to realize that. In yesterday's Washington Post, in the Metro section, just the headline tells the story: Test Shows Students Can't Do The Math; 64 Percent Fail Final Exam After Montgomery Standardizes Grades. As we read the small print in the story, it becomes even sadder.

The whole purpose of the Federal role under title I was to lower the disparity in scores between the disadvantaged and the advantaged, to narrow the gap. What this story tells us is that while 64 percent of all students failed—almost two-thirds—80 percent of African American and Latino students flunked the test while only about 50 percent of whites failed the test.

That is one of the great tragedies. That is the great failure of our existing status quo approach to title I and trying to fund education for the disadvantaged and trying to narrow the gap between those who are advantaged and those who are disadvantaged. I will repeat this over and over again this week. Stick with the tried and the tested. That is what Senator KENNEDY said: Stick with the tried and the tested. That is what the Democratic side offers. That is what they offer this Chamber. That is what they offer this country: Just stick with the status quo.

That is why we will win this debate this week and before the country, because we know the children of America deserve better. The tried and the tested has not been good enough. To use an old phrase from Scripture: It has been weighed in the balances, and it has been found wanting.

During the 34 years of the Elementary and Secondary Education Act, Congress has increased funding dramatically. We have created programs exponentially, and we have added bureaucracy layer upon layer. As Senator COLLINS pointed out, 15 years ago the alarming report, ''A Nation At Risk,'' recorded that the state of education in the United States not only jeopardized a generation of young Americans but posed a real threat to the future of our Nation.

Since that time, many States have embraced standards and accountability; 26 have instituted exit exams for high school. With these reforms, slight increases in student performance have occurred. But by virtually every measure, we remain a nation at risk.

Unfortunately, while many States are responding to the crisis with bold, creative reforms, the approach of the Federal Government has remained unchanged. Each succeeding reauthorization of ESEA has resulted in preserving the top-down bureaucratic model of education. This is the first time we as Republicans have been in control of the majority, at least in the House and the Senate, the first time we have had an opportunity to leave our imprint upon ESEA.

It should not be surprising, as we look at the history of this program, that the American Legislative Exchange Council, when they issued their bipartisan report on education 2 weeks ago—the American Legislative Exchange Council is the Nation's largest bipartisan association of State legislators; they released their report card on American education about 2 weeks ago—concluded the current path is not good enough.

Senator KENNEDY may say let's stick with the tried and true, but the American Legislative Exchange Council, as most Americans, has concluded the current path is not good enough.

We heard the same dire, fearful predictions when we tried to do welfare reform a few years ago, the same predictions exactly: The sky is falling. You can't trust the States. We heard the same kind of fearful, dire predictions when States began experimenting with charter schools, that it was going to destroy public education. Yet today, with thousands of charter schools throughout the country, no one would dare make that claim.

Where has the current prescriptive regulatory approach led us? In student performance, America's 12th graders rank 19 out of 21 industrialized countries in math achievement and 16 out of 21 countries in science. Where has the current prescriptive regulatory approach led us since 1983? Ten million young Americans have reached the 12th grade without having learned to read at a basic level; 20 million seniors could not do basic math; 25 million are ignorant of the essentials of U.S. history.

In the fourth grade, over three-quarters of children in urban, high-poverty schools are reading below basic on the NAEP test—the National Assessment of Education Progress. Where has it gotten us? Throughout the United States, per pupil expenditures have increased by more than 23 percent over the past 20 years, the past two decades, after adjusting for inflation. Yet two-thirds of American eighth graders are still performing below the proficiency level in reading. I suggest that reauthorizing a status quo ESEA should not be an option. America's children deserve better.

Not only does American education fail in regard to the most essential criterion, student achievement, but it also fails in its allocation of resources. For example, in Florida it takes six times as many people to administer a Federal education dollar as a State dollar. That is amazing. In Florida, they have 297 State employees administering $1 billion in Federal funds. They have 374 employees overseeing $7 billion in State funds. It takes six times as many people to administer a Federal education dollar as a State dollar. Unfortunately, Florida is not an exception; it is all too typical.

The result from this bureaucratic model of education is that we fund systems; we fund bureaucracies; we fund enormous overhead. In 1994, fewer than 50 percent of the personnel employed by U.S. public schools were teachers. Something is wrong with that picture. Senator KENNEDY may say that it is tried and it is tested, but when more than 50 percent of our education personnel are not even in the classroom, I say it is tried, tested, and it has failed.

The Educational Opportunities Act pioneers a new direction for the Federal Government's role in education. When only 38 percent of U.S. public school teachers majored in an academic subject in college and only one in five teachers feels well prepared to teach to high academic standards, my colleagues, I say we need a new approach to professional development and teacher empowerment. The Educational Opportunities Act gives us that new approach.

The New York Times ran a headline in its January 18, 1999, edition. It read: ''Clinton to Urge More U.S. Control on Aid to Schools.''

Colleagues, more control is not what is needed. Better student performance—better results—is what is needed.

The Educational Opportunities Act includes four initiatives that promote student achievement. These provisions focus on students rather than school systems. They require results and student performance, help develop teachers of excellence, and promote choice and flexibility. These four initiatives are: Straight A's, Teacher Empowerment Act, child-centered funding, and public school choice.

The Straight A's provision is the heartbeat of this bill. In short, it allows up to 15 States to execute a 5-year performance agreement with the Secretary. States then have the option to consolidate any of their formula grant programs, including the huge title I program, and merge those funds with State and local dollars.

The 15-State demonstration project would allow States to use Federal dollars for any educational purpose permitted under State law. In return for this broad new flexibility, participating States will be held accountable for improving student performance and narrowing the gap between advantaged and disadvantaged students. States will be rewarded with bonus funds for successfully reducing this achievement gap. By the way, no State is required to leave the current funding system; but the 15 lucky States—the 15 wise States—accepted into the demonstration program may consolidate funding from any or all of 12 different ESEA programs.

The idea is to let States mingle the dollars from these several programs and spend the money on whatever their students need most—new tests, tutors, reading programs, bricks and mortar, computers, whatever is deemed most needed. States that prefer to keep their Federal dollars in redtape-wrapped categorical packages may, of course, be free to do so.

Straight A's will work because it is based on a solid premise: Accountability plus freedom equals academic achievement. Instead of filling out form Y to get grant X, Straight A's would only require that States boost academic performance and narrow the learning gap.

After 34 years and $118 billion, with no reduction in the achievement gap between advantaged and disadvantaged students, it is time to say: Enough.

Kentucky Democratic Governor Paul Patton expressed the Straight A's concept well when he told the L.A. Times recently: ''We need the Federal Government as a limited partner and us as the general partner.''

Straight A's respects the tenth amendment and allows Uncle Sam to put fuel in the gas tank while leaving the States in the driver's seat.

Straight A's will reduce overhead and transaction costs for dozens of separate fussy programs enabling more resources to go to direct services to students.

The old Federal approach to education has failed. It is time to give the States the opportunity to act as charter schools and option out of burdensome Federal regulations in return for unprecedented levels of accountability for student achievement.

Under the current model, accountability means this: Did you fill the forms out correctly? Did you cross your ''t's'' and dot your ''i's''? Under the Educational Opportunities Act model, accountability relates only to student performance.

The theory of Straight A's was clearly articulated by Democratic California Governor Gray Davis on the ''Meet the Press'' program in February. He said, ''So if you say to the States, 'we will hold you accountable. You just improve student performance and we will give you the money,' that will give all the Governors the flexibility to get the job done.''

While there has long been lipservice to goals, standards and accountability associated with Federal programs, the reality has been that the question we focused on was: Are you spending the money in the prescribed way? Under the new approach, the question is, and must be, Are the kids learning? If academic achievement rises, particularly

for low-income children, why should Washington care whether the dollars that produced the desirable result were spent on smaller classes or larger classes, on computers or textbooks, on tutoring programs or staff development? The important thing is that those children are making academic progress. The gap is narrowing.

Under Straight A's, Washington assumes the role of shareholder, not CEO of the Nation's education enterprise.

I have talked about—and I will talk about it later this week—the example of one of the school districts I visited in Arkansas which has about a 95-percent minority population. As I toured the school, the sad thing was the building was dilapidated, with paint peeling off of the walls. I will show pictures later this week. The ceiling was collapsing and it had big waterstains where it flooded. I thought, these poor children have to be educated in such an environment. Then I walked into a room which was full of state-of-the-art Nautilus equipment—treadmills and all kinds of gymnastic equipment. I said to the principal: Sir, how did you get the money to do this? He mentioned a particular grant program. I have since investigated, and they received $239,000 to buy treadmills and Nautilus equipment. That may be nice for the community, but the principal told me he would like to have improved, renovated, and made that school building into an atmosphere in which the children could better learn.

Under our bill, they will have the flexibility to take Federal dollars and use them where they—and they alone—know it is most needed and not what Washington says in some prescribed formula grant where the money has to be spent.

The second important provision in this bill is the Teacher Empowerment Act. This initiative is included in title II and provides maximum flexibility to States and to local education authorities to develop high-quality professional development programs by consolidating funds from the Eisenhower Teacher Professional Development Program and the Class Size Reduction Program. As a result, the bill provides more than $2 billion annually over 5 years by consolidating these two programs into one flexible funding stream.

Under the Teacher Empowerment Act, States and local governments would be encouraged to fund innovative programs to promote teacher testing, tenure reform, merit-based teacher performance systems, alternative routes to teacher certification, of which Senator COLLINS was speaking, and differential and bonus pay for teachers in high-need subject areas, teacher mentoring and in-service teacher academies.

Local school districts could use this money to hire new teachers to reduce class size or hire special education teachers. They would have the option of issuing teacher opportunity payments directly to teachers to use toward a high-quality professional development program of their own choice. If a local school district fails to improve teacher quality, they are required to offer teacher opportunity payments directly to teachers, if they are failing to improve the professional quality of their staff.

In consolidating these two programs, we provide more money for teacher professional development. In my home State of Arkansas, the combined fiscal year 2000 allocation for both programs is $14,970,900. The estimated fiscal year 2001 allocation will be $16,337,800, an increase of over $1.3 million. Under this bill, every school district in Arkansas will be authorized to receive additional money for teacher professional development. For example, the Jonesboro School District in northeast Arkansas currently receives about $169,000, and they will be authorized to receive $186,000, an increase of almost $17,000, for professional development. In Texarkana, the increase amounts to an additional $24,000. The Fort Smith School District will see a $36,800 increase. The teachers of the Little Rock School District will have $82,000 more for professional development activities under our program.

One of the other key changes made in the Educational Opportunities Act is to shift the child-centered funding. We do this through a title I portability demonstration program. Under this initiative, interested States and school districts are allowed to use their title I dollars to establish a per pupil amount for each eligible child, which would then follow the child to the school they attend. The per pupil amount would be used to provide title I's supplemental educational—''add on''—services directly to eligible children. Eligible students will be able to use their per pupil amount for ''add on'' services at a public school (including charter schools) or a tutorial assistance provider. This funding is available for children between ages 5 and 17 whose family income is below the poverty line. A State may choose to expand eligibility to any educational or economically disadvantaged child in preschool through high school. (These eligibility requirements are consistent with title I.)

Each State participating in a portability program is required to operate a full public school choice program to ensure that low income families have maximum flexibility as to where their child receives title I services.

States operating a ''child-centered'' program would continue to receive their title I formula allocation as well as a new allocation authorized in this program. The new allocation coupled with the States' formula dollars will permit States to serve all of their title I eligible children. Only two-thirds of title I children are served by the program.

That is very important. Currently, only two-thirds of title I children are served by the title I program. Under our program all disadvantaged children are going to receive the educational opportunities they deserve.

States and school districts would be required to establish specific goals for improving the academic performance of eligible children and a system to measure progress to ensure that student performance is improving. States would be required to annually submit student performance data, disaggregated by race, family income, gender, and limited English proficiency, to the Secretary. The accountability system is similar to the strong accountability provisions in both the Teacher Empowerment Act and Straight A's.

GAO would be required to evaluate the program's effects on student achievement and parental satisfaction.

We must cease to think of title I education programs as investments in programs or populations, and begin to view them as ''student-based, portable entitlements for individual children.''

One of the experts I have often turned to for advice on the appropriate Federal role in education is the Arizona Superintendent of Public Instruction, Lisa Graham Keegan, one of the leading education reformers in the Nation. In endorsing the concept of portability, this is what she said:

> Presently, there is no guarantee that a poor child will necessarily receive any benefit from the Title I funds he or she generates for a school district, regardless of how needy that child might be. What I am required by law to do is to distribute this money to central offices of school districts, which are then under no legal obligation to spend the money on particular children. They simply provide the services they want to provide in the schools they wish to provide them in, which many benefit some disadvantaged children, but not all of them. Putting it bluntly, Title I is an entitlement for bureaucracy, not an entitlement for a child.

This bill changes that. It makes title I something aimed directly at the child—strapping it to that child's back under this portability demonstration as opposed to funding systems and bureaucracies.

Portability is already standard practice in federal higher education policy, where an historic choice was made in 1972: students rather than colleges became the main recipients of federal aid. A low-income college student establishes his own eligibility for a Pell grant, or Stafford loan, etc., and then carries it with him to the college of his choice. That might mean Stanford or Michigan State, Assumption College, or the Acme Truck Driving School. The institution only gets its hands on the cash if it succeeds in attracting and retaining that student.

The same thing could be done with federal education programs meant to aid needy elementary and secondary students. The big title I program, for example, spends almost $8 billion annually to provide ''compensatory'' education to some 6.5 million low-income youngsters. That's about $1,250 apiece. What if that money went straight to

those families to purchase their compensatory education wherever they like. To be sure, title I would turn into millions of mini-scholarships, like Pell grants.

In addition to Straight A's, the Teacher Empowerment Act, and child-centered funding, the Educational Opportunities Act also includes an important provision for children trapped in failing schools.

Listen to the statistics: Over 5,000 title I schools have been identified as ''failing'' schools for over 2 years; over 1,000 for at least 4 years; and over 100 for over 10 years.

And yet, we continue to subsidize this failure by keeping the stream of title I funding flowing to these substandard schools. In this bill we have a public school choice provision that seeks to remedy this problem.

Under the ''choice for failing schools proposal,'' once a school has been identified as failing, they have 2 years to improve. If after 2 years, the school has failed to improve student performance, the school district would be required to use the school's title I allotment to allow children in the failed school to attend another higher performing public school. This proposal has the dual effect of terminating federal funds to schools that consistently failed to show any signs of improvement while simultaneously providing the option to low-income parents to take their children out of a failing school and put them in a better school.

No child should be permanently consigned to a sub-par school. No child should be trapped in a failing school. This bill begins to show a way out.

Another important provision in this bill addresses the needs of small, rural school districts that receive small amounts of formula funds and are not able to compete effectively for competitive grants. This program is based on the Rural School Initiative introduced last year by Senator COLLINS of Maine, which I cosponsored.

This initiative has two parts. The first provision allows small, rural school districts with under 600 students to combine the funds from three current formula grant programs: title II—the Teacher Empowerment Act, title IV—Safe and Drug-Free Schools, and title VI—the Innovative Education Strategies grant. Small school districts often receive such small amounts under these separate funding streams that they cannot effectively use the funds. This initiative allows them to combine the funds to develop an effective program to improve student achievement.

The second provision authorizes supplementary grants to small, rural school districts that forgo eligibility to participate in competitive grant programs. A participating district receives a minimum total of $20,000 and a maximum of $60,000 from the existing formula programs plus the supplementary grant.

This new initiative solves two problems. It recognizes that formula grants to schools are often too small to implement any real changes, and it recognizes the limited resources of small districts and the enormous amount of paperwork that are required by applying for competitive grants. Small school districts often lack grant writers and the expertise and time needed to apply for competitive grants. I know in my home state of Arkansas that one school district had to take two teachers out of the classroom for an entire week just to fill out the required paperwork to apply for a federal competitive grant. We need teachers in our classrooms, not filling out paperwork.

This initiative will have a great impact on my home state; 111 of the 311 total school districts in Arkansas will be eligible to participate in this initiative, and every educator that I have spoken with about this has been supportive of this initiative.

Every educator I have spoken to in Arkansas about this initiative has been supportive.

Although the United States spends $664 billion annually—more than 8 percent of its gross domestic product, GDP—on education, nearly 60 percent of our low-income 4th graders, and 40 percent of all 4th graders, cannot read at a basic level. On recent international tests of math and science, our high school seniors ranked near the bottom of industrialized nations; in mathematics, only Cyprus and South Africa fared worse.

Our children deserve better. The current system, the top-down bureaucratic restrictive model has failed American students—tried, tested, and failed.

Today, one-third of all college freshmen enroll in at least one remedial class before attempting college-level course work.

Listen to the words of former Education Secretary Bill Bennett: ''We have not yet begun to look at performance or accountability in the spending of federal dollars. Of 60 plus programs authorized under ESEA, not one rewards school districts or states for doing well. Not one inflicts meaningful punishment on schools that do badly. For the results of such policies, one need only look at the performance of our disadvantaged students. Forty percent of inner-city students cannot read by the fourth grade. And 77 percent of low-income fourth-graders in urban high-poverty schools are reading below basic reading levels.

I read this morning in the CongressDaily that Democrats were considering offering a whole host of extraneous amendments. I hope that is not the case—everything from guns to campaign finance reform. Those proposals are worthy of debate but nothing should distract this Chamber from what is first and foremost on the minds of the American people—the education of our children.

I hope those who might consider such a stalling tactic or those who seek to move this debate and shift this debate from student performance, student achievement, and improving our schools will reconsider and realize this bill not only deserves debate—the differences will be clear between the two sides—but this bill deserves a vote. As the debate moves forward and the American people express themselves, the Educational Opportunities Act deserves to be passed by this Chamber and sent to the President.

What we have done for 34 years under the Elementary and Secondary Education Act has demonstrably failed. Senator KENNEDY said it is tried and tested. It was tried and tested and it has failed the test. It is time we change.

I yield the floor.

Mr. JEFFORDS. I thank the Senator from Arkansas for a well prepared and excellent statement.

Mr. WELLSTONE. I ask my colleague from Vermont whether or not after the Senator from New Mexico speaks he could be followed by the Senator from Tennessee, and I follow the Senator from Tennessee.

Mr. JEFFORDS. That is the order in my mind.

Mr. WELLSTONE. I ask unanimous consent that following the Senator from New Mexico, the Senator from Tennessee proceed and I follow the Senator from Tennessee.

Mr. REED. Reserving the right to object, in arranging the speaking order, is it possible to request to be recognized under the unanimous consent request?

Mr. JEFFORDS. I was alternating back and forth. We have not set time limits, but I urge people to keep it within 15 minutes. Nobody has yet.

Mr. WELLSTONE. I ask unanimous consent that following the Senator from New Mexico, the Senator from Tennessee speak, I follow the Senator from Tennessee, and then the Senator from Rhode Island speak unless there is a Republican, and then we go back and forth, and then the Senator from Rhode Island will speak.

Mr. JEFFORDS. Let's proceed the way we have been proceeding. It will be Senators BINGAMAN, FRIST, the Senator from Minnesota, and I will be very accommodating to my good friend from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I come to the floor today somewhat uneasy and conflicted about this debate. I am hopeful, on the one hand, that we in the Senate can come together to provide national leadership by legislating what research has proven actually works in improving student performance. On the other hand, I stand having witnessed people from both sides of the aisle devoting a tremendous amount of time during the last year trying to figure out how to help all of the children of this country make it in today's knowledge-based economy.

I am somewhat dismayed that the bill we finally arrived at the floor with is not the consensus legislation we were working to achieve. Unfortunately, our efforts to achieve a consensus piece of legislation have not succeeded. We have a bill before the Senate today which is decidedly partisan. I hope that can be changed during the course of this Senate debate.

We need to examine this bill carefully because it is very important and not easy to comprehend. The bill gives Governors, who choose to exercise it, control of Federal education dollars and it would abandon the well-cultivated partnership and the powerful national leadership role that has been developed over several years.

On the surface, we see it is a very large bill. I am sure several people have held it up. It is similar to a lot of bills, almost incomprehensible in its length. It goes on for nearly 1,000 pages. It seems to be, on first reading, chock full of different programs for promising ideas such as Safe and Drug Free Schools, education technology, afterschool programs, even a rural education initiative.

It is the kind of assistance that individual schools and localities in New Mexico tell me they would like and need but they do not have the capacity or the resources to pursue on their own. All of my fellow committee members who worked on this legislation in committee know full well that no matter how well we collaborate on the underlying targeted programs, the two Straight A's block grants that were layered on top of the other language at the ninth hour of our deliberations make a lot of the distinctions in the bill and a lot of the programs described in the bill virtually meaningless in those States that opt to pursue that block grant.

The Straight A's proposal at the heart of the bill sounds catchy. However, in my view, it is an empty promise. What does it do? I think we need to step back and ask: What do we mean by the Straight A's proposal? Essentially, it allows every State to spend Federal funds as they wish for 5 years without input from school districts or educators, without accountability for increased school performance. Those who favor the block grants say they are good because they allow for more local control. In the case of Straight A's, this is factually incorrect and ironic because a school district or a school actually will lose control because the control is vested with the Governor to set the priorities for spending within the State.

This chart demonstrates that 95.5 percent of the Federal funds for education go to local schools and local districts. State administration takes 4 percent and the Federal administration takes one-half of 1 percent. The rest, over 95 percent, goes to the local schools.

Under the Straight A's proposal, a Governor who chooses to do so can change that. The discretion as to how that money is spent is no longer a Federal and a local issue; it becomes a State issue.

I think this would be a problem for my State of New Mexico. I know of programs I very much want to see continued. I have trouble seeing how they will be continued under this proposal. I have a list that details some of the programs, and I will go through specific amounts.

In contrast to this Straight A's State block grant proposal, which is in the bill we are now considering, the alternative, which we have prepared and we are going to offer on the Democratic side, is not just to throw large sums of money to the States but, instead, to target Federal dollars to the communities with the greatest need and to give them true local control by leaving it to them and not the Governor or Secretary of Education to decide how to set up programs to meet those needs we have identified in those local communities.

Let me remind you, it was exactly because the States and the localities were not effectively addressing the needs of students in disadvantaged areas that the Federal Government first stepped in to provide targeted aid through the Elementary and Secondary Education Act of 1965. And, in subsequent Federal programs, we have followed this same principle. We have focused on areas of national priority, areas such as education technology and improving professionalism in the classroom. These are areas that otherwise would not be funded because of limited resources and that historically have not been funded at adequate levels.

Let me show one other chart that I think makes this point. When you look at Federal funds, Federal funds are significantly more targeted to low-income children than are State funds. I think no one disputes this. This is a General Accounting Office study in January 1998. It says:

> For every dollar provided for all children, $4.73 is given from Federal funds to low-income children, whereas 62 cents of local money actually goes to low-income children.

So the Federal Government got into the business of providing assistance to education in order to deal with deficiencies which clearly existed nationwide and to deal with inadequacies that were clearly agreed upon. This is what we are getting away from if we wind up adopting the bill which has been presented to us on the floor today.

The Straight A's proposal not only does nothing to ensure the most needy children are protected; it allows Federal dollars to flow out of the public school system in the form of vouchers to private schools. I know that is another debate, but unfortunately it has been brought into this debate about this Elementary and Secondary Education Act. Incorporated into this is authority for a State to take its Federal funds and disburse those in a voucher program to the nonpublic schools as well as the public schools. I think that would be a mistake. I think it would be a mistake in my State. We are short of resources. The Federal funds that come in to help the public schools in New Mexico are very important to those public schools and we do not want to see those funds decreased by virtue of some voucher program, which our Governor today, in all due respect, strongly favors. It has been a major subject of dispute in my State between the Governor and a majority of our legislature.

Another feature the proponents of the block grant approach in this bill often talk about is providing greater accountability. In the case of this Straight A's proposal, the only accountability you will find is that States which fail to make progress will lose a year of eligibility. It is similar to benching your star player for one semester for flunking a class but bringing him back once he gets his average back up to a D. That is an analogous situation. There is no real accountability in the bill as it comes before us.

Under S. 2, as it now stands, at the extreme—and I don't think this will be done, but clearly there have been examples in the past when we had block grants permitted—you could have States deciding to use Federal dollars to buy swimming pools, to recarpet offices. The State could choose maintaining the status quo as its goal over the 5 years.

A less malevolent picture, and one that probably is more likely, is that a Governor would receive pressure from a handful of constituent groups to persuade him or her to pour all of the block-granted Federal funds into something such as an intensive literacy program or a voucher program to send kids to private schools. This will sound good, but the problem is you will find it means there are no longer funds for migrant and homeless children to receive targeted aid; there is no longer money to provide for professional development for teachers so in some classrooms the computer can be used effectively; there is no longer money for afterschool programs; no longer money to hire new teachers. At the end of the day, as long as the wealthier and higher performing schools in the State can do well enough to offset stagnation or even decline in progress at the poorer and lower performing schools, then the Governor would be able to claim he has done his job under the Straight A's proposal.

If he did not do the job, if the goal was not met, then no matter; he would probably be out of office at any rate before the 5-year experiment was over. If he is not, the only consequence is that he simply would go back to the status quo we have today. So this Straight A's proposal contains no significant accountability.

I have an amendment I intend to offer on the issue of accountability. It will try to correct this. It does so by putting some key provisions in the legislation that would provide resources

to States for turning around those schools that are failing. It would demand results of all students so as to eradicate existing achievement gaps between minority and nonminority students, between poor and non-poor students, between English-speaking students and those who do not speak English as a first language.

It would provide significant consequences for poor performance, so States and districts have to take responsibility for actually correcting the deficiencies in the failing schools. It would require a single system of accountability for all schools in the State and would limit the availability of flexibility options when a system of accountability is not yet in place.

The amendment also would ensure that every class would have a qualified teacher. It would do that by requiring States which receive Federal funds to make that a priority, to ensure that resources are provided and school plans incorporate high-quality, research-based professional development for their instructional staff.

There will be a chance to debate this particular accountability amendment as we go forward. I hope very much it can be adopted. It would correct many of the deficiencies in the legislation on which I am focused today. But, in addition, as we debate this education bill, I intend to bring attention to some other elements that I do not think are adequately addressed in the bill. I want to remind the Senate of the importance of teacher training in technology. It simply is not good enough that only 20 percent of current teachers are comfortable integrating technology into the subjects they teach or that we currently invest less than a third of what the experts tell us we should spend on technology training for people going into teaching. We need to deal with that. I will be offering an amendment to do that.

Also, in response to concerns from school districts, and also a General Accounting Office study that demonstrates there is still a high level of paperwork burden on schools and districts from States and from environmental and nutritional regulations, I urge a close examination. I have an amendment to do so, to urge a close examination of all of those requirements to try to determine how we can achieve those goals without unduly burdening the schools.

Today and throughout the discussion of this bill this week, and I believe next week as well, I intend to propose some amendments. I hope the Senate will think hard about what it is doing here. This is extremely important legislation.

I acknowledge there are some philosophical differences on the appropriate Federal role in public education. I must call attention to the great shift in attitudes in the Senate since I came here 18 years ago on the proper role of the Federal Government in education. I am very heartened that we are here today with all sides of the debate arguing in favor of a major Federal role and disagreeing about what it should be. I can remember many other debates on the Senate floor where the argument was that the Federal Government should get out of the education field, that we should disband the Department of Education, we should, essentially, shift those funds over to the Department of Defense and be done with it. So we have made progress in our debate in the Senate. But we clearly have not made enough or we would not have this Straight A's proposal in front of us today.

Today the Federal Government's contribution to education spending is roughly 7 cents on the dollar. Yet through an understanding that there is, indeed, a national priority, in the 35 years of the partnership there have been significant improvements. That 7 cents on the dollar has been focused on needs we all agreed needed attention. I believe we can strengthen those programs that work, we can reform those that do not work, and there are some which are not working as well as they should. But we need to keep our eye on the ball and continue to target the Federal funds, the scarce Federal dollars that we have to put into education, on the students and the schools that need them the most.

We need to rise to the occasion. We need to enact a bill that will help further the goals of education. We need to come together in the Senate and not let partisan differences and the upcoming election divide us in this very important set of issues.

There is no more important legislation that will come before Congress this year. I hope very much we can come together on some reasonable changes in this bill so it becomes acceptable and we can send it to the President in a form he will sign.

I want to mention several more items. In my home State of New Mexico, we receive over $1 million for migrant education, we receive $10.4 million targeted for class-size reduction, we receive $2.5 million for professional development, and we receive nearly $3.5 million for the technology literacy challenge fund. Those are important programs. Those are programs upon which the school districts in my State have come to depend. I do not want to see the funds for those programs eliminated. I do not want to see a blank check go to the State with discretion vested in the Governor to either continue or discontinue those programs as he sees fit.

I believe it is important we amend this bill in significant ways. I will be joining with my colleagues in offering some of those amendments. I hope very much they will be adopted.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is now recognized.

Mr. FRIST. Madam President, it is a great opportunity we have as we debate over the next several days the Elementary and Secondary Education Act which makes fundamental improvements to education programs that are long in need of such reform.

Declining student performance, especially as we compare the performance of our students in public schools to the performance of students internationally, simply demands a new response. Our students deserve better. It is time to change our Federal education programs to ensure that school districts, schools, States, and parents have the tools they need to provide a high-quality education for all children.

As we look back over the last 30 or 40 years, there have been waves of education reform, but each of these waves seems to have been washed away as shifting sand, leaving little trace of permanent improvement in public education in this country. Even as funding has increased over time, performance has fallen, as we compare our students internationally, leaving teachers and parents to wonder if anything can be done to reclaim those years of lost potential.

There is, however, a new movement of education reform sweeping the United States of America. Because of it, we have a unique opportunity to significantly and permanently improve education in this country. We have the opportunity to see to it that every child in every public school in America is, indeed, challenged by standards as high as those hopes and those promises of his or her parents, and it is an opportunity we cannot and should not waste.

We must face today that schools that do not educate, schools that do not teach, and will not change must in the future be held accountable. The diminished hopes of America's children as a result of our deteriorating public education—again most notable as we compare our schools and the performance of our students internationally—are sad and serious, and no longer can we ignore these diminished hopes.

We have an opportunity to and we must raise the academic ambition of every school. There are practical things we can do, such as lifting the burden of Federal bureaucracy by giving each school the opportunity, the flexibility, to change, all along demanding they be held accountable to high standards.

Mired in bureaucratic mediocrity, Government today has become almost an obstacle, a barrier, not an ally, and it is time for us in Washington to acknowledge that the Federal role in education is not just to serve the system but to actually serve the child.

Yes, Washington must realize that no longer can we attempt to micromanage the day-to-day activities in our schools. We in Washington must realize and must be wise enough to recognize that schools require more flexibility; they require more innovation; they require more freedom to be innovative. Washington must be strong enough to insist on improving performance in return for this flexibility.

All of us know the tremendous change that is occurring in the 21st century. We see it around us each and every day, and amidst this change we all know deep inside that the future is ultimately decided by how much our kids learn. Education is the key that will unlock the future for our children, and that positive, strong education, that preparation, must begin in those earliest years—kindergarten, 8th grade, 12th grade. Only successful learning will truly equip our children for this changing world, and it is time—and we do it in this bill—we begin to think boldly about this vision for education.

We need to ask the questions: What doors will we open for our children? What pictures are we going to paint for their future? Will we increase their capacity to learn and to explore or are we going to go back and continue to create and enforce barriers that have only failed us in the past, that are holding them back as our international counterparts continue to learn and pass them by?

Education is, as we will hear again and again, the most important gift we can give our children, but the foundation for all lifetime learning is established in these early years of K–12, where we are—and we must admit it—where we are today failing. More of the same is simply not the answer.

We have a choice: We can either turn a blind eye to the problems of education today and say, well, let's just add another Federal program, or let's accept mediocrity, or let's ignore accountability, or we can do what is bold, what is built into this underlying bill, and that is, give schools the flexibility to be innovative, give States the freedom to regulate, and give parents, who care the most about their children, the right to choose what is best for their children.

We have to admit it is going to take a lot more than the power of Washington to fix education in this country. We need the power of people at the local level—the parents, the teachers, the principals, the school superintendents—to help us discover and apply what works. Once they do, we must give them the freedom to apply what they learn.

I mentioned accountability. How can we get schools which are failing our children, not educating our children, to change, to improve? Yes, by giving them the resources they need, but also holding them accountable for their failure. Schools that succeed in educating children should be rewarded. Schools that fail again and again must be held accountable. We know that rewarding failure only produces more failure, condemning our children to a whole lifetime of low expectations. The issue is about excellence.

Today every child does have access to a public school, but not every one of those schools provides an adequate or quality education.

The issue of student performance: If we look at where we are today and just face the facts, it is absolutely critical that we recognize we are not doing as well as our children deserve.

In America, 12th graders today rank not 1st, not 5th, not 10th, not 15th, but 19th out of 21 industrialized countries in math achievement.

In the field of science, we are not 1st, or 5th, or 10th, or 15th, but we are 16th out of 21 nations.

If we look in the field of advanced physics, our students rank dead last.

Since 1983:

Over 10 million students have reached the 12th grade without learning to read at a basic level;

Over 20 million students have reached their senior year unable to do basic math;

Almost 25 million students have reached the 12th grade not knowing the essentials of U.S. history; and

Over 6 million Americans have dropped out of high school altogether.

S. 2, the bill we are debating this week, the Educational Opportunities Act, gives new opportunity, new promises.

We hear again and again of the importance of local control, where parents know their children's needs the best, where teachers know the names of the students, rather than making these micromanaged, heavily regulated decisions here in Washington, DC.

It is simply time for us to recognize we should stop feeding the bureaucracy here in Washington and start funding the classroom, start funding the student. This is about sending the money where it will do the most good.

Simply put, in Washington too many education dollars are wasted on administration and bureaucracy and redtape while too few of those dollars ever reach the people they are intended to help—the students.

Can Federal education dollars be spent more efficiently and more intelligently than they are today? Yes. How? First, we can stop wasting them in Washington. Today, the dollars actually travel from the taxpayer up through our system, and then they filter back down through about 760 separate Federal education programs, each overlapping the other, run by 40 different Federal bureaucracies.

We can start sending those same dollars, as they travel up through the system, back to the local level, back to the classroom, back to the communities where parents and teachers and principals can identify their children's needs. What is right for rural Tennessee simply may not be what is right for schools in the Bronx. We need to let the local schools, the local communities, decide, not Washington.

Today, about half of the personnel employed by our U.S. public school system are not teachers but administrators hired to keep up with the Federal rules and the regulations. What we need is simplification of these regulations, a streamlining, a more efficient use of those Federal education dollars.

I have said that no one cares more about children than their parents. You will hear, as this debate unfolds, that the bill, S. 2, is biased toward increasing the role of parents in education today and decreasing the role of regulations which originate in Washington, DC.

Yes, education is not a Federal issue; it is a family issue. Education is not about bureaucrats; it is about children and their parents and the future of those children. Parents—who have those daily conversations with their children, who do help their children with their homework, who attend regular conferences with their teachers—produce better educated students than parents who leave the education of their children to bureaucrats.

If America's schools are failing our children, parents should have the power to steer their children to more effective schools, to more effective instruction. After all, those dollars, wherever they come from—and, yes, most of them do originate locally, and only 6 or 7 percent come from the Federal Government—ultimately it is the parents' money, it is their children and their children's future.

Whether a child is a quick learner, or a slow learner, or a child with disabilities, or a child who just seems to not be able to function in the school that he is in, parents should have the freedom—I would argue they have the right—to move that child to a school where he has the best chance to succeed, to learn, to be prepared for his future.

In some cases, parental choice is about schools with better educational opportunities; in other cases, it is literally about removing a child from the line of fire or away from the danger of drugs. The point is, parents do have the right—and they deserve the power, I believe—to choose what is best for their child.

Parental choice: It is about schools. It is about parental involvement. It is about doing what is best for your child. It is about having a say in how your education tax dollars are spent.

In closing, I do believe we have a unique opportunity to reform Federal education programs. S. 2, the Educational Opportunities Act, makes a number of key reforms to current law, with the focus on producing child-centered programs—not Washington-centered programs but child-centered programs—that are flexible, that are results oriented, that have strong accountability built in, and that will lead to improved achievement for all our students.

The Educational Opportunities Act seeks to encourage reform rather than mandate particular changes at the Federal level. In this bill, no one is forced to do anything. The act encourages reform by allowing this choice. States and districts have an option either to keep exactly the sort of funding formulas and the categorical programs they have today—as they may have done over the last 35 years—or to embrace these new options, these new initiatives, based on local control and

flexibility and accountability. It is these new initiatives which require—and must require—a high level of accountability in exchange for that flexibility.

I am very excited about the debate today. We will be talking about a number of principles. Over the course of the week, we will be talking about the details of the bill. This debate is critically important. The bottom line is: Our children deserve better than what we are doing today. S. 2 addresses the reforms necessary for them to do better.

I yield the floor.

Mr. JEFFORDS. Madam President, the senior Senator from Minnesota is next. We have about seven more Senators who desire to speak. We are not putting any time limitation on them. I am just making Senators aware of that.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair and say to my colleague from Vermont I will try to stay under 3 hours.

Madam President, I, too, think we can do better by our children. It pains me a little bit to say what I am about to say—not for 3 hours—because I respect the chairman of our committee, Senator JEFFORDS of Vermont.

Mr. DODD. Will my colleague yield before he gets into the substance of his remarks?

I ask unanimous consent that at the conclusion of the remarks, I believe, by my colleague from Georgia, I be allowed to address the Senate on the subject matter for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Madam President, just as a point of clarification, I believe the next speaker on our side will be Senator GREGG. So if the Senator modifies his unanimous consent request, and it is granted, he will follow Senator GREGG.

Mr. DODD. I modify my request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. Madam President, as much as I respect my colleague from Vermont holding up the standard that we can do better for our children, holding up the standard that we need somehow to renew our national vow of equal opportunity for every child, I do not believe this piece of legislation represents the change I have been hearing about. I do not believe S. 2 represents a great step forward for children in our country, especially vulnerable children. I think this piece of legislation, S. 2, represents not a great leap forward but a great leap backwards.

I come to the floor as a Senator from Minnesota to speak against this legislation in its present form because I was a teacher for 20 years, a college teacher, before becoming a U.S. Senator. Education is my passion. I speak against S. 2 because I have been in a school every 2 weeks since I was elected almost 10 years ago. I love teaching. I love being in schools. Today I was at a rally at the State capitol in Minnesota with some great students from all around Minnesota who are seeing cuts in their school districts, teachers being eliminated, extra curricular activities eliminated, larger class sizes, and course offerings being eliminated.

I come to the floor to speak against this legislation because I believe the goodness of our country is to make sure that every child has the same opportunity to reach her or his full potential, and education is the foundation of this opportunity. This piece of legislation does not represent a step forward. It is turning the clock back 30, 40 years. That is unacceptable to me as a Senator.

This bill is fundamentally flawed because of the programs that it block grants. There is a reason why we made a commitment to migrant education. There is a reason why we made a commitment to homeless children. There is a reason why we made a specific commitment with accountability standards to make sure that title I works for children who are disadvantaged and they can do better in school. There is a reason why these are categorical programs. There is a reason why we have set some standards.

The reason is, the House of Representatives and the Senate decided that we are a national community as well as States. And as a national community, we make a commitment in the House and the Senate that no child, no matter how poor or how vulnerable, no matter the son or daughter of migrant farm workers or a child who is homeless or a child who is living in an inner-city or rural neighborhood that is poor, it makes no difference; those children will also receive assistance. There will be standards. That is a national decision because we are a national community. This piece of legislation throws that out.

Some of my colleagues come to the floor and say: We are for change. What kind of change?

Pretitle I, to give but one example, we had the example of school districts using this money to purchase football uniforms, band uniforms, swimming pools, and all of the rest. That is why we decided we were not going to block grant this money. That is why we decided we were going to make sure the title I money went for the children who needed the help.

I had hoped we would not have this crude block grant program that turns the clock back 30 years plus. I thought we would start out with a bipartisan bill. That is not the direction we have gone.

This turns the clock back. This basically says, if you are a child of a mother who is homeless and your mother doesn't have much clout, if you are the child of migrant farm workers and they don't have much political power, or you are the child of parents who are poor and they don't have much clout, it doesn't matter what the State you are living in decides to do. The Governors are free to spend the money however they want. That is what this legislation says in its present form.

That is not a step forward. That is a step backward. That is a step backward from the national commitment we have made as the House of Representatives and Senate, that all the children in this country, including vulnerable children, will have a chance to do well.

I have heard my colleagues say: I hope we get into some real debate; I will be pleased to yield for a question any time. Well, we need to do this because we have had 30 or 40 years of these programs, going back to the Elementary and Secondary Education Act of 1965. Look at the statistics. We haven't seen any change. There are too many children of color and too many poor children and too many children with limited English proficiency who are not doing well. Now we bring a bill to the floor that is going to make things much better.

Give me a break. When I am in communities talking to students and parents, talking to people in schools, nobody ever comes up to me and says: Can we have more Ed-Flex? They don't even know what it is. Hardly any States have even applied for it. They don't talk to me about Ed-Flex, Flex-Flex, flexibility.

They say: Why doesn't the Federal Government make a commitment to pre-K, since most of K through 12 is us? Why don't you adequately fund good developmental child care so when children come to kindergarten they are ready to learn, and we don't have this huge learning gap where some children are way behind, then fall further behind, then drop out, then wind up in prison? Why don't you get real and invest in developmental child care?

Not with this budget from this majority. And, by the way, not with the budget proposal from this President. We haven't made this commitment.

We say we have S. 2 out here because this is for change, to make things better for these children. If we want to make things better for the children, why don't we fully fund the IDEA program so that our school districts don't have to fill in the void? Let's fully fund it. Let's get real about the actual investment of dollars. Why do we not fully fund the title I program? We are funding title I at about a 30-percent level.

When I am in St. Paul or Minneapolis, to use two cities in my State—and I could talk about other communities—I don't have parents and teachers and others rushing up to me saying: We need more Ed-Flex.

They say to me: After you get to the schools that don't have at least 65 percent of the students poor, those schools get no funding at all because we have run out of title I funding for children who come from backgrounds of difficult circumstances, come to school

ill-prepared, are behind, need additional help. We fund this program at the 30-percent level, to the point where at the schools in our cities in my State, if they don't have at least a 65-percent low-income student population, they don't receive any funding.

When I talk to people in Minnesota, they ask me: Can we get the best teachers? What does this legislation do about getting the best teachers into teaching? Can we figure out creative ways of having more parental involvement? Can we have smaller class size? Can we focus on good professional development for teachers? Maybe the money could be used for the Eisenhower programs for math and science, but we eliminate the program. The Eisenhower Program has been a huge success. In fact, I would like to do more of it. I would like to have money designated for professional development. The original National Defense Education Act had those summer institutes for teachers, and they were great. Teachers loved getting together. They loved comparing notes. They revitalized one another with new approaches to teaching, new pedagogy, new substantive matter. It was great.

I hear about that. In Minnesota, I also hear about—and I know it is true in every State—decaying infrastructure, crumbling schools. The argument is, can we figure out a way of having more dollars to rebuild our schools? S. 2 doesn't speak to any of these issues.

I wish to make a couple of other points. One of them is that I have heard colleagues talk about flexibility, and this is, I will admit, more a State issue. I don't know quite how we leverage it at the Federal level. But Jonathan Kozol has done a wonderful work called ''Amazing Grace: The Lives of Children and the Conscience of a Nation''—and he has written another book and he sent me some data from New York—which says the difference between what New York City spends per pupil is about $8,000 per year per pupil and the suburbs range from $16,000 to $23,000 to $24,000 a year—two and three times as much. Jonathan Kozol's earlier book was called ''Savage Inequalities.''

So we do not, in this piece of legislation, make sure we live up to our commitment that there should be equal opportunity for every child and that we should do all we can to make sure poor children and vulnerable children have those opportunities.

We do precious little to deal with the savage inequalities about which Kozol talks. We have been shameful in our lack of investment, and I know the Senator from Vermont is all for this; he has been an outspoken proponent for this. But in our shameful lack of investment in early childhood development, we don't fully fund the IDEA program, Children With Disabilities, and we don't come close to fully funding the title I program. In addition, this piece of legislation shows no strong, unequivocal, positive commitment to how we get the great teachers into our schools, how we reduce the class size, how we invest in crumbling schools, how we make sure parents are involved, how we deal with the digital divide, how we make sure schools have adequate resources, how we make sure children do well before they go to school and when they go home. It is just not here.

So this piece of legislation is lacking in two fundamental respects: A, it is not a great step forward; it is a great leap backward. It turns the clock back from a commitment to vulnerable, poor children in America. I will oppose it with all my might for that reason, with its block grant. B, it doesn't, in the affirmative, authorize or talk about the kind of investment or funding in the decisive areas that would be so important to change so that we could do even better as a nation.

Madam President, I wanted to mention a couple of amendments that I have, and then I want to make a plea to the majority leader—not to the chair of the Health, Education, Labor, and Pensions Committee.

I will have an amendment that expresses the sense of the Congress that States and districts that use standardized tests to make high-stakes decisions about students should be professional standards on educational testing. It should not really be controversial, I hope. But I think we have to make sure these tests are used well. I am going to call for a study on the impact of high-stakes testing policies on students, teachers, and curriculum because I am very worried that when we start using single standardized tests to determine whether a third grader goes to fourth grade, what kind of reading group you are in, whether you graduate, and all the rest, and we have done little to make sure every child has the same opportunity to actually pass the test, what we have done is put the responsibility on kids and students for our failure to invest in their future and their achievement. So I think we at least ought to do a study. We ought to have an understanding.

I will have an amendment making it clear that if States and school districts use standardized tests to make the high-stakes decisions—I am all for testing for diagnostic purposes—to determine whether a student graduates or goes from one grade to another, at the very minimum, appropriate accommodations must be made for language proficiency and students with disabilities.

There will be an amendment I am going to sort of dedicate to my friend Paul Simon, who is no longer in the Senate. We did this together. It authorizes grants to urban school districts so they can implement any of the following programs in innovative ways to help eliminate the learning gap, as it affects children of color and the poor, and that could be the McKinney Homeless Assistance Act, Professional Development Act, the Immigrant Education program, or the Class Size Reduction Program. The Presiding Officer has done a good job of making sure we keep the rural piece in, and I am in full accord with that. I want to make sure we also keep in the urban piece.

I will have an amendment about which I was talking to my friend, Senator COVERDELL from Georgia, which I think is extremely important, to provide some support for children who witness violence at home. Every 13 seconds a woman is battered in her home. These children don't see the violence in the movies or on television; they see it in their living rooms. It has a devastating effect on their performance at school, and quite often in our schools we don't even know what is happening with these kids. I want to get some support services for them so they can do better.

I have an amendment to recruit and train highly qualified teachers for high-poverty urban and rural schools. This would provide $500 million to fund a collaborative between State education agencies, local education agencies, and institutes of higher education. This is how we can recruit people, whether they are right out of college or whether they are people who make a lateral change at age 40 or 50 and want to teach in schools. We want to get the training to them and have the mentoring. We want to have the internships, and we want to get this kind of talent into our schools, especially those schools with a large low-income student population.

I will have an amendment that calls for local family information centers. This would expand the Parent Information and Research Center Program in title I to include nonprofit organizations. Sometimes the way we can reach some of the hard-to-reach parents is to get them involved through some of the nonprofits in the community. I think there can be good, bipartisan support for this.

I will have an amendment that provides seed money for schools to hire more counselors for mental health services. In my State of Minnesota, the ratio is 1 counselor for every 1,000 students. Indeed, many of those counselors are trained more to what college or university you go to, or, if you don't go on to college, what kinds of jobs will be available. What about the kids who have mental health needs? How are we going to be able to recognize these kids who are struggling and get help to them?

How are we going to tell them? That is a hugely important issue.

I am going to have an amendment that provides seed money for counselors. I am not sure how many. I am going to figure out exactly the amendment that I think has the best chance of passing so we can make a good start in this area.

Finally, I am going to have an amendment I offered before. I will not spend much time on it. We had a vote on it. I want it to be on the record that

I want some historian to include me in a small footnote that we have not done the policy evaluation of ''welfare reform.'' We really do not know where these mothers are. We don't know what kind of jobs they have. We don't know whether the family has had medical assistance. We don't know why there is a dramatic decline in food stamp participation. We don't know what the child care situation is with their kids. We need to know, especially since in the next 2 years all of these families are going to be off assistance and we are going to be pushing a lot of vulnerable people off the cliff. I want some policy evaluation.

Nobody can tell me this has nothing to do with education because when children are hungry, they don't do well in school. When children come to school with an abscessed tooth because they have no health care or dental care, they don't do well in school. When the child care situation is miserable—it ranges from downright dangerous to not even adequate—those children come to kindergarten way behind. I have an amendment that calls for this policy evaluation.

I say to the Senator from Vermont that I am not going to go on for 2 hours. But this is an important bill for me. I will probably take 5 or 10 minutes. I will save him having to get up all the time. I will be finished. But I don't want too much pressure on me to be finished because then I will just get started again.

I want to conclude with this appeal to my colleagues on the other side.

I have stated the reasons for my opposition. Senator GREGG of New Hampshire will be out here. He will be a powerful advocate for a different position. I hope we will have at it. We can do it with civility. We can be formal. Presumably we have respect for one another. But let's have at it. Let's come out here and let the Senate operate as the Senate operates at its best. Let's start bringing amendments out here. Let's have up-or-down votes on amendments. If we need to start early in the morning, let's start early in the morning. If we need to go not until midnight out into the evening, great. Let's work.

This is a major bill. I think we all agree that there is no more important issue. Frankly, the Federal role is critical. This piece of legislation is critical. Let's have at it. It is not atypical when you have a bill of this importance.

I was talking to my colleague from Georgia about this. You have a bill out on the floor for a couple of weeks. That would be good. I wouldn't be at all surprised if there were 90 or 100 amendments. I remember during my earlier years, it happened all the time. Amendments fall off, or people bring amendments out, and people agree to time limits. Let's go at it. Let's have the debate. Let's make sure it is a substantive debate.

I have a number of amendments. Other Senators have amendments. That is the way you operate as a Senator. That is how you can make a difference. That is how you can try to follow up on what people in your State have told you about some of the needs and gaps. That is how you can try to be a good Senator. Let's do it.

We will take a couple of weeks with this. Then we will pass a bill, or we will defeat a bill, or it will be similar to what it is now, or it will be dramatically changed. But I think the country is ready for that.

I think the country is ready for us to have substantive debate. I think it is ready for us to be out here on the floor working. It is ready for us to be talking about what we believe—I think the Senator from Rhode Island will agree—would be best for education in our States and how we can contribute. It wants that discussion. That is why we are here. I hope we will do that.

I hope the majority leader will not come out here in 2 days, which has been the typical fashion—I am not talking behind his back; I have said this over and over again—and say: I don't like these amendments that deal with how you get guns out of schools; I don't like this amendment and, I don't like that amendment; these amendments aren't relevant; only if you agree to the following four or five or six amendments, or whatever, do we go forward. And we say: Absolutely not. We are here as Senators. We have amendments. We are ready to work for people in our State. Then cloture is filed. If there is not cloture, the bill is pulled.

I don't think it is a very good bill. So in one sense, I wouldn't be unhappy with that result. But as a Senator, I would be unhappy with the result. I want to go forward. I want to have the debate. I want to have at this legislation for a couple of weeks. I want us to consider the amendments out here. I say to the majority leader what I have said twice now: You suck the vitality out of the Senate when you don't let people come out here and offer their amendments and have this debate. We are at our best when we do that, I think.

I am all set to go. I am in profound opposition to this legislation. I think it is a profound mistake. One person's solution is another person's horror. The Senator from New Hampshire thinks it is just the opposite. That is fine. He will state it well. Let's have opening statements. Let's get to the amendments. Let's have debate. And let's move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I will make a unanimous consent request so we know where we stand.

Next to speak is Senator GREGG; then Senator DODD, Senator REED, Senator BUNNING, and then Senator LIEBERMAN—three or four other Members—for a period not to exceed 45 minutes.

I ask unanimous consent that be the order.

Mr. GREGG. Reserving the right to object, the 45 minutes applies to Senator LIEBERMAN.

Mr. JEFFORDS. Senator LIEBERMAN and his group. Others are flexible. But I suggest 15 minutes is an adequate time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

Mr. GREGG. Thank you, Madam President.

I congratulate the Senator from Vermont for bringing this bill forward. We recognize it is an extraordinarily important piece of legislation because it sets Federal policy for education, especially in the primary area where the Federal Government has responsibility, which is low-income education.

There are really two areas of elementary and secondary school education where the Federal Government is the dominant player. One, of course, is elementary school education—the low-income kids. The other is elementary school education for special needs children. This bill doesn't address the special needs issue. It is not the IDEA bill, which is a special needs bill. This bill focuses primarily on how we deal with low-income children.

I think it is important to reflect a little bit as we begin this debate as to what the history of this piece of legislation is because that puts in context to a significant degree why it is we on our side believe there needs to be interest for other options to be made available to the States as they address the issue of educating and helping low-income children achieve and, thus, realize the American dream.

This bill was put together 35 years ago. At that time, it was a 32-page bill with 5 specific programs. Today, this bill before us has 922 pages; it has 79 different programs. It is a huge piece of legislation which has expanded radically over the period of the last 35 years. It originally had, and still has, categorical program after categorical program which specifically told the local school districts and the States how to manage very narrow areas of education in a very prescribed way.

There has been a philosophy built up over 35 years in this Congress—essentially dominated by the Democratic Party when this bill evolved—that essentially says: We in Washington know a heck of a lot better how to educate a low-income child than you folks back in the districts do where that child is going to school; We know better than the parents of that child; We know better than the teachers of that child; We know better than the principal; We know better than the school district; And we know better than the State.

As a result, this bill exploded from a 32-page bill to a 1,000-page bill with program after program after program very narrowly, rifle-shot targeted with

significant limitations on the funds being spent and significant directions for the local communities.

What was the result? The result was that over that period we spent almost $130 billion in education directed at low-income children—$130 billion over 35 years. What did we get for that? Unfortunately, what we had was a bunch of kids who were left behind—children to whom we had made a commitment, and low-income children who weren't educated hardly at all as a result of all of these dollars being spent.

We know for a fact today that two out of every three low-income fourth grade African American and Hispanic children can barely read. This chart shows that over 70 percent of the children in our high-poverty schools who are low-income do not meet the most basic levels in reading. We know 60 percent of those children do not meet the basic levels of mathematics. We know almost 70 percent of those children do not meet the basic levels in science.

This is the product we have produced $130 billion and 35 years later: 79 programs and 1,000 pages of law. We know in our high-poverty schools, low-income kids in the fourth grade read at two grade levels less than their peers who are not low-income. We know in our urban schools almost half our children are not graduating from high school. We know the achievement gap between our moderate-income, our average-income kids and our low-income kids is not closing as it was supposed to after $130 billion but is potentially expanding and, at best remains the same.

We have gotten nothing for these kids from all this money that has been spent. It is not just our low-income kids, the children addressed in this bill who are being affected by the quality of education, but our entire educational system has serious problems. Forty percent of our fourth graders can't read at a fourth grade level. Our 12th graders have seen either a decline in reading, math, and writing skills or, at best, a stagnation of reading, math, and writing skills. I am talking about all 12th graders—not just low-income 12th graders.

Our 12th graders, compared with the rest of the world, which is where we are competing today, and what our prosperity is tied to, come in about last among industrialized nations. We are behind Hungary, Slovenia, Austria, Germany, Netherlands, and Sweden. We are just about last in levels of academic achievement in mathematics and last for our academic levels in science.

We know there are 7,000 schools in this country today that are deemed failing schools. They are not defined as ''failing'' by the Federal Government. We have not set a standard to say a school is failing. They are defined as failing by the school systems at the State and local levels that rate their own levels. School systems rating their own schools have identified over 7,000 schools that do not meet the standards they have set. Some of the schools have had the failing designation for not just 1 or 2 years but for up to 6 or 10 years.

We need to be very concerned about this. We are not the only ones, as legislatures, who are concerned. Our manufacturers and our people who are trying to hire folks so they can become prosperous, so they can have good jobs, and so we as a country can compete internationally, are concerned. United States manufacturers have found that 40 percent of all 17-year-olds do not have the math skills necessary to do the job for which they are hired; 60 percent do not have the reading skills necessary to do a manufacturing job. That is a staggering number. Over half the kids leaving our school systems come in to their work experience without the ability to do the job because they cannot read and they cannot do math.

Madam President, 76 percent of our college professors and 63 percent of our employers believe that a high school diploma is no guarantee the typical student has learned the basics necessary to function in our society, and specifically, in college and the businesses into which they are being hired.

We obviously have a very significant problem. I must stress this problem isn't a lack of money. As I said, we have spent $130 billion for title I kids over the last 35 years. We have also as a Federal Government dramatically increased our funding. This chart reflects how much we have increased funding for education generally in this country from 1950 to the year 1997—from about $10 billion to well over $300 billion in total expenditures from K–12.

This chart shows how much we are spending on our increases on children per pupil during that period. From 1970 to 1999, we see the increase per pupil went from $1,000 to well over $7,000 in this country.

The United States spends 6 percent of its national income on primary and secondary school education which is more than any other of those industrialized countries. Every one of these countries spends less of their gross national product for education than the United States, except Denmark and Canada. All the other countries spend less as a percentage of their national product on education.

It is not a function of dollars being spent. It is a function of what we are getting for our dollars that we are spending that is the problem.

Somebody else said it is a function of the teacher ratio; We simply have too many kids in the classrooms for the teachers to handle. There may be instances where that is the case. I think that is possibly true. But as a practical matter, when reviewing the statistics, it is hard to defend that position. In the 1960s, there were 26 pupils per teacher. Today there are 17 students per pupil in this country, on average. The President has said he wants to have 18 students to one teacher. That is the ratio he wants to reach. As a practical matter, 42 States in this country already have ratios which equal either 18 to 1 or better for the ratio of students to teachers. We know we have a problem, and it is very significant.

Some States have taken this issue on and made significant success. I point to Texas as an example. They have reduced their achievement gap by almost a third between the low-income kids and the high-income kids, and they have not done it by reducing the level of the achievement of the higher or the moderate-income child, the non low-income child. They have done it by raising achievement levels of the low-income child.

One might ask: How have they done it? Texas—and there are lots of other States initiating these programs, including Michigan, Arizona—has done it by being creative, taking a different approach with their kids by demanding achievement in most instances.

When we looked at this bill as it came to the committee for reauthorization, we looked at the statistics and said one thing we know is what we are doing is not working. There are a lot on the other side who are willing to defend the status quo. I am not. These numbers are staggering. We have had generation after generation of low-income children who have been given the raw deal in the way the Federal Government has addressed the issue of educating or trying to help educate them by assisting the local communities. Their achievement levels have not increased. They cannot do math, they cannot read, even though we have poured these huge amounts of dollars into trying to help them out. So we knew it was not working, the status quo. We knew those 79 programs that had come, originally, from 5 simply had not resolved the problem.

I guess they made a lot of people feel good because there is hardly a Member, especially on the other side of the aisle, who has served here for any length of time who does not have one of these targeted programs that is called something—something to help somebody somewhere that has his or her name on it so they can put out their press releases and go back to their States and say: I put out the ''da-da-da'' program which helps ''da-da-da.''

But the problem is, that has not improved the education of the children at all, especially the low-income children. So we, on our side of the aisle, said let's try to think of a better way to do this. We came up with a basic thematic approach. We said that, first, the programs we put forward should be child centered. That might seem obvious and everybody might say, of course, they should be child centered; it is education. Unfortunately, title I, the way it was originally designed and the way it functioned up until 1994, was not a child-centered program.

Title I was a school-centered program, an administrator-centered program. Basically, the money went to the

schools. If you happened to be a low-income child, you may or may not have ever seen that money. If you happened to be a low-income child in a school system which had less than 35 percent of its kids being low-income kids, you were absolutely not going to see any of that money because none of that money could go to your school. So a lot of low-income children were simply written out of the system, and the money did not go to the children; it went to the schools. So we said let's have a child-centered approach where we are really looking at the children.

Second, we said title I has not accomplished its purpose, it has not improved the education of low-income kids, so let's put the emphasis on achievement; We especially want to see low-income children have their math and reading skills increased; We do not want to see them put into some aggregation where there is a claim of increase because they are part of an average; We want a disaggregated approach, so different groups within the low-income community are looked at independently.

Then we want those groups of kids to improve relative to everyone else. We don't want everyone else to be brought down; We want to see better math skills, better science skills, better reading skills for the low-income children so when they leave school, they can read and they can write and they can do math. So we decided we were going to have an achievement-oriented proposal.

First, it was child centered; second, it was achievement oriented.

Third, we came to the conclusion that maybe we do not know best here in Washington; maybe the local school districts do know what they are doing. I meet very few parents, teachers, and principals who really don't want good education. Almost everyone I ever meet who is a parent of a student or teacher or principal or superintendent really does want good education. That is why they have committed their lives to this exercise. So we said let's give the flexibility to local school districts so they can make the decision as to how to allocate the funds within their school districts and within their schools the way it will get the best results.

In order to give that flexibility we also said, fourth, that we want accountability. We want the local school districts in the States to show us the kids are achieving at a higher level. They have to be accountable.

So it has four steps: Child-centered, achievement, flexibility, and accountability. That is the theme on which we built this bill, or the ideas we put into this bill.

There was another approach which we took, which is a tactical approach. We said we do not know all the answers, unlike some on the other side who appear to think they do know all the answers. We said we don't know all the answers, we don't know what the States need and what they want, so we are going to give the States an optional approach. We are not going to say you have to do this in order to get the money, or you have to do that in order to qualify for the program. We are going to set out a series of options.

The way I describe it is it is similar to a cafeteria line. A State can go down that cafeteria line, or a local school district can go down that cafeteria line, and they can pick out the program which they think best suits their ability to produce the results for the low-income child, to enable that child to have a better school experience and to learn more.

We do not say you have to take any specific program. We do not say in order to get a new teacher you have to take class-size dollars, and if you take class-size dollars, you can't do anything but get new teachers. We don't say that. We say you, the State, can go down this cafeteria line, and if you like this program—and I will talk about them in a second—if you like Straight A's or you like portability or you like public school choice, you can just take that program and try it out in the context of an accountability system where you have to prove that you achieve the results of improving the quality of education for the low-income child.

But if you don't want any of those programs, if your educational community is so strong in your State and you believe you are doing such a good job that you want to stick with title I as it is presently structured out of all the different rules and regulations and all the categorical programs, you can do that, too. You can go right down through that cafeteria line, don't pick up anything, and get the same amount of money. If you take any one of these programs, you get the same amount of money. We are not going to affect anybody's ability to get the dollars the Federal Government is sending to them. They are all going to get the same amount of dollars, but we are going to give some States and communities an opportunity to have options.

It has outraged the other side of the aisle for some reason, the idea we would give options. Maybe it is because we are not demanding people do this. The approach we often hear, regretfully, from the Washington educational establishment is you must tell people what to do. We are not going to do that. We are going to say you have options and when you choose an option, then we are going to say you have to produce the results, yes, but you will have flexibility within that option to produce those results.

Let me talk briefly, because there is going to be a lot of debate about these items, about the four major options in this bill. There are also a lot of other good initiatives in this bill. The Senator from Maine put in a superb initiative in rural education that is going to help rural school districts be able to manage their Federal dollars more, but that is not controversial because it is such a good idea. Let me talk about the four items that basically set these themes in place.

The first, of course, is Straight A's. There are two different types of Straight A programs in this bill. One is the Governors' proposal; the other is pure Straight A's and includes title I. Essentially, what it says is we are going to take a bunch of programs, 14, 15 programs, and instead of having the money go to the States in a categorical way, the States will get the dollars from those programs in a group, and then they will have very significant obligations to meet accountability standards for having improved the achievement of low-income students as a result of getting those dollars—something which does not now exist. We will give them flexibility, but we will expect results. And low-income kids will learn.

This is a State's choice, by the way. The State does not have to take Straight A's. If the State doesn't think this will work for it, it does not have to take this track. If a State wants to take this approach, it can. But after taking this approach, it has to prove, after a reasonable amount of time, the kids are actually improving in their educational levels.

The second approach is called portability. Here we have tried to engage the parents in the process of becoming involved in the education of the low-income child. I think if there is one thing we all recognize, it is that parent involvement is absolutely critical to good education. This is an attempt to get the parents into the process. This proposal, essentially, says that instead of sending the money to the schools—as I mentioned earlier, if the school does not have 35 percent low-income kids, they don't get any money—instead of sending the money to the schools, we give the money to the schools, but we give it to them in relationship to the children who are in the schools so the money follows the child. It does not flow to the schools. Then the parent has the right to go to that school system and say: I am not happy with what my child is learning in this school. I would like you to put my child into an afterschool program or a tutorial program—not a private school; the child still has to go to the public school—but I would like you to put him or her into some sort of private tutorial assistance, or it could be public tutorial assistance, that may cost more money.

That is allowed today under present law, under title I, but it is not at the direction of the parents. The school systems make these decisions. So the parent has the right now to say: Take my title I money and allow my child to get some assisted learning at a Sylvan Learning Center or some sort of other outside assistance program. That is portability. The money goes with the child and the parents, although they never get the dollars, they do not physically have the dollars. This is not anything like a voucher, even though it is

occasionally, by people who are really demagogic, being classified as such, but nobody with any integrity would ever call this a voucher because it is not—the dollars go to the school, and the school has control over the dollars. But the parent has the ability, if the parent decides to do so, to direct that these dollars be used to assist the child in additional educational support, something the school can now do but may not want to do, for whatever reason.

That is portability. Again, the most common attack we get on this—and it is legitimate—is: What happens? Under the present system, money comes together in the school system and the school gets to use it to benefit all the kids. It is not going to take control away from the school and their ability to benefit all the kids with these title I dollars.

Yes, it is; it is going to benefit the low-income kids. That is exactly what it is going to do. Remember, for this program to go forward, the school district and the State have to have made the decision this is what they want to do. So if the State and the school system come to the conclusion the best way to educate their kids is to use portability as an option, then they can apply for it, but if the local school district, the teachers, the principals, and the administrators decide this is not going to work, they do not have to apply for it; it is an option.

There are some States in this country that, obviously, are going to apply for it because they already use portability. Arizona uses portability for its State funds, and the city of Seattle uses portability for its State funds. It is not a new idea. I am sure it will be pursued by those places. It will be on the table and available to them if they want it.

Another area is public school choice. As I mentioned, in this country today, 7,000 schools have failed or are failing. What we essentially say is: If your child is in a failing public school—which can do a fair amount of damage to a child, to be in that school for 2 years—but if that school continues to fail for 2 years—and remember, failure is defined by the States, not by us—then the parent has the right to move that child out of that public school. If that public school fails for 4 years, then the parents have a right to move that child out of the public school and the public school system must assist them in the transportation costs of moving their child out of that public school, as long as it is a reasonable number. There is a contingency on how much can be spent.

Parents cannot move their children to a private school and get any support. This is a public-school-to-public-school choice. In other words, if a parent wants to move their child out of one failing public school, under this bill, they can move to another public school that they, as a parent, believe is doing better. Again, this is a process of getting parents involved. Equally, it is a process of putting pressure on the 7,000 failing schools.

Another area is teacher empowerment. This has already been attacked at some length from the other side of the aisle. I heard a commentary on this. There is a philosophical difference which reflects precisely from where the two different parties are coming. The President, the Vice President, and his supporters, have said: If you want to get more money from the Federal Government, you must use this money to add new teachers to classrooms; you must do it.

I do not know how AL GORE or President Clinton know that the town of Milan, NH, needs more teachers, but for some reason they think they do. I do not know how they know that.

Mr. COVERDELL. Will the Senator yield?

Mr. GREGG. I yield to the Senator from Georgia.

Mr. COVERDELL. On that point, I have been waiting for an opportunity to ask that the Senator clarify this. I thought he said the teacher ratio in 1960, going back 35 years, was 1——

Mr. GREGG. To 26; 1 teacher to 26 students in 1960.

Mr. COVERDELL. In 42 States, it is 1 to 18 or better.

Mr. GREGG. Nationally, the average is 1 to 17.

Mr. COVERDELL. Which is the timetable during which this data has gotten progressively worse.

Mr. GREGG. The Senator is absolutely correct. On a side point to which the Senator is making an excellent allusion, it is very hard to tie student-teacher ratio to improved student performance. Study after study has been done on this, and, as a matter of fact, the University of Rochester did a study of the studies done. There have been over 300 studies done on student-teacher ratio and whether or not that is a determinative event in the education of a child, whether the education of a child improves.

At the 17-to-1 level, it really is not. The University of Rochester determined the most determinative event was the quality of the teacher; surprisingly enough, it was not the ratio of the students to the teacher. If there is a teacher of poor quality teaching 17 kids versus 26 kids, the only advantage is 9 kids are not getting a lousy education. This study found it was the quality of the teacher that was the determinative event, which brings us to our point.

Under our proposal, we say to the local school districts: OK, if you need more teachers, if you want to reduce your classroom percentages, you can do that; you can use the money for that; but if you want to use it to improve your teachers' ability to teach, you can use it for that, too. Or if you have really good teachers and the marketplace is trying to attract them away from the school system—math and science teachers are in great demand in the private sector these days, as are a lot of teachers—then you can pay them a bonus to stay in the school system.

We took the teacher size categorical straitjacket the President and Vice President GORE proposed, and we put that together with the Eisenhower teacher training program and created the Teacher Empowerment Act, which essentially says to local school districts: You have the flexibility to use this to improve your teachers in any of three different ways: Add more teachers if you want; give your teachers better educational skills; or pay teachers a little bonus or incentive to stay in the school and teach if they happen to be people you want to keep on board. That is a difference of approach and a philosophical difference.

Those are four items that reflect the difference in our themes, and our themes, to reiterate, are these: We think, after 35 years, it is time we focus on the low-income kids and it is time we expect the schools in this country to deliver those low-income kids an education that is going to give them a shot at the American dream. Unfortunately, we have not done that as a society. The record is abysmal, and I have cited countless statistics to support that. What we expect is a program that is child centered, that is achievement oriented, that is flexible and has accountability.

I again congratulate the chairman of the committee and members of the committee who worked so hard on this. I look forward to the continuation of this debate over the next couple of weeks.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized for 10 minutes.

Mr. DODD. I thank the Chair.

Madam President, we have before us this afternoon one of the most, if not the most important pieces of legislation we will consider this Congress, the reauthorization of the Elementary and Secondary Education Act. I thank those who have been involved in this process over the last number of months.

I regret at this late hour we are considering something as fundamentally important as the Elementary and Secondary Education Act. It is late in the spring. We have been allocated a few days on this. I guess we will have 3 or 4 days this week and maybe a couple days next week and then move on to other business.

I appreciate the fact we have some days here. Normally, with this issue, given its importance in the national agenda, we would spend a little more time on it. This is a 5-year program. We will not touch this again for 5 years. Unlike other matters which come up every year, this is a bill with which we deal once every 5 years.

I see my colleague present.

Mr. COVERDELL. Madam President, if the Senator will yield, I do not believe there is any predisposition as to

the length of the debate decided between the two conferences. What the Senator outlines might well be the case, but it is certainly not predisposed.

Mr. DODD. I thank my colleague for telling me that. I hope that will be the result.

My point is, here we are on the first of May and our legislative year is winding down. Not that we have done much these last two years; with the exception of one or two things, the highlight of this Congress so far might have to be the renaming of the airport. And now after frittering away weeks on nominations and cloture votes on bills going nowhere, we are bringing up ESEA.

Perhaps this will change with this bill—if there is any bill that deserves our full and careful consideration, it is this one. Clearly, we should be able to afford more than a few days for the most important bill, the most important issue to the American public. We spent weeks on renaming the airport; our children deserve at least this much.

Madam President, how does this make sense? It is certainly not the way we have done education in the past. We have always had debates, but we have always been bipartisan. The 1994 ESEA passed with over two-thirds of our votes. Historically, education bills have come out of the committee as overwhelming bipartisan. At least in my 20 years on the committee—this may sound strange in this day and age, but we actually had elementary and secondary education legislation come out of the committee with unanimous support. It came to the floor of the Senate and was adopted almost unanimously. Elementary and Secondary Education legislation is not and cannot be about scoring points for the election—it is about scoring points for our future, our children. We must work together.

And there is much work to be done on this bill. But I do not think it is too late, Madam President, to come together around a good bill, a strong bill for America's children and schools. Let's take the time. And frankly, I believe hidden below a layer of crass partisan policies in the bill before us today, there are significant bipartisan initiatives already in this bill we can build on.

Senator DEWINE and I worked together over months to re-craft the Safe and Drug Free Schools and Communities program to make it more accountable and to focus the program clearly on programs of proven success and that is included here in this bill. I have also worked with the chairman of our Committee on some important but smaller initiatives in this bill—the Magnet Schools program, the Character Education Partnership initiative which I authored with Senator DOMENICI, the Civics program which I authored with Senator COCHRAN, the National Center for Gifted and Talented Education and initiatives to improve Title I's preschool services.

Unfortunately, these efforts did not carry the day. Instead bipartisanship was abandoned and we ended up with this product before us today. But, hopefully, before this process is over maybe we can come to some agreement on these issues.

As we start this effort, we should review some of the basic facts. There are some 53 million children every day who go to school in elementary or secondary schools in this country. Roughly 49 or 50 million go to school in public schools, and about 5 million go to school in private or parochial schools. So our primary responsibility, as a public institution, obviously, is to deal with public educational institutions, where almost 50 million of America's children go to get an education every day.

At the Federal level, we are responsible for about 7 cents on the dollar in education; 93 cents on the dollar for the education of our children at elementary and secondary schools is paid for by the States and local governments.

So when we highlight all the problems that exist in our educational system we should keep this seven percent in mind. There is no question we should certainly look at what we may do to contribute to any of these shortcomings. But frankly, it is less a function of what we do here, and certainly far more of a function of what happens in our respective States and communities.

That is a sad commentary. I do not like to make it. I wish it were not the case. But the idea somehow that the 7 cents from the Federal Government is the sole reason—sole reason—why 7,000 schools or 5,000 schools, out of the thousands, are failing out there, I think, is an unfair allocation of the blame.

We need to look at how we spend the $15 billion dollars of federal money we invest in schools. About $8 billion of that—half of it—is all in one program, Title I, which we distribute right back to the States and local communities through a targeted formula.

What we have tried to do, over the years, is to target this $15 billion of resources so it just does not become revenue sharing. I know there are those who would support that. I know there are those who would get rid of the Department of Education entirely and merely have Washington become a turnstile: Send your money here; send the money right back. You decide what you want exactly.

Some might say: I do not know why we bother with a turnstile. Some may advocate just offering an amendment to eliminate the Department of Education, eliminating the Federal Government's role all together and leaving the money at the State. That is a point of view. I disagree with it.

Our role is fashioning instead a national purpose, responding to national needs and leveraging federal dollars. I believe most Americans believe this is our role, too. They know education is a national interest and that we have national needs and concerns.

Improving the quality of education for our poorest children, that is a national need. I do not only concern myself with the well-being of a child in Bridgeport or Hartford or New Haven. Obviously, I worry about that as a Senator from my State. But I also recognize that my country suffers if, in fact, a child in Tennessee or Vermont or Georgia or Rhode Island or Texas, is failing in those States, then I think my constituency also suffers.

I hope that is not a radical thought, the idea that as a national legislature we are trying to determine what we can do to improve the quality of education of children across the Nation, not just in our own communities. That is a job of our local towns and our States. But as national legislators, with the importance the American public has placed on education, do we just make this a revenue-sharing program, or do we try to speak as closely as possible with one voice about such things as class size, the condition of the buildings in which America's children learn, whether or not they are getting the proper support they need in immigrant education, or in various other aspects of improving the quality of children's performance levels?

I do not think it is so radical a notion that we, as a national legislature, say that across the country these are things on which we would like to see improvement.

And with all due respect, Madam President, I believe we owe our children and our future something much better than the bill before us. What we have here is another missed opportunity to respond to the calls of children, parents, grandparents, teachers, mayors and community leaders for real support to accelerate the pace and progress of change in our schools.

There is no question, in its current form, the bill before us leads to gridlock and, at best at the end of the day, more status quo in our nation's schools. And the last thing our nation's schools need is more status quo.

The process of school reform began here six years ago in the last ESEA reauthorization. In 1994, we left behind forever policies based on low expectations for our children and on checking the boxes and measuring the inputs and revolutioned our policies to focus on high standards for all children, aggressive state-based school reform, accountability for results and responsibility for failure. And we have seen results.

I listened very intently to my colleague from New Hampshire talk about what has happened across the country in education.

If you are looking at 35 years, which he was, you get one set of numbers. If you are looking at the last 6 years, there is a different set of numbers.

Let me show you a chart of math scores on the National Assessment of

Education Progress. These numbers challenge the notion that what we presently have in place is not working.

If you take what these numbers represent on the chart, the bottom numbers show the poverty levels in schools. So the first column shows the most affluent schools in the country down to the poorest schools in the country. In every single income category, there has been improvement.

One of the largest levels of improvement are in schools where the level of poverty is 51 to 75 percent. That is where the most dramatic increase has occurred. Even in the poorest schools there has been almost—not quite a doubling—but almost a doubling of improvement in math scores in the last 4 or 5 years or 6 years.

Let me quickly add, these scores are still not good. There has been improvement toward higher achievement—but we still have a long way to go before we rest on any laurels. But there has been improvement because of what we did in 1994 when we passed the Elementary and Secondary Education Act. And not just math scores are up. We have seen increases in reading achievement, particularly in the highest poverty schools, fewer dropouts, and more college attendance.

But there has not been enough progress. Too many of our schools are still failing—failing their students, their communities and us. I believe we must push for reform. Reform must be faster, better and targeted at those children most in need. The status quo is not an option for failing schools nor for federal education policy.

The question before us today must be how to accelerate reforms to increase student achievement further, to reduce the achievement gap, to build on the lessons we have learned and to focus our resources on programs that work. And what works?

As is often the case, it is the simple, meaningful things that make a difference: Smaller class sizes; investments in recruiting, training, and supporting teachers; modern, safe school facilities; after school opportunities that provide students with enriched opportunities for learning as well as safe, supervised care while their parents work; and, real accountability in federal programs.

These are simple straightforward proposals to accelerate the pace of reform in our schools. These are reforms that parents do not see as Democratic or Republican—they simply see them as gaping needs in their children's schools.

But instead of coming together around real change and reform, this bill does nothing to move schools forward. In place of increased accountability and resources, this bill proposes blocking granting programs currently focused on areas of national need and concern and transforming targeted programs into vouchers for private schools. Block grants, one of the central policy ''initiatives'' of this bill, are no prescription for change. Block grants offer no national purpose, no accountability, they lessen funding and decrease targeting. They simply support the status quo, more of the same.

When you just have a block grant—and I know there is an appeal to block grants—you cannot, on the one hand, be for block granting everything and then simultaneously demand greater accountability. If I just give you a check and do not say, by the way, if I am going to write this check for you, here are the areas in which I want results, then how do I get any kind of accountability at the end of the day?

I see my time is expiring, so I ask unanimous consent for 1 additional minute to conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. If I just turn over a blank check to you, in effect, and at the end of the day say, I now want you to be accountable for it—and I have not demanded any kind of requirement where these dollars are targeted—then you get almost zero accountability. That was the experience we had for years. So we changed that—we focused on high standards for all children and accountability for results. We targeted resources and demanded a return on these investments.

What the present bill on the floor does is erase the bill of 1994, in effect, and goes back to the past when we didn't have the accountability and when achievement was sliding down rather than tracking up. We know block grants don't work; we have tried them before. They simply support the status quo. If that is good enough for you, then maybe this bill is. But in my view, this is not just good enough.

This bill also walks away from our public schools in supporting voucher programs that would funnel much needed public resources to pay for private schools. Madame President, public schools educate over 90 percent of the children in America. They are the foundations of our communities, our economy and our democracy. We must not, cannot, walk away from them like this bill does.

These policies are a recipe for failure for our schools—dollars funneled away and frittered away on the status quo, less accountability, less targeting to real need, less funding and more of the status quo. These policies are tired, timid and dangerous for our schools. Block grants and vouchers are proven failures—why should we waste our time, our schools' time, our children's time and our resources on them?

We will try to change that over the next 4 or 5 days in this debate. I believe there is still hope for this bill. America's children and parents are counting on it—and I look forward to rolling up our sleeves and getting to work. We owe them and our own futures no less.

I yield the floor.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Rhode Island.

Mr. REED. Madam President, I believe, pursuant to unanimous consent, I am to be recognized now.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REED. I thank the Chair.

This is a very important debate about the course of educational policy in the United States. It is important in many dimensions.

Typically, when we bring a bill to the floor on the Elementary and Secondary Education Act, much of our discussion is about the mechanics of the legislation. But this debate opens up broad philosophical topics which we are confronting in the bill that is before us and the alternative which Democratic Senators will offer.

There are basically two philosophies at play. The philosophy I bring, and that I share with many of my colleagues on the Democratic side, is that there is a very specific role for the Federal Government in education policy. First, we recognize the primacy of State and local authorities in the U.S. Historically, culturally, indeed, constitutionally, State and local authorities govern educational policy. There is a role, though, for the Federal Government. It is a role we have played robustly since 1965; that is, to encourage innovation at the local level while at the same time trying to overcome local inertia so that together with this innovation, which comes from below, and with support so we can overcome obstacles at the local and State level, we can improve the education of our children and their academic performance.

All of this leads to an approach which suggests that our role is limited and targeted, particularly with respect to low-income students, who historically have been denied the kinds of opportunities many other American children take for granted. Also, we have a role to reflect national priorities in educational policy, priorities that transcend local feelings, regional approaches, and truly create a national political and policy environment for education improvement. That policy has been established in Federal law since 1965.

Today, we are confronting another philosophy. That philosophy, stripped down to its core, is essentially revenue sharing. My colleague from Connecticut suggested as much in his remarks immediately preceding mine. That approach is to say simply that we have some money and let's turn it over to the States. Underlying that approach is the presumption that, of course, the States know what is best. But one of the ironies, again alluded to by my colleague from Connecticut, is that if you are justifying this change in philosophy and change of legislation by the fact that American education policy is failing, what sense does it make to give vast resources without conditions to those individuals and institutions which control this failing educational policy? The institutions

that control educational policy are the States and localities. We contribute, from the Federal level, about 7 percent of resources. It is very limited and very targeted. Ninety-three percent of the resources are governed by State and local law.

So if American education is failing, who is responsible for this failure? And if the States and localities are responsible, why are we about to embark on a legislative policy which would simply turn over the money to them without any real check on how it is spent?

It is States and localities that determine how they raise funds. Through history, they have been wedded to the property tax. In fact, the property tax might be the most decisive reason why some school systems succeed and some fail miserably. But that is a local initiative, local policy, and local law. We wouldn't presume to change that. Yet that has a decisive effect on American educational policy.

Who certifies teachers? It is the States, not the Federal Government. If you are concerned about the quality of teachers in the classroom, don't come here and blame us for requiring poor teachers to be in a classroom. Don't come here and blame us for requiring shoddy school buildings. There is no Federal law that requires that. It is a combination of State policy and revenue measures that provide inadequate resources for many school districts.

All of these things are under the gambit of State and local control. What we have tried to do for more than three decades now is to find points of leverage in the system where Federal resources and Federal policies can make a difference to help spur innovation and to help overcome the inertia we all see at the local level.

This philosophical debate will rage for the next several days on this floor. It is an important debate. Again, I believe the policy we have developed over several decades makes sense, given the realities of educational policy in the United States. It recognizes the key role of States, but it is not an exclusive role. It recognizes that the Federal Government, in limited, targeted ways, can help improve educational quality in the United States.

One of the key issues—indeed, it might be the fulcrum upon which this whole debate turns—is accountability. All of those who propose that we turn over resources will argue: But we are requiring more accountability. I think this argument in some respects misperceives the accountability that has already been built into Federal education legislation and assumes the States and localities will act in all cases wisely and well, when in fact history suggests that under the pressure of local budgets, under the demands of local political forces, they can be as irrational sometimes as any policy dictate from Washington.

Over the last several decades, we have endeavored to improve the accountability of States and localities through principally the title I program, accountability based on student performance. Back in 1988, amendments to the Elementary and Secondary Education Act for the first time got away from the simple accountability for finance which ruled title I programs before and started looking at consequences for student performance, tried to begin to develop the notion of standards-based education and of holding States accountable for their title I students and the use of Federal dollars.

In 1988, for the first time, we started talking seriously about student outcomes and requiring evaluation of outcomes and improvement in student achievement in the context of the title I program. The first attempts back then were quite modest. The States were left to set the standards, and the standards were often set too low. There was no real enforcement of failure to conform to these standards.

Also, in 1988, and years subsequent to that, title I funds went to schools determined on the basis of low student achievement, not based on student poverty levels. As a result, there was this perverse incentive essentially to give more money to schools that were failing rather than to look at another dimension to measure how we could allocate funds. The amendments in 1988 set the stage for action that took place in 1994. That was the Goals 2000 legislation with which, as a Member of the other body, I was deeply involved. And here we began to build on a bipartisan effort, which was begun by President Bush in the context of his educational summit, to develop goals for education in the United States as we approached the new century. The Goals 2000 legislation tried to build on those goals.

One of the key elements was to try to, once again, enhance the accountability for the Federal dollars going to the States and the overall performance of the States. Part of the sensitivity to accountability and to what was going on in the States was a result of books such as Jonathan Kozol's book, ''Savage Inequalities,'' which painted a very bleak picture of programs, particularly urban education programs, and the distinct disadvantage that low-income students, despite title I funding and State efforts, were still suffering in the 1980s.

Also, at that time, there was a range of court cases. The most notable was in Kentucky, where the whole school finance system was challenged as being inequitable and inefficient. In fact, Kentucky's supreme court declared the financing in Kentucky schools to be not supportable and unequal and something that had to be changed. As a result, Kentucky took the lead in developing an equalized financing program and comprehensive reform, and other States acted at the same time, such as Massachusetts, Arkansas, and Tennessee. So this effort was ongoing throughout the country.

In the context of Goals 2000, there was an attempt to develop performance standards and the opportunity to learn standards, where for the first time we were talking about the resources necessary for schools and, most important, for children, to succeed. This was based upon the commonsense notion that a child who has a teacher who is unqualified and teaching out of their subject area, a child in a program where there is inadequate facilities, a child that is not able to participate fully in activities and advance in classes that are common, indeed routine, in the suburbs, that child is not going to be able to succeed as well as other children. We pushed very hard to simply require the States to answer a fundamental question: After you have identified a school that is failing, based on these outcome standards, what will you do?

Frankly, my amendment, which was focused on this effort, caused intense opposition because when you come down to the crunch, and try to ensure schools are performing, there is innate opposition from States and localities—they recognize tough actions will be required on their part, and there is a natural tendency to resist those types of tough decisions. In fact, not only did my Republican colleagues in the other body object, the White House also objected to the scope of the accountability that I envisioned. We moved forward with a concept at least. It was moderated a bit in the final legislation. It required that within the plan for applying for Goals 2000 funding, the States would indicate in a modest way what they proposed to do with respect to schools that were failing and systems that were failing.

Despite all of this discussion about accountability, Goals 2000 does represent progress on voluntary standards and also an enhanced sensitivity to the notion of making sure that programs work and are accountable. Since its passage in 1994, over $2 billion has been dispensed. Every State has participated, in a way. It has been useful in helping to stimulate reform, to raise standards, and to try to develop evaluations and assessments so we can know where we are in education policy and improve education throughout the United States. That is an example, in many respects, of how we can use Federal legislation to help move forward the education agenda. I think it is a very powerful example.

Contemporaneously with Goals 2000, in 1994, we reauthorized the Elementary and Secondary Education Act, which we are beginning to discuss again this week in the Senate. In 1994, we focused on ways in which we could enhance the effectiveness of title I. We made progress in streamlining the approach to title I, eliminating what we thought were unnecessary regulatory burdens on school systems, but at the same time focusing on high-quality standards and the notion that every child can learn, and that title I is not simply a program to placate students, teachers, and parents; it is a program to give them a real chance to succeed—

and the development of assessments that would measure the progress of students.

We tried to target the resources more closely to low-income schools and school systems because one of the criticisms of title I is that everyone seemed to get a little piece. When the authorization came to the floor, it was everybody trying to fight to make sure their system—be it a poor or a suburban, middle income school system, or even a rich, exclusive school system—got their little piece of the action.

We did target, much more appropriately, the title I program. Also, again, we thought about corrective action, how to move this system forward, how to identify schools that are failing, and how to make those schools appropriately competent to teach children.

I offered an amendment to allow States to take corrective action against any district identified as needing improvement and require such action during the fourth year following the identification. My amendment also gave a list of remedies the States could use. This amendment was incorporated in the final version of the act. In fact, it is this legislation that, for the first time, has allowed us to identify schools that are not succeeding based on State standards. Back in 1996 and 1997, it was estimated that there are 1,500 LEAs and about 7,000 schools that are not succeeding based upon their State standards. The States have the authority—and, in fact, under title I, they have the obligation—to take corrective action.

I believe all of this is an appropriate introduction to suggest that we are, in fact, dealing with many of the issues that are prompting the debate we have today—this notion that we are not paying attention to accountability, this notion that schools in America are failing. In fact, I suggest that because of the steps we took, starting with Goals 2000 and the last authorization of the Elementary and Secondary Education Act, we are beginning to see progress. As Senator DODD indicated in his remarks, if you look at the statistics, we are seeing increased performance in student mathematics achievements, as measured by the National Assessment of Educational Progress, showing that all three age groups—4th grade, 8th grade, and 12th grade—have shown progress.

Indeed, black and Hispanic students have made significant gains, and since 1982, racial and ethnic difference in achievement have narrowed. Science achievement has also improved. We are also seeing increased numbers of students taking high-level courses, such as algebra II, trigonometry, chemistry, and physics. That is good because this level of effort is so important to our educational progress. The selection of tougher, more demanding courses, once again, cross racial lines, so that we are seeing all of our students take more challenging courses. So in one sense, what we are doing is working.

But in addition to this progress, last year we went further and adopted the Education Flexibility Partnership Act because we were listening to the complaints and comments of those who said: Listen, we have to unburden even further these Federal education programs.

Ed-Flex, however, has not exactly been overwhelmingly embraced in the country. There was an article in the Washington Post a few weeks ago and, by coincidence, the commissioner of education of Rhode Island, Peter McWalters, stated, ''I can get the flexibility I want under the current opportunities.'' That was his reason why he was not interested particularly in the Ed-Flex approach. It exists nevertheless. So those who claim the reason we must essentially create block grants for the States is because they don't have flexibility are ignoring the fact that we did, indeed, pass the Ed-Flex legislation.

Also, as indicated by the Center on Education Policy and the Institute for Educational Leadership, most State and district school administrators fail to understand the inherent flexibility that already exists under Federal law. They see it as barriers to change when, in fact, there are no real barriers. For example, the Department of Education reported that of the 617 waiver requests processed by the fall of 1998, over one-third weren't necessary because the local schools already had the authority under Federal law.

One of the other factors in this issue of flexibility and appropriateness of Federal legislation policy is the irony that many States' rules are more restrictive than the Federal Government's rules. One-third of the States do not allow districts to consolidate administrative funds, even though Federal law allows them to do so. Federal law allows students to operate title I school programs to combine funds for many Federal education programs. However, some States require schools to account for all programs separately.

A lot of the purported burden of Federal rules is really a consequence of State rules, which in some cases are not as flexible.

All of this suggests very strongly, at least in my mind, that we have embarked on policies which are beginning to show some promise and which have already instilled significant accountability devices within the law that are targeted to national purposes and compensate for policies and programs at the State level which historically did not reach low-income children particularly and others who are typically without a voice in many local communities.

But having said that, we approach this reauthorization with a common commitment and a common understanding that we have to do much more. If you look within the United States, we have made some progress. But if you look around the world, we are still not at the level we need to be. If you look at international assessments, our 12th graders score below the international average in math and science, and achievement gaps still remain between minority and non-minority students. We have closed the absolute difference. But those gaps still exist.

In 1998, for example, 32 percent of students in the highest poverty schools met or exceeded the National Assessment of Educational Progress basic level in reading. But that is only half the rate nationally of students in public schools. Dropout rates are much higher than the African American and Hispanic community than the overall level. We know we have to do more.

We also know that as a result of local policies, 30 percent of all math teachers are teaching outside the field of their academic preparation, and that percentages are higher in other academic areas, as well as in high-poverty schools.

Once again, let me emphasize that this is not a result of Federal policies. That is the result of local hiring practices. That is the result of local certification processes. That is the result of decisions made not in Washington but in State capitals and cities throughout this country. Yet we have a national obligation and opportunity to try to assist the States to change the disturbing statistics.

We also want to insist again that we have appropriate outcome-based standards for measuring performance of young people and making sure as best we can that the States are meeting these obligations. We should do that.

The approach this legislation before us takes is an approach that essentially is moving away from all of this and saying simply let's create block grants, turn them over to the States, and let the States operate as they have in the past and as they will do without these specific Federal conditions and guidelines.

There are two variations within the legislation. There is the 50-State Straight A's. Then there is the 15-State Straight A's pilot program, if you will, sponsored principally by Senator GREGG of New Hampshire. But all of these approaches lack the quality and the emphasis that I believe is necessary to continue the progress we have made to date and to continue our appropriate robust Federal role in education policy.

According to Amy Wilkins, who is with the Education Trust, an organization that promotes higher achievement for poor and minority students, I quote:

> The accountability provisions in Straight A's are meaningless window-dressing. The goals are too low, the time lines are too long, and the sanctions too inconsequential.

In fact, Straight A's might take us way back before Goals 2000, and the last reauthorization where we, as I suggested in my remarks, took very strong steps with respect to accountability. In fact, some of us would have

taken even further steps to improve accountability for Federal dollars going to States to assist States overall in improving their educational processes.

We have seen since 1988 attempts to increase accountability. In fact, if you go back before 1988, it might reveal how States would react to this new freedom that perhaps they may receive under this bill, an even more chilling scenario.

My colleague from Massachusetts, Senator KENNEDY, pointed out earlier in the day some of the excesses we found when essentially the title I program was a block grant with very few constraints. Money was being used to build pools. Money was being used to buy band uniforms. Money was being used for anything that the ingenuity and imagination of a good school administrator could think of, given perhaps the fact that the local community wouldn't fund it. But here is this Federal pot of money, and I am ingenious enough to use it anywhere I can.

We might be headed in that direction once again, although history has moved on a bit. The pressures at the local level are still there. The budget pressures for school, the pressures to do things, and the limited money to do them are still there in every school system.

The Straight A's program and the Straight A's scheme as proposed by Senator GREGG would block grant funding to the States. We know in a general way that block grants usually end up with a lack of accountability and with a diffusion of purposes. We have seen this in the maternal and child health care block grants. That has been documented by outside observers, such as the Center on Budget and Policy Priorities.

My fear is essentially that we will head in the same direction with education funding.

First I want to make comments about the 50–State Straight A's.

It eliminates the targeting of funds to the truly most needy children in our country—migrant children, children of immigrants, and homeless students. Programs for these children are rolled into the larger block grant.

It also would allow the States to proceed with an experiment for 3 years after which the Secretary of Education could terminate an agreement if there is a determination that student achievement has ''significantly declined.'' Once again, what they mean by ''achievement'' is if the States are deficient. I expect, given history as a benchmark, that States are not going to challenge themselves too much, that their achievement is going to be modest at best, and it is going to be awfully difficult to determine what ''significantly declined'' means in fact.

If the Secretary makes this determination, he has to wait at least 2 more years before he or she can come in and put leverage on the States to improve significantly.

In the meantime, you have a 5-year cohort of young people who are moving in a system that might be headed precisely in the wrong way, and there is very little we can do to change direction.

The other aspect of the 50–State approach of Straight A's is that the State offers to participate in this block grant. The accountability provisions, which as I indicated before are rather insignificant, really apply only at the State level. A State could demonstrate improvement according to their own definition. But they could do so by simply aggregating the statistics statewide.

Once again, you have laws that focus on children who have always been a part of our efforts at the Federal level—low-income children who are historically disadvantaged. The goal of the States is performance goals. Very limited local, let alone Federal, participation is provided for in creating these goals.

In some respect, it might be the fact that the authors and proponents recognize that local communities might be struggling with reform, and we have to put it someplace. They have chosen the State level.

But that undercuts the argument we all make on this floor that local control is paramount because the way this legislation is structured, the States would be a decisive force in determining the goals and determining the proper use to achieve those goals.

There is language, of course, to close the achievement gaps. But there is no real requirement that these gaps be closed. We could conceive of progress being made even though we still have significant disparities between racial and ethnic groups. Parents are not incorporated in the process as they should, in my view; that is, in the Straight A's, 50-State process. If you move to the 15-State version, that is even more objectionable from the standpoint of targeting, from the standpoint of accountability, and from the standpoint of having an appropriate Federal-State collaboration on issues that are important to us in terms of educational policy.

In fact, targeting of federal funds to schools with the neediest students would no longer be required. It is also a 5-year program, with very little control in the States for 5 years. States get to do their thing for 5 years.

After 5 years, there is no real penalty, if the States are not doing well. The only time the Secretary could step in is if there were a lack of substantial progress. Once again, the States are defining what ''progress'' is, and I am sure they will not raise the bar too high. That has been my experience. And I think States keep the bar low because that helps them assure, as best they can, they will be successful.

It would also not require that all students in the State be incorporated in the assessment. ''All students,'' as defined in the 15-State version, simply means all students attending public or charter schools that are participating in the State's assessment system. The State could say, we are not assessing these children, and in effect exclude a number of children from the assessment and, consequently, from their evaluation of overall performance.

Then the money could be used for ''any elementary and secondary educational purposes permitted by State law,'' which could be vouchers and other programs which would undermine seriously not only Federal education policy but public education in general.

There is a different approach to these two block grant proposals, an approach that will be involved in the Democratic alternative. The key element of that is the accountability provision Senator BINGAMAN is introducing and I am cosponsoring. It builds on the record of accountability I talked about before. It maintains current targeting toward disadvantaged students and requires a single system of accountability so you don't get into the fight between title I students and other students. It specifies goals in terms of disaggregated populations, and it requires the States to set specific numerical goals.

So we are not talking about substantial progress or significant progress. We are talking about picking a goal, working towards it, and having a more objective measure of whether or not you are going to make that objective.

It also requires the identification of those populations of students who are not part of the State assessment so they cannot game the system as under the 15–State Straight A's proposal.

It establishes significant consequences if the States fail to respond. It requires States and districts to undertake corrective action in those situations where the schools or the school systems are not performing. It informs parents by having report cards for parents, so they know what is happening. They know if their school or school system is under a corrective action.

In effect, it does what I think we all want to do. It provides not only the context but the consequences so that States will begin to improve or build on the improvements taking place in education throughout this country. We will begin to see not just progress domestically but in those statistics internationally, which is at the heart of so much of what we have talked about over a decade or more.

We have a lot to do to ensure our education policy is moving forward. I believe very strongly that the approach adopted in the bill before the Senate, the two block grants, will not do that. I think it walks away from our commitment, particularly our commitment to low-income students.

We know from statistics that seven times the resources of the Federal programs go to low-income students than State programs. We also know as we turn money over to the States, fully a third of the States are embroiled in debates about how they spend the money themselves.

In my home State of Rhode Island, the State is being sued by suburban communities who claim they are disadvantaged, that they don't get enough State money, while at the same time, of course, in the urban centers such as Providence and Pawtucket, there are 40 languages in the school system and they have tremendous problems with new Americans coming into the school system. They need more and more resources for more programs to deal with populations that didn't even exist in my State 10 years ago. This clash goes on and on.

It suggests to me that the States have real problems themselves deciding how to allocate resources. Citizens of many States are complaining bitterly about how it is done. Yet in Straight A's and the 15–State variation of Straight A's, we propose simply to turn over the keys to the State and say: Do what you will.

I don't think that makes for good policy.

We also know if you look at block grant funding, it historically declines. In 1981, we created block grants from some education programs, and a few years later those programs declined significantly by 12 percent. That is an example of what happens when we put things in a block grant. The support for the programs dissipates over time. We will find ourselves, particularly if we encounter a difficult budget year at the Federal level, where this block grants approach does not yield the kind of resources upon which States have come to rely.

We have a lot to do to ensure our education money is spent well, spent wisely. I think we have taken appropriate action over the last decade to ensure accountability—not just for financial resources but also for outcomes, for student progress. We have to continue that. We certainly don't want to go back to the days when school systems, particularly in the late 1960s, were spending this money willy-nilly because there was no accountability. We have examples replete from programs I mentioned before.

In the late 1960s in Claiborne Parish, LA, they were building outdoor swimming pools. In Benton County, MS, title I funded a 6-week course in homemaking for 11th- and 12th-grade black girls at the old Salem School, an all-black school. The homemaking course was conducted in private homes 3 days a week for 4 hours each day. At the same time, at the white high school, they were providing a summer school program in English. A report done at the time suggested the young black women were essentially being trained to be domestics, while the title I white children were being trained how to read.

That might be a relic of history which in the new century is a quaint anachronism, but it shows in particular places with particular pressures, unconditional block grants could lead to results of which we would not be particularly supportive. I think we can do better than that.

I do not suggest this was a phenomenon in one region of the country. In Massachusetts, in the same report, although they had a significant minority population in the Boston public schools, they were turning money back because they could not use this title I money. That suggests to me, if they didn't want to use it, they didn't want to engage in a serious way to improve every student's output.

We have before the Senate an opportunity not to avert our attention and our efforts from school improvement, not to walk away from public education, but rather to engage in a serious debate of how we can improve existing Federal programs, how we can infuse these programs with more purpose, how we can go ahead and prevent local pressures and local priorities from overcoming what should be a national priority—improving the education of every child in this country.

I look forward to this debate as it ensues. I look forward to ensuring we have a vigorous debate on our policy. In the course of this debate, we will offer amendments to try to improve the legislation. I hope we will enter this debate recognizing what we have done over the last decade, the fact that progress is being made, the fact that this progress is insufficient, which should cause us not to abandon our approach but to strengthen, reform, and improve it.

I ask unanimous consent to recognize Senator MURRAY after Senator BUNNING gives his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

In accordance with the previous order, the Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, this week we begin the debate on the Elementary and Secondary Education Act, probably the most important Federal program dealing with education in the Nation.

The Program needs to be reauthorized and that gives us several options. We can tinker around the edges, make a few changes, put more money in the pot, and maintain the status quo, or we can use this opportunity to reform the program and try to make it better.

As far as I am concerned, if you look back over the past 35 years, the choice between these two options is fairly clear.

Since 1965, the Federal Government has spent more than $120 billion on title 1, the largest Federal education program at meeting the needs of disadvantaged students. Despite this tremendous amount of money, the performance of disadvantaged students continues to decline—77 percent of children in high-poverty urban schools are reading ''below basic.''

Test scores of 12th graders in math, reading, and writing have remained stagnant or have declined over the last 30 years. Fourth grade students in high-poverty schools remain 2 grade levels behind their peers in low poverty schools in math. In reading, they remain 3 to 4 grades behind. The achievement gap is now widening instead of closing.

Half the students from urban school districts fail to graduate on time, if at all. Seven thousand schools are failing according to current accountability standards. Many have been failing for 4 to 6 years, some have been failing for as long as 10 years. These schools continue to receive Federal funds.

It is clear that the Federal education effort is failing, and it is equally clear that our schools around the Nation are forced to pay a heavy penalty for the Federal funds they do receive.

Burdensome regulations under the current Federal system have a heavy price tag. We keep talking about the need for more teachers but fewer than 50 percent of the personnel employed in 1994 were teachers. Because of unnecessary Federal regulations, administrative staffs continue to grow every year. Compliance with Federal rules and regulations cost States millions of dollars, and millions of man-hours each year.

The Federal Government only provides somewhere between 5 and 7 percent of local school funding, but it demands as much as 50 percent of all school paperwork. That means 49 million hours—or 25,000 employees working full time—are spent each year working on redtape and paperwork—not educating children.

Based on the facts, it is patently clear that status quo is not enough. We need to reform, we need to overhaul this Federal education program. It is not working the way it is supposed to be. It is not getting the job done. And the bill before us this week does include some major reforms.

This bill takes up where the Ed-Flex bill that we passed last year left off. It would increase flexibility and local control, allowing educators and teachers and parents to make the decisions about local education needs rather than Federal bureaucrats.

What would best serve the students in Louisville, KY might not be the same thing that is needed in Williamsburg. Individual communities have different needs. Individual school districts differ—and their needs differ.

We need to give local educators and parents the freedom and the flexibility to develop local solutions to local needs without handcuffing them to one-size-fits-all solutions designed in Washington.

We clearly need to reduce the cost of compliance with Federal regulations so that the money we provide actually makes it to the classrooms instead of being frittered away on paperwork and regulation. We need to let teachers teach, and school administrators and parents design programs that work. This bill does just that in several important ways. Flexibility, accountability, and portability.

It includes a 15-State demonstration project called Straight A's which would

give States that choose to participate considerably more flexibility in how they use Federal funds. It would allow States to consolidate up to 12 Federal formula grant programs and integrate that Federal money with State and local funds to serve their children.

This bill would also establish ''performance partnerships'' that all the States could participate in. It too, would offer States greater flexibility in how they spend Federal education funds in exchange for accepting new accountability standards.

This bill also contains provisions which would exempt small, rural schools with small student populations from several formula grant program requirements and give them the flexibility to target Federal funds so that they best meet school district's needs. But hand in hand with flexibility, there must be accountability. These new programs established in this bill require that in exchange for this added flexibility, the schools must meet certain standards. They must get results. This bill would reward States that close the achievement gap between the highest and lowest performing groups of students.

States not the Federal Government, would have to establish specific goals for improving performance of all students, and parents could find out whether their children's schools were meeting those goals because States and local school districts would be required to issue report cards on school performance. We have that in Kentucky, thanks to educational reform. I think parents around the Nation deserve to know which schools are educating children and which are failing.

Finally, this bill gives parents an opportunity to do something about it, if their children's school is not getting the job done. It gives them an opportunity to send their children to a different school—one that is getting the job done. This bill creates a demonstration program which will allow States to make title I funds portable—so that the money follows the student. Too many disadvantaged children are trapped in failing schools. This bill would allow children to escape.

The bill requires a school district to offer any child enrolled in title I school that has been designated as failing for 2 years, the option of transferring to another higher performing public school.

Flexibility, accountability, and portability—these three elements are essential ingredients of the kind of reform that is necessary and all three of them are incorporated in this legislation.

I urge my colleagues to support this measure. The status quo is not working. It has proven that red-tape and regulation are not the answer—that more money alone is not the answer.

Let's try something new: flexibility to let our teachers teach; accountability to require our schools to get results; and portability that will give parents more control of their children's education.

I congratulate Senator JEFFORDS and his staff and the committee for the great work that they have done on this bill. As we debate this legislation over this week, and probably into next, I want everybody to come to the floor and debate the issues that are in this bill because this bill is good for kids' education, and that is what the money we send back to the States should be used for. I yield the floor.

Mr. JEFFORDS. Madam President, I thank the Senator for his excellent statement. I know Kentucky has been a leader in this field. I appreciate Senator BUNNING sharing his experience.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, today we are beginning a vital education debate. It is a debate in which every student, educator, and parent has a stake. Schools across America are making progress, but we cannot be satisfied with the status quo. We need to build on that progress.

As we begin this debate, I am optimistic. We have the opportunity to help students across our country. We have the opportunity to invest in things we know work and to make sure every student can reach high standards.

I am optimistic, but I am also realistic about the way the majority has handled education this year. While I thank Chairman JEFFORDS for his genuine continued efforts to keep this a bipartisan process, I have to be realistic because, in the end, this has been a sharply partisan process, and the bill before us proves just that.

In committee, I worked with my Democratic colleagues to improve this bill, to make sure we kept our commitment to reduce overcrowded classrooms and to make sure that vulnerable students were protected. Unfortunately, my amendments, along with most of the Democratic amendments, were defeated on party-line votes. As a result, this bill is a flawed bill, and it will hurt students, but one would never know it by listening to its authors. I urge my colleagues and everyone who cares about public education to listen carefully to what you hear the Republicans say in this debate and also to listen for what you do not hear them say.

The rhetoric the proponents of this bill are using does not match the reality of the bill. First, they talk about local control, even though this bill reduces the control of local educators by giving all the choices to State bureaucracies. They will talk about local control, even though their bill adds an extra level of bureaucracy.

Next, they will talk about flexibility and suggest that Federal dollars are not flexible, but education dollars, such as the title I program, today—right now—give local educators great flexibility. In fact, one could walk into a dozen title I schools and no two schools will be doing the same thing with that money because this program today is flexible. Decisions at the school and district level are being made today.

We will hear them talk about accountability, even though their bill would experiment with students' futures for 3 years before there is any measure of accountability. That is 3 full years where kids will fall behind.

Finally, they talk about helping poor students, even though their bill eliminates—eliminates—the guaranteed funding those students rely on today. My colleagues will hear them talk about things that are much different from what their bill actually does. Their rhetoric does not meet the reality of this bill.

Just as important, there are many things my colleagues will not hear them say. They will not talk about funding cuts, but as history has shown, when specific programs are combined into a block grant, they end up with fewer resources. Block grants will mean fewer dollars for the classrooms next year.

They will not talk about how their bill will cut the lifelines that target funding to students who are homeless or neglected or of migrant workers.

They will not talk about how their bill will let public taxpayer dollars be diverted to private and religious schools.

They will not talk about those things, but those are the consequences of this bill. Their bill goes in the wrong direction, and students are going to lose out.

Instead of making sure that every student has a chance to reach high standards, the Republican proposal before us makes it easier for kids to be left behind. Instead of ensuring we reduce class size, the Republican proposal abandons our national commitment to give students less crowded classrooms.

Instead of making a national commitment to improve teacher quality, the Republican proposal fails to provide funding for professional development.

Instead of ensuring that we invest in the things we know work, the Republican proposal abandons accountability, writes a blank check to State legislatures, and hopes for the best.

That is not a responsible education policy. That is throwing their hands up in the air and walking away from proven methods for helping our students achieve. The Republican proposal goes in the wrong direction, and it will leave students behind.

I have been traveling around the State of Washington meeting with parents, students, and educators. I have visited high-poverty title I schools, and I have visited school districts large and small. As I have been able to discuss how these policies will actually affect what is happening in the classrooms, almost every single local educator has urged me to fight this approach because they know it will hurt their students.

I have come to the Senate floor today to show the American people what is at stake because they have a clear choice on how to improve education. On the one hand, we have Democrats who know that, while some schools are making great strides, we cannot be satisfied with the status quo. We believe the way to improve public schools is to invest in the things we know work, the things that are proven to help kids learn the basics in a safe, disciplined environment.

We believe we should make a commitment to reducing class size by hiring more teachers, improving teacher quality, making sure we have safe and modern school facilities, and making sure children have safe educational opportunities after school.

Educators, parents, and students themselves have told us these are the programs that make a difference in their classrooms, and that is why we want to make sure there are specific dollars behind those programs. That is what the Democrats are offering.

Republicans go in the exact opposite direction. They say we should have no priorities. They do not want to make any commitment to the programs we know work. They do not want to make sure every student in every part of this country can benefit from smaller class sizes and improved teacher quality. It is as if Republicans have forgotten the history of our national education policy, and by ignoring that history, they are making the same mistakes again and moving us back to a time when there was less equality in education.

One of the reasons this legislation was passed in 1965 was to ensure that every single child had great educational opportunities. Unfortunately, before the Federal Government became a partner in education, too many young people did not get the educational resources they deserved. That is why, in 1965, the Congress and the President enacted this monumental legislation, the Elementary and Secondary Education Act, which we are debating today, to focus resources on the students who were left behind and to help us set and meet national priorities.

We are making progress in improving America's schools. More students are staying in school and taking challenging courses today. SAT and ACT scores are up, dropout rates are lower today than they were 20 years ago, and college attendance is at an all-time high, and is increasing for all students, especially minorities.

We are making progress but we can't be satisfied with the status quo. But today, some in Congress want to risk letting vulnerable students fall through the cracks.

So as we reauthorize this legislation, we must stay true to its most basic principle—that no child is left behind. But as we worked in committee on this legislation, I watched as the majority moved away—far away—from that very basic principle.

I would like to mention that—according the Republicans—the Straight A's part of their bill is based on the policies of one State. And guess which Sate it is. It is Texas.

Now I happen to like the State of Texas, and I know Texas educators are as good as any in America. But there is only so much they can do with the bad policies they have been given.

After all, Texas ranks 45th in SAT scores. That is at the bottom of the pack. In Texas, minorities are twice as likely to drop out of school as white students. Texas schools have some of the Nation's highest dropout rates—which, by the way, makes the test scores of the remaining students look higher. Texas, after all, is a State that doesn't even require kindergarten. A recent Washington Post article noted that many education experts have concluded the ''Texas Miracle'' is more of a mirage.

We should base our national education policy on the things that we know work around the country—drawing success stories from educational innovators in every corner of the Nation. And we can do better than the one state the Republicans chose to highlight with this bill.

I would like to spend a few minutes talking about what these Republican block grants will mean for students because block grants could hurt America's most vulnerable students.

Today, many Federal education dollars are targeted to the students who need them the most. This ensures that money intended for poor students actually goes to poor students. It is a responsible, accountable way to meet the specific needs of students who would otherwise likely be left behind.

But the block grant proposal before us would allow those dollars to be used for any educational purpose—completely abandoning the targeting that ensures poor students get the help they need.

Recently, here on the Senate floor, one of my colleagues described the requirements that Federal dollars can only be used for specific purposes—as ''strings.''

Let me read you his entire quote, He said:

> On the other side of the aisle, they want to have a string running from every desk out to every classroom in America; 30,000 strings running off the desks, and pull a string here and there so every classroom in America has to fall into exactly what we outline in Congress.

My colleague calls the targeting of these dollars ''strings.'' I served on a local school board. I think it is a good thing that hard-earned taxpayers dollars intended for a specific purpose actually go to that specific purpose. It is responsible, and it is accountable.

Now I do agree that some Federal programs require too much paperwork and that we can't accept the status quo in education—but the overall idea that money intended for kids in need actually goes to kids in need is vital.

Let me give you an example. Recently, my office received a letter from Brenda Pessin. She directs a program that helps students who are migrant workers. These students rely on Federal education dollars targeted to meet their needs. Ms. Pessin—as director of the ESTRELLA program of the Illinois Migrant Council, wrote to me:

> After many years of working on the program, I can say without question that it is truly a lifeline for migrant children and their families. There is simply no way that the essential services provided by the program to this special population—with such unique needs—will be continued under a block grant.

My colleague calls them ''strings.'' But according to Brenda Pessin—who sees every day how these programs help vulnerable students—they are ''lifelines.'' I am inclined to listen to Ms. Pessin.

I want everyone to understand what these proposed block grants would do. They would cut the lifelines to vulnerable students.

Let me say that again. Block grants would cut the lifelines to vulnerable students.

If you look at this chart, shown here is a targeted Federal education dollar. It is surrounded by some of the services it guarantees for vulnerable students.

Shown here is an uncrowded classroom.

Shown here is transportation so homeless students can get to school.

Shown here is money targeted for technology training.

Shown here is extra time and attention from a qualified teacher.

And over on this side of the chart is shown two real students who depend on these programs and who represent hundreds of thousands of other students.

Shown up on top of the chart is Nikki. Nikki is an 8th grade student in Pennsylvania who is homeless. She is normally an A and B student but she was falling behind in two classes and at risk of failing 8th grade.

Furtunately, today we have a lifeline—shown right here on the chart—going to homeless students. It is called the Education for Homeless Children and Youth program. It is money the Federal Government sends to States with the requirement that it be used to help homeless students. This program provided the funding Nikki needed to get extra help in the classroom and to buy the school supplies her family couldn't afford. You know what. Today she is doing much better in school.

Nikki is not alone. There are between 600,000 and 1 million homeless students nationwide. Most States and localities provide no money for homeless education. In fact, currently the Federal Government only provides enough money to serve 37 percent of homeless students.

So right now we are not doing enough to help these vulnerable students, but at least today we know that the dollars targeted to homeless students are homeless students.

If that targeting was taken away—and that money could be used for anything else—who knows how students like Nikki would get help?

Block grants would eliminate the guarantee we make to Nikki right now. Now I am not suggesting that States would misuse the money—but wouldn't you rather keep our commitment to Nikki?

Wouldn't you rather know that—no matter what happens—the Nikki's of America won't be left behind?

We know that before we had a Federal commitment, homeless children were left behind.

That is why I am fighting to keep our commitment that money for homeless students should go to homeless students.

Block grants would cut this lifeline to Nikki and the more than half a million homeless students like her.

Down here on the chart is shown Ancelmo. Ancelmo is just finishing high school in the Yakima Valley in Washington State. When Ancelmo was growing up, his parents were migrant workers. They moved around several times a year in search of work, and Ancelmo had to change schools every time his family moved. Just as Ancelmo started to make a connection with a teacher, and began to feel comfortable with his classmates, he was moved away to another school, in another town—through no fault of his own.

Unfortunately, sitting in a classroom is not always an option for migrant students like Ancelmo. As they grow older, their families begin to rely on the work they can do. Many migrant students join their parents in the field—working long hours to help make ends meet. Students like Ancelmo are trapped. His family needed him in the field, but he needed to be in the classroom so he could get a good education and improve his life and his family's life.

Fortunately, today, we have a lifeline going to migrant students like Ancelmo. Thanks to the federally funded Migrant Education programs, Ancelmo could travel from town to town or State to State and his academic and immunization records followed him.

Thanks to Federal funding, many States have established a system of interstate collaboration to help migrant students meet the high academic standards. Without this collaboration, migrant children are in danger of falling further behind.

Thanks to federally funded Migrant Education programs, Ancelmo has been able to follow his dream of working with computers. He had to overcome a lot of barriers—like learning to speak English, and staying at school long hours to have access to a computer. But today—you know what?—Ancelmo has achieved his goal, and he serves as the computer technician for his entire school. Ancelmo hopes to go on to become a telecommunications specialist.

Thanks to federally funded Migrant education programs, teachers were able to work directly with Ancelmo and address his specific needs as a migrant student. He was not lost in the shuffle. Because of this attention to his specific needs, he learned quickly and gained confidence in his abilities.

Ancelmo is now a great asset to his community. He is a leader in church programs. He has served as captain of his football, baseball, basketball and soccer teams. He volunteers in the Big Brothers, Big Sisters program. He takes time to talk to children about staying away from drugs, and he spends his summers as a peer leader for other teens.

One of the reasons we need a national commitment to migrant students is because they move from town to town and State to State. I would hate to think of what would have happened to Ancelmo if his family had moved him to a State where there was no guaranteed funding for migrant education. That would have hurt not only Ancelmo, but the other students in his class who would be forced to do more with less.

Ancelmo's entire community would have lost out on his talent and leadership as well because there would not have been any guarantee that his schools would address his specific needs as a migrant student. He would have fallen through the cracks.

Ancelmo is not alone. there are 718,000 students nationwide who depend on the Migrant Education Program.

A block grant would eliminate the guarantee we make to students such as Ancelmo. Now, I am not suggesting that States would misuse the money, but wouldn't you rather keep a commitment to students like Ancelmo?

Wouldn't you rather know that no matter what happens, these students won't be left behind?

That's why I'm fighting to keep our commitment to vulnerable students.

Block grants would cut this lifeline to 718,000 students like Ancelmo.

Look at these kids. They are cut off from the lifelines that meet their specific needs. That's what happens to them when block grants are imposed on them. Their lifelines to vital services are cut, and they are more likely to fall through the cracks.

So at the heart of this education debate is a simple question: do you want to make sure that Federal dollars are guaranteed to go to the students who need them the most? Or do you want to take a chance?

Do you want to cut students' lifelines to success?

Unfortunately, some of my colleagues say those dollars should not be tied to specific programs, including these programs that make sure money gets to students who are homeless and migrant.

Some Members of the Senate would even let public school dollars be drained away into private schools.

Let me be clear: A block grant can't educate a single child. A block grant can't teach a child to read. A block grant can't help a single child learn the basics.

But a committed investment in the things we know work, such as improving teacher quality and reducing class size, those specific things can teach children to read. We should be investing in the things we know work, not experimenting with block grants.

We have a positive plan to invest in the things we know work. The first step is to make sure that disadvantaged students don't lose out.

The simple question is, is it worth keeping the guarantees to these students? I think the answer is clear. I think Nikki and Ancelmo would tell you: Don't cut the lifeline we depend on.

Unfortunately, students like Nikki and Ancelmo—and their parents—don't always show up at school board meetings. They don't show up in their State capital or here in Congress to say, Don't cut this program. So we've got to be their voice and speak out against the block grants that will cut their lifelines.

Mr. President, that is only one of the problems with the Republican proposal. Another major problem with block grants is they mean less money for the classroom. Right now, Republicans want you to believe that they will keep the same amount of money available for education. But when those dollars are combined into a block grant, we know they will be cut.

Block grants mean less money for the classroom. You see, block grants are not a new idea. They are an old and failed policy. One of the reasons block grants don't work is because they don't serve a specific purpose. And when there is not a clear purpose, it is hard to make progress toward a goal.

That is why education policy today is targeted. We have programs that are focused on poor students, on gifted students and on reducing class size.

But Republican block grants have no specific purpose. In effect, they're just a blank check. And the trickiest part about block grants is they have a history of shrinking. Here in Congress, we have many examples of programs that were turned into block grants. And once they were turned into block grants, they were squeezed and cut every year.

Let me give you an example. Title VI is an education program that funds innovative education programs including programs to increase local flexibility, reduce administrative burdens, and provide services for private school students.

In 1982, Congress provided about $708 million. But that year, Title VI was turned into a block grant and over time its budget was cut again and again. By 1999, funding for this program had been cut by 50 percent, chopped in half. That's fewer dollars for the classroom after it was turned into a block grant.

In contrast, other education programs that weren't turned into block

grants were increased, such as education technology and Title I. But this one, which was turned into a block grant, was squeezed. That's what we can expect out of block grants.

And the consequences of these block grants will be felt in classrooms across the country. Kids will get fewer resources. That means that classrooms across the country would be overcrowded. New schools won't be built, and teachers won't get the training they need.

Anyone who votes for a block grant is saying: I know that under block grants, students will end up with less money, and that's OK with me.

I'm here to say that is not OK. We can't let block grants be used to cut education funding.

Mr. President, in addition to cutting the lifelines to vulnerable students and cutting education funding, block grants would reduce accountability.

Parents, teachers and all taxpayers want to know where their hard-earned tax dollars are going.

Today, we know where Federal education dollars are going. And today, we know they are targeted to the students who need them most. The block grant proposal contained in the ESEA bill would eliminate that accountability, and I'm on the floor to say we must keep our education budget accountable.

Unfortunately, block grants provide no accountability for where education dollars are going. Block grants provide no accountability to ensure those dollars are targeted to our most vulnerable students. And block grants provide little or no accountability for student achievement.

In fact, the Republican proposal would engage a risky, three-year experiment—an experiment that is not based on any proven strategies—all with the hope that 3 years down the road, students will not have fallen behind.

Let me be clear about one thing: While many schools are making dramatic gains, we cannot be satisfied with the status quo. We need to make sure all students are achieving at high standards.

So the question is: What's the best way to improve public education?

After my own experience as an educator, a parent and a school board member, I've seen that making an investment in the things we know work—reducing classroom overcrowding and improving teacher quality—is the way to improve public education.

Today, the Federal Government provides only 7 percent of all education funding. The Federal Government's role is small. But we Democrats want to make sure that every one of those Federal dollars are going where they will help students the most. That means making sure they remain targeted to vulnerable students and investing in reducing class size, improving teacher quality, helping school districts build new schools and modernize old ones, and closing the digital divide.

Even though the Federal Government only provides 7 cents of every education dollar, we know where that money goes.

We can tell parents how many children are being helped by specific programs. This chart shows how many students are served by specific programs and who will lose under the block grant provisions of S. 2.

For example, who will lose? Mr. President, 12.7 million children in a title 1 program; 71,300 parents and students, or 32,000 families, will lose in the Even Start Program; 197,000 students in the Neglected and Delinquent Youth Program; Class Size Reduction Program, 29,000 teachers and 1.7 million children. The list goes on.

Under all of these programs, we see millions of real students who are going to lose out under block grants.

Republican block grants would take all of these vital programs, pool the money together, and then write a blank check to the States, with no accountability. Today, we know where our tax dollars are going. But under block grants, we could not even tell taxpayers where their money was going. That is not responsible accounting budget, but that is the approach the Republicans are taking.

The other side thinks Federal dollars should not be targeted to meet specific needs. But many educators have told me that if these dollars were not targeted, the kids who need them the most would not get them.

Block grants provide no focus on proven, effective strategies to improve schools. States could even start private school vouchers that would drain funds away from public schools, where 90 percent of the students are enrolled. They would take the money from these programs and they could use it for that under this bill.

When it comes to accountability, Federal education dollars are seven times more targeted to poor students than State and local dollars. That targeting ensures that poor kids have the resources they need.

Unfortunately, the first thing block grants will do is eliminate that targeting. It's not hard to predict the results—poor students will end up with fewer resources.

Today, we know money is targeted to poor children. We have accountability. Under block grants, we don't know. There's no accountability to meet the needs of poor students.

Next I'd like to turn to student achievement because, unfortunately, the Republican block grant proposal requires little or no accountability for better student achievement. The bill does not define what, if any, consequences schools would face if they fail, nor does it specify when failing schools would face consequences.

A state would be free to ignore failing schools and the disadvantaged students who attend them. Only after 3 years are states held accountable for educational results. And even then, the accountability is weak—it just says that states must follow the underlying law. By that time, students have lost three critical years of learning.

Mr. President, this Republican Congress would take students across the country on a three-year experiment that is not based in proven, effective strategies, that will cut the lifelines to vulnerable students, and that will mean less money for the classroom, and less accountability to taxpayers. That's not a sound education policy—that's a disaster waiting to happen.

Under the Republican experiment, there will be no guarantee that money for poor students will go to poor students. Under their experiment, there will be no guarantee that money will go to the proven strategies that help students.

They would have us experiment like that for three years, and then we'll see what happens to the students. Anyone looking at that proposal can see poor kids are going to fall behind when resources are no longer targeted to them.

Democrats want accountability in education programs. We think we need to be able to tell taxpayers where their hard-earned tax dollars are going. We think we need to be able to tell taxpayers their money is being targeted to the most critical needs. And we think we need to be able to show taxpayers that students are improving. And we don't think we can take three years of a child's education and experiment with that critical time, when students need to master the building blocks of learning.

Today, we know where tax dollars are going. Under block grants, we don't know.

Today, we know money is targeted to critical needs. Under block grants, we don't know.

Today, we know public tax dollars will stay in public schools. Under block grants, we don't know.

Under the Republican bill, we would experiment for three years and hope students don't fall through the cracks.

That's why we're against this proposal. Democrats want to keep our education dollars accountable. I urge my colleagues to reject block grants and stand up for accountability.

So, Mr. President, that's the Republican agenda: block grants and vouchers, cutting lifelines to vulnerable students, less money for the classroom, and less accountability to taxpayers.

Parents, teachers and students have told us that agenda won't help all students reach their potential. They want us to invest in the things they know make a difference in the classroom—proven, effective strategies like reducing overcrowding.

Two years ago, we agreed on a bipartisan basis that we would help school districts hire 100,000 new, fully-qualified teachers to reduce classroom overcrowding.

This year, 1.7 million students across the country are learning in classrooms that are less crowded than they were

the year before. These students are learning in classrooms where teachers can spend more time teaching, and less time dealing with discipline problems. These students are getting the individual attention they need to learn the basics.

During the upcoming debate, I plan to offer an amendment to this bill to authorize the class size reduction program. This program has been so successful and we should authorize it so that it can help every student in this country reach high academic standards.

Throughout my state I've heard from superintendents, principals, teachers, and parents that reducing class size is really making a difference. We can't abandon this commitment to our schools!

Don Worley, of Kettle Falls Elementary School in Washington State recently told me:

> The class size reduction program is one of the best things for kids from the federal government in a long time—reading scores are up and this is really making a difference.

I ask my colleagues on the other side of the aisle, why would you want to abandon an effort like this when it's really making a difference?

The first grade teachers at Eisenhower Elementary School in the Vancouver School District recently sent me a list of how smaller class size is making a difference in their school.

They said the following things—

''Each student receives significantly more one-on-one help for academics and behavior.''

''More curriculum is covered in all areas.''

''Students are leaving the classroom with the ability to read.''

''Students have less ''wait time'' for all kinds of teachers responses.''

''More time is available to really get to know the student.''

And ''less paperwork leaves more time for students.''

Those are the words of teachers, who are telling us this is making a difference.

That's why I plan to offer an amendment that would provide $1.75 billion to our schools to reduce class size in grades 1 through 3.

This amendment will target the money where it is needed within states, and 99 percent of the funds will be disbursed directly to local school districts on a formula which is 80 percent need-based, and 20 percent enrollment-based.

The class size reduction program will ensure local decision-making and flexibility. School districts can use all funds to reduce class size, or use up to 25 percent for other needs.

Any school district that has already reduced class size in the early grades to 18 or fewer children can use funds: to further reduce class sizes in the early grades, to reduce class size in kindergarten or other grades, or to carry out activities to improve teacher quality, including professional development.

In small districts where the funding level is not enough to hire a new teacher, districts can choose to spend the funds on other activities, such as professional development, recruitment, testing new teachers, or providing professional development to new and current teachers of regular and special needs children.

Mr. President, if you look just in my state at how different school districts are using their class size money, you can see how flexible the program is.

In Washington, the North Thurston School District is using all of their money to hire teachers to reduce class size. At the same time, the Pomeroy School District, which is a rural district in Eastern Washington, used 100 percent of their funding for professional development for their teachers. The Seattle School District even used a portion of its funding to recruit teachers.

The class size reduction program is simple and efficient. School districts fill out a one-page form, which is available on-line.

And let me just add that teachers have told me that they have never seen money move so quickly from Congress to the classroom. Linda McGeachy in the Vancouver School District recently said: ''the language is very clear, applying was very easy, and these funds really work to support classroom teachers.''

Mr. President, I've worked as an educator, and I know it makes a big difference if you have 18 kids in a classroom or if you have 25 or 30 kids in a classroom. Smaller classes provide a better environment for kids to learn the basics with fewer discipline problems.

And smaller classes are an example of how Democrats are making a commitment to improving public education.

Republicans won't make that commitment, and the American people are going to get to decide which approach will help students more.

We believe that we should put our money behind the things that local educators tell us produce results. We believe that we should keep our commitment to vulnerable students. We believed that we should keep education dollars accountable. And we believe that we shouldn't let block grants shortchange students.

If you agree that we can't turn our backs on vulnerable students and critical needs, if you agree that we can't break our commitment to the things that are improving America's schools, and if you agree that we can't let block grants cut education funding and hurt students, I invite you to join our effort—along with thousands of parents and educators across America—to reject block grants and finally make a real, national commitment to the strategies that are revolutionizing America's schools.

Join us in this effort—let your Senators know they should reject block grants and instead support smaller class sizes, safe and modern schools, and high-quality teachers. Students across America are depending on it.

Mr. JEFFORDS. Mr. President, I thank the Senator from Washington for sharing her valuable experiences with us and for her statement.

I believe we have one more speaker who desires to speak before we close out. I ask that she be recognized.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Thank you, Mr. President.

I rise today, as have others, to talk about an issue of paramount importance to this Nation, and possibly the most important issue we in the Senate will face this year—how we educate our children.

I only hope that we in the Senate are big enough to rise above the partisan politics to get results on behalf of our children. We in the Senate have a difficult task before us of passing legislation that reauthorizes the Elementary and Secondary Education Act which determines how the Federal Government allocates money to our public schools.

Unfortunately, all signs to date point to yet another political stalemate on an issue of vital importance to our nation and its children. Once again, Mr. President, we face the real possibility that the Senate will abandon its responsibility to govern and choose partisan politics over sound public policy.

I reject this proposition because our children deserve more from their elected officials. In hopes of fostering a compromise on this contentious issue, I have joined with a group of my moderate Democratic colleagues here in the Senate to promote a ''Third Way'' on ESEA, one that synthesizes the best ideas of both sides into a whole new approach to federal education policy.

We're calling this bill the ''Three R's'', and it is a bold effort at streamlining massive Federal education programs and refocusing them on raising academic achievement.

At its core, this blueprint will give more funding and flexibility to states and local school districts, in exchange for greater accountability.

In addition to being smart national policy, the Three R's proposal would dramatically improve education in my home state of Arkansas.

As I noted earlier, the Three R's bill significantly increases the federal investment in our public schools and carefully targets those additional dollars to the neediest public schools.

As my colleague who spoke before said, there are those out there who we cannot just leave to chance.

Statistics consistently demonstrate that, on average, children who attend low-income schools lag behind students from more affluent neighborhoods.

This is certainly true in Arkansas where the most recent test results indicate that students in the economically prosperous northwest region of the

state outperform students in the impoverished Delta . . . These results also indicate that the disparity in student achievement between minority and non-minority students in Arkansas continues.

I believe strongly that every child deserves a high-quality education and that the federal government has a right to expect more from our nation's schools. But we also have a responsibility to give public schools the resources they need to be successful.

Another aspect of the current education framework that affects Arkansas is the prevalence of competitive grant funding programs.

Unfortunately, rural states—and especially rural school districts similar to where I grew up—do not have the resources necessary to be successful under a competitive grant system.

Simply put, economically disadvantaged schools don't have the ability to chase after federal dollars as effectively as schools who can afford to hire professional grant writers. As a result, many of the schools in my state that most need financial support from the federal government are too often out of luck.

Under the Three R's bill, federal funding is allocated based on total student enrollment and the number of low-income students in the district, not on the ability of savvy grant writers to draft proposals with graphs and color charts.

Under our bill, Mr. President, these schools would be guaranteed federal funding which they could use to address their most pressing problems. And they will be held accountable; schools will be forced to make improvements or suffer consequences.

Mr. President, we will certainly hear this week from people representing both sides of the debate about how to improve public education. But the question we need to ask: who is representing our children? Who is representing the thousands of young Americans who continue to underperform academically year after year in an educational system simply that does not work for the students who are left behind?

As we go through this debate this is the question we must ask ourselves—what, honestly, is the best thing for our children?

I say to my colleagues, you want accountability from local schools? Our proposal has it.

You want more targeted, effective national investment? Take a look at our Three R's bill.

Do you want qualified, better-trained teachers, flexibility at the local level and higher minority-student retention rates? We have the answers in this bill—a commonsense approach.

Put party politics aside. The ''Three R's'' is the right approach to improve student achievement in every classroom.

Congress must do all it can to help our schools meet the challenges they face today and will face in the future.

We must do all we can to help our States and local school districts raise academic achievement and deliver on the promise of equal opportunity for all students. But I will say our most important responsibility is to our children and to their future.

I thank my colleagues for their attention and patience this evening, and for all of the hard work that both of these two legislators have done in this field of education.

I yield the floor.

Mr. JEFFORDS. I thank the Senator for her help and participation and also for her statement.

Mr. FRIST. Mr. President, the revolutionary idea that tomorrow might be better and that man can do something about it is distinctly American. At the heart of self-improvement is a quality education.

The purpose of a system of public education is to give every child an equal opportunity for success in life whether his parents are rich or poor, black or white. In order to ensure that every student has a solid base of knowledge from which to build, we must have high expectations and hold schools accountable for the performance of their students.

The American people and most members of Congress are in agreement that America's schools are not meeting this challenge. In fact, the longer our students attend school the further behind they fall in performance. More federal programs are not the answer. During the past three decades while student performance has stagnated, federal programs have proliferated. Today, our schools deny our children the basic principle of opportunity because they fail to adequately equip them for the future.

What we need is the courage to change. America has always met the challenges posed to it with innovation, creativity and ingenuity. So far, in the education debate, we have been denied the opportunity to tap into this resourcefulness. As a consequence, our students have been short-changed by the focus on a top-heavy education establishment rather than on the quality of their education. Business-as-usual is failing our children.

Unfortunately, for too long, our system of federal education programs has failed to provide all students with the opportunity for a quality education. We have left generations of students behind while we focused on inputs and rode the wave of education trend after education trend.

First it was ''whole language,'' which has now been repudiated as a singular method for teaching reading. Unlike other subjects, we have firm, scientific evidence on how children learn to read and what techniques teachers can employ to ensure that children learn how to read by the 3rd grade. Instruction grounded in phonics has been shown to be the most effective means of reading instruction.

The newest trend, the ''new, new math'' programs that the Department of Education has endorsed, have been repudiated for their ''serious mathematical shortcomings'' by 200 mathematicians and scientists, including four Nobel laureates.

And all this because the federal government knows best.

The response to stagnant test scores and a widening gap in achievement levels between poor and non-poor has been to spend more and more money on more and more programs—each targeted to address a specific purpose that the federal government has deemed most important.

I learned through my work as the chairman of the Budget Committee Task Force on Education that there are approximately 552 federal education programs. The Department of Education administers 244 of these programs, and even if you count only those ''providing direct and indirect instructional assistance to students in kindergarten through grade 12,'' the GAO found that there are still 69 programs.

Among these programs, overlap is pervasive. In my office, we call this chart the ''spider web chart.'' This chart, prepared by the GAO, shows that 23 federal departments and agencies administer multiple federal programs to three targeted groups: teachers, at-risk and delinquent youth, and young children. For early childhood, for example, there are 90 programs in 11 agencies and offices. In fact, one disadvantaged child could be eligible for as many as 13 programs.

In addition, the effectiveness of many of these programs is doubtful or unknown. The GAO has expressed concern that the Department of Education does not know how well new or newly modified programs are being implemented, or to what extent established programs are working. The efficacy of Title I also remains uncertain.

According to the National Assessment of Educational Programs, 77 percent of children in high-poverty urban schools are reading ''below basic.''

Test scores of 12th graders in math, reading and writing have remained stagnant or declined over the last 30 years and our 12th graders score near dead last in international comparisons.

Fourth grade students in high-poverty schools remain two grade levels behind their peers in low poverty schools in math. In reading they remain three to four grade levels behind. Contrary to the original objectives the ESEA program was designed to address, the achievement gap is now widening.

Half of the students from urban school districts fail to graduate on time, if at all.

Seven thousand schools are failing, according to current accountability standards. Many have been failing for 4 or 6 years, in some cases even 10 years. Despite their long history of failure, these schools continue to receive federal funds.

Lastly, it should come as no surprise that so many programs and so much

confusion comes at great cost. Critics of the education establishment note that although federal funds make up only 7 percent of their budgets, they impose 50 percent of their administrative costs. As one concrete example, Frank Brogan, Florida's Commissioner of Education, has reported that it takes 297 state employees to oversee and administer $1 billion in federal funds. In contrast, only 374 employees oversee approximately $7 billion in state funds. Thus, it takes six times as many people to administer a federal dollar as a state dollar.

Brogan went on to say:

> We at the State and local level feel the crushing burden caused by too many Federal regulations, procedures, and mandates. Florida spends millions of dollars every year to administer inflexible, categorical Federal programs that divert precious dollars away from raising student achievement. Many of these Federal programs typify the misguided, one-size-fits-all command and control approach. Most have the requisite focus on inputs like more regulation, increasing budgets, and fixed options and processes. The operative question in evaluating the effectiveness of these programs in usually: How much money have we put into the system?

Cozette Buckney, Chief Education Officer, of the Chicago school system echoed the sentiments of many state and local officials:

> Excessive paperwork is a concern. Too many reports, the time lines for some of the reports, the cost factor involved, the administrative staff just do now warrant that kind of time on task. That is taking from what we need to do to make certain our students are achieving and our teachers are prepared.

Today, we have the opportunity to reverse these trends and to fundamentally reform our federal education system.

Today, we are unveiling a plan that reflects the spirit of innovation. At the core of this innovative effort is the need to galvanize leadership at the state and local level and to hold this leadership accountable.

The bill that we have before us here today is a good first step in that direction.

We focus on student achievement, centering on children, quality teachers, school safety, flexibility, and local control.

One, instead of inputs, our focus is on outputs—student achievement.

We believe that federal programs should hold states and school districts accountable for closing the achievement gap that persists between low-income and non-low-income students and minority students and non-minority students.

Many blame the achievement gap that exists between groups on demographic and socioeconomic factors. This is the soft bigotry of low expectations.

Many schools and school districts with high populations of low-income students increased student performance. In San Antonio TX, over 75 percent of the students are from low-income families at the Terrell Wells Middle School. The School increased student performance by 40% in reading from 49.2 to 89.9 percent performing at proficient levels and by nearly 60 percent in math within just one year 19.1 to 76.2 percent.

Instead of sending states money year after year with no regard for results, we hold states and school districts accountable for the academic achievement of their students. Again, accountability is not focused on how schools and school districts spend the money, but how students perform as a result.

Schools that succeed in educating children should be rewarded. Schools that fail again and again must be held accountable. And parents deserve to know which schools are educating children and which are failing.

Accountability systems based on results raise the academic achievement levels of all students. Texas and North Carolina both have serious systems of accountability for teachers and schools, and not coincidentally, have been named two of the best performers in closing the achievement gap based on National Assessment of Educational Progress results.

There is no excuse for failure. Principals of low-income schools throughout the country are proving that poverty is no excuse for failure.

Two, S. 2 focuses on the child rather than the system. Parents, not school systems, should be empowered to make decisions about which school a child attends.

It is wrong to compel a child to attend a failing school. Needy children must be given the opportunity to attend a high performing public school.

In no other area of American society do we deny Americans the freedom to make choices that affect their well-being. Yet we require many parents to keep their students in schools which not only fail to educate them, but cannot even guarantee their safety.

According to Arthur Levine, President, Columbia University Teachers College: ''. . . to force children into inadequate schools is to deny them any chance of success. To do so simply on the basis of their parent's income is a sin.''

We must empower parents to choose what is best for their children and, as a consequence, to reform our nation's public education system.

As John Dewey said, ''What the best and wisest parent wants for his child, that must be what the community wants for all its children. Any other ideal for our schools is narrow and unlovely; it destroys our democracy.''

Children should no longer be trapped in failing schools. Parents of children in failing schools should have greater and more numerous opportunities to send their children to a higher performing school.

Under the Title I system of accountability, over 7,000 schools have been identified as failing and that number is expected to grow. Of those 7,000 schools, many have been identified as failing for 4 years, 6 years, some even for 10 years. Any and every child in one of those should be granted access to better schools.

Three, S. 2 reflects the importance of quality teachers. According to Tennessee's very own Bill Sanders, a professor at the University of Tennessee, teacher quality has a greater effect on student performance than any other factor—including class size and student demographics. ''When kids have ineffective teachers, they never recover.''

Every child deserves to learn from a high quality teacher—a teacher who is competent in his/her subject area, cares about his/her students, and demands academic excellence.

Every child's teacher deserves expanded opportunities for additional training as education reforms raise the standards of achievement for students. We expect schools to ensure that all of their teachers are proficient in their subject areas and are equipped with the skills and knowledge necessary to help students meet high standards.

Currently, more than 25 percent of new teachers enter our nation's schools poorly qualified to teach.

In Massachusetts alone, 59 percent of incoming teachers failed the basic licensing exam. Forty-four percent of incoming teachers failed a 10th grade level competency test.

Fifty-six percent of those teaching physics and chemistry, 53 percent of those teaching history, 33 percent of those teaching math, and 24 percent of those teaching English do not have a major or minor in the field in which they teach. In inner-city schools, the statistics are even worse. Inner-city students have only a 50-50 chance of being taught by a qualified math or science teacher.

Four, school safety is another important component of our bill. Every child deserves an environment that is free of danger and distractions to learning, and where learning is the primary goal. When drugs and violence threaten the classroom, the first victim is learning.

Five, and perhaps most important, this bill recognizes the importance of flexibility and local control. Parents, community leaders, local and state governments, and not the federal government know best the education needs of their children. All across America states and local communities are implementing innovative solutions to our education challenges.

Indeed, in a recent editorial by an educator and a former Senate majority leader in the state of Maine, Bennett Katz decries the latest attempt by the administration to micromanage school spending priorities from Washington DC. With regard to the President's class size initiative, he says:

> I would opt for [the money] to meet Maine's most pressing education needs as we see them—not as identified by Washington, D.C. politicians. That's the trouble with Washington people dreaming up wonderful programs to be paid for with our tax dollars. We know what our top needs are . . . ask our very savvy commissioner of education. If Washington's lofty thinkers are awash with

surplus dollars, they should not try to tell us how to spend them on their priorities. If the US Department of Education is so smart, take a look at how successful they are in running the schools in the District of Columbia.

States and local school districts are innovative. Without question, it is states and localities that today are serving as the engines for change in education. The groundwork for success is already in place at the local level—teachers, parents, principals, and communities demonstrate on a daily basis the enthusiasm and desire to succeed. However, flexibility at the state and local level is critical to the success of our schools.

But along with the resources, the federal government must also give states and localities the freedom to pursue their own strategies for implementation. With respect to education, tactics and implementation procedures are virtually dictated by the federal government.

Rather than working closely with the states, the Congress created 70 new federal education programs in the 1980's. President Clinton, thinking that 552 federal educational programs are not enough, suggested 14 more in his fiscal year 1999 budget proposal. The rationale for expanding an already overly large and burdensome federal education establishment is simply not discernible. Instead, the states should have the flexibility to put together state strategic plans under either the Straight A's program or the Performance Partnerships program. Under such a plan, the states would establish concrete educational goals and timetables for achievement. In return, they would be allowed to pool federal funds from categorical programs and spend these consolidated resources on state established priorities.

Paul Vallas, the Chief Executive Officer of the Chicago school system, explained the crucial elements of the bold reforms that he and his colleagues have been making in Chicago. He didn't have more money to work with. What he had—and has made highly effective use of—was, in his words, ''flexibility with money and work rules, high standards and expectations, accountability from top to bottom . . . and a willingness to take advantage of options.''

Vallas went on to say:

[Another] key to our success has been flexibility. We are fortunate to have a great deal of control over the allocation of resources. In Chicago, almost all of the tax levies for the schools are consolidated. The revenue comes right to us. In addition, our categorical grants from the state are consolidated into two block grants—one for regular education and one for special ed. We decide how all this money is spent.

* * * because the state has given us all our funds in block grants and has basically said, ''Here's your money—you decide how to spend it,'' I have been able to reallocate about $130 million into our classrooms and to generate about $170 million in other savings.

As we all know, there is no more important issue today than education. Some of my colleagues across the aisle have a whole array of programs that they think will solve the problem. Among their many amendments, I have counted at least 12 new programs that range from $50 million to $1.3 billion. For many of you, more money and more federal education programs are the answer to all our nation's education woes. Of course these programs sound good—but will they really do any good? More money or an additional program is often a surrogate for the structural reform that American education needs. Structural reform, change—this is what many in the education establishment fear. Instead, their response to crisis is more money and another federal program.

But, the last thing that we need is another federal program. The last thing that our schools need is more bureaucracy and federal intrusion. Instead, what Washington should and can do is to free the hands of states and localities and to support local and state education reform efforts. When localities find ideas that work, the federal government should either get out of the way or lend a helping hand.

The Educational Opportunities Act is a step in the right direction. Building on the bipartisan success of Ed-Flex, we have increased flexibility and empowered parents. I look forward to the debate that we will have about further empowering parents and children with the ability to choose where their children go to school.

I commend the chairman for his hard work and dedication to education. I think there are some very good provisions in this bill.

I strongly support both Straight A's and the performance partnership program that are in title VI.

I am pleased to see report card language in title I—I agree with the chairman that knowledge is power and that by empowering parents we are creating agents for positive change.

Unlike class size reduction proposals, which require States and local schools to hire new teachers, the Teacher Empowerment Act, TEA, provides maximum flexibility to states and locals in using $2 billion annually to develop high quality professional development programs, hire additional teachers, provide incentives to retain quality teachers or to fund innovative teacher programs, such as teacher testing, merit-based teacher performance systems and alternative routes to certification.

I applaud the chairman's rural flexibility initiative, and I am delighted that we have consolidated several different programs and titles. Although I wish we could have consolidated a few more programs and titles, we have made some progress. We used to have 14 titles, now we have 11.

Mr. President, let me be clear. This debate is not over money. It is not over who cares the most about our nation's school children. This debate is over who knows best—the federal government or the parents, teachers and administrators back home who interact with our children every day. The debate is over who do we trust? Federal bureaucrats or people back home who struggle under the weight of federal mandates to help children learn.

The federal government has a track record of failure despite many billions of dollars spent. States and localities, however, have shown the promise and the possibilities of success with innovative methods to raise student achievement and to reduce the achievement gap.

This bill will give states and localities the tools and the flexibility necessary to begin to restore American education to preeminence. To achieve educational excellence will take time. There is no simple solution and gimmicky short-term fads, like those offered by this Administration, will not lead to long-term success. The Republican party is dedicated to a sustained long-term effort to assure that every child in America receives not just an education, but a quality education. In our global economy, it is no longer good enough to be adequate. We must be outstanding.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I now ask unanimous consent that there be a period for the transaction of morning business with Senators to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

BIOTECHNOLOGY AND TRADE

Mr. GRASSLEY. Mr. President, I would like to say a few words today about biotechnology and trade. As a working family farmer, I see the effects of this debate nearly every week at the grain elevators in my hometown of New Hartford, Iowa.

With the benefit of this personal experience, and as chairman of the Senate Finance Committee's International Trade Subcommittee, I have addressed the issue of biotechnology and trade in many ways.

Last October, my Trade Subcommittee looked at the biotechnology issue during hearings on agricultural trade policy. Last fall, I brought Charles Ludolph, the Deputy Assistant Secretary of Commerce for Europe, to Iowa to hear the concerns our corn and soybean growers have about the European food scare over GMO products. Last December, I addressed this issue at the WTO Ministerial Conference Meeting in Seattle.

And I have continued to have high-level discussions about trade in genetically modified foods with the European Commission. I recently had another meeting in this city with David Byrne, the EU Commissioner for Consumer Health and Safety Protection. This was a very informative meeting. If followed